HOUSE OF REPRESENTATIVES—*Friday, November 4, 1983*

The House met at 10 a.m., and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, D.C.,
November 3, 1983.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Friday, November 4, 1983.

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

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Almighty God, Your creation reaches to the highest mountain and to the ends of the world, and Your love touches the soul of every person. We pray that Your spirit will encourage those people whose lives are devoted to helping the needy, the hungry, the homeless, the neglected and forgotten, the refugee. May we share of the gifts we have received for the alleviation of suffering, for it is in giving to others that we receive the full bounty of Your blessings. In Your name, we pray. Amen.

THE JOURNAL

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

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

Mr. KASICH. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KASICH. Mr. Speaker, I object to the vote on 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 280, nays 24, answered "present" 8, not voting 121, as follows:

[Roll No. 453]

YEAS—280

Ackerman
Albosta
Anderson
Andrews (TX)
Annunzio
Archer
Badham
Bartlett
Bateman
Bates
Bedell
Bennett
Bereuter
Bethune
Bevill
Biliraki
Boehlert
Boner
Bonior
Borski
Bosco
Boucher
Britt
Brooks
Brown (CA)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Chandler
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Cooper
Corcoran
Courter
Coyne
D'Amours
Daniel
Davis
DeWine
Dixon
Donnelly
Dorgan
Duncan
Dwyer
Dyson
Eckart
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fields
Florio
Foglietta
Fowler
Frank
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gradison
Gramm
Gray
Green
Gregg
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hayes
Hefner
Hertel
Hightower
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Lloyd
Loeffler
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Murtha
Myers
Natcher
Nelson
Nielson
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Parris
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Rodino
Roe
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Spence
Stangeland
Stenholm
Studds
Stump
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitten
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Zablocki
Zschau

NAYS—24

Brown (CO)
Craig
Dreier
Durbin
Edwards (OK)
Emerson
Evans (IA)
Forsythe
Frenzel
Gejdenson
Goodling
Guarini
Harkin
Hawkins
Levine
Markey
Miller (OH)
Roberts
Roemer
Sabo
Sikorski
Solomon
Staggers
Walker

ANSWERED "PRESENT"—8

Aspin
Carr
Chappie
Dymally
Jacobs
Ottinger
St Germain
Vander Jagt

NOT VOTING—121

Addabbo
Akaka
Alexander
Andrews (NC)
Anthony
Applegate
AuCoin
Barnard
Barnes
Beilenson
Berman
Biaggi
Bliley
Boggs
Boland
Bonker
Boxer
Breaux
Broomfield
Chappell
Cheney
Clay
Coelho
Conyers
Coughlin
Crane, Daniel
Crane, Philip
Crockett
Dannemeyer
Daschle
Daub
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dowdy
Downey
Early
Edgar
Edwards (AL)
Feighan
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Franklin
Garcia
Gore
Hance
Hansen (ID)
Hansen (UT)
Harrison
Hartnett
Hatcher
Heftel
Hiler
Hillis
Jenkins
Johnson
Kazen
Kindness
Kogovsek
Kostmayer
Latta
Lipinski
Livingston
Lott
Lowry (WA)
Lundine
MacKay
Marriott
Martin (NC)
Matsui
McCain
Michel
Mitchell
Molinari
Morrison (CT)
Mrazek
Murphy
Neal
Nichols
Oberstar
Packard
Panetta
Pashayan
Patterson
Paul
Pritchard
Rinaldo
Robinson
Rose
Rostenkowski
Rudd
Savage
Sawyer
Schroeder
Simon
Skelton
Smith (IA)
Smith, Denny
Solarz
Spratt
Stark
Stokes
Stratton
Sundquist
Torres
Udall
Waxman
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wilson
Wirth
Young (AK)
Young (MO)

□ 1010

So the Journal was approved.

□ 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill and a joint resolution of the Senate of the following titles:

S. 448. An act to authorize rehabilitation of the Belle Fourche irrigation project, and for other purposes.

S.J. Res. 92. Joint resolution designating the week beginning May 8, 1983, as "Municipal Clerk's Week".

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 2920) entitled "An act to amend title 38, United States Code, to revise and extend certain health-care programs of the Veterans' Administration, and for other purposes."

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth.

□ 1020

COMMEMORATING CENTENNIAL OF ELEANOR ROOSEVELT'S BIRTH

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 139) to commemorate the centennial of Eleanor Roosevelt's birth, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. GEJDENSON). Is there objection to the request of the gentleman from Ohio?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, but would the gentleman explain what is involved here?

Mr. SEIBERLING. If the gentleman will yield, I would be happy to do that.

Mr. SOLOMON. I would be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I am pleased to support Senate Joint Resolution 139, a resolution to establish a Commission on the Eleanor Roosevelt Centennial. This resolution, which passed the Senate on November 2, is essentially identical to House Joint Resolution 334, introduced by our colleague from New York (Mr. FISH) which was reported by the House Committee on Interior and Insular Affairs on September 30.

Indeed, the Senate amended their bill to conform essentially to ours, and it is acceptable to us.

Briefly, the purpose of the resolution is to commemorate the centennial of the birth of Eleanor Roosevelt, which will occur on October 11, 1984.

The resolution would establish a Commission to encourage and advise on commemorations for the centennial. The Commission is needed to assure national focus and attention for the centennial celebration, which is intended to be a year-long series of programs and activities throughout the country.

House Joint Resolution 334 would also direct the Secretary of the Interior to substantially complete needed improvements at Val-Kill, the Eleanor Roosevelt National Historic Site, N.Y., in fiscal year 1984.

The Commission established by this resolution would include two Members of the House and two of the Senate; six ex officio members, and Eleanor Roosevelt's surviving children. The National Park Service and the General Services Administration would provide assistance and facilities for the use of the Commission and the private Eleanor Roosevelt Institute will provide staff assistance and coordination. Private members of the Commission will serve without pay except for reimbursement for reasonable travel expenses up to a total of $10,000. The Commission would expire on January 1, 1986.

In summary, the resolution would, for a very modest cost, help in the recognition and commemoration of the achievements of one of the most remarkable women of the 20th century, Eleanor Roosevelt.

Before closing, I would like to thank both Mr. FISH and Senator MOYNIHAN for their outstanding leadership on this resolution, and also Mr. WILLIAM FORD, who chairs the Post Office and Civil Service Committee for his willingness to help expedite our consideration of it.

I would also like to thank several staff members, including Bob Peck of Senator MOYNIHAN's staff; Hope Wittenberg of Mr. FISH's staff; and Loretta Neumann and Clay Peters of the Interior Committee staff.

This is an excellent resolution and I urge its passage by the House.

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

Mr. SOLOMON. Further reserving the right to object, I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank my friend for yielding.

Mr. Speaker, I would simply want to make sure that one thing is in the bill. As the gentleman from Ohio knows, I have a particular aversion to paying people for performing these kinds of duties when serving on boards. During the discussion, I felt that perhaps we could pay the travel and the subsistence, but not pay $100 a day or $300 a day in addition to travel and subsistence. So one of the amendments I had on there was to limit that to $10,000 so that, in fact, it would accomplish that purpose.

I would like to ask the gentleman, since this is a Senate resolution that we are considering, is this provision in the Senate bill?

Mr. SEIBERLING. If the gentleman will yield further, that is in the Senate bill. The members will be allowed travel expenses and per diem in lieu of subsistence in the same manner as people traveling on Government service, up to a $10,000 total.

Mr. LUJAN. I thank the gentleman.

Mr. SOLOMON. Mr. Speaker, as the Member representing Hyde Park, N.Y.—where the Eleanor Roosevelt Historic Site is located—I am pleased to be one of the original sponsors of this legislation, and I join with my colleagues here today in strongly urging its immediate adoption.

Hyde Park, rich with history and tradition, was just recently added to my congressional district, and I am very proud to represent an area of such importance to our Nation's history. The residents of Hyde Park are justly proud of one of their leading citizens, Eleanor Roosevelt, and I join with them in their excitement about restoring her former home and opening it to the public.

Nothing could be more fitting than to establish the Eleanor Roosevelt National Historic Site at Val-Kill as a place for full public visitation. The passage of this resolution constitutes nothing less than the long-awaited realization of a dream for many of my constituents, and I am both pleased and proud to have been able to play a role in bringing this about.

Mr. Speaker, there is no need at this point to once again recount for my colleagues the many accomplishments of Eleanor Roosevelt, both as our Nation's First Lady and in the years following her husband's death. Mrs. Roosevelt's contributions to the enrichment of American society are well-known, and indeed, there is simply not enough time here this morning to even highlight them. Suffice to say that the action we are taking here in this Chamber today will serve to further memorialize her wonderful work and enhance public awareness of her incomparable career of public service. I urge adoption of the resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 139

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That the Congress finds and declares that—

(1) Eleanor Roosevelt, who was First Lady of the United States from 1933 to 1945, was one of the country's great First Ladies;

(2) born into wealth and privilege, herself, Eleanor Roosevelt nevertheless worked tirelessly to secure opportunities for disadvantaged Americans and to improve the lot of the needy elsewhere, and particularly in developing countries;

(3) both during and after her services in the White House, Eleanor Roosevelt campaigned indefatigably for human rights in the United States and throughout the world;

(4) Eleanor Roosevelt devoted her efforts especially to promoting the welfare of children;

(5) for this service, for her articulate and compassionate advocacy of the highest American ideals, and for demonstrating by personal example the capacities of American women to succeed in areas of daily life and work from which they were frequently excluded in her day, Eleanor Roosevelt earned a place of honor and respect in the hearts of the American people; and

(6) October 11, 1984, marks the centennial of Eleanor Rooevelt's birth and it is appropriate for Americans to mark this occasion with appropriate commemorations during 1984.

SEC. 2. (a) There is hereby established a Commission on the Eleanor Roosvelt Centennial.

(b) The membership of the Commission shall consist of the following:

(1) two Members of the House of Representatives, designated by the Speaker of the House;

(2) two Members of the Senate, designated by the President pro tempore of the Senate after consultation with the majority leader and the minority leader.

(3) the Director of the National Park Service, ex officio;

(4) the Archivist of the United States, ex officio;

(5) the Librarian of Congress, ex officio;

(6) the Governor of the State of New York ex officio;

(7) the County Executive of Dutchess County, New York, ex officio;

(8) the surviving children of Mrs. Eleanor Roosevelt; and

(9) the chairman of the Eleanor Roosevelt Institute, ex officio.

For a particular meeting of the Commission any member of the Commission may appoint another individual to serve in his stead.

(c) Commission members shall designate one of their number as Chairman.

SEC. 3. The Commission established by section 2 of this resolution is authorized to—

(1) encourage and recognize appropriate observances and commemorations, throughout the United States, of the one hundredth anniversary of the birth of Eleanor Roosevelt; and

(2) provide advice and assistance to Federal, State, and local government agencies and to private organizations in establishing such observances and commemorations.

SEC. 4. (a) The Commission shall meet no later than thirty days after enactment of this resolution at a date and location determined by the Librarian of Congress, and at such locations and intervals thereafter as the Commission may decide. Unless otherwise provided by the Commission, a majority of the Commission shall constitute a quorum. The Commission shall cease to exist on January 1, 1986.

(b) The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this resolution.

(c) The Administrator of General Services and the Director of the National Park Service shall provide the Commission such assistance and facilities as may be necessary to carry out its proceedings.

(d) The Commission may accept donations of money, supplies, and services to carry out its responsibilities.

(e) The Eleanor Roosevelt Institute, a not-for-profit organization incorporated in the State of New York, and successor organization to the Eleanor Roosevelt Memorial Foundation, chartered pursuant to Public Law 88-11, shall provide staff assistance to, and coordinate policies and events for, the Commission.

(f) Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code, except that the total of payments made under this subsection for per diem in lieu of subsistence shall not exceed $10,000.

SEC. 5. In commemoration of the one hundredth anniversary of the birth of Eleanor Roosevelt, the Secretary of the Interior, acting through the Director of the National Park Service, shall complete such improvements and development in the Eleanor Roosevelt National Historic Site at Val-Kill in Hyde Park, New York, in fiscal year 1984, as will assure improved access and availability sufficiently to open the site to extensive public visitation.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PAY $100 MILLION, GET $1 MILLION BACK—HORRIBLE TELEPHONE LEGISLATION

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

Mr. CORCORAN. Mr. Speaker, it is rumored that very soon the House of Representatives will take up the telephone legislation contained in H.R. 4102.

I know that across the country, and certainly here among my colleagues in the House, there is the impression that if we pass this legislation it will somehow or other stop the proposed rate increases that many of the local operating companies have filed with the various State public utility commissions.

Let me assure my colleagues in the House that nothing could be further from the truth. This legislation does not address the proposed rate increases. It does not attempt to undo the proposed divestiture of the AT&T telephone system. But what it does do is to stop the proposed $2 monthly access charge for long-distance service and, instead, impose on a majority of the citizens of this country a substantial increase in the rates that they will have to pay for long-distance service.

The Illinois Commerce Commission has examined this legislation from the standpoint of its adverse effect on our ratepayers in Illinois, and what they find is that we will have to pay, commencing in 1984, $100 million extra in surplus charges for long-distance service that would go to some fund that would be created by H.R. 4102, and then our ratepayers would be eligible for about $1 million in payments.

Mr. Speaker, can you believe it? Pay $100 million to get $1 million back. Illinois is on the losing end of the Federal return on taxes already; but this would even be worse than that. So I would hope that the House of Representatives would look very, very closely and very, very carefully at all of the issues and especially all of the revenue provisions of H.R. 4102.

Mr. Speaker, I urge the House to reject this bad bill, as the Chicago Tribune has recommended, because it is undoubtedly for the country as a whole, and in particular for the people of Illinois, horrible legislation.

□ 1030

THE DAIRY COMPROMISE VERSUS THE CONABLE AMENDMENT

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

Mr. JEFFORDS. Mr. Speaker, the Congressional Budget Office has made its final calculations on the dairy compromise and the Conable amendment.

Using the most likely scenario as to the implementation of the Conable amendment, the Congressional Budget Office estimates the Conable amendment will cost $1.1 billion more than the dairy compromise during 1984 and 1985 and $1.14 billion over the 5-year period through 1988. In addition, the Conable amendment will be $96 million over the 1984 budget baseline.

So, Mr. Speaker, I urge the Members to please help the dairy farmers, help

the taxpayers, and vote for the dairy compromise.

PROVIDING FOR CONSIDERATION OF H.R. 4196, DAIRY PRODUCTION STABILIZATION ACT OF 1983

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union 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, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 5, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except amendments recommended by the Committee on Agriculture, which shall not be subject to amendment, and the following amendments printed in the Congressional Record of November 1, 1983, by, and if offered by, the Member designated, and said amendments shall not be subject to amendment:

(1) the amendment by Representative Clinger of Pennsylvania, which shall be debatable for not to exceed twenty minutes, equally divided and controlled by Representative Clinger and a Member opposed thereto;

(2) the amendment in the nature of a substitute by Representative Conable of New York, which shall be debatable for not to exceed one hour, equally divided and controlled by Representative Conable and a Member opposed thereto;

(3) the amendments by Representative Harkin of Iowa, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole, all points of order against said amendments for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived, and said amendments shall be debatable for not to exceed thirty minutes, equally divided and controlled by Representative Harkin and a Member opposed thereto;

(4) the amendments by Representative Madigan of Illinois, and each of said amendments shall be debatable for not to exceed twenty minutes, equally divided and controlled by Representative Madigan and a Member opposed thereto;

(5) the amendment by Representative Morrison of Washington, and said amendment shall be debatable for not to exceed ten minutes, equally divided and controlled by Representative Morrison and a Member opposed thereto;

(6) the amendments by Representative Oberstar of Minnesota, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole, and shall be debatable for not to exceed forty minutes equally divided and controlled by Representative Oberstar and a Member opposed thereto; and

(7) and the amendments by Representative Skeen of New Mexico, said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in Committee of the Whole, and said amendments shall be debatable for not to exceed twenty minutes, equally divided and controlled by Representative Skeen and a Member opposed thereto.

At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 4196, it shall be in order to consider a motion, if offered by the chairman of the Committee on Agriculture or his designee, to take from the Speaker's table the bill, H.R. 3385, with the Senate amendments thereto, and to agree to the Senate amendments to the text and to the title with amendments inserting in lieu thereof the text and title of H.R. 4196, respectively, the Senate amendments and the House amendments thereto shall be considered as having been read, all points of order against said motion for failure to comply with the provisions of clause 5 of rule XXI are hereby waived, and the previous question shall be considered as ordered on said motion, if offered, to final adoption without intervening motion. After the adoption of said motion it shall be in order to consider a motion to insist on the House amendments to the Senate amendments to the bill H.R. 3385 and to request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. GEJDENSON). The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes, for the purpose of debate only, to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 355 provides for the consideration of H.R. 4196, the Dairy Production Stabilization Act of 1983.

House Resolution 355 is a modified closed rule, allowing 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the committee.

The rule waives all points of order against the bill for failure to comply with section 402(a) of the Budget Act, which prohibits the consideration of authorizing legislation if that measure is not reported by May 15 preceding the beginning of the fiscal year in which it is to be effective.

Section 215 of the bill, authorizes the enactment of new budget authority. Since the provision would become effective upon enactment in fiscal year 1984, and since it was not reported on or before May 15, 1983, it would be subject to a point of order under section 402(a) of the Budget Act.

House Resolution 355 further waives all points of order against the bill for failure to comply with clause 5, rule XXI of the Budget Act, which prohibits appropriations in a legislative bill.

The rule provides that the bill be considered as read for amendment. The rule provides for consideration of committee amendments, and seven specific amendments including one amendment in the nature of a substitute. None is amendable. These amendments are printed in the CONGRESSIONAL RECORD of November 1, and can only be offered by the Members specified in the rule. Debate time on each amendment is limited as specified. No other amendments would be in order.

House Resolution 355 does not delineate the order of consideration of amendments; however, under the normal procedures of the House, the chair traditionally first recognizes members of the committee by seniority, followed by other Members of the House.

The rule waives all points of order against the amendments to be offered en bloc by Representative HARKIN for failure to comply with clause 5, rule XXI which prohibits appropriations in a legislative bill. This waiver is needed on the amendments for the same reason it is needed on the bill. There is language which would allow the use of CCC funds for the paid diversion program. The rule further waives all points of order against the Harkin amendments for failure to comply with clause 7, rule XVI, the germaneness rule. This waiver is needed because language in the amendment directs the Secretary to use funds available to him to encourage consumption of beef and pork products.

As Members are aware, at the Speaker's desk is H.R. 3385, a cotton PIK bill to which the other body has attached provisions relating to other commodities, including dairy. After passage of H.R. 4196, the rule provides for a motion to take H.R. 3385 from the Speaker's table and to agree to the Senate amendments with an amendment that strikes the Senate-passed language and inserts the provisions of H.R. 4196 as passed by the House. If the motion is offered, the previous question will be considered as ordered without intervening motion.

To permit consideration of this motion, the rule waives clause 5 of rule XXI. This waiver is necessary because the motion provides for the insertion of the text of H.R. 4196, which as I indicated previously, contains an appropriation.

After disposition of the motion to insert the provisions of H.R. 4196, a subsequent motion would be in order to insist on the House amendments to the Senate amendments to H.R. 3385 and to request a conference with the Senate.

These motions simply expedite procedures for going to conference with the Senate and do not preclude any of the options of the House in the consideration of this matter.

Mr. Speaker, the bill which this resolution would bring forward is a controversial one. Everyone recognizes that the dairy industry has a serious problem. Each year, because of advances in production technology, dairy farmers produce a large net surplus over consumers' needs.

The Federal Government buys the surplus at a rate of expenditure now estimated to be $275,000 per hour, or $2.4 billion per year. The current Federal program of high price supports and a so-called milk tax on the dairy farmer does not solve the problem, nor is it fair to many dairy farmers or to consumers.

Opinions vary on how best to resolve these problems. H.R. 4196 is a bill that some people think would reduce surplus dairy production. Others feel that it is a package of diverse proposals that will be ineffective, that will be as unfair as the present milk tax, and that will end up costing the taxpayers even more than the current program.

The rule is structured to meet the expressed desires of a majority of the Members of the House who indicated that they wanted to hear the various points of view openly debated, to enable them to cast their votes in an intelligent and informed way.

It is structured to meet the desires of the many Members who seek the opportunity to express their views publicly on how the various terms of the proposed legislation would affect both the public and the dairy farmer.

This rule also allows for the major differing points of view to be heard. It gives the Members who have germane amendments an opportunity to be heard on the floor, without at the same time tying up the House with prolonged debate. The total amount of time for general debate and amendments is 4 hours and 40 minutes.

Mr. Speaker, House Resolution 355 allows the House to discuss the dairy issue in a fair and balanced way. I urge my colleagues to approve the rule so that we may proceed to the consideration of this important legislation.

□ 1040

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the distinguished gentleman from Louisiana (Mr. LONG) has ably described the provisions of the rule.

The dairy compromise is a bill that must be passed. The industry is suffering terribly and needs help immediately. The matter has been debated now for months. The interested parties have been trying to hammer out a compromise measure and one has been worked out. The compromise will be before us when the bill is considered on the House floor.

There are some amendments being offered and I would recommend to the House that any amendment that conflicts with the compromise measure be defeated, because the compromise was worked out by the dairy industry and all parties concerned.

The idea is to limit production of milk and reduce the subsidies, so I commend to you the bill when it is debated and remind you that the Senate has already passed a similar measure and quick action can be taken following approval by the House of Representatives.

I urge adoption of the rule.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Speaker, I rise in support of the rule before the House regarding H.R. 4196, the Agriculture Committee's dairy bill. This important piece of legislation is desperately needed by the Nation's dairy farmers who have over the past 3 years lived in constant uncertainty regarding the dairy price support program.

Mr. Speaker, the bill that the committee is recommending has been a long time in the making. In reality, the Congress has been debating this bill since 1980. Earlier this year, representatives of the House and Senate Agriculture Committees sat down with the Secretary of Agriculture and developed the bill for which a rule is now being requested. Opposing factions, primarily those who wanted an extended pay diversion program, an option which will be given, I believe, by the Oberstar amendment, and those who wanted a straight $1.50 price cut, negotiated long and hard and came up with what I think is a very well balanced compromise, not only for the dairy industry, but also for the taxpayer as well.

It was sent to the Rules Committee soon thereafter, where it remained while the Agriculture Committee of the House worked to develop a companion bill regarding the levels of wheat and grain target prices.

This latter bill never materialized. As a result, the Senate took up the matter late last month and passed a dairy bill that is virtually identical to that being recommended by the House Agriculture Committee.

The Senate, incidentally, passed that by voice vote after defeating what was the Conable amendment in the Senate by 50 to 37.

With the session nearing adjournment, it has become essential that we move expeditiously on this legislation. It is my understanding that the House Calendar is rather crowded and that the dairy bill cannot reasonably demand a great deal of time.

The rule which the Rules Committee has proposed will allow for an expeditious, yet thorough debate, of the fundamental issues comprising this program. It allows for the necessary debate and vote on the supply management and price cut options that the Agriculture Committee investigated in the discussions that led to the compromise embodied by H.R. 4196. It also allows for consideration of several amendments to the House proposed program. All in all, the rule admirably serves the needs of this body to expeditiously, but thoroughly, consider this important program.

I would like to point out that the dairy farmers were very embarrassed over the cost of the dairy program. They were also very embarrassed over the amount of dairy surpluses. This dairy compromise will cost $1.1 billion less than the Conable option. I want you to keep that in mind.

Second, it is the only one, including the present program, the Conable option or others, that will reduce the dairy surpluses to practically zero at the end of 1985.

Let me add, some have suggested that we reject this opportunity to act and leave the current assessment program in place. They work on the presumption that such a course of action would be reasonable, particularly given our crowded calendar, because the assessment is budgetarily acceptable in fiscal years 1984 and 1985. This analysis is flawed in two important respects. First, the Congressional Budget Office estimates that the current assessment program will lead to budgetary costs some $3 billion greater than will the committee's bill in fiscal years 1986 through 1988. They also estimate that the Commodity Credit Corporation may end up owning over 40 billion pounds of milk at the end of fiscal year 1988. Retaining the current assessment program in the face of these costs and surplus stocks in future years would be irresponsible.

I might add that dairy farmers are scheduled to receive a $1 per hundredweight increase in milk prices in October of 1984 if we keep the current program. Some thus conclude we should do nothing. Anyone that believes the Congress will tolerate the incredible

surpluses and staggering costs is living in a dream world.

The committee's bill will indeed eliminate the surplus. USDA estimates that the dairy compromise will reduce Government stocks to less than 1 billion pounds by the end of fiscal 1985. In light of these facts, it is clear that we must act now to end the current assessment program.

Is there any chance that we will not so act? Of course, but I am confident that we will not make such a mistake. Nonetheless, we must keep in mind that, if the committee's bill is not enacted—for whatever reason—the dairy farmer will be stuck with the current assessment program until most likely 1985 with no price support and adjustment, I, for one, do not relish that thought.

The rule includes an amendment by Representative CONABLE. He and I last Tuesday explained our respective proposals to a group of Members of Congress. After we had finished, one of them remarked that, really, there is not as much difference between them as one might think. In the main, that is true, but there are indeed differences.

The similarities are worth noting. Both the Conable bill and the compromise contain a potential $1.50 price cut. The only difference is the way in which they are phased in.

Initially, the impact on the farmer is almost identical under both bills. The effective support price under the compromise is $11.95 per hundredweight; under the Conable bill it is $12 per hundredweight.

Both bills recognize that a change to the permanent law regarding the dairy program is necessary. The compromise would make those changes in the 1985 farm bill; the Conable amendment would make those changes now.

The differences are also worth noting. The compromise has a temporary, farmer-financed incentive program that will quickly reduce production. There is no disagreement that this provision will cost taxpayers over $1 billion less than the Conable bill in fiscal years 1984 and 1985.

USDA projects that only the compromise will be able to eliminate the Government stocks of surplus dairy products by the end of fiscal year 1985.

Finally, only the compromise has a farmer-financed program to promote the commercial sale of dairy products and develop new commercial uses for milk.

So I urge you to adopt the compromise and certainly adopt this rule, which gives all parties a chance to have their part of the country represented and their issues raised.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. Mr. Speaker, I want to join my colleague, the gentleman from Vermont, also in supporting this rule. As the gentleman stated, it does provide for an expeditious, but I think thorough debate on the various aspects of the dairy bill that many Members in this body at least expressed to us a couple weeks ago that they wanted a debate on; plus there will be a lot of other amendments that are going to be offered that did not come up a couple weeks ago when we tried to go directly to conference with our compromise bill.

Mr. Speaker, I just wanted to take this time to let the Members know that we will be having a thorough debate, of course, on the two main contentions, the Conable amendment, which would provide for a dollar and a half price-support cut, and the Oberstar amendment, which would extend the diversion payment program from 15 to 24 months.

There is, however, going to be one very significant amendment that I will be offering at the beginning under the 5-minute rule, dealing with the impact that this program could possibly have upon our beef cattle or pork and poultry producers in the United States. In conversations with a number of my colleagues who represent these areas, we have come up with an amendment which I believe will work to prevent any kind of an adverse impact upon our beef and poultry and pork producers in the United States because of this diversion program in dairy.

The amendment that I will be offering provides the Secretary of Agriculture the maximum authority to modify the program over this period of time, so that all of these dairy cows will not come on the market in any one period of time, so as to drive the prices of red beef or poultry down.

□ 1050

Also in the amendment we have placed in there a floor under which the Secretary cannot go, in other words, in our amendment, we say that if the average price of cattle sold for slaughter for any 10-day period of time within a 60-day framework falls by at least 10 percent, then the Secretary has to take action. He no longer can sit by, and so, if you hear from any of your cattle or pork producers that this is too much, I would only state that this is a floor.

In other words, this is a trigger. However, in the beginning we have given the Secretary maximum flexibility to modify contracts. We provide that at the beginning of this program, that every dairy farmer has to give the Secretary his plan on how he is going to reduce his dairy production, and the Secretary can take all of these, and he can modify them so as to spread out over a longer period of time the number of dairy cows coming to market and then we say, if that is out enough, if there is a 10-percent reduction on the market in that 10-day period of time, then we mandate that the Secretary has to take action.

I hope that the Members will not only review these remarks but will pay close attention to this amendment and will support this amendment when it comes up on the floor so we do indeed protect our beef, our pork, and poultry producers in this country.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished ranking minority Member of the House Agriculture Committee the gentleman from Illinois (Mr. MADIGAN).

Mr. MADIGAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule. I think the rule accommodates all of the various proposals that have been indicated as being important to various Members of the House with regard to the consideration of this dairy legislation.

It allows a full, open, and frank debate on all of these issues, without wasting the very valuable time of the Congress as we move toward the close of the session.

It is a rule that I hope will enjoy the support of all of the Members of the House.

I yield back to the gentleman from Tennessee the balance of my time.

Mr. QUILLEN. Mr. Speaker, I urge the adoption of the rule and the compromise measure when it reaches the floor of the House.

At this time I have one more request for time, and I yield 5 minutes to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. I thank the gentleman for yielding me this time.

Mr. Speaker, I too rise in support of the rule. I think it is important that we move this issue along. If there is anyone today that ought to be opposed to the rule, it would be me.

I went to the Rules Committee and asked that an amendment be made in order that was not adopted by the Rules Committee because of some questions of germaneness and jurisdiction, and I understand that.

There is a purpose for the amendment that I want everybody to understand. I have been in this Congress for 3 years now. Three years I have been on the Dairy Subcommittee and representing the largest dairy production district in the country. For 3 years I have tried to help work out a very trying and difficult problem that we have not succeeded at up to this point. Yet, we now have. Finally, all of the dairy industry in all of the diverse regions of this country, and both the members of the Agriculture Committees in the Senate and the House, and up until a couple of days ago, the De-

partment of Agriculture, were with us in support.

We are going to have a major debate next week which will determine where this country and where this Congress is going to go in terms of its dairy policy. There are a lot of people that have suggested that we ought to take a look at the Conable amendment, because, No. 1, it is going to be the best thing for the dairy industry. Well, anyone who takes a look at that, as the gentleman from Vermont has suggested, will find that that amendment will do nothing in terms of saving tax dollars for the Treasury, because it costs over $1 billion more in the next couple of years, and will do nothing in reducing purchases for the Government because over the next couple of years, it will require we purchase 9 billion pounds milk equivalent more than we would under the compromise. So, why would anybody support the Conable amendment at all? No. 1, in the interest of the consumers who think if you have a dollar and a half price cut, you will have cheaper milk; or No. 2, you really want a free market. That was the heart of the amendment I wanted adopted which would allow us to amend Conable to go to one uniform marketing order of milk in this country saying if you want a free market, cheap milk, go all the way, because if you do not do that, frankly the Conable amendment is not going to achieve either of those goals.

When you talk about the consumers, we have 49 different milk marketing orders in this country, and the reason it is important is because of the fact that when you are in a marketing order, that limits where you can sell your class 1 fluid milk, so we can cut the price and have a surplus in other parts of the country.

If we have a marketing order that prohibits them from bringing their milk into your area to sell it in the supermarket, it is going to do nothing to bring about reduced prices on the store shelf for the consumer.

The issue of the free market is the second issue. If you believe we ought to allow the market in this country to work in a free and open manner which I do not think it can in agriculture, you would want to say we would go to one uniform milk marketing order; and we would let the most efficient dairy farmer produce his milk and sell it in the interest of proficiency for the market and for the consumer.

If you do not do that, you are gaining nothing, and that really becomes the whole issue with the Conable amendment versus the compromise.

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

Mr. GUNDERSON. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Speaker, I would like to compliment the gentleman for his statement in explaining so clearly for those who are not familiar with dairy and its complications the significance of the milk marketing order question.

The gentleman's amendment would have been a very significant one, and a very clear test of understanding of and commitment to an open, competitive market in milk.

If our Wisconsin-Minnesota area were ever given the opportunity to compete in a single national milk marketing order, then we would put to rest some of the old superstitions about dairying, and we would show the force and competitiveness of the Wisconsin-Minnesota dairy farmers.

Mr. GUNDERSON. I thank the gentleman for his comments.

Let me reiterate that is the whole debate between the compromise and the Conable amendment. The Conable amendment does not save the Treasury money. It does not reduce purchases. If we do not have something to deal with the milk marketing orders in this country, it does not go to a free market and then I have to ask, why would you support the Conable amendment? It does not reduce prices.

Mr. LONG of Louisiana. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the gentleman for yielding me this time.

Mr. Speaker, I am here to support this rule. The rule makes it possible at long last to bring to the House floor dairy legislation urgently needed by dairy farmers of this country.

It will provide stability for the dairy program, though in a bill with which I frankly do not fully concur.

I had proposed another approach for dairy legislation. It fell a little short in the Agriculture Committee. I am willing to accept that decision, it is part of our democratic process. Now that we have the only choice on dairy legislation before us, I propose to offer, and I appreciate the consideration the Rules Committee has given in allowing me to offer an amendment to make this a program that would be coterminous with the 4-year farm bill. It makes no sense to have a 15-month program for dairy and a 4-year program for feed grain, oil seeds, cotton, tobacco, and all the rest that we consider in the course of the ordinary 4-year farm bill.

By stretching the proposed dairy program out to the end of September 1985, we will at least provide some stability for dairy farmers and assure that their needs will be considered when the Congress next takes up the comprehensive farm legislation.

The rule that the committee has fashioned, a very ingenious rule, one that is fair, and it will allow major concerns to be considered. Everybody will have an opportunity to express themselves on the major issues that are raised by this dairy legislation, but it will provide—in contrast to the motion that was made a couple of weeks ago—it will provide an opportunity for this body to debate and to amend the bill.

The motion to go to conference with the Senate on a bill the House had not even considered was an affront to the institution and to the democratic processes of the House of Representatives.

□ 1100

So this limited, modified open rule will give the principal interests an opportunity to be heard, and I think there are merits in most of the other amendments to be offered.

But I do join my colleague from Wisconsin (Mr. GUNDERSON) and my colleague from Iowa (Mr. HARKIN) in sounding a note of caution about the Conable across-the-board $1.50 cut because that is not going to cut the price of retail milk. It is going to continue the surplus and it is going to continue the disparities in overproduction in certain selected, protected areas of the country under the provisions of milk marketing orders just recently discussed by the gentleman from Wisconsin.

I thank the gentleman from Louisiana for yielding the time and I yield back the balance of my time.

Mr. LONG of Louisiana. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. HUCKABY).

Mr. HUCKABY. Mr. Speaker, I rise in strong support of this rule. I would like to commend the gentleman from Louisiana (Mr. LONG) for his leadership in the Rules Committee in crafting this very unique rule which certainly limits the amount of time, yet accommodates all of the Members who represent the various legitimate points of view on this dairy bill.

Certainly I feel it is imperative that the House pass dairy legislation this year, that it be enacted into law, because we are spending billions of dollars supporting the dairy industry and yet the program we have out there today is very ineffective as far as the dairy farmer is concerned.

Our dairy farmers are in dire financial straits.

So I want to commend the gentleman from Louisiana and the Rules Committee for bringing this bill to the floor of the House of Representatives.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and if the gentleman from Tennessee does not, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LEVITAS. 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 319, nays 3, not voting 111, as follows:

[Roll No. 454]

YEAS—319

Ackerman
Albosta
Anderson
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
Badham
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biliraki
Boehlert
Boggs
Boner
Bonior
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappie
Clarke
Clinger
Coats
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Courter
Coyne
Craig
D'Amours
Daniel
Davis
DeWine
Dixon
Donnelly
Dorgan
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Ferraro
Fiedler
Fields
Florio
Foglietta
Forsythe
Fowler
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Harkin
Harrison
Hawkins
Hayes
Hefner
Hertel
Hightower
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Parris
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Roberts
Rodino
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Studds
Stump
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitten
Wilson
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Zablocki
Zschau

NAYS—3

Brown (CO)
Crane, Philip
Leach

NOT VOTING—111

Addabbo
Akaka
Alexander
Andrews (NC)
AuCoin
Barnard
Barnes
Berman
Biaggi
Bliley
Boland
Bonker
Breaux
Broomfield
Chappell
Cheney
Clay
Coelho
Coughlin
Crane, Daniel
Crockett
Dannemeyer
Daschle
Daub
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dowdy
Downey
Early
Edgar
Edwards (AL)
Feighan
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Franklin
Fuqua
Garcia
Gingrich
Gore
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Heftel
Hiler
Hillis
Howard
Jenkins
Johnson
Jones (TN)
Kazen
Kindness
Kogovsek
Kostmayer
Latta
Lipinski
Lott
Lowry (WA)
Lundine
MacKay
Marriott
Martin (NC)
Matsui
Mazzoli
McCain
Michel
Molinari
Montgomery
Morrison (CT)
Mrazek
Nichols
Packard
Panetta
Pashayan
Patterson
Paul
Pritchard
Pursell
Rinaldo
Robinson
Rose
Rostenkowski
Rudd
Savage
Sawyer
Schroeder
Simon
Skelton
Smith (IA)
Smith, Denny
Solarz
Stokes
Stratton
Sundquist
Torres
Udall
Waxman
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wirth
Young (MO)

□ 1110

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1983

Ms. OAKAR. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2077), to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment which is at the desk.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That (a) the second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1987, nor shall any agreement cover a period of service extending beyond September 30, 1989.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1989".

SEC. 2. Section 5383(b) of title 5, United States Code, is amended by striking out "4507, 5382, 5384, and 5948" and inserting in lieu thereof "5382 and 5948".

SEC. 3. (a) Notwithstanding section 5383(b) of title 5, United States Code, the aggregate amount paid for fiscal year 1982 under sections 4507, 5382, 5384, and 5948 of such title to an individual specified under column I below may exceed the amount of the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year by not more than the amount specified under column II below opposite the name of such individual:

Column I:	Column II:
Dr. Larry Silver	$1,988.66
Dr. Louis Sokoloff	$5,988.66
Dr. Ichiji Tasaki	$1,488.66
Dr. Paul D. Parkman	$1,455.46
Dr. Allan Forbes	$1,680.91
Dr. Roscoe Brady	$1,488.66
Dr. Martin Cummings	$3,988.66
Dr. Manning Feinleib	$1,488.66
Dr. D. C. Gajdusek	$1,488.66
Dr. Carl Kupfer	$1,988.66
Dr. Toichiro Kuwabara	$1,488.66
Dr. Lester Salans	$1,488.66
Dr. Henry Webster	$1,488.66

(b) Subject to the limitation on the aggregate amounts computed under subsection (a), the amount of any overpayment under section 5383(b) of title 5, United States Code, collected during fiscal years 1982 and 1983 from any individual specified in subsection (a) shall be paid to such individual.

(c) For the purposes of the Internal Revenue Code of 1954, any amounts paid for fiscal year 1982 under subsections (a) and (b) of this Act shall be deemed to have been paid on the date such amounts would have been paid but for the limitation set forth in section 5383(b) of title 5, United States Code.

□ 1120

Ms. OAKAR (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Mrs. VUCANOVICH. Mr. Speaker, reserving the right to object, can the gentlewoman tell me if this has been cleared with the minority?

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I thank the gentlewoman for yielding.

Yes, it has.

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, if the gentlewoman will yield further, H.R. 2077 was passed by the House under suspension of the rules on September 19. The House bill merely extends for another 2 years the provisions of the Physicians Comparability Allowance Act of 1978.

The Senate amendment to H.R. 2077 substitutes an entirely new text which does the following:

First, it extends the Physicians Comparability Allowance Act for 4 more years, rather than just 2 years;

Second, it waives the repayment of various amounts to the Government in the case of 13 Federal physicians who were paid Senior Executive Service bonuses in excess of the statutory limitation on SES compensation; and

Third, it permanently removes SES performance awards and Presidential ranks from the overall SES compensation cap.

The amendment I am offering today is a complete substitute for the Senate amendment. The first section of the amendment maintains the original House position and extends the physicians comparability allowance program for only 2 years.

Section 2 of the substitute amendment contains two reporting provisions dealing with the Senior Executive Service.

The first provision directly addresses the effect of the overall executive level I cap. Currently, the law provides a senior executive may not be paid more than a Cabinet Secretary when basic pay, Presidential ranks, performance awards, and physician comparability allowances are all added together. In lieu of the Senate amendment, the substitute amendment directs the Office of Personnel Management (OPM) to study the effect of this cap on the recruitment, retention, and morale of the Senior Executive Service (SES) and report back to Congress within a year. Once we have the benefit of this report, we can decide whether a change in this cap is needed.

The second provision imposes reporting requirements concerning SES performance and rank awards. The committee believes that bonuses should be awarded to encourage excellence as the statute provides and not as a general salary supplement. To insure that this is the case, the amendment provides for annual reports from OPM on which senior executives receive performance awards and Presidential ranks, the amount of each award, the justification for each award, and the percentage of career appointees within an agency who receive awards. With this information, the committee can conduct vigorous oversight and insure that SES performance awards and ranks are not abused.

The substitute amendment does not include the Senate provision waiving overpayments to 13 Federal physicians.

Mrs. VUCANOVICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio (Ms. OAKAR)?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the House amendment to the Senate amendment.

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 to the text of the bill, insert the following:

That (a) section 5948(d) of title 5, United States Code, is amended—

(1) by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

SEC. 2. (a) The Office of Personnel Management shall study and, within 12 months after the date of enactment of this Act, submit to each House of the Congress a report on the effect which section 5383(b) of title 5, United States Code (relating to the maximum aggregate amount payable to a member of the Senior Executive Service in a fiscal year) has had with respect to recruitment, retention, and morale of career appointees in the Senior Executive Service.

(b) Section 3135(a)(7) of title 5, United States Code, is amended to read as follows:

"(7) for the preceding fiscal year, by agency—

"(A) the number of performance awards, and the number of ranks, conferred, as well as the respective aggregate amounts paid for such awards and ranks;

"(B) the percentage of career appointees in such agency who received any such award, and the percentage who received any such rank; and

"(C) the name of each individual who received any such award or rank, the award or rank received, and a brief summary of the reasons why such individual was selected;".

Ms. OAKAR (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 gentlewoman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentlewoman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING APPROPRIATIONS FOR MARITIME PROGRAMS OF DEPARTMENT OF TRANSPORTATION, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 352 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2114.

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 consideration of the bill, H.R. 2114, to authorize appropriations for the fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes, with Mr. SABO in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from North Carolina (Mr. JONES) will be recognized for 30 minutes, and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 2114 is the fiscal 1984 authorization bill for the various maritime programs of the Department of Transportation.

This is a routine maritime administration authorization bill. The total sum authorized is $486,807,000. These sums are completely in line with those requested in the administration's budget with one small exception.

The authorized amounts break down in this way:

First, $401,294,000 for operating differential subsidy. These payments are given pursuant to a contract between the Government and certain U.S.-flag ship operators to reimburse the operators for the higher costs they incur because they operate U.S.-flag ships instead of foreign-flag vessels.

Second, $11,500,000 for research and development programs of the Maritime Administration.

Third, $8,048,000 for national security support capability. This includes the maintenance of the national defense reserve fleet which provides our country with a reserve of vessels which can be put into service in an emergency.

Fourth, $20,266,000 for operation of the U.S. Merchant Marine Academy at Kings Point, N.Y.

Fifth, $10,668,000 for the U.S. Government contribution to the six State-operated maritime academies.

Sixth, $3,000,000 for the costs of fuel oil used by the U.S. Government's training vessels assigned to the State maritime academies. This small item was not in the administration's budget.

Seventh, $1,721,000 for other training programs; and

Eighth, $30,310,000 for other operating expenses, including administrative costs of various programs of the maritime administration.

Thus, this authorization bill adds $3,000,000 above the administration budget request. However, it represents a decrease of $85,616,000 or about 15 percent below the amounts appropriated for fiscal 1983.

In the past, a major maritime promotional program was the system of construction differential subsidies. These subsidies helped put merchant ship orders in U.S. shipyards by providing a payment representing the higher cost of building in a U.S. shipyard as opposed to building foreign, up to a maximum of 50 percent of the price of the vessel. The construction differential subsidy program is in disfavor with the administration. For fiscal 1984, the administration again sought no funding for CDS. As a result, this bill contains no money for construction differential subsidy.

I must advise the administration that there are Members of this House from both parties who believe that the administration has done nothing to assist U.S. shipyards and has, in fact, promoted policies which would help foreign shipyards at the direct expense of American shipyards. The administration simply must recognize in its proposed policies that America must have a viable merchant shipbuilding base. Thus far, the administration has submitted no policy proposal to Congress that recognizes this simple truth.

Finally, section 3 of the bill clarifies existing law by providing that vessels may, on a case-by-case basis, pay back their construction differential subsidy and then permanently enter the domestic trade if certain conditions are met. A current Transportation Department proposed rule would give blanket permission for any vessel to enter the domestic trade after paying back subsidy without individual case-by-case review. Section 3 clarifies our statute and policy by affirming that construction differential subsidy payback may indeed be appropriate, but only in individual situations after a case-by-case determination pursuant to the conditions set out in the bill.

Mr. Chairman, our merchant marine does not receive the publicity and attention given to our Armed Forces. The budget for our maritime programs is puny compared to the billions we spend for other defense purposes. But should we once again become engaged in a protracted conflict on distant shores, it will be our U.S.-flag merchant marine which must provide the sealift needed for 90 percent of our requirements for personnel, equipment and provisions, just as it was sealift that supplied our Armies in Vietnam and Korea, and just as it was sealift that sustained England in the darkest days of World War II and which supplied our Army troops in all theaters during that war. I personally fear that we do not now have the U.S.-flag merchant fleet we need to provide that sealift and to supply our domestic economy with oil, minerals, and raw materials in the event warfare disrupts normal shipping patterns. This bill today will authorize a minimal amount of funding for a minimal range of Government programs designed to encourage our merchant marine. Please join me in support for H.R. 2114, the maritime authorization bill for fiscal year 1984.

Mr. SNYDER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FORSYTHE), the ranking minority member of the full committee.

Mr. FORSYTHE. Mr. Chairman, I am deeply troubled by the current state of our merchant marine. Many of our once-active shipyards lie dormant, or very nearly so, hundreds of jobs have been lost, and our defense sealift capabilities have been diluted as a result of increasing foreign competition and economic stagnation which have caused shrinkage of the U.S. merchant fleet.

As yet, we have no cogent maritime policy to adequately address these problems. What we do have, however, are the current authorities for the Maritime Administration which serve as a foundation for developing programs to revitalize our maritime industry. For this reason, these authorities ought to be funded at their optimal levels.

The bill before us today, H.R. 2114, was very carefully considered by the Committee on Merchant Marine and Fisheries. We were aware of, and concerned about, the national economic problems and particularly increased Federal spending. Consequently—with the exception of one small $3 million item for fuel oil for the training ships of the state maritime academies—this bill authorizes the exact amount of funds for Federal maritime programs that was requested by the administration.

It is clear to me that we must provide adequate financing for our existing maritime programs if we ever hope to have, as the Merchant Marine Act of 1936 intends, a merchant marine sufficient to carry domestic waterborne commerce of the United States, and which is also capable of serving as a naval and military auxiliary in time of war or national emergency. I urge my colleagues to vote for passage of H.R. 2114 for DOT's maritime programs to continue our effort toward realizing the vision of the Merchant Marine Act of 1936.

□ 1130

Mr. SNYDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to address H.R. 2114, the Maritime Administration Authorization Act for fiscal year 1984. I do not solicit your vote either way on the bill. The bill before the House today provides the authorization of funds for the Maritime Administration, of the Department of Transportation, to carry out its obligations during fiscal year 1984. I understand that the conference report filed last night on the appropriation bill containing the Department of Commerce appropriations appropriates the funds which would be authorized in this legislation. Therefore the need for this legislation is speculative.

The bill as reported out of committee is consistent with the administration's budget request for fiscal year 1984 with two exceptions. One exception represents a slight increase in a specified program area; while the other exception is notable for its attempt to protect a specified segment of the maritime industry from competition. I shall discuss these exceptions in greater detail later in my statement but would first like to briefly outline for the House the sections of the committee's bill.

Paragraph A of the first section in the bill authorizes $401,294,000 for the payment of obligations incurred under the operating differential subsidy program. The obligations of the U.S. Government to pay these subsidies to U.S.-flag operators under this program are memorialized in 20-year contracts between the U.S. Government and the operators. While I am convinced that this subsidy program is a failure and should be phased out, as the administration is doing, it appears that the U.S. Government, nevertheless, is obligated to honor the existing contracts.

Paragraph B authorizes $11,500,000 for research and development activities. These activities include programs aimed at improving productivity and operating efficiencies in the shipbuilding and ship operating industries.

Paragraph C authorizes $74,013,000 for operations and training activities. This amount exceeds the administration's request by $3,000,000. That additional $3 million is authorized in fiscal year 1984 to pay for fuel oil used by the State maritime academies. In addition, section 2 of the bill would make permanent the authorization to pay fuel oil assistance, subject, of course, to being provided for in advance in ap-

propriations acts. The administration opposes the authorization of the additional $3 million.

The other exception to the administration's request would, in effect, preclude subsidized operators from paying back their construction differential subsidies to the U.S. Government in exchange for being permitted to enter the U.S. domestic trade. That is right. The amendment included in this maritime bill would actually have the effect of preventing a U.S.-flag vessel operator from paying back to the U.S. Government the subsidy assistance which he has received.

The trade in question is the movement of bulk cargo, by water, from one point in the United States to another. Under current law, this trade is required to be carried on U.S.-flag vessels. Nothing in the bill or the amendment would change that requirement. The crunch comes when U.S.-flag subsidized operators attempt to enter that trade. Some subsidized operators are ready, willing, and eager to pay back their subsidy and forgo the receipt of other Government subsidy, on the terms prescribed by the U.S. Government, in order to enter the lucrative domestic oil tanker trade. Past practice by the Maritime Administration has been to permit entry only on a case-by-case basis, and even then, participation is on a part-time basis.

However, under a proposed rulemaking procedure which the Department of Transportation is now considering, the Maritime Administration's imposed market entry restrictions would be removed, thereby permitting the full-time use of some of our more efficient vessels rather than continuing the current case-by-case part-time employment of tankers in the domestic trade. The amendment in this bill not only continues the case-by-case basis for permitting the payback of Government subsidy but in addition inserts additional standards that are intended to protect the existing domestic fleet from competition. And that is what this amendment boils down to. It is an obvious attempt to protect one favored segment of the maritime industry from competition.

It is a bad amendment. It is bad policy. The administration opposes the amendment and by inserting it into the MarAd authorization bill the committee has seriously jeopardized the prospect for enacting a bill this year.

Mr. JONES of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GAYDOS).

Mr. GAYDOS. I thank the chairman for yielding time to me.

Mr. Chairman, the Maritime authorization bill (H.R. 2114) does not increase the strength of the American Merchant Marine in ways we should be moving, but it does nothing to weaken it further, which is a virtue.

Forty years ago the United States in a 4-year span built and crewed 5,800 merchant ships to move the goods that supplied armies across the world—ours and our allies—to win a war. The world has known nothing like it before or since.

Today we have the ability to supply a force of about 8,000 on a sustained basis. And we had more men than that on Grenada at one point. We are fortunate the conflict was close—and short.

Where 4,000 ships once steamed under the flag of the United States, we now have just over 500.

Where once shipyards dotted our coasts, and many could boast of launching a merchantman a day, we now have few and these would be at the point of failure but for Navy work.

The merchant fleet and the yards—and the industries that support them—have been bled by foreign cargo preferences, by subsidies heavier than any we have imagined and by nationalist commercial policies.

A specific virtue in this bill is the Dyson amendment which prohibits the administration from taking an ill-advised step regarding tankers built under promises to keep them in the overseas trade. I am told, and I believe, that the administration's desire to put them now into the domestic service would cost thousands of jobs at sea and in the yards—and in the industries that support them—as well as further weaken our overall merchant and industrial strength.

Recent events have shown that if we will not make the Merchant Marine stronger at this moment, certainly it is wise to do nothing to make it weaker.

Mr. Chairman, I urge passage of the bill.

Mr. SNYDER. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. LENT).

□ 1140

Mr. LENT. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to commend the distinguished chairman of the Committee on Merchant Marine and Fisheries, the Honorable WALTER JONES of North Carolina, and the distinguished ranking minority member, the Honorable EDWIN B. FORSYTHE of New Jersey, for their efforts to get this MarAd authorization before the full House for consideration. I believe we need to get a maritime authorization passed and onto the books, and I intend to support the bill.

However, along with the gentleman from Kentucky (Mr. SNYDER), I strongly disapprove of section 3, which would add stringent conditions, which for practical purposes, are impossible to fulfill for the repayment of construction differential subsidy (CDS) in return for permanent authority to operate in the domestic trades. The Department of Transportation is involved in a rulemaking proceeding concerning this CDS payback, and section 3 of the bill before us today is a legislative attempt to prejudge that effort.

Economic analysis of the proposed rulemaking is underway within the Department of Transportation, and it will be some weeks before the study is completed. Let me add that this rulemaking is expected to result in the U.S. Treasury recovering hundreds of millions of dollars. I do not think this effort should be halted in its tracks.

In essence, section 3 of the bill prohibits the entry of modern CDS-built ships into the domestic trade by repayment of their subsidy. As a strong supporter of efforts to meet our national defense needs, I am concerned that our country may be dependent on the continued operation of some commercially obsolete vessels whose lives have been artificially extended, at great cost to the consumer, by shielding them from competition. If there is a national defense need to preserve these Jones Act ships for military use in the case of national emergency, a more cost-effective means could be employed.

Enormous benefits would be derived from the repayment of construction differential subsidies. The Government could realize hundreds of millions of dollars by recovering construction subsidies and terminate its liability for operating subsidies. Alaskan crude transportation costs between Alaska and the gulf coast of the United States could decrease by at least $1.50 per barrel. Several hundreds of million of dollars in increased taxes paid by the oil companies under the windfall profits tax to the United States would result, as would lower fuel prices for American consumers.

The vessels in the CDS fleet which currently cannot find profitable employment in foreign trade were all built in U.S. shipyards, are owned by U.S. citizens, and employ American seamen. They are modern, efficient vessels, and should be admitted to the domestic trade.

It does not make sense to stand in the way of Americans who want to pay back to the Government, with interest, subsidies they have received for vessel construction. Language prohibiting this payback should not be included in the maritime authorization, and I look to my colleagues for their support in deleting this prohibitory language prior to the bill's enactment into law.

Mr. SNYDER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are authorized to be appropriated for the use of the Department of Transportation for the fiscal year 1984, as follows:

(a) for payment of obligations incurred for operating differential subsidy, not to exceed $401,294,000;

(b) for expenses necessary for research and development activities, not to exceed $11,500,000;

(c) for expenses necessary for operations and training activities, not to exceed $74,013,000, including not to exceed:

(1) $35,655,000 for maritime education and training expenses, including not to exceed $20,266,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $10,688,000 for financial assistance to State maritime academies, $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,721,000 for expenses necessary for additional training;

(2) $8,048,000 for national security support capabilities, including not to exceed $6,999,000 for reserve fleet expenses, and $1,049,000 for emergency planning/operations; and

(3) $30,310,000 for other operations and training expenses.

Mr. JONES of North Carolina. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. Are there any amendments to section 1?

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 23, add a new section to read as follows:

SEC. 2. Section 1304(c)(2) of the Merchant Marine Act of 1936 (46 U.S.C. 1295c(c)(2)) is amended to read as follows:

"(2) Subject to such amounts as are provided in advance in appropriations Acts, on October 1, 1984, and at the beginning of each fiscal year thereafter, the Secretary shall pay to each State maritime academy the amount of costs of fuel estimated by the Secretary to be consumed in the fiscal year then beginning by any training vessel furnished by the Secretary.".

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, this section repeals the existing permissive authority providing fuel oil assistance and substitute providing specific authority by requiring payment to each State Maritime Academy of the amount as provided in the appropriation act of the cost of fuel estimated to be consumed in any fiscal year. That is a very simple amendment.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, line 8, following the new section 2, insert a new section to read as follows:

SEC. 3. Section 506, Merchant Marine Act of 1936, as amended (46 U.S.C. 1156), is amended by adding the following at the end thereof:

"No owner shall be permitted by the Secretary to transfer a vessel permanently to trade embraced within the coastwise laws of the United States except upon a written finding that the vessel has never engaged in trade other than that described in section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), or after hearings, the Secretary determines (1) that the addition of the vessel to the coastwise trade will not result in the displacement from this trade of any vessel twenty-five years of age or less, (2) that the foreign commerce considerations upon which were based the payment of construction differential subsidy are no longer valid, and (3) with the written concurrence of the Secretary of the Navy, that the defense considerations upon which were based the payment of construction differential subsidy are no longer valid and that the addition of such vessel would not replace any vessel the military usefulness of which will not be adequately provided for by the vessel seeking permission. Any permission to transfer permanently a vessel to trade embraced within the coastwise laws shall be conditioned upon prompt repayment of the entire unamortized construction differential subsidy originally paid, with interest thereon at the effective rate of interest on mortgages for similar ships in the coast-wise trade from the date of such payment during construction and at delivery until the date of repayment; any vessel granted permanent transfer under the terms of this sentence shall not thereafter be eligible for operating differential subsidy under title VI of this Act.".

Mr. JONES of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. JONES of North Carolina. Mr. Chairman, section 3 which has just been read by the reading clerk is the CDS payback which has been fairly well discussed here this morning, particularly from the other side of the aisle.

Therefore, unless there are some questions. I yield back the balance of my time.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. SABO, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 2114) to authorize appropriations for the fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes, pursuant to House Resolution 352, he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BADHAM. 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 281, nays 35, not voting 117, as follows:

[Roll No. 455]

YEAS—281

Ackerman	Burton (CA)	English
Albosta	Byron	Erdreich
Anderson	Campbell	Erlenborn
Andrews (TX)	Carney	Evans (IL)
Annunzio	Carper	Fascell
Anthony	Carr	Fazio
Applegate	Chandler	Ferraro
Archer	Chappie	Fiedler
Aspin	Clinger	Fields
Badham	Coats	Florio
Bateman	Coleman (MO)	Foglietta
Bates	Coleman (TX)	Ford (MI)
Bedell	Collins	Forsythe
Beilenson	Conte	Fowler
Bennett	Conyers	Frank
Bereuter	Cooper	Frost
Bethune	Corcoran	Gaydos
Bevill	Coyne	Gejdenson
Bilirakis	Daniel	Gephardt
Boehlert	Davis	Gilman
Boggs	Dixon	Gingrich
Bonior	Donnelly	Glickman
Borski	Dorgan	Gonzalez
Bosco	Duncan	Goodling
Boucher	Durbin	Gray
Boxer	Dwyer	Green
Britt	Dyson	Guarini
Brooks	Eckart	Gunderson
Brown (CA)	Edwards (CA)	Hall (IN)
Bryant	Emerson	Hall (OH)

Hall, Sam
Hammerschmidt
Harkin
Harrison
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Holt
Hopkins
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kennelly
Kildee
Kolter
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Livingston
Lloyd
Long (LA)
Long (MD)
Lowery (CA)
Lujan
Luken
Lungren
Mack
Madigan
Markey
Martinez
Mavroules
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Parris
Patman
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Ritter
Rodino
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Slattery
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Studds
Swift
Synar
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Watkins
Weaver
Weiss
Wheat
Whitehurst
Whitten
Wilson
Winn
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Zablocki
Zschau

NAYS—35

Bartlett
Brown (CO)
Broyhill
Burton (IN)
Conable
Courter
Craig
Crane, Philip
DeWine
Dreier
Edwards (OK)
Evans (IA)
Frenzel
Gekas
Gibbons
Gradison
Gramm
Gregg
Hamilton
Jacobs
Kastenmeier
Leach
Loeffler
Marlenee
Martin (IL)
Myers
Nielson
Schaefer
Sharp
Solomon
Stump
Tauke
Walker
Weber
Yates

NOT VOTING—117

Addabbo
Akaka
Alexander
Andrews (NC)
AuCoin
Barnard
Barnes
Berman
Biaggi
Bliley
Boland
Boner
Bonker
Breaux
Broomfield
Chappell
Cheney
Clarke
Clay
Coelho
Coughlin
Crane, Daniel
Crockett
D'Amours
Dannemeyer
Daschle
Daub
de la Garza
Dellums
Derrick
Dickinson
Dicks
Dingell
Dowdy
Downey
Dymally
Early
Edgar
Edwards (AL)
Feighan
Fish
Flippo
Foley
Ford (TN)
Franklin
Fuqua
Garcia
Gore
Hall, Ralph
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hiler
Hillis
Howard
Jenkins
Johnson
Jones (TN)
Kazen
Kemp
Kindness
Kogovsek
Kostmayer
Latta
Lipinski
Lott
Lowry (WA)
Lundine
MacKay
Marriott
Martin (NC)
Martin (NY)
Matsui
Mazzoli
McCain
McHugh
Michel
Molinari
Morrison (CT)
Mrazek
Nichols
Packard
Panetta
Pashayan
Patterson
Paul
Pritchard
Rinaldo
Roberts
Robinson
Rose
Rostenkowski
Rudd
Savage
Sawyer
Schroeder
Simon
Skelton
Smith (IA)
Smith, Denny
Solarz
Spence
Stokes
Stratton
Sundquist
Tallon
Torres
Udall
Waxman
Whitley
Whittaker
Williams (MT)
Williams (OH)
Wirth
Young (MO)

□ 1200

Mr. NIELSON of Utah changed his vote from "yea" to "nay."

Mr. GLICKMAN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 352, the Committee on Merchant Marine and Fisheries is discharged from further consideration of the Senate bill (S. 1037) to authorize appropriations for fiscal year 1984 for certain maritime programs of the Department of Transportation, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. JONES of North Carolina moves to strike out all after the enacting clause of the Senate bill, S. 1037, and to insert in lieu thereof the provisions of the bill, H.R. 2114, as passed, as follows:

That funds are authorized to be appropriated for the use of the Department of Transportation for the fiscal year 1984, as follows:

(a) for payment of obligations incurred for operating differential subsidy, not to exceed $401,294,000;

(b) for expenses necessary for research and development activities, not to exceed $11,500,000;

(c) for expenses necessary for operations and training activities, not to exceed $74,013,000, including not to exceed:

(1) $35,655,000 for maritime education and training expenses, including not to exceed $20,266,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, $10,668,000 for financial assistance to State maritime academies, $3,000,000 for fuel oil assistance to State maritime academy training vessels, and $1,721,000 for expenses necessary for additional training;

(2) $8,048,000 for national security support capabilities, including not to exceed $6,999,000 for reserve fleet expenses, and $1,049,000 for emergency planning/operations; and

(3) $30,310,000 for other operations and training expenses.

SEC. 2. Section 1304(c)(2) of the Merchant Marine Act of 1936 (46 U.S.C. 1295c(c)(2)) is amended to read as follows:

"(2) Subject to such amounts as are provided in advance in appropriations Acts, on October 1, 1984, and at the beginning of each fiscal year thereafter, the Secretary shall pay to each State maritime academy the amount of costs of fuel estimated by the Secretary to be consumed in the fiscal year then beginning by any training vessel furnished by the Secretary.".

SEC. 3. Section 506, Merchant Marine Act of 1936, as amended (46 U.S.C. 1156), is amended by adding the following at the end thereof:

"No owner shall be permitted by the Secretary to transfer a vessel permanently to trade embraced within the coastwise laws of the United States except upon a written finding that the vessel has never engaged in trade other than that described in section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), or after hearings, the Secretary determines (1) that the addition of the vessel to the coastwise trade will not result in the displacement from this trade of any vessel twenty-five years of age or less, (2) that the foreign commerce considerations upon which were based the payment of construction differential subsidy are no longer valid, and (3) with the written concurrence of the Secretary of the Navy, that the defense considerations upon which were based the payment of construction differential subsidy are no longer valid and that the addition of such vessel would not replace any vessel the military usefulness of which will not be adequately provided for by the vessel seeking permission. Any permission to transfer permanently a vessel to trade embraced within the coastwise laws shall be conditioned upon prompt repayment of the entire unamortized construction differential subsidy originally paid, with interest thereon at the effective rate of interest on mortgages for similar ships in the coastwise trade from the date of such payment during construction and at delivery until the date of repayment; any vessel granted permanent transfer under the terms of this sentence shall not thereafter be eligible for operating differential subsidy under title VI of this Act.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H.R. 2114, was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks of S. 1037, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3959, SUPPLEMENTAL APPROPRIATIONS, 1984

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection, appoints the following conferees: Messrs. WHITTEN, BOLAND, NATCHER, SMITH of Iowa, ADDABBO, YATES, BEVILL, LEHMAN of Florida, FAZIO, CONTE, MCDADE, MYERS, COUGHLIN, and O'BRIEN.

There was no objection.

LEGISLATIVE SCHEDULE

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of California. Mr. Speaker, I have asked for this time for the purpose of receiving the schedule for the balance of this week and next week.

I yield to the gentleman from Missouri (Mr. GEPHARDT), the acting majority leader.

Mr. GEPHARDT. Yes. Will the gentleman yield?

Mr. LEWIS of California. I am happy to yield to the gentleman.

Mr. GEPHARDT. Mr. Speaker, I will attempt to run through the schedule for the coming week.

On Monday, November 7, the House will meet at noon. We will have the Consent Calendar. There will be no recorded votes on Monday. All recorded votes requested on Monday will be held on Tuesday. There will be on the Suspension Calendar nine bills, as follows:

First, H.R. 2982, the amendment to the Federal Land Policy Act.

Second, H.R. 2644, the Cape Hatteras National Seashore legislation.

Third, H.R. 2211, the right of way for REA facilities.

Fourth, House Resolution 349, thanking America's educators.

Fifth, H.R. 4194, extending the Energy Policy and Conservation Act.

Sixth, House Joint Resolution 93, a gold medal for Danny Thomas.

Seventh, H.R. 2718, the Paper Work Reduction Act amendments.

Eighth, H.R. 4294, Veterans' Administration medical centers in Altoona, Pa., and Dublin, Ga.

Ninth, H.R. 2629, to modify restrictions on land conveyed to the University of California by the Veterans' Administration.

We will then move to consider H.R. 4196, the Dairy Production Stabilization Act of 1983.

□ 1210

With regard to that legislation, there will be a modified rule, 1 hour. The rule has already been adopted, so there will be general debate only on that bill on Monday. That will complete the program on Monday, and as I said, all recorded votes requested on Monday will be held on Tuesday, at the close of the day's business. On Tuesday, November 8, the House will meet at noon. There will be four suspension bills and the recorded votes on the suspensions will be postponed until the end of the day's business. There will be four bills then on the Suspension Calendar on Tuesday. First, H.R. 2250, the Financial Interest and Syndication legislation; second, H.R. 3851, the Federal Food, Drug and Cosmetic Act amendments; third, H.R. 3649, the National Health Service Corps personnel amendments; and fourth, H.R. 4201, the rescheduling of methaqualone to schedule I of controlled substances.

We will then move to House Joint Resolution 403, continuing appropriation for fiscal year 1984. That, of course, is subject to a rule being granted. We also stand ready on conference report on H.R. 3222, State-Justice, Commerce, judiciary appropriations for fiscal year 1984 and as I stated, legislative votes will begin at approximately 3 o'clock in the afternoon.

On Wednesday and for the balance of the week, the House will meet at 10 a.m., and the following bills will be then subject to debate and consideration: H.R. 4169, Dairy Production Stabilization Act of 1983, on which we will complete consideration.

Also, H.R. 4102, Universal Telephone Service Preservation Act of 1983, subject to a rule being granted; H.R. 2992 Federal foreign aid authorizations, open rule, 1 hour; H.R. 1904, Child Abuse and Adoption Reform Act, open rule, 1 hour; and H.R. 3323, the Washington Workshop authorizations, open rule, 1 hour.

I would remind Members that Friday, November 11, is Veterans Day which is a Federal holiday. However, I think we should all be reminded that the continuing appropriation expires at midnight on Thursday, November 10, and the House cannot adjourn until a new one has been completed, so it is obvious that we may be meeting late on Thursday, November 10, until that piece of business is completed.

It is my understanding, that if it is completed, one could assume that there would not be recorded votes on Friday because it is a Federal holiday but if the appropriations bill is not completed on Thursday night, we could have a Friday session.

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

Mr. LEWIS of California. In terms of today's schedule, do you anticipate any further business today?

Mr. GEPHARDT. There is no further business planned for today. There are no more bills. However, one correction to what I stated about Tuesday—we will start with the rule on the continuing appropriation, and when that is finished, we will then go to the suspensions, but we believe the activity on voting will begin about 3 o'clock on Tuesday.

There are two commemorative matters also that will be taken up today but we do not expect any further recorded votes.

Mr. LEWIS of California. Will the vote on the rule be postponed to later Tuesday?

Mr. GEPHARDT. The rule was adopted today. We will have no votes on Monday.

Mr. LEWIS of California. Does the gentleman anticipate that the vote on the appropriations rule will be at 3 o'clock or after on Tuesday?

Mr. GEPHARDT. It is expected that the rule on the appropriations bill would be completed at approximately 3 o'clock on Tuesday.

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

Mr. LEWIS of California. I yield to the gentleman from New Jersey.

Mr. COURTER. I would request further explanation. In New Jersey, and there might be a lot of other States, we have elections on Tuesday, and the worst of all worlds is withholding all the votes from Monday until Tuesday to commence at 3 o'clock, because I would imagine there are a number of Members from New Jersey such as myself and other States, and Indiana, that perhaps would want to leave here about 2 o'clock which means we can be here Monday and Tuesday, and because of the way the voting is, miss all the votes, and I would like to ask whether the gentleman could recaucus with his leader to perhaps reconsider withholding all those votes until 3 o'clock on Tuesday.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. LUKEN. I would like to join the gentleman on this, and that is why I was standing here at this point.

The most unfortunate time to bunch a lot of votes on suspensions, votes that are not necessarily the most momentous matters here but will reflect upon the records of the Members, the most unfortunate time would be on the evening of election time.

That is apparently what the leadership has chosen here. Those of us who are from cities and others who have important local elections have every

reason to be home not election morning—we can vote by absentee—but on election evening. That is the way life is in the political world, and I would hope something can be done so an accumulation of votes would not occur at that particular time.

Mr. LEWIS of California. The gentleman raised some very important points.

I yield to the acting majority leader (Mr. GEPHARDT).

Mr. GEPHARDT. I appreciate the concerns that have been expressed, and it is my understanding that all of this was taken into consideration.

The problem we face is that the continuing appropriation has to be considered on Tuesday so that we have the opportunity to finish it by Thursday night when time runs out.

The Members should understand that by starting at 3 o'clock on the continuing appropriation, and by voting on it say at 7 o'clock at night which is a good estimate as to when it would finish, and then having the suspensions, if there are votes on suspensions after that time, the idea of that scenario was to allow Members to be at home on Tuesday, to be allowed time to vote and take part in election day activities and then to be able to get here in order to complete the business of the House.

If we had begun the schedule at 12 o'clock noon, it would have interfered more with Members' schedules.

I guess the answer to the question is that there is no perfect way to handle this and what we have tried to do is to establish a scenario of votes that would allow most Members to both engage in election day activities at home, to vote at home, and then to be here in the evening when the votes come.

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

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. LUKEN. I thank the gentleman for yielding.

I am sure there was a good faith attempt made but what we are pointing out is that it has not worked out very well. It is not very practical for anybody who lives farther than the beltway to be back here to vote at 3 o'clock and engage in any election day activities.

I would reiterate that the most important time in elections, as far as I am concerned, and I would think most Members, would not be the morning time. That would be the time when actual voting occurs, but the latter part of the evening.

I would also like to suggest if it would inconvenience too many Members to have those votes on the suspensions on Monday or Tuesday morning, if that would inconvenience too many Members, is it not possible to put off the accumulation of suspensions until Wednesday? I would like to urge that that be considered.

Mr. GEPHARDT. I understand the gentleman's request, and all of these thoughts will certainly be taken into consideration, but the schedule is as announced and until further notice, we have to assume that this is the way the schedule will be actually conducted.

Mr. LEWIS of California. Let me suggest to the acting majority leader that Mr. LUKEN raises an important point, and if it were possible to postpone the bulk of votes until Wednesday, that would certainly convenience a lot of Members.

I understand the problem you are discussing regarding the continuing resolution. On the other hand, those votes could create real problems for some Members.

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

Mr. LEWIS of California. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding.

I would like to address my question to the acting majority leader and say that Veterans Day is November 11. A number of Members have accepted engagements to honor our veterans, and I guess what you are saying is if the continuing resolution and conference is not completed, there would be a possibility it could be carried over until Friday, but that would be the only vote that would be pending, to settle the continuing resolution as far as the conference is concerned.

Is that correct?

□ 1220

Mr. GEPHARDT. If the gentleman will yield, he is correct. That would be the only vote on Friday, and it is the great hope, I think, of every Member that we are able to complete that business on Thursday night.

Mr. MONTGOMERY. And Members would already have had an opportunity to vote on the continuing resolution or amendments before Thursday also; is that correct?

Mr. GEPHARDT. Absolutely.

Mr. MONTGOMERY. So it would be just the conference that would be the problem?

Mr. GEPHARDT. The gentleman is correct.

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

Mr. LEWIS of California. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman. I recognize the fact that the acting majority leader cannot unilaterally change the schedule. But all I am asking and urging upon him, because as we stand here more and more Members are saying that the worst time for a cloture is late on Tuesday, if he could at least make a commitment that he would bring this up with the other leaders of the majority party for at least consideration and further debate.

Mr. GEPHARDT. Will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman.

Mr. GEPHARDT. The gentleman's point is well taken and his thoughts are well received. I certainly will bring his ideas, both this Member and the Member from Ohio, to the respective leaders.

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

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I wonder whether or not the schedule we have planned for next week still is predicated on the idea that we are going to adjourn for good on November 18. Are we accomplishing that next week which we need to do to get out of here by November 18?

Mr. GEPHARDT. Will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman.

Mr. GEPHARDT. I am informed we are proceeding on that assumption, and that the business we hope to accomplish next week, along with business that would further have to be accomplished in the last week that we are planning to be here would allow us to leave on that date.

Obviously there are matters that could complicate that. The debt ceiling and the continuing resolution are two matters that come immediatey to mind that could frustrate that effort. But the belief still is and remains that November 18 is our target date.

Mr. WALKER. That was going to be my other question. Are those the only two must pieces of legislation or do we have anything else that is on the absolute must list beyond the CR and the debt limit?

Mr. GEPHARDT. If the gentleman would continue to yield, I think there is obviously hope that the reconciliation legislation and tax legislation, which is related to the reconciliation legislation, could still be completed.

But I think that the two most important and most necessary pieces are the continuing resolution and the debt ceiling.

Mr. WALKER. I thank the gentleman for yielding.

Mr. CONTE. Mr. Speaker, will the gentleman yield to me?

Mr. LEWIS of California. I am happy to yield to the gentleman from Massachusetts.

Mr. CONTE. I just want to make one observation. If anyone has any plans for next Friday and Saturday, maybe Sunday, forget those plans. The Rules Committee has just given us a rule on

the CR. We gave them a clean CR and it is loaded down.

We talked with the White House this morning and we are going to get a veto on it and we are going to be here next Friday, next Saturday and next Sunday.

Mr. LEWIS of California. I thank the gentleman for that information.

Mr. CONTE. Cancel your plane tickets and be ready to be here. We will celebrate Armistice Day right here and I hope that we can have an armistice here between the Members who are bent on getting a veto on the CR.

Mr. GEPHARDT. Will the gentleman yield?

Mr. LEWIS of California. I yield.

Mr. GEPHARDT. I thank the gentleman for his comments and perhaps we can have an armistice here in the Congress with the President and get that done on Thursday night.

Mr. CONTE. Not with that kind of bill. Over my dead body.

Mr. GEPHARDT. I understand the gentleman's feelings.

Mr. LEWIS of California. If I may ask the acting majority leader, I understand the leadership is in the process of putting together details of a schedule for the recess and for next year. I wonder if the gentleman could give us any information that is available in that regard.

Mr. GEPHARDT. If the gentleman will yield, I have before me the House Calendar for 1984, and that will be included in the RECORD today and will be made a part of the RECORD and Members can certainly review the RECORD to find that schedule for 1984.

The schedule referred to follows:

HOUSE CALENDAR—1984

January 23	Congress Convenes.
January 31	Receive President's Budget.
February 10 through Noon February 21	Lincoln/Washington Birthdays District Work Period.
February 12	Lincoln's Birthday.
February 20	Washington's Birthday.
March 15	Committees Submit Reports to Budget Committee.
April 16 through Noon April 24	Easter District Work Period.
April 16	Deadline for Budget Committee Reporting First Resolution.
April 22	Easter Sunday.
May 15	Complete Action on First Resolution; Deadline for Reporting Fiscal Year 1985 Authorizations.
May 25 through Noon May 30	Memorial Day District Work Period.
May 28	Memorial Day.
July 2 through Noon July 23	Independence Day/Democratic National Convention District Work Period.
July 16 through July 19	Democratic National Convention.
August 13 through Noon September 5	Republican National Convention/Labor Day District Work Period.
August 20 through August 23	Republican National Convention.
September 3	Labor Day.
September 15	Complete Action on Second Budget Resolution.
September 25	Complete Action on Reconciliation.
October 1	Fiscal Year Begins.
October 4	Adjournment Target.

Mr. LEWIS of California. I thank the gentleman and I yield back the balance of my time.

ADJOURNMENT TO MONDAY, NOVEMBER 7, 1983

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12 noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule shall be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

IN PRAISE OF THE RULE ON MILK LEGISLATION

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

Mr. BOEHLERT. Mr. Speaker, I just rise now to commend the Rules Committee for the outstanding manner in which they handled H.R 4196. It allows for a full and open discussion on the leading options under consideration for coming to grips with the crisis in the dairy industry.

Two weeks ago it appeared that we would not have the option for that full and open debate. Then it appeared that we might have a situation under which we could come to grips with a crisis in the dairy industry without having any single Member of Congress on record.

We know the other body approved that measure by a voice vote and it appeared at the moment of decision just 2 weeks ago that we were not going to debate or vote on that measure, but given our conferees authority to act in our behalf without any consideration. That would have been the wrong way to proceed.

It is our obligation to debate and to decide and to be recorded, and I am glad that we are finally coming to grips with the crisis in the dairy industry.

NATIONAL HOME CARE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 122) to designate the week of November 27, 1983 through December 3, 1983, as "National Home Care Week," and ask for its immediate consideration in the House

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, we are all aware of the need to contain this Nation's spiraling health care costs. This need is particularly pressing for our elderly population, which has extensive requirements for medical and health-related services, while operating under the constraints of fixed retirement incomes.

One of the most logical and beneficial alternatives to the more traditional modes of health care is home health care. The home health care concept substitutes services within the home for nursing homes or hospitalization. I am convinced that, whenever possible, it is preferable for senior citizens to continue living with their families rather than in institutions.

For this reason, I am particularly pleased that my colleagues from Utah and California have introduced legislation establishing a week designated particularly for home health care. I believe this initiative will increase awareness of and participation in the home care concept and will encourage the creation of a comprehensive system evolving around the extended family. I am hopeful that designating the week of November 27 as "National Home Health Care Week" will foster expansion of medical services to those who prefer the home environment to costly institutions.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 122

Whereas organized home health care services to the elderly and disabled have existed in this country since the last quarter of the eighteenth century;

Whereas home health care is recognized as an effective and economical alternative to unnecessary institutionalization;

Whereas caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services;

Whereas since the enactment of the medicare program, including skilled nursing services, physical therapy, speech therapy, social services, occupational therapy, and home health aide services, the number of home health agencies providing these services has increased from less than five hundred to more than three thousand; and

Whereas many private and charitable organizations provide these and similar services to millions of patients each year preventing, postponing, and limiting the need for institutionalization: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America

in Congress assembled, That the week of November 27, 1983, through December 3, 1983, is designated as "National Home Care Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, organized home health care services to the elderly and disabled is recognized as an effective and economical alternative to unnecessary institutionalization. It has come to my attention that caring for the ill and disabled in their homes places emphasis on the dignity and independence of the individual receiving these services.

Mr. Speaker, I urge the adoption of this resolution which authorizes and requests the President to issue a proclamation calling upon the people of the United States to observe the week of November 27 through December 3, 1983, as National Home Care Week.

● Mr. PEPPER. Mr. Speaker, as a strong advocate of home health services and an original cosponsor of our companion resolution (H. Res. 268), I take particular pleasure in supporting this resolution (S.J. Res. 122) to establish the week of November 27, 1983, as National Home Care Week.

Home health services encompass a broad range of health services provided by federally certified home health agencies to individuals in their own homes. Often they provide a less costly alternative to institutionalization. Almost invariably, the availability of compassionate, in-home care is the treatment of choice for most Americans.

Because of these factors, use of home health services is increasing at an alarming rate. According to the Department of Health and Human Services, in 1971 reimbursement for home health services totaled less than half a percent of all medicare expenses. By 1977, the proportion of medicare expenditures directed at home health services had more than tripled to 1.8 percent. Now, we are told, home health services account for about 2 percent of medicare expenditures.

Still, despite this impressive growth, it appears home health care is the best kept secret in the country. When we examine home health expenditures in the context of other related expenditures, we find we spend more to maintain older persons in nursing homes than the combined cost of home care under medicare, medicaid, all social services, the supplemental security income program, and all federally funded special housing programs for the elderly.

At the same time, we are aware of the escalating need for these vital services. According to the Department of Health and Human Services, the greatest utility of home health services were by individuals who are 75 years old and older. These individuals use home health services at a rate 2½ times greater than those 65 to 75. Their number will increase by more than 70 percent in the next 20 years.

Additionally, if we look at the broader demographic data, we find more than half a million people are attaining senior status each year. Over 100,000 of these people have serious disabilities. When we combine these elements, we find that by the year 2000 about 45 percent of our senior population will be over 75. More than 10 million of these people will be functionally dependent.

In recent years, largely because of this escalating need, Congress has continually endorsed the need for and value of home health services. Some modest expansions of the home health benefit under medicare have been enacted and authority has been granted to the States to substitute community services for nursing home care when appropriate and cost effective. But, we must realize much more is needed.

Earlier this year, the Congressional Budget Office projected the medicare hospital insurance trust fund will be bankrupt within 4 years unless the program is fundamentally altered. Since that time, as chairman of House Aging Committee, Subcommittee on Health and Long-Term Care I have conducted more than a dozen hearings as part of a comprehensive review of the program to define alternatives.

One of the first of these hearings was to examine the progress of home care and impediments to its growth. Subsequently, confronted with the paucity of data on home care, I initiated a national survey of home health services utilization and cost. I believe we will find home care to be both cost effective and efficient. I know it is more humane.

This resolution, which we introduced at the request of the National Association for Home Care, provides the home health community and its advocates an opportunity to celebrate the contribution of home care to the health of the American people. It is our hope it will also increase the general awareness of what home health services are, their value to the community, and the need for the expansion of these services.

In near future, I hope to see a more comprehensive, efficient, and cost-effective health program enacted for the elderly. I believe home care, preventative care, and community services should be the cornerstones of that program.●

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CONGREGATE AND MEALS ON WHEELS WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 386) designating the second week of November 1983 as "National Congregate and Meals on Wheels Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I would state the minority has looked at this. As a matter of fact, there are quite a number of the minority who are cosponsors of this commemorative resolution.

I would think it is one that contains a great deal of merit and is worth while, and for that reason I stand in favor of the passage of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 386

Whereas over one hundred and ninety-five thousand volunteers—90 per centum of whom are over sixty years of age—provide in excess of five hundred and seventy thousand meals per day in congregate settings where senior participants have an opportunity for socialization and fellowship in addition to having their nutritional needs met;

Whereas over two hundred thousand volunteers—70 per centum of whom are themselves elderly—deliver over one hundred and fifty thousand meals daily to homebound, frail, older persons;

Whereas the dedication of volunteers to helping peope receive hot nutritious meals each day ensures the continued well-being of many needy persons;

Whereas community based home-delivered and congregate meal programs make possible the joint use of public and private funds and resources to serve older people;

Whereas nutritious food is an essential ingredient to the maintenance of life; and

Whereas the aged are revered members of our society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week of November, beginning on November 6, 1983, is designated "National Congregate and Meals on Wheels Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, over 195,000 volunteers provide in excess of 570,000 meals per day in congregate settings where senior participants have an op-

portunity for socialization and fellowship in addition to having their nutritional needs met. The dedication of volunteers to helping people receive hot nutritious meals each day insures the continued well-being of many needy persons. It has come to my attention that community based home-delivered and congregate meal programs make possible the joint use of public and private funds and resources to serve older people.

Mr. Speaker, I urge the adoption of this resolution which designates the week of November 6 through November 12, 1983, as National Congregate and Meals on Wheels Week.

● Mr. PEPPER. Mr. Speaker, I would like to urge my colleagues to support House Joint Resolution 386, which will designate the week of November 6, 1983, as "The National Congregate and Meals on Wheels Week." I commend my distinguished colleague, Representative MARIO BIAGGI of New York, for sponsoring this legislation and seeking to sensitize the Nation regarding the role these federally supported nutrition programs play in the lives of our older Americans.

My interest in promoting better health among older Americans through improved nutrition dates back to 1973 when legislation I introduced to provide for a nutrition services program under the Older Americans Act was passed by the Congress. I introduced this legislation after learning that millions of older Americans were eating inadequately simply because: First, they could not afford to do so; second, they lacked the skills to prepare nutritionally balanced meals; third, their limited mobility impaired their capacity to shop or cook for themselves; and fourth, their feelings of rejection and loneliness obliterated the incentive necessary to prepare and eat a meal alone. I found that these and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living which causes malnutrition and further physical and mental deterioration.

Based on these findings, in 1973 the Congress agreed to fund a nutrition program and provide at least one hot or other appropriate meal, 5 or more days a week, to persons 60 and over and their spouses. All would agree that the nutrition program has been highly successful in accomplishing its objectives: Promoting better health and reducing the isolation of older persons by offering them an opportunity to participate in community activities and combine food with friendship.

In 1978, the nutrition program was expanded to provide home-delivered meals to persons 60 years of age or over, who are homebound by reasons of illness and incapacitating disability, or extreme transportation problems. Home-delivered or Meals-on-Wheels has also come to be viewed as highly successful in meeting the nutritional needs of older Americans and helping them remain independent in their own homes—obviating the need for more costly and premature institutionalization.

Today, my home State of Florida has over 435 congregate meal sites which serve about 6½ million meals. In addition, about 25,000 home-delivered participants receive a total of about 3 million meals annually.

Although the fiscal year 1984 appropriations bill, recently signed into law by the President, provided an increase of $2.5 million for the congregate meals program and retained the home-delivered program at the fiscal year 1983 level—it falls woefully short of meeting the needs of the hundreds of thousands of older Americans who are waiting to participate in these nutrition programs—as evidenced by waiting lists maintained by our Nation's area agencies of aging.

I am hopeful that House Joint Resolution 386 will serve to sensitize the Nation regarding the important role these programs play in the lives of senior citizens and serves to underscore the need to make such services available to all who might benefit from them.

Once again, I commend my colleague, MARIO BIAGGI, for bringing this legislation to our attention—and, I urge my colleagues to join me in support of its immediate passage.

Thank you.●

● Mr. BIAGGI. Mr. Speaker, today as the author of House Joint Resolution 386, designating the week of November 6 to 12 as "National Congregate and Meals on Wheels Week," I am pleased that this resolution comes before the House today cosponsored by over 235 of my colleagues including the distinguished gentlewoman from Indiana (Mrs. HALL). This resolution is a formal tribute to the thousands of people across these United States who provide meals to senior citizens through both public and private funds in senior centers and homes.

Congress has long recognized the importance of congregate and home-delivered meals for the well-being of our older citizens through funding provided under varying legislation, but particularly through the Older Americans Act. For the past 11 years, title III-C of the act has provided authorizations to States for the operation of congregate nutrition services and home-delivered nutrition services.

In 1978 the national home delivered meals program became title III(C)(ii) of the Older Americans Act. Today these programs combined serve millions of meals daily to senior citizens, and this program is one of the most successful of all Federal programs. Last year, there were over 674 area agencies on aging, 7,926 social service providers, 12,915 congregate nutrition service sites, and 3,323 home-delivered meals providers supported through title III. Approximately 10 million older people were social service participants. Congregate nutrition services participants totaled over 3.5 million, and home-delivered meals participants numbered over 0.8 million persons. Over 150 million congregate and almost 40 million home-delivered meals were served with title III funds solely.

House Joint Resolution 386 also pays tribute to those persons providing daily meals under the social services block grant, which is the second most important source of nutrition funding for the elderly. A survey recently conducted by my Subcommittee on Human Services of social services block grant recipients with relation to their own particular nutrition programs shows that these meals programs play an invaluable role in the health and well-being of older people in America today. They are indeed vital to the very lives of our elderly population.

Congress just recently passed and the President signed into law the Labor-HHS appropriations bill which provided a $2.5 million increase for the congregate nutrition program, raising it to $321.5 million and the home delivered meals program at $62.025 million. This extra funding will be cost-saving in the future. Those who are kept in this program—and those new additions—are those who without this service might be forced into a nursing home. In a 1977 hearing I conducted, it was disclosed that 20 percent of those in nursing homes were there simply because of an inability to maintain a proper diet.

An indication of the importance of the Older Americans Act nutrition program can be shown from the findings of a national survey conducted by HHS on the program. In this survey, we learned that participant population has remained stable and the participation by the elderly in nutrition services such as Meals on Wheels and congregate meals was very frequent—61 percent of congregate participants attend meal sites three or more times per week, and 82 percent of home-delivered meals recipients receive a meal in their homes five times each week. Congregate participants are more likely to be single and alone, while home-delivered meal recipients are older, poorer, and in poorer health.

My resolution also honors the private providers of meals to senior citizens, especially the many private meals on wheels programs across the country. These meals programs work only because of the extensive involvement and concern of the community, and the many hours of volunteer serv-

ice given by thousands of people, most of whom are elderly themselves. This resolution would provide a way for these people, their contributions, to be brought to the attention of the entire Nation, and would also help involve even more volunteers in delivery of meals and other assistance required by the elderly.

I would like to point out that these programs, and this resolution would not be successful were it not for the outstanding leadership which has been exhibited by the National Association of Nutrition and Aging Service Programs (NANASP) and the National Association of Meal Programs, led respectively by William Moyer and Mamie Lee. Their participation and guidance have been foremost in the field of nutrition services for the elderly. In addition, I would like to recognize the National Association of Area Agencies on Aging and the National Association of State Units on Aging for their essential role in the area of nutrition.

Mr. Speaker, I feel it is appropriate that we pass House Joint Resolution 386 this year for several reasons. This year is the 5-year anniversary of the home-delivered meals program—I feel that the passage of the resolution would be a worthy and timely tribute to a program that has helped so many of our Nation's elderly people. In addition, next year will be the reauthorization period for the Older Americans Act. During that time, nutrition services for the elderly will again be carefully looked at and funding will be considered. Finally, and perhaps most importantly, this resolution, if passed, would reaffirm our strong commitment to bettering the lives of our Nation's 26 million senior citizens.●

The joint resolution 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.

□ 1230

EXTENDING TERM OF PRESIDENTIAL COMMISSION FOR THE GERMAN-AMERICAN TRICENTENNIAL

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 405) to extend the term of the Presidential Commission for the German-American Tricentennial, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, obviously I will not object. I am personally very much in favor of the extension of this Commission. It is my legislation that started it off in the very beginning.

Mr. Speaker, I rise in support of House Joint Resolution 405, a resolution which I introduced to extend the Presidential Commission for the German-American Tricentennial to October 31, 1984.

Mr. Speaker, as you know, the 97th Congress passed Senate Joint Resolution 260, which established the Presidential Commission to celebrate the tricentennial and provided for the termination of the Commission to receive and use donations, property, and personal services from both the public and private sectors. The act also provided that all of the expenditures of the Commission were to be made from donated funds, not appropriated funds.

The principal and only reason for extending the life of the Commission is to continue to oversee the planning and establishment of a German-American friendship garden in the District of Columbia.

This friendship garden is intended to serve as an enduring symbol of German-American contributions to our country and the lasting friendship between the people and the Governments of the United States and the Federal Republic of Germany.

It is my understanding that the Commission has already collected and earmarked enough private funds to finance the development of the friendship garden. However, the garden cannot possibly be completed by January 31, 1984, the date the Commission expires.

The friendship garden will be the primary, if not the only significant momento of the tricentennial commemoration.

I urge my colleagues to join me in supporting the extension of the German-American Tricentennial Commission to October 31, 1984.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 405

Whereas in commemoration of the three hundredth anniversary of German settlement in America at Philadelphia, Pennsylvania, on October 6, 1683, the Congress passed Senate Joint Resolution 260, Ninetyseventh Congress, which was signed into law by the President on January 14, 1983, as Public Law 97-472 (hereinafter in this resolution referred to as the "Act");

Whereas the Act established the Presidential Commission for the German-American Tricentennial (hereinafter in this resolution referred to as the "Commission") to plan, encourage, develop, and coordinate the commemoration of the German-American Tricentennial, and provided for the termination of the Commission on January 31, 1984;

Whereas the Act authorizes the Commission to encourage the participation of, and receive donations of money, property, and personal services from, public and private organizations and individuals to assist the Commission in carrying out its responsibilities, and provides that all expenditures of the Commission are to be made from donated funds;

Whereas one of the key projects undertaken by the Commission is to oversee the planning and establishment of a German-American Friendship Garden in the District of Columbia as an enduring symbol of German-American contributions to this country and the lasting friendship between the United States and the Federal Republic of Gemany; and

Whereas the President and the Congress are of the opinion that more time will be needed by the Commission beyond its presently scheduled expiration date of January 31, 1984, to complete its work on the German-American Friendship Garden: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the term of the Commission is hereby extended to October 31, 1984, and the deadline for the report of the Commission's activities to the Congress required by the Act is hereby also extended to that date.

SEC. 2. After December 31, 1983, the Commission shall not incur any obligations other than in connection with its work on the German-American Friendship Garden, or the carrying out of necessary administrative functions, nor shall the Commission solicit, receive, or use any donated funds or the support or assistance of any other executive agency or department after December 31, 1983, except for the purposes of its work on the German-American Friendship Garden, the liquidation of financial obligations incurred prior to January 1, 1984, and the carrying out of necessary administrative functions.

SEC. 3. Except as otherwise provided in this resolution, the provisions of the Act shall remain in effect.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, this act established the Presidental Commission to plan, encourage, develop and to coordinate the commemoration of the German-American Tricentennial. One of the key projects undertaken by the Commission is to oversee the planning and establishment of a German-American Freindship Garden in the District of Columbia as an enduring symbol of German-American contributions to this country, At present, the President and the Congress are of the opinion that more time will be needed by the Commission beyond its presently scheduled expiration date of January 31, 1984, to complete its work on the German-American Friendship Garden.

Mr. Speaker, I urge the adoption of this resolution which hereby extends the term of the Commission to October 31, 1984, and the deadline for the report of the Commission's activities to the Congress required by the act is hereby also extended to that date.

The joint resolution 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.

NATIONAL CHRISTMAS SEAL MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 188) to designate the month of November 1983 as "National Christmas Seal Month," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Reserving the right to object, Mr. Speaker, I have no objection to this. I cannot, and I do not think the Speaker, either, could imagine a Christmas without Christmas Seals. We are very much in favor of the passage of the Senate joint resolution.

I thank the gentlewoman from Indiana for her indulgence.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 188

Whereas chronic diseases of the lung afflict well over seventeen million Americans, cause more than two hundred thousand deaths annually, at a cost to the Nation of more than $48.8 billion each year in lost wages, productivity, and in direct costs of medical care;

Whereas leading the fight in the voluntary sector to prevent illness, disability, and death from lung disease is the American Lung Association—the Christmas Seal People—a nonprofit public health organization supported by individual contributions to Christmas Seals and other donations;

Whereas chronic obstructive pulmonary diseases have been among the fastest rising causes of death—an 87 per centum increase in the past ten years. Almost seven million Americans, including two million two hundred and fifty thousand children, suffer from asthma;

Whereas two and one-half million people have emphysema, while seven million eight hundred thousand suffer from chronic bronchitis. And it is expected that lung cancer will surpass breast cancer as the leading cause of cancer deaths among American women during this decade;

Whereas the American Lung Association, the Nation's first national voluntary public health organization, was founded in 1904 as the National Tuberculosis Association to combat TB when this lung disease was known to nearly every American family and one in seven deaths resulted from tuberculosis. Beginning in 1907, Christmas Seals were used to raise funds through private contributions to provide education to Americans about the disease;

Whereas, in its early years, the National Tuberculosis Association pioneered in school programs aimed at motivating our young people to establish healthful living patterns. That tradition remains strong as the American Lung Association, through its community Lung Associations, helps educate the public, patients, and their families about lung diseases; sponsors community action programs for good lung health; underwrites medical research; supports education for physicians and other health care workers; wages vigorous campaigns against cigarette smoking and air pollution. The primary source of funding for more than seventy years has been Christmas Seals. This year, Christmas Seals will be in sixty million homes. Tuberculosis has been subdued considerably, but not eradicated in the one hundred and two years since the discovery of the tubercle bacillus by Doctor Robert Koch. The disease is still responsible for one in one thousand deaths—many among children. The American Lung Association continues to work with Congress to better distribute resources to control tuberculosis and work toward its eradication;

Whereas the American Lung Association works with the National Heart, Lung and Blood Institute, a major component of the National Institutes of Health, to support research, training, and demonstration programs relevant to the lung, as well as the National Institute of Allergy and Infectious Diseases and the National Institute of Environmental Health Sciences, in addition to the Tuberculosis Program of the Centers for Disease Control, the Office of Smoking and Health, and the Office of Health Promotion; and

Whereas the American Lung Association continues to cooperate with Federal agencies to bring about a decrease in the serious problem of lung disease, a mission to which its volunteers and staff are committed: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1983 is designated as "National Christmas Seal Month" and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the month with appropriate activities supporting the Christmas Seal program.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, leading the fight in the voluntary sector to prevent illness, disability, and death from lung disease is the American Lung Association—the Christmas Seal people—a nonprofit public health organization supported by individual contributions to Christmas Seals and other donations. Since 1907, Christmas Seals were used to raise funds through private contributions to provide education to Americans about the disease. Christmas Seals dollars helps educate the public, patients, and their families about lung diseases, sponsors community action programs, underwrites medical research and supports education for physicians and other health care workers.

Mr. Speaker, I urge the adoption of this resolution which designates the month of November 1983 as National Christmas Seal Month.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORENCE CRITTENTON MISSION WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 383) to designate the week beginning November 6, 1983, as "Florence Crittenton Mission Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I yield at this time to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Speaker, I thank the gentleman from New Jersey who is a cosponsor of this legislation for yielding and wish to express our thanks to the chairwoman of the Census and Population Subcommittee, the gentlelady from Indiana (Mrs. HALL) for kindly scheduling this bill. The minority also wishes to thank the chairman of the full committee, the gentleman from Michigan (Mr. FORD), for his assistance and cooperation.

The author of House Joint Resolution 383, the gentleman from California (Mr. DANNEMEYER) joins me in thanking the members of the Post Office and Civil Service for their support and assistance in scheduling this legislation.

Mr. Speaker, I again thank the gentleman from New Jersey for yielding.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 383

Whereas in 1883 Charles Crittenton of New York opened his first rescue mission to reverse society's punitive attitude toward outcast young women;

Whereas in 1898 the National Florence Crittenton Mission was the first of its kind to be chartered by Congress;

Whereas the Florence Crittenton Mission has achieved remarkable success, in the words of the original congressional charter, in aiding young women to "seek reformation of character . . . (and) to reach positions of honorable self-support";

Whereas the Florence Crittenton Mission has achieved distinction in providing a wide range of services, from residential care to

career counseling, for troubled young women; and

Whereas the Florence Crittenton Mission has grown to a network of 39 agencies in 26 States, serving thousands of young women: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning November 6, 1983, is designated as "Florence Crittenton Mission Week". The President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mrs. HALL of Indiana. Mr. Speaker, as you are aware, the Florence Crittenton Mission has achieved remarkable success in aiding young women to "seek reformation of character and to reach postions of honorable self-support." The Florence Crittenton Mission has achieved distinction in providing a wide range of services, from residential care to career counseling for troubled young women.

Mr. Speaker, I urge the adoption of this resolution which designates the week beginning November 6 through November 12, 1983, as Florence Crittenton Mission Week.

● Mr. DANNEMEYER. Mr. Speaker, I rise in support of my resolution, House Joint Resolution 383, which designates the week of November 6, 1983, as Florence Crittenton Mission Week.

May I first thank my 228 colleagues who have kindly cosponsored this resolution. I especially note the support of our distinguished minority and majority leaders and members of the House Post Office and Civil Service Committee.

This resolution recognizes 100 years of outstanding public service by the Florence Crittenton organization. In 1883, Charles Nelson Crittenton of New York opened his first rescue mission, which offered a new start for girls in difficulty with family, the law, pregnant out-of-wedlock, or alone with child. This service grew out of Mr. Crittenton's despair over the death of his 5-year old daughter, Florence, after whom the organization is named. This despair became a drive to help the outcast and less fortunate young girls than his Florence who grew up in a wealthy family. In the next 15 years, Crittenton expanded his New York agency to the west coast. Homes are now found in 15 States. In 1898, President McKinley signed the Mission's charter. In 1903, Congress acted to incorporate the Florence Crittenton Mission in perpetuity. On Tuesday, November 8, 1983, a recognition dinner is planned in New Orleans. The 39 nationwide Crittenton agencies express their deep appreciation to the Congress for this proclamation.

President Reagan has also sent a congratulatory message to the dinner gathering which notes "that your tradition of service has been maintained largely through voluntary donations of talent and financial support (that) strengthens one of our most important American traditions."

"Crittenton" has become synonymous with compassion, not condemnation, for young women with pregnancy problems or with emotional, social disorders. Crittenton agencies offer a continuum of services which include pregnancy care, after pregnancy care, and single parent counseling. Also provided is a temporary home that includes career counseling. May the Florence Crittenton Mission continue another 100 years.●

The joint resolution 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.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 4052, DISASTER ASSISTANCE TO AGRICULTURAL PRODUCERS AND RANCHERS

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Friday, November 4, 1983, to file its report on the bill H.R. 4052, to provide disaster assistance to agricultural producers and ranchers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3498

Mr. DYSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3498.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Maryland?

There was no objection.

GRENADA

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

Mr. BONIOR of Michigan. Mr. Speaker, for some time, I, and many of my colleagues, have been warning of the ideological blinders and military bent of U.S. foreign policy. This has been especially evident in Central America, where our mounting military aid to El Salvador and Honduras is evident, and our not so secret war against Nicaragua have escalated conflicts and undermined the prospects for negotiations; where our support, in the name of anti-Communism, for regimes that ruthlessly suppress their own citizens makes a mockery of our commitment to democracy, and drives those who seek a measure of self-determination into a bitter anti-Americanism. Recent events, however, have convinced me that the danger inherent in this administration's foreign policy extends far beyond the imminent prospects of regional war.

With the invasion of Grenada, the administration has confirmed to all the world that ours is a foreign policy that places military action ahead of diplomacy, values the pursuit of raw power above the respect for international law, and will stop at little, including the censorship of our own press, to enforce its views of the ideological war between East and West. What I fear most from this foreign policy is that the administration has shown the capacity to remake the world in its own image. If the administration insists on drawing a simplistic line between East and West, between us and them, and backing that vision with military force, then we indeed may face a world that is divided on just those lines.

□ 1240

For these reasons, I rise to condemn the invasion of Grenada. I know it is popular today in this country, but I suspect over a period of time that popularity will be eroded when the American people become aware of the facts that have taken place this past week.

This invasion as unequivocably outside the acceptable standards of international behavior and law. It violated the prohibitions against intervention in the internal affairs of other states found in the Charters of the United Nations and the Organization of American States, and in the Rio Treaty.

The administration cited as legal justification for the invasion a little known treaty of the Organization of East Caribbean States, which was signed by seven nations—the United States was not among them—in June of 1981. It was at the request of some of these nations that the United States acted in what the President has called "a military operation to restore order and democracy in the region." Yet, this treaty only provides for a collective response to defend a member country from outside attack. Nowhere does the treaty call for preemptive measures, by a nation outside the

region, to reorganize the internal politics of a sovereign nation.

The State Department argues that the request by some members of the OECS made the invasion "a regional security measure" and thus exempted it from the U.N. prohibition against intervention. Yet, the treaty of the OECS, itself, was never properly registered with the United Nations and was virtually unknown to experts in international law. Indeed, its invocation calls to mind the system of secret treaties among nations that led to World War I, and whose tragic consequences this entire century's efforts at international institution building have tried to prevent.

Wiser heads in the Caribbean, the members of the Caribbean Common Market (Caricom) refused to endorse military intervention in Grenada. Many of these states felt that an invasion would violate a primary purpose of the Caribbean Common Market charter which is "to prevent all external intervention," particularly from countries, such as the United States, outside the region. Not only did the administration fail to obtain the approval of the OAS but a majority of its member nations denounced the invasion, including such staunch U.S. allies as Brazil, Venezula, Panama, Mexico, and the Dominican Republic. Even Chile opposed the invasion. Throughout the world, allies have criticized the U.S. invasion. Britain refused to participate in the invasion force, and was affronted by our military intervention in a Commonwealth country. Country after country has expressed concern that the United States acted outside of international law.

How is the administration's argument for this invasion any more convincing than the hollow justifications the world has been served for such actions as the Soviet invasion of Czechoslovakia or Afghanistan? In each case, the Soviets, too, have found factions or allies who will request urgent assistance to come to their defense in the interest of peace and security.

It is not in the interest of the United States or of the Western World to imitate this cold-blooded calculus of power politics. Nor is it in our interest to undermine the integrity of the very international system of law and order that is the only protection for this planet in a nuclear age.

The administration first cited the necessity to protect American lives as reason for undertaking a military mission on Grenada. Yet, it has failed to provide convincing evidence that our own citizens' lives were in danger or that their evacuation could not have been carried out by diplomatic means.

We now know that both Cuba and Grenada sent urgent messages to the United States saying that U.S. citizens were safe. We now know that the airport was open and that several Americans had flown from the island the day before the invasion. The vice-chancellor of the medical school, who was on the island throughout the invasion, has declared that "from the point of view of saving our students, the invasion was unnecessary." Canada and other nations had made arrangements to remove their citizens from the island, arrangements that were disrupted not by the island's government, but by the U.S. invasion.

Although we all rejoice that U.S. civilians have returned from Grenada safely, and admire the courage of our troops who carried out this operation, enduring questions remain about whether this combat was necessary, whether the military casualties were a price we had to pay, and whether we did not in fact endanger Americans—both civilians and military—by choosing to invade rather than to make use of diplomatic channels.

Mr. Speaker, this Nation, this House, and this Member are not blind to the continuing threat posed by Cuba or to the need for this country to develop a forceful response. Yet legitimate concerns about Cuba are no excuse for the use of Cuba as an excuse for any action, nor do those concerns allow this country to avoid the hard work of determining first the actual facts in each circumstance and insuring that our action actually serves our Nation's interests.

We are left with a constantly shifting rationale from the administration. We are told, in the end, the invasion was justified to avoid a Cuban takeover of the island, to prevent its use as a launching pad for the export of international terrorism, and to restore democracy.

Yet, what confidence can we have of the administration's contentions of the Cuban threat? First, we were told that there were 500 to 600 Cubans on the island. Later, we were told that the number totaled 1,000 to 1,100. Now, the administration has revised its estimates back to 800, the number that Havana had indicated were present all along. Certainly, the presence of large numbers of Cubans on the island would pose grave concern to this country. But does it represent a threat to our security? To the security of Grenada's neighbors? Or to the security of Grenadians themselves, whose former government had invited them to the island? One thing does seem clear: the administration's intelligence on the matter is either sorely lacking or is purposely being distorted to fit its prior notions of a Cuban threat.

The same confusion arises when we look more closely at the evidence of Cuban and Soviet weapons on the island. Originally we were told, and the administration showed on TV, warehouses with "weapons and ammunition stacked to the ceiling" to arm revolutionaries throughout the hemisphere. But when reporters were allowed to inspect these warehouses, it was discovered that three of the six warehouses contained no weapons at all; none of the warehouses was more than half full; and only a fraction of the weapons were post-World War II vintage. Many dated from as far back as the 19th century and would be of little use in modern warfare. The presence of large numbers of weapons is certainly disturbing, the administration's exaggeration of their weight, however, undermines our confidence in its assessment of the dangers.

Proof of the Soviet-Cuban threat we are now told lies in the discovery of "secret" documents which the administration will release when they are cataloged and cleared for publication. Unfortunately, this promise of proof sounds suspiciously like the infamous white papers that have emanated from the administration at various critical moments in the past few years, and which have been regularly refuted as "misleading" and "overembelished", according to such sources as the Wall Street Journal. Although documents will, at first, seem to be impressive, I think we will be forced to conclude again, as a staff report for the House Select Committee on Intelligence concluded over a year ago that this administration had a tendency to use intelligence data more for ammunition than for illumination, more to reinforce their previous contentions, than to inform responsible policy analysis.

No one contests the great courage of our fine marines and pilots. The bombing, clearly, is not their fault. The fundamental issue raised is rather why our intelligence was so poor that our pilots were not given precise military targets, or at a minimum, the precise location of clearly civilian installations such as a hospital.

And what of the proper uses of our intelligence apparatus? We are told that the military operation took longer than was predicted because our troops met unexpectedly strong resistance. Why was such resistance unexpected? And why were our troops guided merely by tourist maps when they landed on the island? Why did our own military learn of the destruction of a mental hospital by U.S. bombing killing as many as 47 Grenadian civilians, only after foreign journalists uncovered the sight?

Because of the cloak of secrecy surrounding this invasion, the American people must maintain a critical stance toward our own Government's action and we must continue to ask why the administration chose to reveal what it did, what is it hiding and why is it hiding?

During the invasion, the administration placed severe restrictions on reporting from Grenada and blatantly

tried to orchestrate the news. Reporters were barred completely from the island for the first 2 days of the invasion. The reporters who were on the island at the time were picked up and transported off the island. The third day, just prior to the President's speech, only 15 reporters were allowed on Grenada. They were accompanied by a military escort, and were allowed to stay for only a few hours. The first television coverage of the event consisted of tapes supplied by the Pentagon, not of the fighting, but of the arms caches found on the island. These pictures buttressed the President's speech but did little to inform the American people of the real situation on the island.

By Saturday, a full 5 days after the invasion began, reporters were still restricted in their access to Grenada. Throughout this time, the release of public information remained in the hands of the military, rather than the White House or civilian policymakers in the Defense Department. Only after Congress passed a resolution calling for an end to media restrictions did the administration open the island to reporters.

Neither the exigencies of national security or the safety of the reporters themselves can justify this effort to keep the public in the dark during the invasion of Grenada. Risking their lives in volatile situations is part of the job of a war correspondent. The public's right to know, especially when we have committed thousands of troops to a foreign land, is a fundamental premise of our own democracy and can only be guaranteed by an independent press.

What will come next? How will we carryout our intentions to restore democracy to Grenada? Will the administration tolerate a democratically elected government that is not to its liking on Grenada? Adm. Wesley L. McDonald, commander in chief of the U.S. Atlantic Fleet, told reporters that before U.S. troops leave "we have to identify the people who are hardliners." He said, "The identification process is going to be one that's very difficult for us to continue to pursue because we cannot afford the withdrawal of all forces and allow an insurgency government to reappear." Already we have heard news reports of the rounding up of Grenadian citizens. Will this take weeks, months, or even years of U.S. occupation, and will the United States now dictate the political participants and institutions of Grenada?

A quick withdrawal of U.S. troops is now promised. But will some U.S. troops remain on the island as part of an increasing U.S. military buildup in Central America and in the Caribbean? Will they become part of the thousands of troops we now have stationed in Honduras and off the coast of Nicaragua?

Is the invasion of Grenada an isolated case, or a precedent? Will we soon see the invocation of the recently revived Central American Defense Community (Condeca)—including Guatemala, Honduras, and El Salvador—to justify the use of U.S. troops in an already raging war against Nicaragua? Or will we soon hear calls for more direct military involvement in the conflict in El Salvador?

How will we allay the fears of the people throughout the world who wonder if we are governed by an administration that is "trigger happy" and inept or uninterested in diplomatic solutions? How can we calm our European allies who we expect to have enough confidence in our judgment to accept our intermediate range nuclear missiles on their own soil in the next few months?

We live in a complex world, with a myriad of regional, ethnic, and ideological conflicts, and with many delicate diplomatic possibilities. There are important lessons to be drawn from U.S. handling of the situation in Grenada, not just in the last few days, but in the past few years. When the relatively moderate leftist, albeit Marxist, government of Maurice Bishop sought closer ties to the United States, it was snubbed; in fact, made into a target for the administration's anti-Ccommunist rhetoric. This rigid mentality, that ignored diplomatic opportunities, and insisted on viewing the world through a distorted East-West prism, helped to make this vision of Grenada a self-fulfilling prophecy. It magnified the importance of Grenada's ties to Cuba, and possibly contributed to last month's bloody coup.

By denying Grenada the option of friendly relations with the United States, the administration limited its own options in the region and enhanced the prospects of military engagement.

In the wake of the Grenadian invasion, how many of our allies and potential allies will conclude, as Robert Kaiser recently wrote in the Washington Post: "The U.S. has a myopic, ideological foreign policy that really isn't a policy at all, but a collection of maneuvers produced by prejudice and instinct." This type of policy is itself dividing the world into hostile camps of East and West. And it is propelling us closer to the day when our only options throughout the world will be military ones.

GOOD NEWS ON UNEMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LUNGREN) is recognized for 60 minutes.

Mr. LUNGREN. Mr. Speaker, today, American workers received more positive news on the job market in October. The civilian unemployment rate dropped from 9.3 percent in September to 8.8 percent in October. This is one of the largest drops in the rate of unemployment ever recorded. This one-half of 1 percent drop equals the same margin that we had in July of this year.

Outside of those 2 months, we have not had a similar sized drop in unemployment during any 1-month period since 1969.

Since the end of last year, the unemployment rate has declined 2 full percentage points, and the number of unemployed workers has fallen about 2.1 million. Furthermore, the rate of black unemployment fell almost 1 percentage point in October, and this follows the 1 percentage point decline in the black unemployment rate in September.

In October, total non-agricultural payroll employment rose 320,000, to a level of 91.1 million. Since the beginning of this year, about 2.8 million new jobs have been created, according to the household survey when it is seasonally adjusted. However, when it is not seasonally adjusted, we have about 5.4 million new jobs created this year. In other words, those are actual people in job positions who were not in those positions in December of last year.

This robust increase in job creation shows undoubtedly that America is going back to work. The sizable and broadly based 1.5-percent increase in industrial production during September, along with the 1 percentage point rise in capacity utilization ot 78.1 percent, also show continued economic strength.

The increases in factory output and usage should translate into a higher demand for labor in the months ahead.

As many of us have said before, and I think we should repeat, our current economic policies have unemployment on the run and this decline in the unemployment rate is nothing short of spectacular.

Mr. Speaker, it appears to me that we ought to take some time to look at these figures, because it also appears to me that they got but a passing glance, if any glance at all, on the House floor today. I just contrast that with what would have been the case today had the unemployment rate gone up 2 percent since December of last year, rather than going down by 2 percent. I suggest that this Chamber would have been filled with many Members decrying the fact that the economic policies of this administration had brought us to a situation where unemployment was ever on the

move and that economic stagnation was here to stay.

Instead, we have moved in the opposite direction. The economy appears to be moving forward ever aggressively, moving forward at an accelerating rate far beyond what most economists predicted at the beginning of the year, far beyond what this administration had predicted at the beginning of the year and, in fact, outstripping even more current projections both within and without this administration.

□ 1300

There is no doubt that this is good news for America, and we ought to talk about it when we have good news instead of merely decrying bad news.

When we had our hearing of the Joint Economic Committee this morning and had appear before us, Janet Norwood, who is the Commissioner for the Bureau of Labor Statistics, I asked her when we ever had had a comparable drop in unemployment over a similar period of time in past history. She told me, as she looked through her figures, that she could not find any. At first, she said it was pretty far back, and then she suggested that perhaps we had never had it before.

So at the very least, the answer suggests that we have not had this great an improvement in the unemployment statistics in recent memory, and perhaps it is an all-time historical high.

Now, we ought to be shouting that from the rooftops, Mr. Speaker. I think when we have good news, we owe it to the American people to give them that good news. As I say, this testimony was received by the Joint Economic Committee this morning. This committee is considered to be the Economic Advisory Committee of the Congress and, as a result, has access to up-to-date, comprehensive economic analyses and statistics. One of the most important functions the committee serves is to hold employment hearings each month shortly after the unemployment and employment data are released. During those sessions, we are privileged that Commissioner Janet Norwood appears on the first Friday of each month to provide us with an in-depth analysis of the trends and interpretations of what the data means.

This morning, we received the information for October, and in her testimony to the committee, Commissioner Norwood, in interpreting this information, presented some extremely positive facts and good news. She indicated that her "interpretation of the data is that the drop in unemployment in October was accompanied by a real increase in employment. The labor market," she said, "remains on a strong upward course."

The reason I bring this out, Mr. Speaker, is that, as anyone who has studied this knows, the fact that we have a drop in unemployment in the statistics does not always mean we had an increase in employment during the same period of time. We have the phenomenon in this country—and it is probably true for virtually all labor markets—that when the economy is not doing well, this happens: When we go in the trough of a recession, we have what is known as the phenomenon of the discouraged workers, those people who are so discouraged that they no longer look for work. Oftentimes, the unemployment rate may drop merely because we have an increase in discouraged workers; they are no longer looking for work. Therefore, they are no longer officially part of the labor force, and they no longer count in the unemployment statistics.

But she has looked at the figures in total, and she has suggested that in fact we had a real increase in employment.

Because of the importance of the employment situation in the United States, I wanted to take a few moments to share some of the data with my colleagues. I particularly prefer to do this because I believe that Congress is too often reactive in the jobs legislation that it considers. For instance, just this week, we had the misnamed—misnamed in my judgment—domestic content legislation considered. I would rather refer to it as the "domestic discontent" bill. This bill was brought forward and passed on this floor because proponents argued that it is necessary to preserve U.S. jobs.

As we learned this morning in the committee hearing, Mr. Speaker, the employment data is very positive, not only for this month but for 11 months consecutively. We have had 11 months in a row now where the unemployment rate has dropped or remained unchanged. This is extremely important because oftentimes, as we go through a recovery, what occurs is that workers who were discouraged, taking note of the advances in the economy, become encouraged, and, rather than drop out, they drop in; they start looking for work. They, therefore, are calculated in the unemployment statistics.

So it is not unusual during the period of a recovery, particularly in the early stages of a recovery, for the unemployment rate to drop, then to stop, and then sometimes to go back up. We have not seen that. That is an indication that this is a recovery that is very strong indeed. Since it has lasted for 11 months, it is proof that the entire economic recovery is long lasting.

As I suggested, for the month of October, the unemployment rate dropped by a full one-half percent, from 9.3 percent to 8.8 percent, and that is what is known as the civilian rate, the rate that we calculate not considering those who are in service in our Armed Forces.

More important, however, is the fact that in these 11 months, the unemployment rate, as I suggested, has dropped 2 full percentage points. This is unprecedented news and something that we ought to take into consideration when we make decisions with respect to employment programs here on the floor of the House. The data shows that the unemployment rate has dropped faster since the beginning of the current recovery than it has in any of the six economic recoveries during the postwar period.

The economic recovery has created millions of jobs to date for Americans. As I suggested, over 5.4 million Americans are now working, and that is nonseasonally adjusted. Seasonally adjusted, as I said, it was 2.85 million. Significantly, the number of unemployed workers has fallen during that period by about 2.1 million.

The most amazing thing about all this, I would suggest, Mr. Speaker, is that these jobs have been created in the private sector during a time when Congress was debating various pieces of major jobs legislation. That is important because the American taxpayer was not required to pay for these. In fact, it is evident that the President's idea that the way to get people back to work is to get a vigorous economy going in the private sector is working. As they say, the proof is in the pudding, Mr. Speaker. We have seen that occur. At present, we have somewhere around 102 million Americans at work. That, averaged with the last month, is at an historical high, Mr. Speaker.

So when we have the difficulties that we do with unemployment—and I would not for 1 minute minimize the impact of unemployment on one American—I would say that as we discuss the issue seriously, we ought to discuss the other side, and that is what is happening in the economy to create jobs. What are the forces moving out there that will create the greatest number of jobs? And if, in fact, we have had a period of time in which jobs have been created, what economic conditions did we, in the Congress, and those in the administration, help create that allowed for an atmosphere during which time such job creation could go forward?

That is important because, as we have various things presented to us, it seems to me that we ought to take an assessment of where we are and where we were when we decide how we are going to go where we want to go in the future. Oftentimes, we just take a particular bill and discuss it in a vacuum or in half a context and do not have a full appreciation for both the up side and the down side of an economic situation. I suspect that that is one of the things that we have done in this House recently.

I would suggest that in the "domestic discontent" bill that we dealt with this last week, we failed to take into consideration some facts that were given to us by the CBO where the CBO suggested that the domestic content legislation would in fact cause a net loss of about 67,000 jobs.

□ 1310

That is bad news for Americans. That is a specific Government action taken by this House in which we have ignored an analysis done by the Congressional Budget Office to suggest that we will lose 67,000 jobs in our economy. It is not often that we can show that we have such direct action on the economy in either direction.

Therefore, Mr. Speaker, I would conclude merely by saying that we have to move forward in the economy with the creation of more jobs.

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

Mr. LUNGREN. I am happy to yield.

Mr. GEKAS. Mr. Speaker, I have been listening very carefully to the good news that the gentleman has been propounding for the record and, of course, I join him in his feeling good about it.

Is it not so, and I have been thinking as the gentleman has been saying it, that as more people become employed that, of course, they are contributing new revenues to our Treasury; is that not correct?

Mr. LUNGREN. That is true, and the deficit will therefore drop as a result of a drop in the unemployment rate, some have suggested by as much as $20 billion per percentage point.

Mr. GEKAS. That is exactly the point. Wrapped up in the good news is that we are on a track that will provide a lasting rise in the economy, a stable economy, a working economy, not likely to be subjected to the ravages of the kind of recession which we now successfully have defeated.

I thank the gentleman.

MOTION TO ADJOURN

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LUNGREN).

The question was taken, and on a division (demanded by Mr. LUNGREN) there were—ayes 3; noes 1.

Mr. GONZALEZ. Mr. Speaker, I object to the vote on the gound that a quorum is not present.

The SPEAKER pro tempore. The Chair would advise the gentleman from Texas that he cannot do that on an affirmative vote to adjourn, only on a negative vote.

Mr. GONZALEZ. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. The gentleman cannot get a recorded vote in the House based on the number now present.

Does the gentleman ask for the yeas and nays?

Mr. GONZALEZ. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Those in favor of taking this vote by the yeas and nays will stand.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GONZALEZ. Mr. Speaker, it certainly is not my intention to inconvenience Members who on the assurances that there would be no recorded votes have left the premises.

On the other hand, I think that the gentleman offering the motion to adjourn has acted quite unjustly and capriciously in depriving those of us who have arranged for special orders to be heard, once the gentleman has had his privilege of being heard.

I would like to ask the gentleman from California if he could withhold that motion to adjourn, if such a request is in order.

The SPEAKER pro tempore. Without objection, the gentleman from Texas may pursue an inquiry.

There was no objection.

Mr. LUNGREN. Mr. Speaker, the gentleman must understand that what I have done is not directed personally at the gentleman. What we have done is in response to the lack of comity that was displayed on the part of the majority with respect to the minority in dealing with the rule in which the courtesy was not even extended to this side to grant them the opportunity to look at the rule, and where a whole bunch of things are being done right now without the participation by the minority.

The point is that unless we adjourn at this time, they will be allowed to carry out that disregard for the rights of the minority.

I am sorry that the gentleman has been inconvenienced. It was not my intent to inconvenience the gentleman. I am only saying this by way of explanation as to what has occurred with respect to the lack of respect and the lack of comity exhibited by the majority leadership today toward the minority.

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

Mr. LUNGREN. The gentleman has the time.

Mr. GONZALEZ. Mr. Speaker, let me point out to the gentleman that I think here it is not an inconvenience. It is an injustice and it is a deprivation. The very thing that the gentleman is condemning he is practicing. The gentleman is alleging that the majority has deprived the minority.

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

Mr. GONZALEZ. Certainly.

Mr. LUNGREN. The fact of the matter is that we are organized in the majority and the minority here.

Mr. GONZALEZ. That is right.

Mr. LUNGREN. When the majority leadership decides they will not even show the least courtesy to the minority here, we have to use the rules that are available to us. There are very few rules available to us any more because of the change in rules we had.

Mr. Speaker, I insist on my motion.

The SPEAKER pro tempore. Does the gentleman from Texas insist on his demand for the yeas and nays?

Mr. GONZALEZ. I do, Mr. Speaker.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 99, nays 120, answered "present" 1, not voting 213, as follows:

[Roll No. 456]

YEAS—99

Anthony	Gradison	Morrison (WA)
Archer	Gramm	Myers
Bartlett	Green	Nielson
Bateman	Hall, Sam	Petri
Bereuter	Hammerschmidt	Porter
Bethune	Hopkins	Rahall
Bilirakis	Horton	Ray
Boehlert	Huckaby	Regula
Brown (CO)	Hughes	Rogers
Broyhill	Hunter	Roth
Campbell	Hyde	Roukema
Carney	Jeffords	Schaefer
Chandler	Johnson	Scheuer
Chappie	Kasich	Schneider
Coats	Lagomarsino	Shaw
Coleman (MO)	Leach	Smith (NE)
Conte	Lent	Smith (NJ)
Corcoran	Lewis (CA)	Smith, Robert
Coughlin	Livingston	Snowe
Courter	Loeffler	Solomon
Crane, Philip	Lowery (CA)	Tauke
Daniel	Lujan	Taylor
DeWine	Lungren	Vander Jagt
Dreier	Madigan	Vucanovich
Edwards (CA)	Marlenee	Walker
Edwards (OK)	McCandless	Weber
Emerson	McCollum	Whitten
English	McEwen	Winn
Evans (IA)	McKernan	Wolf
Fiedler	Miller (OH)	Wortley
Frenzel	Montgomery	Wylie
Gekas	Moore	Young (AK)
Gingrich	Moorhead	Zschau

NAYS—120

Anderson	Dowdy	Ireland
Annunzio	Dyson	Jacobs
Aspin	Eckart	Jones (OK)
AuCoin	Erdreich	Kastenmeier
Bedell	Fascell	Kildee
Bellenson	Fazio	Kramer
Bennett	Florio	LaFalce
Bevill	Foglietta	Lantos
Bonior	Frank	Leath
Bosco	Gejdenson	Lehman (CA)
Brooks	Gibbons	Levin
Bryant	Glickman	Levine
Burton (CA)	Gonzalez	Long (LA)
Byron	Gray	Luken
Carr	Guarini	Markey
Coleman (TX)	Hall (OH)	McCloskey
Collins	Harkin	McCurdy
Cooper	Hawkins	McNulty
Coyne	Hefner	Mica
Dixon	Heftel	Mikulski
Donnelly	Hertel	Miller (CA)
Dorgan	Hubbard	Mineta

Mitchell	Ratchford	Staggers
Mollohan	Reid	Stark
Moody	Richardson	Swift
Natcher	Rodino	Tauzin
Neal	Roemer	Thomas (GA)
Nelson	Rowland	Torricelli
Nowak	Roybal	Towns
Oberstar	Sabo	Traxler
Obey	Schumer	Vandergriff
Ottinger	Seiberling	Volkmer
Owens	Shannon	Walgren
Patman	Sharp	Watkins
Pease	Shelby	Weaver
Penny	Sikorski	Weiss
Pepper	Sisisky	Wheat
Perkins	Slattery	Wilson
Price	Spratt	Yates
Rangel	St Germain	Zablocki

ANSWERED "PRESENT"—1

Hoyer

NOT VOTING—213

Ackerman	Frost	Nichols
Addabbo	Fuqua	O'Brien
Akaka	Garcia	Oakar
Albosta	Gaydos	Olin
Alexander	Gephardt	Ortiz
Andrews (NC)	Gilman	Oxley
Andrews (TX)	Goodling	Packard
Applegate	Gore	Panetta
Badham	Gregg	Parris
Barnard	Gunderson	Pashayan
Barnes	Hall (IN)	Patterson
Bates	Hall, Ralph	Paul
Berman	Hamilton	Pickle
Biaggi	Hance	Pritchard
Bliley	Hansen (ID)	Pursell
Boggs	Hansen (UT)	Quillen
Boland	Harrison	Ridge
Boner	Hartnett	Rinaldo
Bonker	Hatcher	Ritter
Borski	Hayes	Roberts
Boucher	Hightower	Robinson
Boxer	Hiler	Roe
Breaux	Hillis	Rose
Britt	Holt	Rostenkowski
Broomfield	Howard	Rudd
Brown (CA)	Hutto	Russo
Burton (IN)	Jenkins	Savage
Carper	Jones (NC)	Sawyer
Chappell	Jones (TN)	Schroeder
Cheney	Kaptur	Schulze
Clarke	Kazen	Sensenbrenner
Clay	Kemp	Shumway
Clinger	Kennelly	Shuster
Coelho	Kindness	Siljander
Conable	Kogovsek	Simon
Conyers	Kolter	Skeen
Craig	Kostmayer	Skelton
Crane, Daniel	Latta	Smith (FL)
Crockett	Lehman (FL)	Smith (IA)
D'Amours	Leland	Smith, Denny
Dannemeyer	Levitas	Snyder
Daschle	Lewis (FL)	Solarz
Daub	Lipinski	Spence
Davis	Lloyd	Stangeland
de la Garza	Long (MD)	Stenholm
Dellums	Lott	Stokes
Derrick	Lowry (WA)	Stratton
Dickinson	Lundine	Studds
Dicks	Mack	Stump
Dingell	MacKay	Sundquist
Downey	Marriott	Synar
Duncan	Martin (IL)	Tallon
Durbin	Martin (NC)	Thomas (CA)
Dwyer	Martin (NY)	Torres
Dymally	Martinez	Udall
Early	Matsui	Valentine
Edgar	Mavroules	Vento
Edwards (AL)	Mazzoli	Waxman
Erlenborn	McCain	Whitehurst
Evans (IL)	McDade	Whitley
Feighan	McGrath	Whittaker
Ferraro	McHugh	Williams (MT)
Fields	McKinney	Williams (OH)
Fish	Michel	Wirth
Flippo	Minish	Wise
Foley	Moakley	Wolpe
Ford (MI)	Molinari	Wright
Ford (TN)	Morrison (CT)	Wyden
Forsythe	Mrazek	Yatron
Fowler	Murphy	Young (FL)
Franklin	Murtha	Young (MO)

□ 1330

Messrs. REID, THOMAS of Georgia, ANNUNZIO, SPRATT, BENNETT, OWENS, LUKEN, ZABLOCKI, and LAFALCE changed their votes from "yea" to "nay."

Messrs. ROTH, PETRI, MADIGAN, VANDER JAGT, and BROWN of Colorado changed their votes from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

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

● Mr. DAUB. Mr. Speaker, due to official business in my district, I was unable to record my votes on three recorded votes today. I wish the RECORD to show that, had I been present, I would have cast a "yes" vote on approval of the Journal, a "yes" vote on approval of House Resolution 355, and a "yes" vote on H.R. 2114.●

HIGH SPEED RAIL PASSENGER SYSTEM—A STEP IN THE RIGHT DIRECTION

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

● Mr. KOLTER. Mr. Speaker, yesterday I introduced a bill that would give congressional consent to the interstate high speed intercity rail passenger compact that is participated in by the States of Illinois, Indiana, Michigan, Ohio, and Pennsylvania. This interstate compact was set in motion several years ago but the Constitution requires congressional approval for any such interstate compact. This bill is introduced to do just that.

There are many precedents for State compacts, but there is only one other in the field of high speed rail. On June 30, 1983, the 97th Congress passed Public Law 97-213 enabling the States of Louisiana and Mississippi to form a rapid rail transit commission. The State of Alabama subsequently joined the compact.

I have been an advocate of high speed rail passenger service for years now. While a State representative, I was deeply involved in this issue and cosponsored the bill that formed the high speed rail commission in Pennsylvania. I have brought my interest in and advocacy of high speed rail passenger service with me to Washington and intend to continue to promote the development of high speed rail in Congress.

All of the States in the compact are rail intensive States that would undoubtedly receive numerous benefits from the development of high speed rail. This development can provide a catalyst for economic growth in the rail industry that can spinoff to other related industries, especially steel.

This economic growth in the five States in the compact would bring something we all desperately need and want—jobs. Thousands of new jobs would be created to construct and operate a high speed rail passenger service system.

The United States is one of the few industrialized countries that does not have some type of high speed rail passenger service. In fact, we are one of the few industrialized countries without an effective and efficient rail system of any kind. Only one-tenth of 1 percent of all passenger travel in this country is by train. I believe a high speed rail system would provide the inducements we need: speed, safety, comfort, and dependability for example, to get more people to travel by rail.

I am not trying to make the claim that a high speed rail passenger system will bring complete economic recovery to the five States in this compact, but it certainly is a small step in the right direction.●

MEMORIAL TRIBUTES TO BEN COHEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 30 minutes.

Mrs. BOGGS. Ben Cohen, the gentle giant of the New Deal, died on August 15. He was part of the inner circle of President Franklin Roosevelt's administration and a key member of the "brain trust" that made numerous historic contributions to the way the American people govern themselves and to the American legal system.

Ben helped to shape such landmark New Deal legislation as the Tennessee Valley Authority, the Federal Housing Administration, the Public Utilities Holding Company Act and the Wage and Hour Act, as well as the lend lease program during World War II. His dedication to President Roosevelt and his efforts to help mend and revitalize a severely depressed nation remain unparalleled by any other nonelected public official in our history. Because he served with unequivocal excellence in a time of tremendous despair, his greatness, brilliance, and loyalty will not be forgotten and his legacy will live on in the historic contributions he made during the New Deal and in the years that followed.

Last Monday, October 24, a memorial service was held here in the Nation's Capitol in order that his many friends and admirers could pay tribute to Ben. During the service three of his protegés and colleagues—David Gins-

burg, Paul A. Freund, and Joseph L. Rauh, Jr.—were joined by historian Arthur Schlesinger, Jr., in offering eulogies of Ben Cohen. These men are powerful thinkers in their own right. I would like to share their remembrances of a legendary man who helped to shape our past, our present, and our future.

David Ginsburg spoke of Ben's personal background, of his belief in the Zionist dream of a Jewish homeland, and of his efforts to make that dream a reality through the Balfour Declaration.

BENJAMIN V. COHEN

(By David Ginsburg)

The passing of an old and dear friend who has lived a full life is less an occasion for mourning than for remembrance.

Others will in due course recall Ben Cohen's role in the New Deal of FDR and the Fair Deal of Harry Truman; his remarkable contributions to law making and the law during the depression years; what he did to bolster our allies in Europe before we entered World War II; his work with Justice Byrnes during and immediately after World War II; his role at the Dumbarton Oaks Conference, at Bretton Woods, and in the establishment and work of the United Nations; his views about government, economics and politics, above all, his dogged, passionate efforts to find peaceful ways to settle international disputes, and to further arms control and disarmanent.

But for my part today, I've chosen to remember a few details, not well known, about Ben's origins and his early career. Long before he came to Washington in April 1933.

The elderly often recall the distant past far more clearly than they remember what happened a week or a month ago. This was certainly true of Ben during the last few years. Often at dinner or at lunch, or in his apartment at the end of a day, I would deliberately question Ben about how it had all begun, partly to engage him more fully and bring him alive and partly, I must confess, to avoid long disquisitions on the ineptitudes if not the iniquities of those in high places. I am also indebted to his nephew, Bernard Freund, who provided additional details.

Ben Cohen—Benjamin Victor Cohen—was born in Muncie, Indiana, on September 23, 1894, in the administration of Grover Cleveland. He died on August 15, 1983, in Washington, a few weeks before his 89th birthday. He is buried in Muncie.

Ben never married. Throughout his life he remained "Uncle Ben" to the children of his relatives and to the children of his friends, Julius Simon, Lou and Jane Harris, his beloved Tom Corcoran, Joe Rauh, myself, and many others.

Ben's father, Moses, and his mother, Sarah, immigrated to the United States from Poland, after our civil war and were married here. Ben attended public schools in Muncie, moved with his parents to Chicago in 1910 and completed high school there.

He took his bachelor and law degrees from the University of Chicago in 1914 and 1915, receiving the highest grades ever given by the law school. In 1916 he took his doctorate in Jurisprudence from harvard law school.

In Ben's apartment we found a few pages of reminiscences that he had written years ago. It was, Ben said, under the influence of Professor Frankfurter with whom he had studied at Harvard Law School, Judge Mack in New York, whose secretary he had become in his first year out of law school, and of Justice Brandeis "Whose passionate devotion to the Zionist cause could leave no one who knew him unaffected" that he became interested in the practical possibilities of building a homeland in Palestine for the Jews.

Following the armistice after World War I Ben tells us that Justice Brandeis and Judge Mack asked him to go to London to help the representatives of the American Zionists who were working with Dr. Weizmann and other Zionist leaders on the problems of Palestine and the peace. The Great Charter, the Balfour Declaration, had been published in November 1917. Ben remained in Europe for two years negotiating and drafting the League of Nations Mandate that made the declaration effective.

Ben was rarely impressed and never, I think, overawed by powerful men in high position. But when he writes of his first meeting with Dr. Weizmann in London early in 1918 it is plain that he was deeply moved. "It was", he said, "the deep impression which he made upon me that the cause for which he fought was the very essence of his being . . . I was talking not with a rarely gifted and talented individual, as he undoubtedly is, but with an individual who embodies singularly within himself the thoughts, feelings and experiences, the consistencies and inconsistencies and above all the hopes and aspirations regarding Palestine, of the people to whom his life, not by conscious choice but by inner necessity, is devoted".'

In his memoirs Dr. Weizmann speaks of Ben's "valuable assistance;" he was particularly grateful because Ben had stayed on in London after most of the other Americans had withdrawn from the work.

Julius Simon, a dear and long time friend of Ben's and one of the outstanding Zionist leaders of that period, says that "[W]hen the time came to draft the mandate in earnest, Cohen took over. In spite of his youth [Ben was then about 25 years old], he brought a mature judgment to a difficult problem, firmness in matters of substance, and a conciliatory attitude in form."

After his return to New York Ben concerned himself less with a political structure and more with the economic development of what was then Palestine. He was now a full fledged member of the Brandeis-Mack Group which soon attracted the interest and support of the leaders of American Jewry, Louis Marshall, Felix Warburg, Herbert Lehman, Nathan Straus and others. Together they founded what became the Palestine Economic Corporation (PEC) and it was the PEC that gave Ben his first lessons in banking, housing, industrial development, public works and utilities—lessons that he thereafter used throughout his life.

Years later Ben Gurion speaks of a paper he had prepared for FDR at the beginning of 1942. "It was", he said, "virtually the case for a Jewish State after the war . . . I was pleased to find Frankfurter entirely with me . . . not only did he make the arrangements for it to get to the President, but he himself went over every sentence and every word, as did another friend of ours and one of the President's advisers, Ben Cohen".

In the spring of 1965 I persuaded Ben to accompany me on one of my own trips to Israel. He spent a week there and, of course, met with Prime Minister Eshkol as well as with Mrs. Weizmann, Ben Gurion, Golda Meir, Moshe Sharett, Teddy Kollek and with friends whom he had not seen for a great many years. That 1965 trip was his first and only trip to the State of Israel.

* * * * *

The danger in isolating and emphasizing a fragment of a life is that taken our of context it may overshadow the whole. But now as I look back, Ben's beginning suddenly appears less as a fragment than as the seed from which the rest emerged.

He was born in our own Midwest into an immigrant East European Jewish family for whom the words persecution and pogrom must have had meaning. He was scholarly, tireless, gentle, ascetic, sustained by books, study and ideas. In a different age and place he might have become a teacher, a rabbi or a student of the book. The random spark that illuminated his life was a chance friendship with Felix Frankfurter through whom he came to know Weizmann, Brandeis, Mack and the others.

For him they made Zionism and the prospect of a homeland for the Jews a noble, lifelong commitment. But through them he also came to know the European and world scene, how history shapes the future, the proper uses of power and diplomacy, the role of law moral force, the crucial art of negotiation, the need for tenacity and optimism. It was, I think, this background and these lessons, that enabled this selfless gentle man to become one of the most effective public figures of his generation.

But none of this is personal to me. And on this day I owe Ben more than an impersonal statement about his origins and his early years.

Joe Rauh and I met Ben in 1935—we, too, are indebted to Felix Frankfurter. And for nearly a half century thereafter Ben was an integral part of our lives. He was our guide and counselor; he gave us solace and support when we needed it, opened new and fresh avenues of provocative thought when we were either too satisfied with our own or barren of new ideas that we needed. He shared our children, their problems and our homes; he taught us by example not to be jaundiced by experience and, by example only, gave meaning to loyalty, values and idealism.

At lunch the other day Joe and I spoke of Ben's death and how it had left an emptiness in our lives: no more long meals and sometimes tortuous talks with him; Mr. Deeds, his beloved Schnauzer, settled in a new home; the apartment locked; no more calls from Margaret Beck, his marvelous neighbor who had so long watched over him and cared for him; no one to warn us of the distant cloud that could engulf us; no one to explain what the Supreme Court had really done and why; no one to warn us, day after day, in ways that forced us to listen, of the risks of war, and the growing hunger for peace.

We shall all miss him, very much.

Paul Freund recalled Ben as a legal scholar, including his work with his indefatigable partner Tom Corcoran on the Public Utilities Holding Company Act, the most hotly fought piece of New Deal legislation and of his vision for peace through the establishment of the United Nations and through the rule of law.

BEN COHEN

(By Paul Freund)

No one of his generation was quite like Ben Cohen. Whether he knew it or not, he

was our mentor and our model. For a comparable figure, one must turn to the predecessor generation, to Louis Brandeis.

When I am asked by troubled students about the possibility of living greatly in the law, I point the question to these two exemplars, reversed in their own lifetimes. They were alike in so many ways—in the simplicity of their living, in their prophets' vision and prophetic zeal, their sagacity and resourcefulness, their extraordinary capacity to translate the ideals of the American past—indeed of Scripture itself—into the institutions of modern life.

These are large abstractions that hardly convey the temperament of the Ben we knew and remember: the sweetness of his nature, the depth of his caring, the purity of his purposes, the tenacity of his resolve. His eyes were mild and his smile was gentle, but his lips could be compressed into a thin line of unshakable determination. His voice was tremulous, not out of fear but from passionate intensity.

All these qualities—well as the Brandeisian philosophy—came into focus in Ben's heroic labors on the Public Utility Holding Company Act: the conception, the drafting, the shepherding of it through Congress and the courts. It was in the litigation stage of this saga that I worked most closely with Ben.

The philosophic essence of this law was the use of public power to bring fallible human enterprise into a compass where it could be managed intelligently and intelligibly by mortal minds—to make these giant, intricate structures understandable even to their own creators. This would be done by ending the geographic scatteration and financial complexity of many-layered holding companied, their compulsory integration and simplification of structure under the aegis of the Securities and Exchange Commission. Large public power would thus be exercised, but self-liquidating public power, in the interest of leaving private utilities in a healthier state, protecting investors and consumers, and saving management from its own excesses.

It was a nice illustration of Macaulay's dictum that to reform is to preserve. Predictably, it was attacked, as was the Securities Act of 1933, from both left and right: as a temporizing measure that missed the opportunity for governmental channeling of investment and operation of utilities, and as a lethal undermining of the private-enterprise system and, to boot, an unconstitutional federal intervention into matters reserved to the states.

The latter prong of the attack took several directions: harassing the Government with injunction suits all over the country, and concocting a friendly, cozy lawsuit in Baltimore, involving an insignificant holding company, where the Government was not represented as a party. Ben's counterstrategy prevailed: the Government disclaimed any enforcement measures against the numerous companies seeking injunction, and urged the Supreme Court not to review the Baltimore decision because it was not an adversary proceeding and a representative test case, against Electric Bond and Share Co., was progressing toward a decision in New York.

It was while I was working on the brief in the Bond and Share case, which had meanwhile reached the Supreme Court, that I had a visit from Tom Corcoran, who impressed on me the literal vital necessity in succeeding in that case; a loss, he said, would simply destroy Ben. A few days later, I had a visit from Ben. We must absolutely win the case, he said, a defeat would be devastating for Tom.

Ben shared in the oral argument in this great case, and his tactics were as successful as his strategy had been in making this the test case. By limiting the scope of the case to the registration provisions he made it easier for the Court to decide in the Government's favor, leaving the so-called death sentence, the simplification and integration provisions, to be litigated after experience and calmer judgment had a chance to put these in perspective. This too was a Brandeisian insight.

But these were some respects in which they differed. Brandeis, as a matter of principle, avoided serious work at night; too many mistakes of judgment, be believed, were caused by mental fatigue. Ben, on the other hand, recognized no such limitation. He was a pillar of fire by day, and a cloud of fire by night. I recall a late-night incident when I reported to Ben and Tom on a question of law that they had asked me to investigate. They had a male stenographer who was able to adjust to midnight service and who took dictation at the typewriter; there was no time for first drafts or transcribing shorthand. I was dictating, and came to the statutory citation: "30 Stat. 125," I said, "Is that the way you people cite the federal statutes?" "I don't know," the stenographer answered, "we con't cite 'em, we write 'em." I have often thought that this was a perfect description of creativity in the law, a motto for a future Nobel prize in jurisprudence.

Ben could have had a federal judgeship if he had been at all receptive. Here too he diverged from the example of Brandeis. I heard him say once that everyone ought to retire at fifty. That is not bad advice if you are a sage, to whom many searchers will come for light and leading. At all events, Ben gave powerful proof of the adage that in a democracy the most important office is that of citizen.

After the Second World War Ben's energies and his anxieties turned increasingly to world affairs. His contributions to the United Nations and to the State of Israel deserve to be known in all their fullness. In Israel he saw the promise of a model commonwealth, inspired and sustained by a common heritage and an age-long yearning: next year in Jerusalem. In the United Nations he saw the promise, still largely unfulfilled, of an international order based on reason and law. His tremulous voice spoke not only with passionate intensity but with a trembling faith (and who in good conscience can claim to have more) that a rule of law may replace the threat of mutual annihilation before some planet-enveloping catastrophe bring the world to its senses.

He said, in 1969, "While collective security cannot be secured in an armed world by unilateral disarmament, collective security cannot be built on arms alone. Competing power alliances may for a time deter armed conflict, but over a longer period they tend to create fears and antagonism which undermine security. Collective security must be linked with a rule of law."

We hear it said today that the voices of the 1930s or the 1950s are not relevant to the 80s and 90s—as if human nature changed with the decades, as if the great prophets and satirists and jurists had nothing to tell us, as if Jeremiah and Jonathan Swift and James Madison had nothing to say to us about sinful pride and the dilusions of power.

And so Ben Cohen still speaks to us, this most selfless of men, bidding us to see madness for what it is, however it may be draped in a cloak of respectability. If a trembling faith in secular salvation is to be justified, it will be through his rare and powerful and beautiful fusion of mastery of contemporary affairs and the breath of age-old wisdom.

Arthur Schlesinger, Jr., discussed Ben's influence on two generations of public affairs and of his hand in crafting public policy. He called him "one of the main portals through which ideas entered the New Deal."

BENJAMIN V. COHEN, SEPTEMBER 23, 1894–AUGUST 15, 1983

(By Arthur Schlesinger)

Ideas, as Keynes said in a famous passage, "are more powerful than is commonly supposed. Indeed the world is ruled by little else." Ben Cohen's career is splendid proof of this proposition. His half-century of influence was not the influence of a politician possessing a mass constituency or the influence of a publicist possessing a mass audience. It was the influence of a man possessing a brain; the influence of reason quietly and lucidly brought to bear on public policy—reason enlarged by those qualities of judgment, character, and vision that elevate intellect to wisdom.

His was an archetypal American story. The son of Polish Jews who had emigrated to America in the mid-19th century, born 89 years ago in Muncie, Indiana—the Middletown of Robert and Helen Lynd—educated in public schools in Muncie and Chicago, he evidently demonstrated exceptional intellectual gifts almost from the cradle. "At the early age of 4," his highschool yearbook jocularly informs us, "BEN VICTOR COHEN was discovered by his parents munching an algebra. They at once entered him in U. High, where he has continued to devour books becoming a prize student and a delight unto his teachers. We like Ben even if he does study."

He never stopped devouring books and ideas, and people never stopped liking him. He proceeded rapidly and brilliantly through the University of Chicago, college and law school, and then through the Harvard Law School. In his twenties he was in Paris working with Dr. Weizmann in developing the League of Nations Mandate for Palestine. It has never been altogether clear to me what he did in the decade after he returned to the United States in 1922. His "Who's Who" reference to "pvt. practice, N.Y.C., 1922-33" was something I never adequately explored with him, except to ascertain that he made enough money in the law and the stock market to subsidize his social idealism for the rest of his life, and that nothing happened in those boom years to impair that idealism.

When he came to Washington in 1933, he was a man coming into his own. "We were the lucky ones," he told the 1977 New Deal reunion. Indeed they were—lucky to live in a time of unmatched opportunity to reshape American institutions in the interests of equity and justice, lucky to take part in a great creative experience under great creative leadership. We have forgotten all too quickly the jerrybuilt structure of American capitalism suddenly revealed in the harsh light of the Great Depression. Ben Cohen was a realist who had no utopian illusions about the overnight tranformation of social institutions and values. But he was also an idealist who was persuaded that the system could be reformed to work in ways that

would not reward the greedy and corrupt and would not defraud the poor and powerless. More than that, he had the analytical power to master the intricacies of the complex financial and corporate structures through which the money-changers had worked their will.

Ben's initial contribution came in the field of legal craftsmanship. When the New Dealers rolled up their sleeves and set out to make America over, their instrument was law. But they differed among themselves in their approach to the making of statutes. Those who aspired in 1933 to establish mechanisms of central coordination in the economy tended to draft laws and thereafter to defend them in the courts as if they were conducting a crusade. Their legal strokes were broad, sweeping, and rhetorical. They supposed that the pressures of national need could be relied on to gain their work constitutional sanction.

Ben Cohen was just as ardent a New Dealer. But as a lawyer he considered it more important to make a statute stick than to promote a crusade. In drafting legislation, he wrote every clause with fastidious respect for technical precision, precedent, and continuity. When the time came for judicial testing, he was a master in the selection of test cases, the preparation of briefs and the strategy of argument—and all before a notably hostile judiciary. Where the laws of the First New Deal tended to perish before the courts because of hurried draftsmanship and emotional advocacy, the laws drafted by Ben Cohen and his associates were masterpieces of the lawyer's art; and they survived.

The National Recovery Act, for example, was on the whole a less complicated piece of legislation than the Holding Company Act. But the National Recovery Act was loosely drawn, and it was poorly argued before the Court. The Holding Company Act was drawn with exquisite care; its road to the Supreme Court was charted with utmost circumspection; and the law was upheld—by an altered Court, it is true, but even the Nine Old Men would have been hard put to find grounds on which to condemn it. That act has hardly required amendment to this day.

Legal craftsmanship is an exercise in process. Ben Cohen was equally committed to questions of substance. His mind was one of the main portals through which ideas entered the New Deal. His partnership with Tom Corcoran provided the means by which to translate ideas into policy. Tom not only loved and cherished Ben but had the swift intelligence to seize on Ben's insights and the talent for argument and intrigue to get Ben's points on the president's agenda. But it was more complicated than that. No one should underestimate Tom's substantive contributions or Ben's quiet skill at presentation and persuasion. What a memorable team they were!—Tom, aggressive, spirited, disrespectful, imperious; Ben, gentle, shy, scholarly, self-effacing, softly humorous, uttering penetrating words in sing-song voice. But Ben Cohen was also a proud man, sensitive and vulnerable; and he was a man of contained passion, profoundly committed to his vision of a just republic and a peaceful world. It is little wonder that the idea of the Corcoran-Cohen team—the alliterative partnership of an Irishman and a Jew—caught the popular fancy. They reminded Fortune of "those minor state counselors in Shakespearian comedies who serve the Duke, make astute comments, and are always perturbed at developments."

Never an ideologue, Ben saw public policy as the application of judgment, not of dogma. The differences between the Tugwellites and the Brandeisians always seemed to him more weighty in theory than in practice. Conciliatory by temperament, he deplored combat-for-combat's sake and sought always to find common ground among the brawling New Deal sects. He knew that politics in the end is the art of solving particular problems; and he never rested in the search for remedy. Though often sorely tried, he remained an optimist, always hopeful and constructive in this approach to vexed problems, always persuaded that reason and good will could bring agreement, always patient and resourceful in this quest for consensus, always alert to new conceptions and new ideas. He was one of the first New Dealers, for example, to recognize the powerful rationale that Keynes provided for spending policies already undertaken in Washington in response to urgent human need. When Roosevelt himself hesitated, Cohen was among the small group of insiders who successfully argued for the resumption of public spending after the recession of 1937. His last great exercise in draftsmanship on the domestic front was the Fair Labor Standards Act of 1938.

New problems awaited. Cohen was one of the first New Dealers to understand the meaning of Hitler. While others, like his old friend Jerome Frank, clung for a season to isolationism, Ben from and early point saw the security of the United States as dependent on the survival of Great Britain. In 1940, when Roosevelt doubted that he could send overage destroyers to Britain without the specific authorization of Congress, Ben argued that executive action would be legal in terms of existing legislation if a showing were made that the transfer would strengthen American defenses. Ben's brief solved the President's problem and provided the course eventually followed.

Ben was soon in London himself, working on lend-lease problems with Averell Harriman and John Winant. Then in 1942, when FDR summoned James F. Byrnes to become his right-hand man for war mobilization and economic stabilization, Byrnes summoned Ben to become his right-hand man. The Byrnes office—small, alert, incisive—was one of the administrative triumps of the war years. Ben also worked on State Department task forces concerned with postwar planning and especially on the creation of the United Nations. I think it is fair to say that, while he never lost interest in domestic policy, especially in the fields of racial justice and economic management, questions, of war and peace came unceasingly to dominate his concern.

When Byrnes was appointed secretary of state in 1945, he made Ben the department's counselor. I remember Harold Laski visiting Washington in 1946 and inveighing against American policy as excessively anti-Soviet. Someone asked him what particular American misdeeds he had in mind. Laski replied, "The speech Jimmy Byrnes gave at Stuttgart, for example," Ben spoke up, in the celebrated wavering, quavering voice that defied all imitations (except Ed Prichards's), "Well, Harold, as a matter of fact I wrote that speech"; and then explained brilliantly what its purpose had been.

But he was never a cold warrior. In a time when it was fashionable to regard the communist empire as an unbreakable monolith, Ben had the wisdom to foresee that even communist states must aspire to their own national independence. After Byrnes's resignation, the United Nations became Ben's special interest. As a regular member of the U.S. delegations to the General Assembly during the Truman years, he insisted on the importance of treating the representatives from eastern Europe "as if they were independent delegates"—an idea that shocked some at the time but did not seem so pointless in due course when Tito broke with Stalin.

In his UN years Ben worked closely with Mrs. Roosevelt on arms control, human rights and Third World issues—concerns that preoccupied him for the rest of his life. He recognized that the UN faced profound difficulties in an angrily divided world; but it still represented to him, as he said in the Oliver Wendell Holmes lectures at Harvard, "our last best hope of peace on earth." If that hope were to be fulfilled, he added, "there is no role for dogmatism and self-righteousness"—two qualities he never possessed himself, which is one reason why he remains a permanent influence in our lives.

The Eisenhower administration retired Ben from public life but not from public affairs. That small apartment on Massachusetts Avenue, cluttered with books and papers, became in the 1950s an intellectual arsenal for the liberals of Americans for Democratic Action and for liberal legislators on the Hill.

By the time John F. Kennedy arrived in the White House, Ben was the established sage to whom New Frontiersmen regularly applied for wisdom and consolation. If only we had always listened more carefully to what he told us! He was the first person I knew to warn about the perils of involvement in Vietnam. I will never forget a long luncheon in 1961 when he said to me with quiet intensity that we were embarked on a dangerous course. I thought he was unduly agitated. Five years later I understood how prophetic he was.

A school of thought arose in the 1960s dedicated to the thesis that intellectuals should have nothing to do with power except to oppose it. This was not Ben's view. In Max Weber's distinction, he believed in the ethic of responsibility rather than the ethic of ultimate ends. He liked to quote words that I imagine he himself contributed to FDR's last state-of-the-union address: "Perfectionism, no less than isolationism or imperialism or power politics, may obstruct the paths to international peace." His own example showed that it is quite possible to deal with realities without yielding convictions, quite possible to accept the compromises in program and action required by the democratic process without compromising in ideas and values. Modest, sensitive, forever generous of time and of heart, incorruptible and wise, a truly noble indeed saintly man, Ben Cohen stands as a model of the intellectual who spends a life in public affairs without betraying his conscience or violating his inner purity. He illuminated all our lives, and we shall miss him always.

And his friend, Joe Rauh, shared some of his personal reminiscences of his work with his mentor during the New Deal era and in the years after.

BENJAMIN V. COHEN

(By Joseph L. Rauh, Jr.)

My head tells me that everything has been said by Dave and Arthur and Paul with far greater eloquence than I can command—but my heart still asks to be heard on this wise and noble counselor whose friendship enriched us all.

In a life blessed with truly great teachers, Ben Cohen remains my mentor and role

model. I first met Ben in September, 1935, when I was assigned to assist him in the defense of the constitutionality of the Holding Company law which he had largely drafted. From press and radio reports, I expected to face a sharp-featured, fast-talking, brash, New York lawyer giving orders to a big staff a mile a minute. Instead, I found myself looking at a kindly, sensitive, generous, and quiet man who, right on the spot, tried to make me feel that he, not I, was the fortunate one in this budding relationship—despite the fact, of course, that, just out of law school, I was hardly, as the saying went in those days, dry behind the ears. I don't remember contributing anything much to Ben's litigation involving the Holding Company bill, but I do happily recall having a box seat at an incomparably brilliant legal performance as he crushed John W. Davis and the Wall Street legions.

Ben was the Deal's Jack-of-all-trades and things were quite hectic those days in his office in the Interior Department. Ben and his effervescent partner, Tommy Corcoran, had round-the-clock secretaries and everybody connected with them worked nights and weekends. We all thought we were saving the country and maybe, Ben at least, was.

Those were great evenings in Ben's office. Olie would bring her book and read on the couch (where, it has been irreverently suggested, our first-born was conceived). About the only time anybody could get out of the office was when Ben would go off to the late movie around the corner (falling asleep as the music played and the credits were being shown) and tell us the next morning how much he had enjoyed the show. It was the office joke that the best way to sleep with Ben was by going to the late show with him.

Ben was not my boss in any formal sense after the Holding Company litigation stint. But in a broader sense, I never stopped working for him. He treated me that way, too, and so did his secretaries. When he worked himself into quite a fit of temper one afternoon, one of the secretaries called to ask me to come right over and calm Ben down. With a little effort I extracted from Ben the fact that he had not had any breakfast on the plane that morning and the lunch they had gotten for him from the Interior snack bar consisted largely of a wet ham-salad sandwich. I tell this anecdote not to show that Ben had all the human temperamental foibles, but rather to point out that Ben was so much at peace with himself that he could relate this unhappy performance a few years later at the memorial service for the offending secretary.

I was summoned again the day after President Roosevelt sent his court-packing plan up to Congress in February, 1937, with the usual "Mr. Cohen's kicking the files again." Ben was outraged at the plan and wanted his disciples to know that he and Tom had had nothing to do with preparing it. Ben hated cant and deception in any form and he knew the reasons stated in Roosevelt's court-packing message were fraudulent. FDR's message contended that the Supreme Court was full of old men not able to do their work. But that was not why FDR wanted to add six new Justices. The existing Justices were able to do their work; they just were doing it wrong invalidating New Deal legislation right and left. Ben entered the fray and won the argument for openness and truth. Roosevelt altered his course, telling the American people the real reason behind the plan; in a speech, on which Ben collaborated, the President made clear that the New Deal legislation invalidated by the Court was needed for the welfare of the nation and needed now. One of Ben's most significant achievements was in getting the court-packing plan on the right track and the Supreme Court's remarkable switch thereafter was in substantial part atributable to this achievement.

Of course, I was summoned to Ben's office most often on one really important matter, namely, making sure he had a tennis game sometime near dawn or on weekends. Luckily, Julius Edelstein eased me out of my tennis role; Julius would get up every morning at six o'clock to play tennis with Ben. When Julius left town, I was scared that the chore would fall back my way. I'll always be grateful to the Warsaw Pact countries for dispatching a Rumanian Ambassador who would provide Ben with his daily tennis game and maybe, if the nation's leaders had seized the opportunity, a viable arms control agreement might have been forged on the tennis courts of the nation's capital.

Ben was not a religious man in any formal sense. As far as I know, he never belonged to this or any other temple during his five decades in Washington. Ben's religion was good works for Jews and good works for all. He believed in, and devoted his life to, improving the lot of his fellows. He was an eternal optimist on what could be done through affirmative government and remained that way till the day he died. Often Ben made this optimism come true by his own wisdom and his genius for persuasion. Millions of people who do not know his name and far more millions in unborn generations will be in boundless debt to him for helping build a welfare state for the maximum good of the maximum number.

Ben's happiest days were in Government service. He loved to draft and lobby for reform laws, always making compromises with opponents on page 3 and then putting back the most stringent of regulations on page 13. He considered checkmating Hitler's conquest of the world his personal war and the destroyer deal was only one of his many crusades to this end. His dedication to the public interest above all else was a New Deal beacon never extinguished. When Ben left the Government in the 1950s he could not bring himself to practice law for his talents were never for sale to the interests he had fought in his Government days. Above all else, Ben was the public interest's finest partner.

Ben inspired love and affection just as he radiated love and affection for others. The deep feelings in this hall this morning attest to this. So, too, does the endearment with which so many use the term "Uncle Ben" and the recollection we carry of Ben trudging along Mass. Avenue with his elderly and faithful dog. So, too, does the care he received in his last enfeebled months. A beautifully-spirited lady on the same floor in his apartment house, brought him his meals when he could no longer fend for himself. The manager and the engineer of the apartment house got up nights to care for him. Dave Ginsburg was Ben's son in the truest sense of the word. Because of all this selfless attention to Ben's needs, it cut deeply when the press used the word "neglect" in referring to his last days. Far from that, the beautiful outpouring of human spirit toward Ben protected him to the very end.

Ben understood and appreciated the affection he had inspired when he rejected the orders of his deeply-caring doctors to enter the hospital. I walked into his bedroom to plead with him to go. I told him that the people that had been caring for him couldn't carry that burden any longer. With a faint trace of a smile on his gaunt face, Ben whispered, "Oh, they will continue to take care of me. I am still smarter than you are." And, of course, he was and they would have continued to care for him if Ben hadn't been taken to the hospital by ambulance the next day.

It is difficult for all of us here today to say goodbye to Ben. For almost 50 years he was our teacher and our helpmate and his wisdom and nobility touched us all. I always used to wonder what Ben would think of anything I did or said and I never had to wait long to find out. Now I'll have to look up and wonder if Ben approves. It will not be easy without him.

Mr. Speaker, while few of us in public office can duplicate Ben Cohen's brilliance in influencing the course of Government and history, we should benefit from his example as a dedicated public servant. To Ben Cohen we owe our deepest appreciation for Ben Cohen was a good man.

Thank you.

□ 1340

WHERE ARE WE GOING?

Mr. GONZALEZ. Mr. Speaker, overwhelmed by this popular demand to be heard—

Mr. GIBBONS. Mr. Speaker, will the gentleman yield to me for a unanimous-consent request?

Mr. GONZALEZ. I would be delighted to yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the gentleman from Texas (Mr. GONZALEZ) may have 5 additional hours.

The SPEAKER pro tempore. The Chair cannot entertain that request.

Mr. GONZALEZ. Seriously speaking, this has drawn the biggest of audiences.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield to me?

Mr. GONZALEZ. I would be glad to yield to my distinguished colleague from Texas.

Mr. SAM B. HALL, JR. This is the most applause the gentleman (Mr. GONZALEZ) has gotten since he went out the back door of the Alamo; is that correct?

Mr. GONZALEZ. I will remind the gentleman that I had relatives on both sides. This is really no joking matter.

My great grandfather was the northern Mexico revolutionary against General Santana, fighting for the restoration of the suspended Constitution of 1824, which is what the men in the Alamo were fighting for, incidentally.

The flag over the Alamo was red, white, and green, with the numerals 1824 in the middle white portion. This is forgotten in history, but it is a fact.

So this is why I said, facetiously, that I had folks on both sides of that fight.

But, seriously speaking, I am overwhelmed by the presence here of the Members.

Unaccustomed as I am to special orders, now that I have the audience I must insist on proceeding.

But actually in fairness to all those Members who were inconvenienced, I know there are Members absent who would love to have been recorded but left with the assurances that the likelihood of a recorded vote was not there and that I was impelled to move, not so much because I wanted to be heard; after all, I have gotten up at very late hours and have spoken. I hope on those occasions, such as last night when I forewent the opportunity because of the lateness of the hour; but where a motion is interposed while I am present and the leadership is absent, and though I feel I am being victimized, I realize that the intentions were not meant to be personalized; nevertheless, the challenge then was raised on a matter that did have to do with the majority that is heading the affairs of this body, at this time, and their decisions in ordering the business of the House. I felt that, as reluctantly as I really felt, that it was necessary to interpose the request for a recorded vote.

It is the first time, incidentally, that I have done this in 22 years of service in this House.

I just simply have never been involved in that kind of intramural contest in the House.

So I hope that my colleagues here will fully understand and will not begrudge the fact that I felt impelled to move.

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

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

Mr. LUNGREN. Since the gentleman called the vote on a motion that I made, I want to make perfectly clear for the record that it was not my attempt to try to stifle the gentleman (Mr. GONZALEZ); it was not directed at him personally but rather out of consideration of the fact that Members on our side, including the minority leadership, felt that they had not been extended what they had the right to expect, the comity and the courtesy of knowing about the contours of a rule before it is voted in the Rules Committee, not being extended the courtesy of even knowing of the amendments that the rule will make in order with respect to the continuing resolution next week about which the gentleman from Massachusetts (Mr. CONTE) suggested may require us to be in session next week, Friday and Saturday.

It was because of that and because of the fact that the filing of that rule without due notice to this side could only take place if we remained in session that I was required to move us to adjourn.

I want the gentleman to understand it was not directed at him. I know how seriously he takes his special orders. I know how seriously he prepares for them.

It was not my intention in any way to direct my actions at the gentleman but just to say that when you are a member of the minority party, the only way you have to protect your rights is to work within the rules when, in fact, those rules are used against you in what you consider to be an unfair fashion.

I thank the gentleman for yielding.

Mr. GONZALEZ. I thank the gentleman and deeply appreciate his expressions. I had realized that it was not personal and the gentleman had assured me of that at the time we were engaged in the question of calling the vote.

I appreciate very much the fact that he does attribute equal valid motives to my use of this means of the forum as being very serious in nature and having no other purpose, other than to make the full use of the only thing that we, as Members, have.

A Member of the body, this great body, has only two real powers; one is to register his vote, and the other, his voice.

Since this is the one avenue that the House, from time immemorial, has provided a Member to express himself without the very strict limitations of time, I have from the beginning—not just since TV, a fact I am often reminded of, that we are covered by cable, by the messages that I receive in the office after a speech. But I would remind my colleagues that I had not been sworn in 1 week before I was advised by a very trusty veteran Member of the House at that time that, given a problem that arose immediately, that this was one way to address that problem and maximize whatever power, as a Member, one had.

The RECORD will show that I spoke on that one issue 22 times before the end of that session.

Since then, I have on occasion been impelled by what I consider to be overriding reasons, to speak and bring to the attention of my colleagues those issues that, though in some cases seem to be local in aspect, transcend the parochial and the local, and have a lot to do with our responsibilities on a national level, such as the assassination of a Federal judge, which simply is unprecedented. It has never happened in the history of our judiciary. I saw the effects it had on that third branch of the Government, the intimidation of our judiciary officers.

When I saw that time was going by and that case was being relegated to the dust of history, I felt compelled to speak, but only after I had made every possible effort to obtain the administration's concentrated effort in the case and had failed, that then I appealed, and it has been issues similar to that on which I have spoken.

□ 1350

Mr. Speaker, day before yesterday, the House passed the biggest single spending bill in all of this Nation's history, the $247 billion Defense appropriation. Agonized and doubted as I did the Bay of Tonkin resolution, I cast my vote with reluctance and sadness. Sadness, because the arms race has become faster and more irrational than ever. Reluctance, because I see our forces used foolishly and wastefully, needlessly exposed to combat, used in the place of statesmanship, used in more and more exposed positions. The budget provides for far more than any rational defense; it provides for warmaking capability. Naturally, because our defense policy assumes ab initio, and has for many years, that the military forces should be fully prepared and equipped to fight long, major wars far from our shores. But we fail to ask, "Where are we going?" We fail to examine the premises under which all these funds are granted. Living in a world of terror, we dare not provide too little for defense, but at the same time, we dare not provoke the ultimate fear that would lead to global catastrophe. And so we hold our doubts, vote the budgets, and pray that we are correct. But where are we going?

Half of our military forces are stationed abroad, in an ever-lengthening number of open-ended commitments. We have kept an Army division in Korea for decades—30 years. We have kept vast land and air forces in Europe for four decades. And now there are commitments to the Middle East—not just to Lebanon, but in the Sinai, in the region of the Persian Gulf, and at sea in the Mediterranean. Not only that, we have made vast new commitments in Central America, we are engaged in trying to sell armaments to China—the same China that our forces in Korea are defending against. The administration even proposed to build a secret force in Jordan, supposedly to act as an American proxy in future local Middle East conflicts. We are spending billions on an MX missile system that will be based in silos that are completely vulnerable to attack. The purpose of building the MX in the first place was to avoid basing our defenses in those same silos. We are committing billions to a race to militarization of outer space. What a commentary: The world's great powers can agree on a demilitarized Antarctica, but cannot even talk about preserving the heavens for peaceful pursuits. Where is reason in all of this? When do we cross the line between a rational defense program and armament for its own sake?

I wonder how many of us heard the warning by the Army's retiring chief

of staff, General Meyer, not too long ago, that our forces are overextended. And further, his wise comment that no matter whether it was in El Salvador or anywhere else, that the military could not vouchsafe the success of their missions if the will of the American people was not behind that pursuit, if there was division in the domestic front. Those words, I think, have been overlooked; I know they have. This is from a warrior—an honorable man, a successful military man, General Meyer.

Mr. Speaker, I wonder how many of us have asked what sense it makes for this country to go on spending vastly more of its national capacity for military programs in behalf of Europe, when Europe will not spend similar amounts for herself? Do they perceive the threat differently? Do we see Europe as merely the battlefield of choice?

And how is it that we can reconcile the President's condemnation of the Russians as "an evil empire" at the same time he insists on immense grain sales and immense business deals with them?

There is no doubt that the world still suffers the pangs of unfinished business from World War II. Germany remains divided; European empires have been dismantled, but the world has yet to live over the aftermath of colonialism. The Middle East remains a more explosive, confused, hate-filled puzzle than ever before. The world, as a whole, has merely been divided into the same, gigantic, hostile, suspicious, and fearful power blocs that emerged during the great war. We arm and arm, because we cannot come to grips with the fears and suspicions that grew up in the triumph and tragedy of the Allies of World War II. The dream of the United Nations lies shattered. Our own monopoly of military and financial power has at last dissipated, and yet we cannot learn what to do next.

And so we arm, more and more, with less and less sense of purpose or reason. And it is making the world less safe, not more so.

In Grenada, we mounted an invasion according to the President, to free the populace of a radical army takeover's murderous ways. Yet more people died in that invasion by accident than by any other reason. I have, in fact, yet to see a count of how many of our young men died because of friendly fire, but suspect that at least as many, and probably more, died as a consequence of friendly fire than any hostile action. This was the result of fighting a gnat with a baseball bat. The gnat was killed, but we inflicted the greatest pain on ourselves.

Most astonishing of all, if we had ever before thought of Grenada as important, we never paid it any attention. Doubtlessly, the invasion cost more money in a few hour's time than any administration would have dreamed of spending in that country for economic development in 100 years. If we asked ourselves whether future generations would consider us wise or foolish, we need only wonder what they would make of a country that does nothing to help hapless islanders for years on end, but then lavishes millions of dollars and dozens of lives on a military operation that could have been avoided, with a modest investment of affirmative help a few months or years earlier.

Then there is the case of Lebanon, where our Marines have been reinforced, having lost better than 10 percent of their number in a terrorist bomb attack. We still have no notion of what it is the Marines can hope to accomplish, pinned down in an exposed position, forced to be passive, in a country that has no real existence at all. Yet the President fails to state a coherent policy. Lebanon may emerge from the chaos as an identifiable state, but it is more likely to be carved up into three, perhaps even five, mini-states. That is a decision that will be made more by Syria than by Lebanon. It is a result that would more likely be enforced by Syria, offset by the local militias that are clients of Israel, and, of course, by the Israelis themselves. The present Government of Lebanon might be left with a country consisting of about what it controls today—half of Beirut and a few hills outside the town. In all of this calculus, the United States has no particular position, and less of a voice, and so you have to ask, what are the Marines there for? Goodwill is not going to bloom in the sterile desert of the thousands of years of feud and fratricide that is the history of Lebanon. The President's continuing actions doom us to unlimited spilling of American blood in the endless sands of Araby.

Do we not realize that no outside intervenor has gotten out of Lebanon? Israel is still there; the Syrians have been there for years, and so has the United Nations. The outside forces do not get out because they each become controlled by their client factions. They become entangled and embroiled in the endless treachery of Lebanese factionalism and their own ambition, always thinking: "We've risked so much—we cannot afford to back out now." And so they stay. And so we stay. But none can say that any of it has benefited themselves or Lebanon, for that matter.

Yet we do not ask where we are going in Lebanon. We only vote the money and approve the orders, hoping that somebody knows what is going on, or that something will make all this worthwhile. But our duty is to do more than hope. Our duty is to ask what the objective of that mission is—whether it can be achieved.

Consider this question: Our mission is said to be that of peacekeeper. But it is most often defined as protecting the Gemayel government. We provide that government with all the arms and training that it can absorb. A peacekeeper is neutral—yet our actions place us on one side of a multifaceted civil war. What is more, it places us on a side that everyone admits will have to give way in one degree or another, because neither reason nor right gives that faction the right to govern Lebanon singlehandedly. But our actions may impede the changes that are needed. The situation is incredibly difficult, but our policy is too clumsy to take that into account.

If, for example, the Maronites represented by Gemayel are pushed too far, they are likely to set up a separatist government of their own, which would be followed by the creation of a Druse statelet, plus perhaps another principality controlled by the Shia moslems. Then there are the Syrians and Israelis, respectively, with their hands in the boiling pot of Lebanese politics. If the problems of Lebanon are resolved, they have to be separated from the international quarrels of the area—but that may be impossible, given the penchant that Lebanese factions have for calling in outside assistance. And even if, by some miracle, such an insulation can take place, it leaves years of hard effort ahead to establish some kind of stability in Lebanon. Ultimately, solving the crisis in Lebanon is not only a Lebanese problem. Syria wants its interests protected and its claims recognized. Israel wants a Lebanon that is no threat to its interests. These are strongly opposing interests, and they are fundamental—and so any solution within Lebanon must depend on, among other things, what kind of Lebanon, Syria and Israel are willing to accept. It would have to be a Lebanon that would not be seen by the Israelis as a tool of Syria, and vice versa. And that is a problem that Lebanese cannot resolve, but only Syria and Israel. What can we, the United States, do about that? How is it that leaving a handful of our marines at the Beirut airport going to resolve the quarrels between the Syrians and Israelis? How is it that having those young men out there is going to make any real difference in the internal strife of Lebanon itself? They are not empowered to clean out the arms, or do any other affirmative act. They just sit there, "a presence" as it is so often put. If they move in any direction, they become the enemy of all the factions opposed to the one that they are seen as aiding. If they don't move, they become targets for any terrorist who wants to kill a few Americans, or possibly a large number—as we have seen. But these elements of the issue have never been questioned by Con-

gress. We simply avert our eyes and hope for the best. But innocent young men lose lives and limbs because of our unwillingness to take responsibility, our unwillingness to ask where we are going.

We have gone into an enormous new military buildup in Honduras—no questions asked, no suggestion that if we spent the same amount of money on reform and development, peace might become possible, and we might all be better off. We don't inquire whether all this helps or hurts the prospects of the poor and oppressed people of that region to get a decent deal, or some hope of justice. We don't ask whether the eternal quick fix actually helps or hurts our own interests. The aim of our policy is just to keep the lid on until the next election. But look at the fruits of it: Military intervention in Nicaragua only led to decades of corruption and tyranny, followed by the revolution that so troubles our leadership today. If we had given some attention to the real issues, that revolution might have been friendly toward us; but as it is, its very name honors the resistance leader against our long-since forgotten intervention, 50 years ago. The day will come when the people of Honduras wonder what good they are getting from the military government that is rapidly stamping out their hopes of democracy. The Government of Costa Rica wants no military, enjoys democracy, and is our friend. But it is being drawn into the maelstrom because of our not-so-secret war against Nicaragua. The quick fix of military intervention makes things worse all around, even for our friends. It may hold the lid on, but eventually, we end up the losers—as we have in Nicaragua, as we may very well in Chile, and as we may in Central America as well. Yet who among us has asked about what is happening to the embryonic democracy of Honduras? Who has asked why our policy embraces the creeping military dictatorship there? And who has wondered why we cannot spend as much on helping the people of that country realize their hopes, as we do on insuring that they are under tight control? It is not enough to control a situation this month or this year. We did that in Chile—and look at the mess, 10 years later—a corrupt, monstrous dictatorship, and economic wreck, a brewing civil war, and a population that blames the United States for all its ills—this, in what 15 years ago, 20 years ago we all considered the shining jewel of Latin American democracy and economic progress. Yet we make the same mistakes again and again, in country after country, because we hasten to commit violence and hesitate to commit ourselves to the long and hard road of decency and freedom—the road we want for ourselves, that we are unwilling to hold open for our neighbors.

I know that we do not have time to think, nor time to listen. But the decisions we make are fateful. We do not even ask where we are headed with our ever-growing list of open-ended military commitments. We do not ask whether there are realistic alternatives. But those are the questions, and we fail to ask them, fail to think about them, at our peril.

Months ago, I asked about the safety of our marines in Lebanon. No one was willing to consider it. Weeks ago, I asked that the question be reviewed, but it was never done, not even by military authorities on the ground. My worst fears were exceeded. Yet in this week's action, I felt that no one had really absorbed the lessons of all these recent events, nor understood the consequences of long-festering sores in relations between the great powers. We have not asked the hard questions, not asked where we are going. We are only hoping that whatever it is all these hundreds of billions of dollars buys, it will be peace and security, even as we realize that today we feel less peace and security than ever, for all our military investment. And that is what lies behind my feeling of frustration, sadness, and even failure—because this is not a better world, and it should be, We all want it to be, but we have not found the way. And we have not found it because we have lacked the courage, the conscience, to ask where we are going.

□ 1400

As I promised, I will keep my promise and I will not hold forth any longer, but will relinquish the balance of my time and express my appreciation again to those Members who remained, maybe not to hear me, maybe because they feared there would be another rollcall, but nevertheless, I thank my colleagues for their presence.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 403, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1984

Mr. HALL of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 98-487) on the resolution (H. Res. 362) providing for the consideration of the joint resolution (H.J. Res. 403) making further continuing appropriations for the fiscal year 1984, which was referred to the House Calendar and ordered to be printed.

SOLARZ DELIVERS UNITED NATIONS ADDRESS ON U.S. POLICY TOWARD CAMBODIA

The SPEAKER pro tempore (Mr. KILDEE). Under a previous order of the House, the gentleman from New York (Mr. SOLARZ) is recognized for 60 mintues.

● Mr. SOLARZ. Mr. Speaker, this fall I was appointed by President Reagan to serve as one of the two congressional delegates to the U.N. General Assembly in New York.

In this capacity, I was privileged last week to speak on behalf of the U.S. delegation to the U.N. General Assembly on the resolution calling for the withdrawal of all foreign forces from Cambodia, and self-determination for the Cambodian people.

In light of the fact that, just prior to the debate by the General Assembly, the House of Representatives passed a resolution commending the ASEAN countries for the diplomatic initiatives they have taken on Cambodia, I wanted to call to the attention of my colleagues the statement which I delivered at the United Nations demonstrating that we are speaking with one voice on this terribly important issue:

STATEMENT BY HON. STEPHEN J. SOLARZ, U.S. REPRESENTATIVE TO THE 38TH SESSION OF THE U.N. GENERAL ASSEMBLY, IN PLENARY, ON ITEM 23, THE SITUATION IN KAMPUCHEA, OCTOBER 27, 1983

Is regrettable that the General Assembly must yet again consider the problem of Kampuchea, now almost five years after the invasion of that unhappy country by its more powerful neighbor, Vietnam.

In four successive sessions, the General Assembly has called for the total withdrawal of foreign troops from Kampuchea, the restoration of the Khmer people's inalienable right to self-determination through free elections, and the provision of humanitarian assistance to the Kampuchean people uprooted and made homeless by the Vietnamese occupation of their country. Each year the resolution on Kampuchea has passed by overwhelming margins, reflecting the strong and growing concern of the great majority of nations, aligned and non-aligned alike, over the fate of Kampuchea and the Khmer people.

Few countries in the world have suffered more over the course of recent decades than Kampuchea. First, a civil war raged there from the time Prince Sihanouk was overthrown in 1970 until the Khmer Rouge came to power in the spring of 1975. Then, between 1975 and 1979, the Pol Pot regime, in an act almost unprecedented in the annals of human history, embarked upon a policy which the French priest, Father Ponchaud, in a memorable phrase, termed "autogenocide," the murder of a people by their own people. Not since Hitler's holocaust condemned and consumed a third of the Jewish people has the world witnessed anything like it. Turning their country into an Asian Auschwitz, the Khmer Rouge systematically slaughtered and starved an estimated two million people, out of a total population of seven million.

If that were not enough, the Vietnamese invaded Kampuchea in late 1978, forcing hundreds of thousands of Kampucheans to

flee their country and, with approximately 170,000 troops, have occupied it until today.

In an effort to bring this long nightmare of suffering and occupation to an end, the United Nations has repeatedly proclaimed the need—indeed the necessity—for those who have captured control of this beautiful but broken land to leave and let the future of Kampuchea be determined by the people of Kampuchea themselves.

As far as my own country is concerned, let me state that, although there are, under our democratic system of government, inevitably differences from time to time between the Executive Branch and the Congress over key policy issues, on this issue both branches of government are clearly united. Only three days ago, the House of Representatives unanimously adopted a resolution endorsing the resolution that we are considering here today.

The adoption of this resolution by the Congress, without a dissenting vote, is indicative of the strong bipartisan consensus in our country in favor of the withdrawal of all foreign forces from Kampuchea and self-determination for the Kampuchean people. But while we fully intend to continue supporting this effort by the United Nations to resolve the Kampuchean problem, we also think it is important for Vietnam to know that, if and when it is prepared to withdraw its forces from Kampuchea, in the context of the kind of peaceful resolution of the problem envisioned by this resolution, the United States will be prepared to adopt a different attitude toward it.

Unfortunately, the need to consider and adopt, year after year, these resolutions on Kampuchea is testimony to the subborn policy of military conquest and colonization being pursued by Hanoi in disregard of the collective judgment of the international community and in violation of the Charter of the United Nations. Vietnam's continued illegal occupation of its neighbor, in defiance of four successive resolutions of the General Assembly, weakens the security of all nations and is the fundamental source of instability in Southeast Asia. All of us bear the burdens of Hanoi's unchecked and continuing aggression.

It is, of course, the Kampuchean people who suffer most from Hanoi's policies. Nearly 230,000 Khmer civilians encamped along the Thai-Kampuchean border live in constant fear of Vietnamese attacks. From January to April of this year, Vietnamese forces launched a series of massive assaults, backed by armor and heavy artillery, against these civilian encampments. Hundreds of civilians were killed or wounded in these attacks and more than 85,000 forced to flee to safety inside Thailand. There have been reports of atrocities by the attacking troops against civilians. The world community has reacted in horror to these attacks which have been condemned by the United States and other governments. The United Nations Economic and Social Council has asked the Secretary General to investigate charges of atrocities committed by the occupying troops.

In this regard, we wish again to express our sincere appreciation to the Secretary General and his Special Representative for Humanitarian Assistance to the Kampuchean People, Sir Robert Jackson, for their efforts on behalf of the Khmer people uprooted by invasion and war. The staffs of the United Nations Border Relief Operation, the World Food Program, U.N. High Commissioner for Refugees and other specialized U.N. agencies, the International Committee of the Red Cross, and the various voluntary organizations continued their untiring work in providing emergency food and medical care to the Kampuchean people, often in dangerous and hostile conditions caused by Vietnamese attacks. They deserve the heartfelt thanks and commendations of the international community. Appreciation is also due to those members of the international community who have continued to support efforts to assist the Kampuchean people through their contributions to UNBRO and the other agencies involved in relief efforts. We must continue these efforts until the time when the Kampuchean people along the Thai-Kampuchean border can return to their homes in safety. My government will continue its efforts and hopes that other members will join us in ensuring that this vital assistance continues to reach those Kampucheans still in need.

Vietnamese repression against Khmer civilians now is more evident in the interior as well. In their frustration at growing popular support for the resistance, the Vietnamese launched a major security crackdown and pacification campaign in western Kampuchea in May and June of this year. According to the reports of those who fled, hundreds of villagers were arrested. Torture was used in an effort to coerce those arrested into "confessing" their support for the resistance. Many of those arrested have not yet returned to their villages and some have reportedly been killed. Thousands of Khmer, including entire villages, have been driven by this crackdown to seek refuge along the Thai-Kampuchean border. They have told of beatings, torture, theft, rape, and other excesses by Vietnamese troops, and these are the actions of an army which claims to protect these people.

The security crackdown has even extended to the ranks of the Heng Samrin regime. Scores of middle level officials have been arrested or detained for questioning about suspected resistance sympathies. This demonstrates that the Vietnamese are not welcomed by the Kampuchean people. Despite its best efforts, even those chosen for their presumed loyalty are now suspected by the Vietnamese of supporting resistance efforts. Vietnam faces an increasing resurgence of Khmer nationalism against its occupation army and its client regime.

What sort of regime has Hanoi created? Despite propaganda claims originating in Hanoi, the Heng Samrin regime does not enjoy the support of the Khmer people. It does not have loyal officials to administer the country. Vietnamese advisors dominate the civil administration, a fact reflecting the regime's inability to function effectively. Heng Samrin officials act only on suffrance of their Vietnamese advisors who hold real power. The Heng Samrin regime recently agreed to Vietnam's position on the delineation of the Vietnamese-Kampuchean border, something every previous Kampuchean government has refused to accept. These are not the actions of an independent government, but of one controlled by outsiders.

The very fact that Hanoi remains compelled, nearly five years after its invasion, to maintain a costly 150-170,000-man army of occupation in Kampuchea to prop up its client regime points up Hanoi's failure and the Heng Samrin regime's failure. Vietnam bears the full weight of maintaining security and defending the regime. Despite increased conscription, the regime's own army remains weak and ineffective, plagued by widespread desertions. Without Vietnam's protection, the regime would rapidly collapse. In 1982, Vietnam claimed that it was withdrawing a portion of its army. There was no evidence of a genuine withdrawal and, in fact, the evidence clearly shows that Vietnam acted to replace soldiers who had completed their military service and to strengthen its military forces in Kampuchea in a troop rotation exercise. This year, Vietnam staged another so-called "troop withdrawal," but again the evidence indicates that there was no reduction in Vietnamese troop strength in Kampuchea. This second claimed withdrawal was simply a reorganization of Hanoi's occupation forces and part of its annual troop rotation. Hanoi has claimed that it will make future withdraws based on the security situation. Such a unilateral policy ignores the legitimate interests of its neighbors and the international community.

Hanoi would have us think that its policies in Kampuchea are based on saving the Khmer people from the Khmer Rouge. It is well-documented that the ranks of Hanoi's client Heng Samrin regime are filled with former officials of the detested Pol Pot regime, including Heng Samrin himself and Hun Sen. There is a double hypocrisy here in that Vietnam supported the Khmer Rouge both before and after 1975 when that genocidal regime was installed in power. It was only after Hanoi came into conflict with and toppled the Khmer Rouge that the Vietnamese government belated condemned their atrocities in an effort to promote an image of itself as the savior of the Kampuchean people.

The presence in the General Assembly of the representatives of Democratic Kampuchea demonstrates that the international community will not accept a client Kampuchean regime imposed by Vietnam. Past Vietnamese efforts to challenge the credentials of Democratic Kampuchea were soundly defeated by large majorities in the General Assembly. This year, Vietnam shrank from even challenging Democratic Kampuchea's right to be represented here. The formation in 1982 of the Khmer coalition broadened Democratic Kampuchea to include nationalist groups led by Prince Sihanouk and former Prime Minister Son Sann. We have been impressed by the response the Khmer people have shown to the leadership of these two respected representatives of Khmer nationalism.

Furthermore, in the past year, thousands of refugees have fled Vietnamese-controlled areas to join the non-communists along the border. The growing number of forces loyal to Prince Sihanouk and Son Sann are increasing active inside Kampuchea. The leadership of these two dedicated nationalist gives the Kampuchean people renewed hope in contrast to the grim choice between a Vietnamese-controlled regime or a return of the Khmer Rouge. We welcome their presence in the United Nations. The international community will benefit from their participation and the opportunity to hear the authentic voice of Khmer nationalism.

Originally, the Vietnamese justified their invasion of Kampuchea in terms of saving the Kampucheans from themselves. Now the Vietnamese claim their reason for occupying Kampuchea is a perceived threat from China. These facile and transparent justifications for aggression cannot obscure the obvious fact that Hanoi has sought for three decades to dominate all of Indochina.

Since the General Assembly last considered the situation in Kampuchea, we have begun receiving disturbing reports of mas-

sive Vietnamese immigration into Kampuchea, apparently endorsed by Hanoi and the Heng Samrin authorities. Documents of the Vietnamese-controlled Heng Samrin regime and refugee reports reveal that thousands of Vietnamese civilians are now settling in Kampuchea in what appears to be a deliberate, long-term plan by Hanoi to alter the demographic make-up of the Kampuchean nation. Refugees report that Vietnamese farmers, fishermen, and merchants are displacing Khmer in rich farming and fishing areas and in marketplaces. The Heng Samrin regime has acknowledged the existence of the directives which appear to reflect official support for large-scale Vietnamese immigration.

When combined with Vietnamese-imposed changes to Kampuchean administration and Khmer society, this immigration raises serious questions about Hanoi's intentions in Kampuchea. Vietnam is often depicted in Khmer mythology as a crocodile trying to swallow its smaller neighbor. Vietnam's attempts to colonize and absorb Kampuchea arouse among Kampucheans fears for the future existence, much less independence, of their country.

The costs to Vietnam of its foreign war are exacting. Hanoi is at odds with China, is estranged from its neighbors in ASEAN, and is isolated in the international community. Vietnam, with a per capita income of less than $200, maintains the world's third largest standing army. The burden of this ponderous military apparatus and the costs of Hanoi's military adventures fall on the shoulders of Vietnamese farmers, laborers and draftees, many of whom continue to risk their lives each year as "boat people" in search of freedom rather than remain in Vietnam. Soviet assistance exceeding $1 billion a year supports Vietnam's war effort but increase Hanoi's dependence on Moscow. Vietnam's Kampuchea quagmire will in time convince Hanoi's leaders that they cannot subjugate the Khmer people. Political isolation abroad, economic deterioriation at home, and a growing realization of the price it pays for Soviet support in terms of sacrificing its historic independence will eventually lead Hanoi to the realization that a comprehensive political solution to the Kampuchean problem is in its long-term interests.

The door to a fair and just settlement remains open. The five members of the Association of Southeast Asian Nations have pursued a flexible and unselfish course in this regard. Under ASEAN's leadership, the General Assembly resolutions on Kampuchea and the 1981 International Conference on Kampuchea outline a basis for a comprehensive political settlement in Kampuchea based on the complete withdrawal of foreign forces, restoration of Khmer self-determination through UN-supervised free elections, and non-intervention and non-interference in Kampuchean internal affairs. All of the elements for a settlement are in place. Such a settlement would meet the essential interests of all the parties involved and would restore to the Kampuchean people their right to control their own destiny.

No one, least of all Kampuchean people, wishes to see those responsible for the atrocities of 1975–78 return to power. If Vietnam is reluctant to withdraw because it fears that, were it to do so, the Khmer Rouge would return to Phnom Penh, the answer is that the resolution provides a mechanism specifically designed to prevent such an outcome.

The opportunity is there for Vietnam. Peace is within Vietnam's grasp. By agreeing to withdraw from Kampuchea in accordance with the terms of this resolution, it can both make possible the self-determination of the Kampuchean people and simultaneously protect its legitimate security concerns.

Instead, Vietnam has continued trying to consolidate its hold on Kampuchea through military action, to legitimize its client regime, and to confuse international opinion through phony troop withdrawals and calls for discussions on a Southeast Asian zone of peace. All of this ignores the real source of instability and the real threat to peace in the region—Vietnam's continued occupation of Kampuchea. The members of the Association of Southeast Asian Nations recently presented an "Appeal on Kampuchea." This appeal calls on Hanoi to demonstrate its sincere desire for peace by committing itself to a phased total withdrawal of its forces in Kampuchea with a definite period to be worked out as part of negotiations. This proposal, which is consistent with the principles of the International Conference of Kampuchea, can be accepted by reasonable governments genuinely seeking the restoration and salvation of the Kampuchean nation. It would produce a free and neutral Kampuchea, a threat to none of its neighbors, respecting the fundamental rights of its citizens. Hanoi's leaders should accept this opportunity for a settlement.

Such a settlement would then permit the Khmer people, with the help of the international community—including the United Nations—to turn to the task of rebuilding their country. Ravaged by conflict, famine, genocide, and foreign oppression, Kampuchea's recovery will be a long-term and formidable task. The task to bring peace to Kampuchea, however, is potentially less formidable. It would also end Vietnam's international isolation, restore Vietnam's dignity and freedom of action, and permit Vietnam to begin healing the wounds of forty years of warfare and raise the living conditions of the Vietnamese people. All it takes is a step toward compromise and justice. The world, and above all the people, the tragic, long-suffering people of Kampuchea, are waiting for Vietnam to take that one small step toward peace.●

COMITY OF THE HOUSE

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, it has been generally accepted in the House that we operate under certain comity principles that permits us to operate in an orderly fashion. We try around here to do certain things that move the House forward, and on some irregular occasions there have been, and I have been a part of many of those, attempts to slow down the procedures of the House simply by utilizing the rules.

On many of those occasions, I have been reminded that we operate under such comity procedures, and that we ought not have situations where the business of the House is in some way delayed.

One of the comities of the House has been that once we move to special orders in the evening, we will have no substantive business conducted in the House Chamber. I remember a few months ago when we had a Member of the leadership of the Democratic Party who came to this gentleman on the floor late at night when another Member was going to get up and conduct substantive business and asked me to help protect the rights of not only the minority but the majority with regard to this issue. I took on what turned out to be a fairly unpleasant assignment one evening to try to protect just the comity that is associated with those special orders.

Now, today, we have seen the majority party come to the floor and say, "It is not important to us because we have this rule we want to file and the procedures under which we operate around here should just be set aside." We saw them set aside here this afternoon.

The comity of the House was not observed. The minority was not even consulted. I simply take this time to say that if that is the way we are going to operate around here, then, ladies and gentlemen, that is the way we can operate. We can operate in a way that says that we also will not bother with comity procedures around here, that we also can make certain that during special orders you can expect votes, you can expect that we will try to bring substantive business to the House floor, you can expect unanimous-consent requests, that the people in the chair can expect that this will not be a very pleasant time to be on the House floor if that is the way we want to proceed.

I assume that is not the way the House wants to proceed, but I am very sorry that the majority party has seen it necessary to violate the comity so that we arrive at a situation where, in order to protect our rights, we might have to resort to such tactics.

I find this very disturbing, and I hope that the rest of the membership will find it disturbing, too. I know the people will find it disturbing who left this body this afternoon thinking that the business of the day was finished and left with assurances of good faith. I know that it caused a problem for some people on this side who stood and, when receiving the schedule, were assured that there was no additional business to be conducted during the day today, received explicit assurances earlier today, only to have those assurances violated.

I think that says something very bad about the way the House business is being conducted.

Mr. WRIGHT. Mr. Speaker, I wonder if my friend would yield.

Mr. WALKER. I would be very glad to yield to the majority leader. Maybe

he can explain this situation so I can understand it.

Mr. WRIGHT. I would hope that I might.

First off, I am not sure that I understand just exactly what it is that my friend from Pennsylvania has found objectionable. As I tried to listen, I thought I got the impression that the gentleman from Pennsylvania felt that there had been some kind of an agreement that no further business was going to be transacted by the House but that this was being violated in some sense. I am not aware of its being violated. In what sense has this occurred? If we have in any way misled Members, it has been unintentional and would be very regrettable.

I am not aware that any commitment was made that has been violated in any sense.

Mr. WALKER. Well, we do have a standing commitment in the House that we will conduct no substantive business after special orders have been arrived at. I would say to the gentleman it was his staff who reminded me of that last winter when I stood on the floor and protected just that procedure here late one evening. I think it was around 1 o'clock in the morning, as a matter of fact. That is precisely what this gentleman is referring to.

The filing of the rule, which is a controversial rule, is in my mind a piece of business that violates that comity procedure, and in the minds of many people on this side of the aisle. We thought we had assurances when the acting minority leader, Mr. LEWIS, got up earlier this afternoon and received assurances that we would conduct no further business and yet that is exactly what was done just a few minutes ago, just before this gentleman stood to speak.

Mr. WRIGHT. If the gentleman will yield further, I think there may have been a misunderstanding, and perhaps one that is a thoroughly honest misunderstanding.

I would just advise that the conversation to which the gentleman from Pennsylvania refers, as to having been advised last year by a member of my staff that it was contrary to the general procedure to bring up substantive business after we have begun the special orders, occurred at a time when the gentleman from California was attempting to bring up a bill for consideration on the floor.

Mr. WALKER. The gentleman is correct.

Mr. WRIGHT. That would have been substantive business of a type that manifestly is not considered to be in order generally after you have begun special orders because the unanimous consent by which a special order is granted is usually predicated upon the request that upon completion of all business, the gentleman from Pennsylvania, or whomever, might be permitted to address the House for 60 minutes, or for however long.

□ 1410

But I think what the gentleman may not be aware of is that the filing of rules is a matter separate and apart from the taking up of legislative business. The filing of rules has occurred on numerous occasions after special orders have begun.

Mr. WALKER. Yes, and generally that has been in consultation with the minority and with the agreement of the minority, particularly the minority members of the Rules Committee.

In this particular instance that is the problem. What we have here is a very controversial rule, so that the filing of it did have some substantive material connected with it. I think generally the minority has said that where it is noncontroversial, if it is just a matter of timing, that could be done. But now we find that, having agreed to some of those procedures in the past, that is now being used where there is considerable controversy involved in the matter, and we are now told that that is not substantive business under the general comity procedures under which we operate.

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

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from California first, and then I will come back and yield to the majority leader again.

Mr. LUNGREN. Mr. Speaker, the reason this whole thing was brought up is because there is usually respect and comity that exists in this House among whoever is doing the work.

I ask the majority leader if it sounds like a situation of comity where, on a controversial issue, a rule is passed out of the Rules Committee about which nothing is known, the minority members are not even given a copy of the rule that is voted on, and in the voting of that rule, there are made in order two amendments, one by the gentleman from Wisconsin (Mr. ZABLOCKI) and one by the gentleman from Massachusetts (Mr. BOLAND), neither of whom testified before the Rules Committee? The subject matter of the rule is unknown to us, with the Members of our side even asking one of the gentlemen what that amendment is going to be and being told "I don't know yet."

It just strikes me at least that that is not representative of a situation of mutual respect and comity to be extended in this House. The point we were getting at is that it may not be technically doing business in the House, but it goes to the quality of business we do in this House and the respect that we show to one another.

I am not a member of the majority, and maybe we would react differently if we were; I do not know, it has been so long since we were. But we have always been told that the rules are here to protect all, but particularly to protect the minority and the minority view.

Now, I just ask the gentleman if he thinks the actions I have recited add up to an indication of the mutual respect that one would believe should prevail in this House.

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

Mr. WALKER. I am glad to yield to the majority leader.

Mr. WRIGHT. Mr. Speaker, this, of course, is the first I had been informed about any of the internal workings of the Rules Committee to which the gentleman from California had reference. Not knowing anything about the colloquy that took place within the committee, I would be ill advised to try to comment on its appropriateness.

The general rule is that we do try to advise the minority when we are about to take some action or to bring up a bill under unanimous consent or to consider a bill on the floor. I think I might make the distinction that the procedure in a given committee may indeed be controversial and the rule itself may indeed be controversial, but the filing of the rule, assuming that it was duly and truly reported by the committee, does not strike me as a controversial act but, rather, as a ceremonial act.

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

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Mr. Speaker, I would suggest to the gentleman that he speaks very well, but obviously it does not speak to the point that I have raised.

The fact of the matter is that this side received a copy of the rule approximately 10 seconds before it was filed. Now, if that is the gentleman's idea of respect and communication, perhaps we ought to redefine "respect and communication" in this House.

As I say, being a member of the minority, perhaps we are more sensitive to it because in fact we have to look to the rules and the spirit of the rules to protect the rights of the minority, and in this instance we just do not believe that the spirit of the rules at least implicit therein to protect the minority was recognized.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield further to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I shall not quarrel with the conclusion of the gentleman from California because presumably he was present and I surely was not. Therefore, it would ill

behoove me to get into a controversy with him about something that occurred in his presence and in my absence.

I would simply observe, however, that it was not a matter of a rule having to be filed today. If it is a bill that is coming up on Tuesday, it could have been filed on Monday and still have been valid. The rule did not require its being filed today.

The second point I would make is that I have been advised that the rule in question was read to all those present, minority and majority, in the Rules Committee prior to the vote on the rule. Beyond that, I just do not know enough about it to comment intelligently.

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

Mr. WALKER. I am glad to yield to the gentleman from California.

Mr. LUNGREN. Then maybe, Mr. Speaker, the gentleman is suggesting that we change our operation on the floor of the House. If indeed reading from a single document to all present what is being voted on and not having the courtesy of extending them a copy so they might make reference to it is appropriate, then I wonder why we need to have written bills before us when we vote here.

I do not think the gentleman suggests that we do that here. I think the gentleman fully understands the difficulty it places any minority member in who has been refused consultation to have the ability to make a contribution to the vote and the discussion for the vote, although we all recognize that the Rules Committee is stacked 2 to 1, plus 1, against the minority. So whatever the majority wishes to do, it may do.

But at least maybe we should keep up the surface type of contribution and respect that we had come to expect.

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

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. TAYLOR. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, let me say this: I was in the Rules Committee, and the basic part of the rule that is, in fact, the rule that has been filed was read to the members of the Rules Committee. However, some of the parts that were incorporated in this rule were news to us because we had motions or we had amendments in order by the gentleman from Wisconsin (Mr. ZABLOCKI), who had not been before the committee, and the majority members of the Rules Committee indicated they did not know what was going to be contained within the Zablocki amendment.

Also the gentleman from Kentucky (Mr. PERKINS) had not asked for any additional amendments, and yet it was contained within this.

I will say this: I think that there is no question that we are on sound ground in following the rule, I would say to the distinguished majority leader. During the time I have been on the Rules Committee it has always been at least the tradition to provide the minority members with a rule before we voted upon it. We asked for that, and the chairman indicated that in the rush of the hour they did not have time to do it.

I do not want to particularly quarrel over this, and I am sure the majority leader does not want to do that either. I am opposed to the rule. I am opposed to the amendments that are in this supplemental appropriation or this continuing appropriation. I think it is the wrong way to do this.

We were simply trying to uphold the request of the chairman of the Appropriations Committee and the ranking minority member of the Appropriations Committee in asking for a complete new and clean continuing supplemental. It was our feeling that it should not be cluttered up. We are looking at a very urgent deadline of November 11, and the chairman of the Appropriations Committee and the ranking minority member indicated they want to meet this deadline.

I did not support the minority members who came before the Rules Committee and asked for rules, in deference to the wishes of the chairman and the ranking minority member of the Appropriations Committee. I felt those things and the things contained within this rule can be addressed under the supplemental. Many of the things that the majority member had within his amendment I would support, but I think it is the wrong time and the wrong place at a time when we are trying to meet an urgent deadline. I just felt that we should follow the wishes of the leadership of the Appropriations Committee.

However, that is neither here nor there. I did not prevail, and I am used to being on the minority side a lot of times. I just want to say that it is not my intention to quarrel. I do hope that in the future, before rules are filed, the minority members will be afforded at least a copy. I did not have a copy until 10 or 15 seconds before.

□ 1420

Mr. WALKER. Do I understand the gentleman to say that the rule that was just filed, that there are provisions adopted in there with regard to amendments where nobody appeared before the Rules Committee to ask for the amendment?

Mr. TAYLOR. The gentleman from Wisconsin (Mr. ZABLOCKI) did not, he had a letter saying he opposed the so-called Long-Kemp amendment. He was not there, but there is an amendment made in order by this rule for the gentleman from Kentucky (Mr. PERKINS), who was there in support of the Wright amendment. They came back and made an amendment in order for the gentleman from Kentucky (Mr. PERKINS).

I asked what that was for and they said that he had left out part of his school lunch program. I think he forgot to put the breakfast in or something, and he was back with that now.

I just feel that we have a lot of things in here that should not be there; but at least they were explained. The gentleman from Texas (Mr. WRIGHT) was there and explained this.

I do not know what the gentleman from Wisconsin (Mr. ZABLOCKI) and the gentleman from Kentucky (Mr. PERKINS) are doing, and not a member of the Rules Committee would know as a result of what went on up there in that Rules Committee, because it was not discussed and we did not have a copy of it and it has been filed.

Mr. WALKER. So the gentleman was asked basically to vote in the blind on a matter that had just been filed before the House; is that what the gentleman is saying?

Mr. TAYLOR. That is true.

Mr. WALKER. I thank the gentleman very much.

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

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, we all are certainly concerned about the time of this necessary legislation. The continuing resolution must be adopted by next Thursday midnight; so it is very important that we get this legislation through, but I am a little bit uncertain after the gentleman described some of the amendments, someone mentioned two amendments, I have heard three amendments. Can anyone tell us just how many amendments are in order according to this rule?

Mr. TAYLOR. Just a moment. If the gentleman will yield, I just got the resolution.

Will the gentleman yield for that purpose?

Mr. WALKER. I am glad to yield to the gentleman from Missouri and give him time to count the amendments, since he has not had a chance to do that.

Mr. MYERS. The gentleman just has an hour. Can the gentleman count that far in an hour?

Mr. TAYLOR. I believe I can make it.

The amendment of Representative WRIGHT of Texas shall be debatable for not to exceed 1 hour.

Mr. MYERS. That is one.

Mr. TAYLOR. The amendment of Representative PERKINS of Kentucky, or Representative HALL of Ohio, to the

amendment by Representative WRIGHT, which shall be debated not to exceed 30 minutes. That is one that was not discussed in the committee.

The amendment of Representative BOLAND, of Massachusetts which shall be debatable not to exceed 30 minutes, equally divided and controlled by Representative BOLAND and a Member opposed. That was not considered or testified to in the committee.

The amendment of Representative LONG, of Maryland, which shall be debatable not to exceed 30 minutes, that was presented to the committee.

The amendment of Representative ZABLOCKI, of Wisconsin as an amendment to Representative LONG, which shall be debated not to exceed 30 minutes.

The gentleman from Wisconsin (Mr. ZABLOCKI) was not before the committee, and that was in this final version; but those were read to us, I will say that, but we did not have a copy of them. No one was able to tell us what they might relate to.

Mr. MYERS. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I am glad to yield to the gentleman from Indiana.

Mr. MYERS. This is a bill to make continuing appropriations to fund the Government until we get the necessary appropriation bills passed.

Now, there is only one member of the Appropriations Committee that has an amendment, as the gentleman read them, and I believe two of the amendments, having not seen them, but at least the amendment of the gentleman from Texas (Mr. WRIGHT) was discussed in the Appropriations Committee earlier this week when we did report this bill.

A number of those, I think, maybe three of them, had been discussed; but each of those bills was put into a supplemental appropriation bill which was written and I believe filed the same day, which is the proper vehicle, and the Appropriations Committee day before yesterday wisely reported a clean bill, just enough to keep the country running, but anything added to that was to come in a supplemental appropriation bill which was filed.

Now, the Rules Committee has been on the back of the Appropriations Committee to not legislate, not do these things that are not authorized, which we have been concerned about also; but now I am shocked to see that the same Rules Committee that has been critical of the Appropriations Committee for doing unnecessary things in the appropriation bill, would offer an amendment on a continuing resolution, which is supposed to be bare bones, just to keep our country functioning, would actually report a bill like this.

Mr. TAYLOR. Mr. Speaker, if the gentleman will yield further, I feel the gentleman is exactly right.

We took a bill that had been brought to the Rules Committee by the Appropriations Committee, the chairman and the ranking member, bare bones, as the gentleman has so adequately put it, to fund the Government through November 10 and they asked for it to be passed that way.

I felt that that should have been honored. I had a note from the administration asking for the Long-Kemp amendment to be added to it. I felt that was wrong.

I felt that my good friend, the gentleman from Texas, TOM LOEFFLER, who had one, I would like to have helped him; but I felt we had an obligation to move this continuing resolution forward to meet this urgent deadline that had been so adequately explained by the leadership of the Appropriation Committee. That is the reason basically I opposed it.

Now, I do think, of course, that some of the other ramifications have been discussed here, the amendments being added for people that were not there.

The gentleman from Maryland (Mr. HOYER) was there with one that probably could well have been accepted.

Mr. MYERS. Mr. Speaker, if the gentleman will yield further, what happened to Loeffler-Alexander? This was over $500 million. What happened to that amendment?

Mr. TAYLOR. Well, it was left out and I would have agreed to that, not because I am not in support of it, but because I felt it was the wrong time, the wrong place, to do it on a continuing resolution.

Mr. MYERS. That is the reasons the Appropriation Committee left all of those out of there in the continuing resolution.

Mr. TAYLOR. The minority on the Rules Committee tried to adhere to the wishes and desires of the Appropriation Committee leadership, but we were weighed in the balances and were found wanting.

Mr. WALKER. But as a member of the Rules Committee, the gentleman from Missouri has no idea what is in the Perkins amendment, what is in the Perkins amendment or what is in the Zablocki amendment; is that true?

Mr. TAYLOR. No; I do not.

Mr. WALKER. And the gentleman was at the meeting, is that correct?

Mr. TAYLOR. Every minute.

Mr. WALKER. I thank the gentleman very much.

I wonder if the chairman of the Rules Committee, who I see standing, I would be glad to yield to the gentleman to explain to us exactly what is in these amendments, that a member who attended his full committee meeting did not even hear discussed. I wonder if the chairman could tell us what is in those amendments where we just had a rule filed?

I am glad to yield to the gentleman.

Mr. PEPPER. Mr. Speaker, if the gentleman will allow me, I prefer to speak on my own time to try to set the record straight about this matter.

Mr. WALKER. Well, I think I control the time under the special order. I will be very happy to yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Pennsylvania controls the time.

Mr. PEPPER. There was some intimation that the Rules Committee was discourteous to the minority this morning in respect to the rule relative to the continuing resolution.

What happened was that we had 12 or 15 witnesses scheduled and practically all of them were heard. Sometime around noon, I guess it was, we concluded the hearing of the last witness. Then there was an intimation on the part of members of the majority that they would like to have a caucus about this matter, since it was rather a complicated situation. We were trying to do the right thing about it.

We knew the difficulties involved and we knew the number of interests that were affected, how many people undoubtedly would be unhappy no matter what we did; so I moved for a recess for 20 minutes.

The gentleman from Tennessee (Mr. QUILLEN), my distinguished friend, who is the ranking minority of the committee, with whom I have had the most satisfactory relationships that I could have with any friend, said, "Could you make that 15 minutes?"

Well, I said, "We will get through as soon as we can."

We all knew from the beginning of the session that many Members wanted to go home today, being the end of the working week, and we were trying to terminate our hearing as soon as we could.

I said, "If we can speed it up in less than 20 minutes, we will."

We went out in the chairman's office and had our caucus. We had to discuss a number of matters and all the amendments that had been offered were discussed. We had a request from the leadership that three amendments be made in order. We discussed that, of course.

So then finally we came to a conclusion as to the kind of a rule that the majority would avocate in the committee.

□ 1430

We went back into the session and as I returned to the chair, I turned to my friend, Mr. QUILLEN, and I said, "JIM, we made it in about 20 minutes, did we not?"

We tried to be on time, to get back as soon as we could. Then we had not had time to write a rule. We just made the decision as to how we were going to progress with the matter in the

committee. We had not acted upon any rule, and we did not have time to write out a rule to exhibit to the members of the committee.

As is customary, when we are in a tight squeeze for time, the distinguished gentleman from Louisiana (Mr. LONG) was called upon—he was notified to enter into a motion as to the disposition of the matter pending. In his motion Mr. LONG said, "I apologize that we have not had time to formalize this rule. You will have to bear with me a little bit as I put it together the best I can. Just as soon as we have written it up, why, of course, it will be properly distributed."

Mr. LONG went through the amendments item by item that were to be reported included in the continuing resolution made in order by the Rules Committee, and the time allowed for the debate of each amendment, and the like. When he finished, making his presentation, which was clear as to all the merits of the matter, then my friend, Mr. QUILLEN says, "Well, look, I do not think you have treated me fairly. I have not been furnished with a copy of the proposed rule."

He said, "I am sure you did not mean to be discourteous to me."

As chairman, I said, "JIM, you know very well that we did not intend to be discourteous to you. You know the reason the rule has not been written up is that we just have not had time to write it up. If you want Mr. LONG to come back and tell you again what is in his motion, I am sure he will be glad to do that, or if you would like, we will just recess the committee meeting and wait until the rule is written up and then we will come back and in the proper and formal way, we will present you with a copy of the rule."

And then by that time somebody had handed him a first draft of a proposed rule. He said, "No, they have given me something now. That is all right."

Then Mr. LONG said, "I will be very glad to go over it again," and he did. Mr. QUILLEN accepted Mr. LONG's second explanation of the content of the rule, and that concluded the discussion relative to the furnishing of a copy.

We get along as well as any majority and minority—and I think Mr. TAYLOR will attest to that—as any committee in this House. We respect one another. We try to work together. There are times when we do not have the 24 hours to give Mr. QUILLEN notice; for example, that we are going to put a certain subject matter on.

Sometimes we get in touch with him and say, "We are 1 or 2 hours short, is it all right to have the meeting?" He has been cooperative.

To leave the impression that we do not work in harmony, do not respect one another, or try to observe the rules is giving the wrong impression.

Mr. WALKER. Let me reclaim my time.

If I understood the gentleman——

Mr. PEPPER. Excuse me, just a minute.

When we broke up, when the committee concluded its formal session, the person who handles the legislative matters had to go, and another person of great competence and experience for the committee took over the job of drafting the rule.

I went over to notify the ranking minority staff person. I informed them that the rule would be drafted as soon as possible and I indicated that I wanted the minority staff to see this rule before it was formally filed in the event they had any suggestions or criticisms to make.

I am sure that was what was done. The rule was drafted and I am sure it was given to them.

Mr. WALKER. I thank the gentleman for his explanation.

Mr. PEPPER. If you want to ask me anything, I will be glad to answer.

Mr. WALKER. I thank the gentleman for his explanation.

It sounds to me as though what happened in the Rules Committee was that you were in an open session, an open public session, but when it came to the real business of writing the rule and making the decision, what you did was retreated into a Democratic Party caucus, and all the decisions were made there, and then you came back out into open session to mandate to the minority what it was they were going to have as far as a rule goes and they were not even furnished a copy of the rule in its final form.

Mr. PEPPER. Will the gentleman yield?

Mr. WALKER. I will yield to the gentleman in just a moment. I want to finish my statement. I control the time, one of the few things that we do control around here when we get a little time.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. WALKER) controls the time.

Mr. WALKER. Part of our problem with that kind of procedure is that then a hurry up procedure was used on the floor this afternoon, in order to file that rule before the House for consideration. At this point, one of the gentleman who is a member of that committee tells me that he does not even know the content of some of the amendments that were included in the rule.

Mr. PEPPER. That is not true. You are not telling the truth. Wait a minute. You do not know.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. WALKER) controls the time.

Mr. PEPPER. You sit down, and I will take my own time if you do not want to yield.

Mr. WALKER. I will yield to the gentleman in just a moment.

I resent the fact that the gentleman indicates that the truth is not being told. I simply referred to a statement made previously by a member of the committee who tells me that he did not know what was in the amendments, because the gentleman before us did not testify.

The gentleman is standing here. I will be very glad to yield to him further to explain that, but I think it is important here that it be understood what it is that we have some concerns about.

I will be glad to yield to the gentleman from Missouri if I misrepresented what he said to me in any way.

Mr. TAYLOR. I thank the gentleman for yielding.

First of all, let me say this relative to my distinguished chairman for whom I have the highest regard. Chairman PEPPER is a fair chairman, and he is very kind and very courteous to the minority and for that I express my appreciation because he has always extended these courtesies. These other amendments that are a part of this resolution and are placed in there by people who did not appear, I have no way of knowing what they were going to answer. I did not hear Congressman BOLAND or Congressman ZABLOCKI. I do not know what their amendments will do. I think I did ask, when I asked Mr. LONG when he offered the Wright amendment, I understood he had one in there from Mr. PERKINS, and he said he did.

I asked what would Perkins do to Wright. I said, "What in the world is Perkins going to improve on what Wright has done here?" It was indicated that something more had been left out in the school lunch program that they wanted put in. That was all of the explanation that I received relative to Perkins, nothing on Zablocki and nothing on Boland and I had no way of knowing. They were not there, had not discussed it.

What has happened here, Mr. Speaker, if I might, is that we are moving too fast in a manner we should not be moving on trying to legislate and appropriate a continuing appropriation.

As many times as we will do this, we will have these kinds of foulups, because it is not really what the vehicle of a continuing appropriation has the mission to do, and what we have here is, the majority, the distinguished majority leader said there was nothing substantive.

There is a billion dollars worth of new programs in the Wright amendment alone, a billion worth that has not been authorized, that in fact was rejected last week by a vote of 24 to 21 in the Appropriations Committee, and now we are trying to add it on in a

continuing appropriation, and I think as long as we continue to do these kinds of things, we are going to have donnybrooks such as we have here today. I do not care to carry this thing any further from my part. I just want to say this. Again, I am not offended at our chairman. He has been a fair chairman. He is a fair chairman and I can understand the pressure that he was probably under to move this thing along at this hour, but I do believe that we were doing the wrong thing at the wrong time and I think these things can be handled in the supplemental.

I will be here to oppose the rule, and I hope that we will not continue to try to legislate on appropriations.

Mr. WALKER. I thank the gentleman for his explanation, and I think it does clarify that there was not a complete understanding of these matters allowed to the members of the Rules Committee. I thank the gentleman and I appreciate his statement with regard to the distinguished chairman of the committee from Florida.

I believe that he is sincere in what he is saying, that the attempt is made in dealing with the minority in a fair way. Our perception in this particular matter is we were not given sufficient information to permit a hurry-up procedure to be utilized on the floor this afternoon.

I will be very glad to yield again to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. If I may presume at some point the distinguished gentleman from Pennsylvania will sit down, I would like to speak in my own right.

I appreciate the gentleman's points, the gentleman from Pennsylvania, he does control the time. Under the rules of the House, I think that that is an entirely proper procedure.

□ 1440

Mr. WALKER. The gentleman from Pennsylvania went through the procedure earlier today of getting a special order so that I did have this time. I think the discussion has been worthwhile.

I think it is extremely important that we hash out this matter since it brought us to a vote earlier this afternoon which in my mind was a completely useless vote and which many Members of Congress are going to find that they were terribly inconvenienced by because they were not here in order to answer it.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. I thank the gentleman for yielding. I do not intend to get involved in any lengthy discussion on this. But I think there are two points that need to be made.

One is that the gentleman from Massachusetts (Mr. BOLAND) is in Grenada and we knew he was going to be in Grenada. The gentleman from Michigan (Mr. TRAXLER) testified on behalf of the amendment that the gentleman from Massachusetts (Mr. BOLAND) had wanted, and the gentleman from New York (Mr. GREEN) testified against it. So we did hear testimony with respect to that.

Mr. WALKER. Can the gentleman tell us what that amendment is? I asked earlier for the chairman of the committee to explain to me what the Zablocki amendment was, what the Boland amendment was, and what the Perkins amendment was.

Mr. LONG of Louisiana. As I said, I intend to make two points for the Record, if I may.

The second point I would make for the Record is there was available, and the chairman pointed out to the members of the committee, there was available a point of order that could have laid at the time that we did not have the rule written, and I specifically asked the Members if any of them wanted to raise that point of order and nobody raised that point of order and that is the reason we proceeded.

The remedies were available to them to delay the matter until they could find out what was in the Zablocki amendment if they did not know.

On the amendment, at the time the point of order was available to them to make a determination as to what was available in the Boland amendment if they had not been there when the people testified on that matter.

I think this is a perfect understanding of why we proceeded in the informal manner in which we did. The committee often does this because of the fact that if we were to bear down and get involved in those, we would end up getting nothing done.

Mr. WALKER. I guess part of our concern is the fact that it appears to us from the explanation given by the gentleman from Florida that the majority Members were fully aware of what some of these things contained, are fully aware of what is in these amendments, were fully aware of what the rule is that they proposed in committee, whereas at least some Members of the minority were not made fully aware of these things. And it just seems to us that perhaps there should be a full information for everyone, even during a hurry-up procedure.

In addition, one of the reasons why we were concerned about the filing of the rule here this afternoon is the fact that we had understood that there might be an additional hurry-up procedure used to try to bring that rule to the floor on Monday rather than Tuesday.

Can someone give us an assurance that the rule is going to come to the floor on Tuesday as originally scheduled?

Mr. LONG of Louisiana. I cannot give you an assurance in that regard at all, because that is not within the responsibility of the Rules Committee. Our responsibility is to get the rule out and report the rule.

Mr. WALKER. So, in other words, as far as we know right now, based upon what we are hearing, there is a likelihood that even though Members have been told that they do not have to be in town on Monday because of no votes, this rule could come to the floor as a result of this filing on Monday, and we could have debate on a very controversial matter on Monday and could have the matter considered?

Mr. LONG of Louisiana. Will the gentleman yield?

Mr. WALKER. I will be glad to yield.

Mr. LONG of Louisiana. I did not hear the discussion when the majority leader talked about the schedule for next week. But I think that we owe in all honesty the recognition that the gentleman from Texas (Mr. WRIGHT) lays it out the best that he can and if he said there were going to be no votes on Monday there will be no votes on Monday.

Mr. WALKER. The point is we could have discussion of the bill, which is evidently a very controversial resolution with amendments that have been contained within it, we could have that discussion at a time when no one is in town. And I think with a vote delayed until late afternoon, I would hope that we could lay that to rest.

I see that the majority leader is here and I will be glad to yield to the gentleman from Texas who has taken a microphone on the minority side. It is a great day for us here on the minority side.

Mr. WRIGHT. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Texas.

Mr. WRIGHT. I do not expect to take the other side of the issue. But this is the closest microphone. I was downstairs listening to this very interesting colloquy on the television.

Let me just take occasion to assure the gentleman from Pennsylvania and anyone else that might be apprehensive that there is no intention on the part of the leadership, nor has there ever been, to bring this bill prematurely. It was not scheduled for Monday. It is not scheduled for Monday.

There will be no votes on Monday. Tuesday being an election day, we thought it well to permit Members to be at home in their districts if they are involved in local elections and to vote early on Tuesday and return. There will be no votes at all until Tuesday afternoon.

It is our intention to schedule this continuing resolution on Tuesday afternoon. And as I understand it, the rule has provided for ample debate and there will be no efforts to violate that or to hurry it up or to slip it by in any surreptitious way whatever.

Mr. WALKER. I thank the gentleman.

The reason why that came up was because of the fact it was filed today rather than wait until Monday, because it could have very easily been filed on Monday for Tuesday consideration, and so I appreciate the gentleman making that explanation.

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

Mr. WALKER. I will be happy to yield to the gentleman from Indiana.

Mr. MYERS. Pertaining to what the majority leader just said, if I listened to what he said, I believe the majority leader said the bill will be debated on Tuesday. How about the rule that is in controversy right now; would that possibly be brought up Monday afternoon or it, too, will come up Tuesday?

Mr. WRIGHT. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. WRIGHT. I had not thought about that. I was talking about the continuing resolution.

Mr. WALKER. The question is about the rule.

Mr. MYERS. We are a few days earlier on the debate.

Mr. WALKER. The rule was originally scheduled, according to the acting majority leader, and his schedule earlier today, was scheduled for Tuesday. Is that still the understanding, that this rule will be brought up on Tuesday?

Mr. WRIGHT. I would respond to the gentleman I do not think there is any votes scheduled for Monday.

Mr. WALKER. But the vote, we have already said the votes would be delayed. The question is whether this rule will come up and be debated on Monday or Tuesday.

Mr. WRIGHT. If the gentleman would permit me to consult with various and sundry to discover this. I think it is Tuesday.

Mr. WALKER. The schedule originally announced was this rule would be brought up on Tuesday and the Rules Committee had told us that the leadership controlled the time rather than the Rules Committee.

I will be glad to yield to the gentleman.

Mr. WRIGHT. If the gentleman will yield further, it is as I described to the gentleman earlier. There will not be any votes on Monday.

The rule will come on Tuesday and the continuing resolution will come on Tuesday.

There is not any effort on the part of anybody to schedule it in any tricky way. It is just the way it was announced earlier.

Mr. WALKER. I thank the gentleman and I explain again the only reason why the concern came up was because for Tuesday consideration the rule could have been filed on Monday, which would have given it a much better chance to get noticed.

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

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. I thank the gentleman, my colleague and friend from Pennsylvania, for yielding.

I came here first to apologize that I missed the last rollcall. I was having lunch not two blocks from this floor and I rather naively believed that I did not have to take my beeper with me because I had been told when I came here in January, as a new Member of this body, that votes were not scheduled during special orders. And then lo and behold, I find that apparently an effort was made by the minority to adjourn this House out from under the feet of the majority leader and in order to prevent that indignity and violation of the spirit of the rules it became necessary to call for a rollcall vote.

I was not here for that reason.

I feel even more sorry for some of my colleagues who I understand were on their way to the airport and hearing their beeper went off, came back thinking some emergency had occurred.

I would just like to say, Mr. Speaker, that if there has been a violation of the spirit of the Rules of this House today I think it came in the effort: First, to adjourn the House without warning and without notice to the majority leader; and second, to force this House into a parliamentary situation in which a rollcall vote had to be taken during a special order, contrary to every understanding of which this freshman Member was ever made aware.

Mr. WALKER. I thank the gentleman for his point, and I think it is important to realize that the minority in that particular instance sought a division vote in order not to put the Members through that particular ordeal and won on the division.

So I think that the minority attempted to stick with the comity of the House and that the problem, a problem accrued from the fact that substantive business was about to be conducted that the minority had not been consulted about.

That is precisely, that is precisely the reason why.

Supposedly we are not to conduct any business during the period of special orders. I am sorry that some saw fit to bring a matter to the floor without consulting with the minority that appeared to us to be substantive business.

That is what brought this all about. It seems to me what we need to have is an adherence to the agreements that we have around here, which, as the gentleman from California has explained previously, are here in part to protect the minority.

□ 1450

We have very few protections. It seems to me that the one that we ought to be assured of is the fact that once business is finished for the day it is in fact finished.

Mr. HARRISON. Mr. Speaker, will the gentleman yield one more time?

Mr. WALKER. I would be happy to yield to the gentleman from Pennsylvania.

Mr. HARRISON. Mr. Speaker, the point I would make is that when you know you are going to attempt to pull a snap motion to adjourn, of course you know you will have enough people on the floor to win the division. Since the majority was not aware that that stratagem was about to be pulled out of the hat and the gentleman from Texas (Mr. GONZALEZ) was alone on the floor.

Mr. WALKER. I would say to the gentleman that I do not think that was the case. I was not on the floor myself, even though I had been told that we were attempting to protect our rights under it. I had gone back to my office. So I do not think it was that. It was the fact that the concept of bringing this rule for filing to the floor came up rather quickly.

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

Mr. WALKER. I will be glad to yield to the gentleman from California.

Mr. LUNGREN. I would like to respond to the gentleman's statement, Mr. Speaker, since I was the gentleman who—if I could get the gentleman's attention—since I was the gentleman who made the motion to adjourn. It was not a deep snap decision to try and keep people unaware. But the fact of the matter is that if this House is going to follow the spirit of the law as well as the letter of the law, it ought to do so. The gentleman (Mr. HARRISON) may cavalierly dismiss the concerns of those in the minority, the gentleman may rejoice with those who are here from the Rules Committee on the majority side who think they have done a great deal by informing the minority of the decisions that have already been made in a rump session on the majority side because they are secure in the knowledge that the 2-to-1-plus-1 ratio that they have guarantees them the right to do anything they wish on any rule brought forward to this House.

Maybe the gentleman thinks that because the American public is not

aware of that fact that we, the minority, ought to lie down and take it. I am here to tell the gentleman we are not going to do it. If this House is going to operate under rules, it is going to operate under rules for both sides.

I did not do anything on this floor today to try to inconvenience other Members. But when the majority takes advantage of the rules to the extent they can make any decision they please and when they make in order amendments that people on our side do not even have any knowledge of and amendments that appear to be nowhere except in the inner recesses of some other Members who may be as far away as Grenada, then we have every obligation and every right to protect our rights.

We do not do these things easily. We do not take these things lightly. But the fact of the matter is the rights of the minority are being trampled in this House on a more or less continuous basis.

Either that is going to change or this House is going to change.

The gentleman may be secure in being a majority Member, but the fact of the matter is the rights of this House are to protect the minority, the constitutional rights in this government are to protect other minorities, and the rules of this House are to protect the minority in this House.

The majority may be comfortable in the fact that they have had rule of this place for so long that they lose sight of what it is like to be in the minority or feel they do not have to worry about being concerned of the spirit of the law as well as the letter of the law; but we are going to assure you that we will consider it seriously and we will not lightly take some of these actions that have been taken recently. And I assure the gentleman there was no attempt on my part nor anybody else's part to try to take advantage of this situation.

I would suggest that if any advantage was attempted it was attempted on the other side.

We merely responded with the Members who were here on the floor, and certainly the majority, outnumbering us by more than 100, probably has the greater opportunity to have more Members on the floor than we do.

Mr. HARRISON. If the gentleman would yield briefly since the gentleman (Mr. LUNGREN) asked for my attention.

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. HARRISON. I thank the gentleman for yielding.

Mr. Speaker, I would respond with this, that it seems to me that those people who have problems with this rule, and I know nothing about it and I do not presume to speak about it, have ample opportunity when the rule comes up for debate and vote to speak germanely to that question. Now I came only to speak to the question of this very unexpected and surprising vote which drew Members here unexpectedly.

Mr. WALKER. If I may regain my time, our problem was, given the way in which the rule was being filed, we were not certain we were going to have the opportunity to get the proper debate of the rule; we now understand through the majority leader and through others who have been before us, that in fact the rule will come at the time it was scheduled.

I assume we will be able to debate some of the merits of the rule at that time. By that time, we may begin to understand what some of these amendments are.

We hope that by that time someone will have told us what the language is of the amendments that are made in order. We would hope that by next Tuesday, someone on our side would be able to know that.

That will give us an opportunity to debate the matter in full.

Mr. LONG of Louisiana. Mr. Speaker, will the gentleman yield for one moment?

Mr. WALKER. I will be glad to yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. Mr. Speaker, when I was making the statement that I did, I said that the gentleman from New York (Mr. GREEN) had testified against the motion, against the amendment. I stand corrected. He testified in favor of it.

I would like the RECORD to show that correction.

I was on the floor handling another matter at the time and did not actually hear the debate myself.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOLAND (at the request of Mr. WRIGHT), for November 4 and 5, on account of official business.

Mr. BARNES (at the request of Mr. WRIGHT), for November 4 and 5, on account of official business.

Mr. MCCAIN (at the request of Mr. MICHEL), for today, on account of official business.

Mr. DAUB. (at the request of Mr. Lewis of California), for today, on account of official business.

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. KASICH) to revise and extend their remarks and include extraneous materials:)

Mr. PORTER, for 60 minutes, on November 16.

Mr. LUNGREN, for 60 minutes, today.

Mr. DAUB, for 5 minutes, today.

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

Mr. KOLTER, for 5 minutes, today.

Mrs. BOGGS, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. SOLARZ, for 60 minutes, today.

Mr. GAYDOS, for 60 minutes, November 10.

EXTENSION OF REMARKS

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

Mrs. BOGGS, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,567.75.

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

Mr. FIELDS.

Mr. FRENZEL.

Mr. GILMAN.

Mr. DAUB.

Mr. MADIGAN.

Mr. HYDE.

Mr. KEMP in two instances.

Mr. YOUNG of Florida.

Mr. YOUNG of Alaska.

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

Mr. GEPHARDT.

Mr. DINGELL.

Mrs. LLOYD.

Mr. JACOBS.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 56 minutes p.m.) under its previous order, the House adjourned until Monday, November 7, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2096. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Air Force's proposed sale of certain defense articles to Turkey (Transmittal No. 84-13), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2097. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the Navy's proposed sale of certain defense articles to the Netherlands (Transmittal No. 84-16), pursuant to 10 U.S.C. 133b; to the Committee on Armed Services.

2098. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Turkey (Transmittal No. 84-13), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2099. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's proposed intention to offer to sell certain defense articles and services to the Netherlands (Transmittal No. 84-16), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2100. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting notice of a new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. SAM B. HALL, JR.: Committee on the Judiciary. S. 376. A bill to amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States be effective only to the extent and in the amount provided in advance appropriation Acts (Rept. No. 98-482). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2250. 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 interests, and prime-time access; with amendments (Rept. No. 98-483). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. H. Res. 362. House Resolution providing for the consideration of House Joint Resolution 403, a joint resolution making further continuing appropriations for the fiscal year 1984 (Rept. No. 98-487). Referred to the House Calendar.

Mr. DE LA GARZA: Committee on Agriculture. H.R. 4052. A bill to provide disaster assistance to agricultural producers and ranchers; with an amendment (Rept. No. 98-488). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. MAZZOLI: Committee on the Judiciary. H.R. 446. A bill for the relief of Juan Escobar Rodriguez (Rept. No. 98-484). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1152. A bill for the relief of Tomoko Jessica Kyan; with an amendment (Rept. No. 98-485). Referred to the Committee of the Whole House.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 1072. A bill for the relief of Margot Hogan; with an amendment (Rept. No. 98-486). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. FRENZEL:

H.R. 4316. A bill to amend the Tariff Act of 1930 regarding same condition drawbacks and same kind and quality drawbacks, and for other purposes; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. DANIEL, and Mr. VALENTINE):

H.R. 4317. A bill to prohibit the Secretary of the Army from issuing certain permits in connection with a proposed water pipeline project until an environmental impact statement for that project has been completed; to the Committee on Public Works and Transportation.

By Mr. CLAY:

H.R. 4318. A bill to amend the Service Contract Act to prohibit discrimination against employees of predecessor employers under such act, and for other purposes; to the Committee on Education and Labor.

By Mrs. JOHNSON:

H.R. 4319. A bill to provide for the conduct of a study by the Secretary of Health and Human Services to determine the guidelines and approaches that should be used in establishing child support amounts, including the methods that should be used to insure that amounts awarded as child support are periodically adjusted to keep pace with the cost of living; to the Committee on the Judiciary.

By Mr. MADIGAN (for himself, Mr. RITTER, Mr. NIELSON of Utah, and Mr. MARRIOTT):

H.R. 4320. A bill to provide for the establishment of a Task Force on Organ Procurement and Transplantation and an Organ Procurement and Transplantation Registry, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SISISKY:

H.R. 4321. A bill to repeal the existing suspension of duty on carob flour; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 4322. A bill to authorize payments to certain Aleut citizens of the United States for personal property losses and unreasonable physical hardship suffered while interned, detained, or relocated in temporary camps during World War II, to make restitution to the Aleut people for certain community property losses suffered during World War II, to protect residents of the Aleutian Islands by removing abandoned ammunition and other hazardous debris from populated areas, and for other purposes; to the Committee on the Judiciary.

By Mr. FORSYTHE (for himself, Mr. JONES of North Carolina, Mr. BREAUX, Mr. SUNIA, Mr. D'AMOURS, Mr. MCCANDLESS, Mr. WAXMAN, Mr. LEVINE of California, Mr. BATES, Mr. DAVIS, Mr. CARPER, Mr. PRITCHARD, Mr. BOSCO, Mr. BIAGGI, Mrs. BOXER, Mr. BONKER, Mr. HUGHES, Mr. MCKERNAN, Mr. HUBBARD, Mr. CHAPPIE, Mr. SHUMWAY, Mr. CARNEY, Mr. LANTOS, Mr. ROE, Mrs. SCHNEIDER, Mr. NOWAK, Mr. STANGELAND, Mr. HOWARD, Mr. PANETTA, Mr. AUCOIN, Mr. CORCORAN, Mr. EVANS of Illinois, Mr. SAWYER, Mr. LOTT, Mr. SUNDQUIST, Mr. VANDERGRIFF, Mr. PATTERSON, Mr. THOMAS of Georgia, Mr. SWIFT, Mr. FRENZEL, Ms. MIKULSKI, Mr. KOSTMAYER, Mr. HORTON, Mr. BATEMAN, Mr. EDGAR, Mr. LEWIS of Florida, and Mr. JEFFORDS):

H.J. Res. 410. Joint resolution to declare June 4-10, 1984, as National Fishing Week; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

294. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to a Federal charter to the Polish Legion of American Veterans; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 1199: Mrs. ROUKEMA.

H.R. 1918: Ms. SNOWE.

H.R. 2053: Mr. WALGREN.

H.R. 2154: Mr. ASPIN.

H.R. 2242: Mr. YATES, Mr. OTTINGER, Mr. OBERSTAR, and Mr. BORSKI.

H.R. 2318: Mr. BEVILL, Mr. HANSEN of Idaho, Mr. MCCURDY, and Mr. EVANS of Illinois.

H.R. 2420: Mr. TAUZIN, Mr. JONES of North Carolina, Mr. TAYLOR, Mr. Edwards of Oklahoma, and Mr. RITTER.

H.R. 2568: Mr. DAUB.

H.R. 2697: Mr. PRITCHARD, Mr. DASCHLE, Mr. REGULA, Mr. SOLARZ, Mr. FAZIO, Mr. FRANK, Mr. CROCKETT, Mr. HILER, Mr. JACOBS, Mr. HORTON, Mrs. MARTIN of Illinois, Mr. MINISH, Mr. FISH, Mr. SCHEUER, Mr. IRELAND, Mr. WEISS, Mr. DANIEL, Mr. OBERSTAR, Ms. OAKAR, Mr. LAFALCE, Mr. MINETA, Mr. CORCORAN, Mr. RAHALL, Mr. PORTER, Mr. TAUKE, Mr. MORRISON of Connecticut, Mr. BETHUNE, and Mrs. SCHROEDER.

H.R. 2949: Mr. HANSEN of Idaho, Mr. ENGLISH, and Mr. MCCURDY.

H.R. 2977: Mr. YOUNG of Alaska and Mr. CONABLE.

H.R. 3095: Mr. AUCOIN and Mr. COELHO.

H.R. 3150: Mr. GONZALEZ, Mr. VANDERGRIFF, Mr. TAUZIN, Mrs. BOGGS, Mr. MOORE, and Mr. ROEMER.

H.R. 3265: Mr. WEISS, Mr. LELAND, Mr. SIMON, Mr. MATSUI, Mr. WILSON, Mr. ANDERSON, Mr. LAGOMARSINO, Mr. ANDREWS of Texas, Mr. FRANK, Mr. LUNDINE, Mr. BRITT, Mrs. COLLINS, Mr. MURPHY, and Mr. LEVINE of California.

H.R. 3271: Mr. BARNES.

H.R. 3734: Mr. BEDELL.

H.R. 3867: Mr. FOLEY, Mr. UDALL, Mr. COELHO, Mr. OLIN, Mr. BROWN of California, Mr. CHAPPIE, Mr. MACKAY, and Mr. FRANKLIN.

H.R. 3979: Mr. MOORHEAD.

H.R. 4070: Mr. SAM B. HALL JR., of Alabama, Mr. SMITH of Florida, Mr. HORTON, Mr. BARNES, Mr. BROOKS, Mr. KOGOVSEK, Mr. BEVILL, Mr. ROE, Mr. BONIOR of Michigan, Mr. BRYANT, Mr. HUGHES, Mr. BARNARD, Mr. STUDDS, Mrs. COLLINS, Mr. MOLLOHAN, Mr. WYDEN, and Mr. JEFFORDS.

H.R. 4203: Mr. STAGGERS, Mrs. VUCANOVICH, Mr. EVANS of Iowa, Mr. KOGOVSEK, Mr. DORGAN, Mr. PURSELL, Ms. SNOWE, Mr. KINDNESS, Mr. JEFFORDS, and Mr. CORCORAN.

H.J. Res. 103: Mr. CARPER, Mr. WYDEN, and Mr. HUTTO.

H. Con. Res. 16: Mr. BURTON of Indiana.

H. Con. Res. 18: Mr. BURTON of Indiana.

H. Con. Res. 136: Mr. PAUL, Mr. MOORE, and Mr. MCCOLLUM.

H. Con. Res. 178: Mr. EMERSON, Mr. MCNULTY, and Mr. SISISKY.

H. Con. Res. 181: Mr. WHITTAKER.

H. Con. Res. 207: Mr. MCGRATH, Mr. GRAY, Mr. WEISS, Mr. LEVINE of California, Mr. COATS, Mr. VENTO, Mr. FRENZEL, and Mr. MCHUGH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 3498: Mr. DYSON.

AMENDMENTS

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

H.J. RES. 403

By Mr. ALEXANDER:

—At the end of the resolution, insert the following new section:

SEC. . Such Joint Resolution is further amended by adding the following new sections:

SEC. . Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: "Eligibility of an applicant shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes or the Secretary's failure to determine that there has been a reduction in production countywide, except that the applicant shall establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or the regulations issued in accordance with law.

SEC. . (a) Any finding made by the Secretary of Agriculture under Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 (a)) during the period beginning on July 1, 1983, and ending on September 30, 1984, that the eligible farmer's or rancher's operations have been substantially affected by a natural disaster shall be deemed to be a determination made by the Secretary that an emergency exists for the purposes of—

"(1) section 813 of the Agriculture Act of 1970 (7 U.S.C. 1427a), and

"(2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

"(b) The Secretary of Agriculture shall exercise the Secretary's authority under (1) section 813 of the Agriculture Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain in the disaster reserve at 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), and (2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, at a rate equivalent to the assistance provided under clause (1), in areas where grain in the disaster reserve cannot be economically utilized to alleviate distress caused by the natural disaster. Such grain shall be sold and such assistance provided to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their off-spring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists: *Provided*, That, notwithstanding any other provision of law, not in excess of $500,000,000, including cash obligations and commodity equivalents, shall be expended in the operation of the program provided for in this section.

"(c) For the purposes of this section, the term 'eligible farmers and ranchers' means farmers and ranchers who meet the criteria specified in section 1105(b) of the Food and Agriculture Act of 1977 (7 U.S.C. 2267(b)).".

By Mr. HOYER:

—At the end of the joint resolution insert the following new section:

SEC. ( ). Section 101(d) of Public Law 98-107 is hereby amended to read as follows:

"(d) Such amounts as may be necessary for continuing the activities, not otherwise specifically provided for in this joint resolution, which were provided for in H.R. 4139, the Treasury, Postal Service and General Government Appropriation Act, 1984, as passed the House of Representatives on October 27, 1983, at a rate for operations and to the extent and in the manner provided for in such Act.".

By Mr. LOEFFLER:

—At the end of the resolution, insert the following new section:

SEC. . Such Joint Resolution is further amended by adding the following new sections:

SEC. . Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by adding at the end thereof the following: Eligibility of an applicant "shall not be affected by the Secretary's failure to designate a county or counties for emergency loan purposes or the Secretary's failure to determine that there has been a reduction in productiion countywide, except that the applicant shall establish to the satisfaction of the Secretary that such losses were sustained as a result of such disaster. The determinations of the Secretary under this section shall be final unless found by a court of competent jurisdiction, on the basis of the administrative record, to have been arbitrary, capricious, or otherwise not in accordance with law or the regulations issued in accordance with law.

"SEC. . (a) Any finding made by the Secretary of Agriculture under Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) during the period beginning on July 1, 1983, and ending on September 30, 1984, that the eligible farmer's or rancher's operations have been substantially affected by a natural disaster shall be deemed to be a determination made by the Secretary that an emergency exists for the purposes of—

"(1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), and

"(2) section of 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267).

"(b) The Secretary of Agriculture shall exercise the Secretary's authority under (1) section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), without regard to any limitation specified in subsection (c) or (d) of such section, to sell grain in the disaster reserve at 75 per centum of the current basic county loan rate for such grain in effect under the Agricultural Act of 1949 (or a comparable price if there is no such current basic county loan rate), and (2) section 1105 of the Food and Agriculture Act of 1977 (7 U.S.C. 2267) to provide assistance, at a rate equivalent to the assistance provided under clause (1), in areas where grain in the disaster reserve cannot be economically utilized to alleviate distress caused by the natural disaster. Such grain shall be sold and such assistance provided to eligible farmers and ranchers for the preservation and maintenance of foundation herds of livestock and poultry (including their off-spring) until September 30, 1984, or such earlier date that the Secretary determines such emergency no longer exists: *Provided*, That, notwithstanding any other provision of law, not in excess of $500,000,000, including cash obligations and commodity equivalents, shall be expended in the operation of the program provided for in this section.

"(c) For the purposes of this section, the term 'eligible farmers and ranchers' means farmers and ranchers who meet the criteria specified in section 1105(b) of the Food and Agriculture Act of 1977 (7 U.S.C. 2267(b)).".

By Mr. TRAXLER:

—At the end of the joint resolution insert the following new section:

SEC. ( ). The second proviso of the appropriating paragraph entitled "Annual contributions for assisted housing" in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1984 (Public Law 98-45), is hereby amended by striking out "January 1, 1984" and inserting in lieu thereof "February 29, 1984".

By Mr. WRIGHT:

—At the appropriate place in the joint resolution insert the following new section:

SEC. . (a) Notwithstanding any other provision of this joint resolution, the following amounts are hereby made available, in addition to funds otherwise available, for the following purposes:

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for carrying out chapter 1 of the Education Consolidation and Improvement Act of 1981, $165,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

VOCATIONAL EDUCATION

For an additional amount for carrying out the Vocational Education Act of 1963, $81,400,000 to become available on July 1, 1984, and remain available until September 30, 1985.

ADULT EDUCATION

For an additional amount for carrying out the Adult Education Act, $12,000,000 to become available on July 1, 1984, and remain available until September 30, 1985.

OFFICE OF COMMUNITY SERVICES

COMMUNITY SERVICES BLOCK GRANT

For an additional amount for carrying out the Community Services Block Grant Act, $30,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for carrying out Title XXVI of the Omnibus Budget Reconciliation Act of 1981, relating to low income home energy assistance, $195,000,000.

EDUCATION FOR THE HANDICAPPED

For an additional amount for carrying out the Education of the Handicapped Act, $143,000,000 to remain available until September 30, 1985.

REHABILITATION SERVICES AND HANDICAPPED RESEARCH

For an additional amount for carrying out section 100(b)(1) of the Rehabilitation Act of 1973, $43,900,000.

EDUCATION FOR IMMIGRANT CHILDREN

For carrying out emergency immigrant education assistance under title V of H.R. 3520 as passed the House of Representatives September 13, 1983, $145,000,000.

HIGHER EDUCATION

For an additional amount to carry out part B of title VII of the Higher Education Act of 1965, $20,100,100 for construction and related costs of a model engineering center at Boston University, $18,200,000 for a model engineering center at the University of New Mexico, and $5,000,000 for a model computer center at Barry University. These funds, to remain available until expended, are subject to section 721(b) and the facilities shall be of the type described in section 713(g).

For an additional amount for work-study programs under title IV of the Higher Education Act of 1965, $20,000,000.

For an additional amount for supplemental educational opportunity grants under title IV of the Higher Education Act of 1965, $10,000,000.

COMMUNITY HEALTH CENTERS

For an additional amount for carrying out title III and XIX of the Public Health Service Act with respect to community health centers, $20,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For an additional amount for carrying out the National Technical Institute for the Deaf Act, $1,700,000.

GALLAUDET COLLEGE

For an additional amount for carrying out the Act of June 18, 1954 (68 Stat. 265), relating to Gallaudet College, $2,000,000.

JOB TRAINING

For an additional amount for carrying out part A of title II of the Job Training Partnership Act, $70,800,000.

For an additional amount for carrying out section 401(j) of the Job Training Partnership Act relating to Native American programs, $2,336,400.

For an additional amount for carrying out section 402(f) of the Job Training Partnership Act relating to migrant and seasonal farmworker programs, $2,265,600.

(b) Notwithstanding any other provision of this joint resolution, for carrying out the special supplemental food program for women, infants, and children under section 17 of the Child Nutrition Act of 1966, there are authorized to be appropriated for fiscal year 1984, $1,360,000,000.

Notwithstanding any other provision of this joint resolution, no part of any of the funds appropriated or otherwise made available by this or any other Act may be used to implement mandatory monthly reporting-retrospective budgeting for the food stamp program during the period beginning on January 1, 1984, and ending on October 1, 1984.

EMERGENCY SHELTER FOR THE HOMELESS

For carrying out the Emergency Shelter for the Homeless activities under Section 101 (L) of H.R. 1, as passed the House of Representatives on July 13, 1983, $10 million.

SENATE—*Friday, November 4, 1983*

(Legislative day of Monday, October 31, 1983)

The Senate met at 9 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.

Sovereign Lord, help us to appreciate the reality and relevance of prayer. Help us to understand that we have direct access to God and the lines are always open. Help us to understand that prayer is not just a religious exercise for the pious, that it is conversation with Him who loves us and longs for our love. Awaken us to the profound fact that prayer is contact with the source of all truth, all knowledge, all wisdom, all power.

Thank Thee, Lord, for the models of prayer we have in the great leaders of the past: Abraham, progenitor of Israel—Moses, the great law giver—David, preeminent among ancient kings—Solomon, the wisest of men—Samson, the strongest of men—the Hebrew prophets—Jesus Christ—the Apostles—many of our Founding Fathers and many of the greatest leaders our Nation has produced.

Give to the Senators, dear God, the practical wisdom of seeking Thee daily, waiting upon Thee, listening to Thee. In Jesus' name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

Mr. STEVENS. Mr. President, this morning after the usual time for the two leaders under the standing and the special orders, the Senate will resume consideration of the Defense appropriations bill. In behalf of the majority leader and as chairman of the Defense Appropriations Subcommittee, I urge Senators who have amendments on this bill to come to the floor early today and present their amendments. We are still attempting to get a time agreement which will provide for the final vote on this bill to occur either Monday evening or early Tuesday afternoon. If we can reach that time agreement, we will not be in session tomorrow. If we do not reach that time agreement, I will advise the majority leader that I see no alternative to a Saturday session.

We do hope that we can make progress on the bill today. As a matter of fact, knowing as I do, the number of amendments that have been suggested, there is no reason we could not finish this bill today, if Senators would come to the floor and offer their amendments today.

I would be happy to work with anyone who has an amendment to suggest. We do hope that the Senate will cooperate and try to help us get this bill to conference. As I said yesterday repeatedly, and I intend to repeat it again, I have been told that it will be impossible for us to have a conference on the Defense appropriations bill unless we get the bill to the House prior to the time the House starts deliberations on the continuing resolution. The same people are involved in the continuing resolution in the committee in the House and on the floor in the House who would be required to confer with us in conference on the Defense appropriations bill. This bill must be out of conference by the time the continuing resolution starts or it will be within the confines of the continuing resolution. In that case, the Senate will be forced to go right back over the same material we are dealing with now in this bill as part of the amendments to the continuing resolution.

VITIATING SPECIAL ORDER FOR SENATOR DOMENICI

Mr. STEVENS. Mr. President, I ask unanimous consent that the special order entered in behalf of the Senator from New Mexico (Mr. DOMENICI) be transferred to my time. I will say to the distinguished minority leader some of that time will be available to him.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

Mr. BYRD. Mr. President, may I say to the distinguished acting majority leader that we are working hard on this side concerning this bill. Is he prepared to say how many amendments on his side will be offered and how much time will be required for those amendments?

Mr. STEVENS. I might say to my friend I am informed at this time of only two amendments and perhaps three that will be presented by members of the Armed Services Committee on our side. Those are the only amendments that have been discussed with me so far. There have been no time limits agreed to. However, there is no indication that they will require a substantial amount of time.

Mr. CHAFEE. May I inform the minority leader and the acting majority leader that I will have an amendment. I am perfectly agreeable to a time limitation of 40 minutes equally divided or something to that effect when the proper time comes.

Mr. STEVENS. Can the Senator tell us the subject matter?

Mr. CHAFEE. The long leadtime for parts on the 688 submarines.

Mr. BYRD. Long leadtime on what?

Mr. CHAFEE. Long leadtime for parts for the 688 submarine.

Mr. STEVENS. I did not know who was going to raise that.

Mr. BYRD. The deputy leader yesterday went to great lengths to express his interest in getting a time agreement. I do not blame him for that.

Mr. STEVENS. Or a time for final vote, let me say.

Mr. BYRD. Before we can give a time for final vote, we have to know what the amendments are and how much time the Senators on both sides would be willing to agree to. To the deputy leader, for whom I have a great respect, and a tremendous amount of fondness because I have worked closely with him over the years and have always found him to be fair and very friendly and kind to me, I must say that we cannot give a time agreement until we know what amendments are coming up, the identity of those amendments, what the authors of those amendments would require. If the Senator will see to it on his side that that information is obtained, we will attempt on this side to do the same. It may be that we can get a time agreement. In saying that, may I repeat that we are prepared on this side to give a time agreement on the Civil Rights Commission measure. That is a little aside, but we are interested in that measure also.

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

Mr. STEVENS. I understand that is one of the items on our list to consider once we get through these appropriations bills, the Civil Rights Commission, the reconciliation bill, the debt ceiling, the Clark nomination, and possibly the Export Administration Act before we complete business after we finish the appropriations bills. We will be delighted to discuss that.

As far as the time agreement on the pending measure, I do not believe we can flesh out the time agreements on each amendment until we do determine what is going to be the final hour of debate on this bill. We did that last year, if the Senator will recall. We got an agreement to vote at a time certain on a day. We indicated either Monday afternoon or Tuesday at 2 p.m. would be acceptable. This is because of the parameters of dealing with the House. It has nothing to do with the time limitation here. We are prepared to stay in session as long as is required today, Saturday, come in early Monday and early Tuesday. We are not trying to constrain in any way the time the Senate spends on the bill.

We want to have assurance we can get this bill to the House and give them notice that we shall have it to the House in time to meet in conference Tuesday afternoon before the continuing resolution is the subject of consideration in the House.

Mr. BYRD. Mr. President, may I say to the deputy leader, in my judgment, it is not possible to get a time for a final vote until we find out what the amendments are. That is unrealistic, I say most respectfully to the deputy leader, to talk in terms of a final vote at a final time until we know what amendments are going to be called up.

May I say this: We can agree on a time limit and who knows what kind of amendment will be called up because we shall be forced to vote, to cast a final vote on the bill regardless of what kind of nongermane amendment might be called up. So it is just simply unrealistic—I say that again respectfully to the Senator—because I have tried to help get time agreements around here. I think we have been pretty cooperative on this side. But we have to know what amendments are going to be called up.

Mr. STEVENS. I might say to my friend, I share his trepidation in looking into Pandora's box as far as the defense bill is concerned. I shall ask our side to put out a hotline urging Senators to notify Defense Committee staff of any amendments they intend to enter into. We shall present that list to the minority leader, and I would be prepared to enter into a time agreement that no amendments not listed will be in order on this bill. If the minority leader will do the same, we ought to be able to have a time agreement here in a very short time on that basis. I would be happy to have such a time agreement.

Mr. BYRD. Mr. President, let me say to the deputy leader that I cannot assure him as of this moment of a time agreement in any respect, but before we can realistically begin to try to get a time agreement, which will have as part of that agreement a date and hour for a final vote, we have to know what the amendments are and attempt to find out from the authors of them whether or not they would agree on a particular time for each amendment.

We shall attempt to do that on this side of the aisle. Then we shall get together and see what we have and go from there.

Mr. STEVENS. I thank the Senator.

ORDER OF PROCEDURE

Mr. BYRD. I ask unanimous consent that I may reserve the remainder of my time, if I have any left.

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

Mr. BYRD. How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Democratic leader has 6 minutes remaining.

Mr. BYRD. I thank the Senator.

Mr. STEVENS. Mr. President, how much time does the majority leader retain?

The PRESIDING OFFICER. The acting majority leader has 18 minutes remaining.

Mr. STEVENS. I shall save 6 or 7 minutes of that for the majority leader if he should wish to use it during the balance of the day. I yield the rest of my time to the junior Senator from Alaska.

RECOGNITION OF SENATOR MURKOWSKI

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized for not to exceed 15 minutes.

LIMITED EXPORT OF ALASKA OIL: A $10-BILLION WINDFALL

Mr. MURKOWSKI. I thank my distinguished friend, the senior Senator from Alaska. I shall not require more than 2½ minutes.

My statement today is the third of a series on the subject, "Limited Export of Alaska Oil: A $10-Billion Windfall."

Mr. President, word is going around that the Federal Treasury will lose money as a result of the export of Alaska oil. It has been suggested that shipowners will default on title XI loans, the Japanese will force U.S. producers to sell oil at a discount, the State of Alaska will be the major exporter cutting into windfall profits tax (WPT) gains; the opponents' litany of negative revenue impacts goes on and on. Fortunately for the Federal Government, none of that is true.

Limited export of up to 200,000 barrels per day of Alaska crude oil and unlimited export of new field production, shipped on American-flag tankers, will yield a substantial net increase in Federal revenues.

There are two ways Federal revenues will be increased by export: higher WPT on Prudhoe Bay production which is exported and higher OCS bonus sale and royalty payments on new Alaska fields developed as a result of export.

Assuming that 200,000 barrels per day of Prudhoe Bay production is exported, of which 50,000 barrels per day is State royalty crude, the Federal Government will realize an additional $2.43 a barrel in income tax and windfall profits taxes. That adds up to $133 million a year in additional tax revenues. And, in the battle against the deficit, every $100 million counts immeasurably.

In addition, the Federal Government owns most of the attractive new areas for future Alaska and west coast development—most of which are offshore. The Department of Energy has concluded that:

> • • • the value of future OCS and Federal land leases in Alaska and California would increase, resulting in larger bonus bids • • • and production royalties. Revenues from those leases over the productive lives of the fields would result in gains of about $10 billion (discounted present value) if the ban were lifted.

That is from the testimony of Jan Mares, Acting Director of the Office of Policy, Planning and Analysis, DOE, before the Senate Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs.

Mr. President, have we become so jaded to $200 billion deficits that we can lightly dismiss the opportunity of an additional $10 billion in Federal revenues?

I suggest, therefore, that before we continue to provide this enormous hidden subsidy to the domestic maritime industry, we determine if there is a cheaper way to achieve the valid public policy objective of a modern, competitive merchant marine. As I represent a state which relies on domestic shipping, I would be happy to work with others to work on this problem. But it is time to stop creating countless other energy security and foreign policy problems by using the export ban as a band-aid.

Mr. President, at this point, I ask unanimous consent that a copy of the Department of Energy testimony on oil exports before the East Asian and Pacific Affairs Subcommittee be printed in the RECORD.

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

STATEMENT OF JAN MARES, ACTING DIRECTOR, OFFICE OF POLICY, PLANNING AND ANALYSIS

I am pleased you have given me the opportunity to describe our on-going work on the issue of Alaskan oil exports. Although the work is still in progress, I would like to present some preliminary findings today.

I would like to begin by briefly describing the computer model we are using in our analysis, and then address individually the three major questions raised during our consideration of the ban on Alaskan oil exports:

What are the economic benefits and costs of lifting the oil export ban?

Will lifting the ban lessen the energy security of the Nation?

Will lifting the ban lessen our national security through its effect on the domestic maritime industry?

MODEL DESCRIPTION

In our analysis of oil export policy options, we are using a mathematical model of the world oil market. This computer model was developed jointly by DOE and individuals in the Operations Research Department at Stanford University, and is called the Contingency Planning Model—or "CPM". The CPM simulates the operation of the world oil market, and is designed to estimate the response of the oil market to changes in oil supply, refining or transportation costs, and petroleum product demand. The model contains 10 different geographic oil producing regions, 13 refining centers, and 9 petroleum product consumption regions.

The CPM simulates the production and transportation of crude oil to refining centers, the distillation and downstream processing of the oil into marketable products, and the transportation of the products to ultimate consumers. The CPM is detailed enough to answer a number of questions raised during consideration of the export ban including the value of Alaskan oil in the Far East, the availability and cost of imported substitutes for exported Alaskan oil, and the compatibility of Alaskan and other crudes with the various refining centers around the world.

The CPM has been tested across a wide range of scenarios, and has been found to depict accurately the patterns and alterations of crude oil shipments, refining, and consumption that economic theory and practical market experience suggest would occur. The model itself has been favorably reviewed by a number of modelers, including members of the Energy Modeling Forum affiliated with Stanford University and researchers at the U.S. Office of Technology Assessment. While the model is not an exact replica of the world oil market, we have a great confidence that the CPM reasonably depicts the relative effects of the various Alaskan oil export policies. Nonetheless, we recognize that for such a major policy decision any results from a mathematical model must be validated against real world experience.

I would like to submit for the record, documentation on the Contingency Planning Model that was published in July 1982. Although the input data described in this document is now out of date, the documentation accurately portrays the structure and operation of the model we are now using. We will submit updated documentation when we publish our analysis later this year.

ECONOMIC BENEFITS AND COSTS

Our Nation's recent experience with energy markets demonstrates that unnecessary government interference in markets distorts the equilibrium between supply and demand and results in an inefficient allocation of recources. The current prohibition against export of Alaskan oil is yet another example of this point, for the preliminary results of our study indicate that the economic costs of this ban far outweigh the economic benefits. The direct costs of the ban are the higher transportation and refining costs incurred by shipping almost half of the Alaskan North Slope production to the Gulf Coast and Caribbean. The other half goes to U.S. West Coast markets where there is a substantial oversupply of heavier crudes and refinery conversion facilities are overloaded. Indirect costs of the ban are lower oil exploration activity and lower oil production in Alaska and California. The benefits of the ban are restricted to the Jones Act subsidies to the domestic tanker fleet and depressed prices paid by West Coast consumers of heavy petroleum products.

IMPACTS OF THE BAN

Under current law, virtually all of the 1.7 million barrels per day of Alaskan oil production must be shipped to domestic markets. The West Coast markets absorb about half this amount. The remaining oil is shipped to refineries on the Gulf Coast and Caribbean. The Jones Act, which mandates that only U.S. flag tankers operate between U.S. ports, causes shipping rates to be higher than internationally competitive rates because of high U.S. construction and labor costs. Transportation costs are approximately $1.50 per barrel to the West Coast and from $4.00 to $5.00 per barrel to the Gulf and East Coasts. These transportation costs contrast sharply with our estimated costs to Japan and the Far East of between $.50 and $.95 per barrel.

Under current law, oil companies do not bear the full weight of these high transportation costs because they can be written off against Windfall Profit Tax liabilities. When the Windfall Profit Tax phases down in the late 1980's/early 1990's, the economic incentive to export Alaskan oil will be even greater; and with the ban in place, this incentive will be translated into increased oil product exports that are not covered by the ban.

Currently only about half of the 1.7 mmbd of oil produced on the North Slope can be economically refined and used on the West Coast, and Alaskan production is expected to increase to a peak of about 2 mmbd. This excess supply diminishes the profitability of new production and therefore serves as a disincentive to the exploration and development of additional Californian and Alaskan oil reserves.

If the ban remains in effect, the crude oil surplus is expected to increase by 1985 and continue through 1995, even with a decrease in new exploration and production. This surplus in the California market would be exacerbated by new oil discoveries on the Outer Continental Shelf off the California coast. Consequently, Alaskan and Californian oil producers would continue to sell at a discount in order to compete in the West Coast market.

GENERAL ECONOMIC EFFECTS OF ALLOWING EXPORTS

The primary argument in favor of lifting the ban is economic. The benefits of eliminating the export ban would be reduced costs for transporting and refining petroleum to meet domestic energy needs. Initial estimates indicate that the total discounted present value of savings through 1990 in oil transportation and refining costs that would result from lifting the ban would range from $3.6 to $5.4 billion. These cost savings come from three chief sources: wealth transfers, resource savings, and net additions to our economic wealth.

(1) *Wealth Transfers.* In the initial years, part of the reduced costs of producing and delivering petroleum products for domestic consumption will result from reduced net revenues in the maritime and refining industries. The flow of revenues into the domestic maritime industry would be reduced as demand for their services declines, while revenue flows into oil production and the state and federal treasuries would increase. Net revenues to refiners on the West Coast would also decline as their crude oil costs rise to world market levels and revenues to producers and Government increase.

(2) *Resource Savings.* An additional benefit to the economy would result from the release of economic resources currently tied up in the transport of Alaskan oil to reduce costs in other sectors of the economy. Initially the transferrable resources would be modest; the fuel and other operating costs of the tankers would be readily used elsewhere. Over time more resources would be saved for other uses, including the materials required to replace many of the ships in the aging domestic tanker fleet. (As you may know, a substantial fraction of the smaller tanker fleet used primarily to haul oil from Panama to the Gulf and East Coasts is nearing 15 years of age or older.)

(3) *Net Additions to Our Economic Wealth.* Another part of the savings would result from new value added to the economy. Reduced transportation and refining costs increase the incentives for new exploration and production of oil in Alaska and on the U.S. West Coast. Any new production that results is a net improvement in our national economy. Over time, the fraction of the cost savings attributable to transfers from one sector of the economy to another will decline, and that from net additions to our economic wealth will increase.

WELLHEAD PRICES

If producers were allowed to export oil, Alaskan wellhead prices would rise, reflecting the lower transportation costs to market. Higher wellhead prices from sales to the Pacific Rim would provide incentives to export a substantial fraction of Alaskan oil production—perhaps as much as half—by 1990. Initial estimates indicate that the wellhead value of Alaskan crude would rise by about $1.85 per barrel. The wellhead price of California crudes would also rise, reflecting the end of the West Coast "glut" that stems from the ban.

OIL PRODUCTION

Higher wellhead prices due to lifting the ban would encourage additional oil production in Alaska and California. As the wellhead value of the oil increases, it becomes economic to produce more from existing fields and to begin production on fields that were previously uneconomic. The point can be made by example: Alaskan oil producers have discovered about 150 million barrels of recoverable oil reserves in the Milne Point and Gwydyr Bay Fields. For the present these fields will not be developed because, at current wellhead prices, it would be uneconomic to do so. Furthermore, development in the Kuparuk region has been slowed, apparently because of the decline in world oil prices over the past six months.

In both of these cases, and others like them elsewhere in Alaska and on the West Coast, the increase in wellhead prices accompanying removal of the export ban would increase incentives to extend oil production in old fields and to begin it in new fields. The resulting increase in domestic production would increase downward pressure on world oil prices, while reducing the level of net oil imports to the U.S. and the drain on the balance-of-trade caused by those imports.

WEST COAST PETROLEUM PRODUCT PRICES

As the average viscosity of California production increased and as North Slope production came on line in the late 1970s, it was necessary for West Coast refiners to invest in new conversion capacity. However, the uncertain investment climate fostered by imposition of the ban has limited this investment. West Coast refiners have not been installing enough new conversion capacity to adequately refine the growing supplies of heavy crudes and residual fuels obtained from distillation of these crudes. Instead, West Coast refiners have operated existing conversion capacity more intensively to increase percentage yields of light products such as motor gasoline.

The limitations of existing conversion capacity among West Coast refiners has caused an increase in the cost of refining light products and in the supply of heavy products. The effect for West Coast consumers has been that prices of heavy products have been lowered by about 3 percent, while prices of light products like gasoline have remained high. Therefore, should the ban be lifted and West Coast refiners incur higher crude acquisition costs, only part of those higher costs will be passed on to consumers. The price increase that is passed on will be largely limited to heavy petroleum products.

EFFECTS ON THE MARITIME INDUSTRY

Approximately 40 percent of the domestic tanker fleet, comprising 70 percent of total dead weight tonnage, is currently engaged in the Alaska trade. The ships in this fleet are protected from foreign competition, and due to higher construction and operating costs would be unable to compete successfully outside the domestic trade. Some of these ships are likely to be idled should the oil export ban be lifted, and as many as 3,000 maritime jobs may be lost.

Allowing Alaskan oil exports could jeopardize the economic value of investments in the maritime and refining infrastructure that was developed to carry this oil to domestic markets and refine it for domestic customers. The removal of the ban could eventually result in the export of 800,000 barrels per day and the owners of 68 tankers now employed in its domestic distribution would be out of business. Defaults on government-guaranteed mortgages on ships directly affected could be significant.

Further, in the tanker industry competition that would follow, additional defaults involving government guarantees on tankers outside of the Alaskan trade may be expected. It should be noted, however, that, according to preliminary analysis, even in the most extreme scenarios concerning tanker defaults, Federal outlays for guaranteed loans would only be a fraction of the increased revenues from other sources. If export restrictions were only partially lifted, the immediate impact on the tanker industry would be less severe.

FEDERAL REVENUES

A large part of the increase in the value of Alaskan and California oils would be captured by the Federal government in increased Windfall Profit Tax and corporate income tax receipts. The actual amount of Federal revenues will depend on future world oil prices. Our preliminary estimates show sizeable net increases in Federal revenues, under a wide range of oil price projections. In addition, the value of future OCS and Federal land leases in Alaska and California would increase, resulting in larger bonus bids for those leases and production royalties. Revenues from those leases over the productive lives of the fields would result in gains of about $10 billion (discounted present value) if the ban were lifted. These gains represent a substantial benefit to Americans generally.

ENERGY SECURITY

Some have argued that prohibiting exports increases our Nation's energy security by ensuring that more oil will be available to us during an oil supply emergency. This argument has been disproved by recent history.

A very important, but often overlooked, aspect of the world oil market is that oil and petroleum products are exchanged widely among consumers as well as between consumers and producers. Producers and consumers have the opportunity to profit from the sale of oil to regions where prices are high.

As a result, oil supplies will move rapidly to regions with high prices and away from regions with relatively low prices until prices in all regions are about the same, adjusting for differences in transportation costs, refining costs, and taxes. During oil supply disruptions, the force of price equalization will ensure that oil and petroleum products are directed to areas where they are most needed. Likewise, the force of price equalization prevents the U.S. from securing greater oil supplies during a disruption by banning the export of Alaskan oil.

The two major oil supply disruptions of the 1970's demonstrated that oil and petroleum products do in fact flow to where they are most needed. In 1973, the Arab members of OPEC imposed a complete embargo on crude exports to the U.S. and the Netherlands. At the same time, total OPEC productions was cut by about 10 percent. Exchange between consumers, and between consumers and non-OPEC and non-Arab OPEC producers, made the attempt to prevent the U.S. and the Netherlands from obtaining crude imports largely ineffective. In the end, all consuming countries suffered about the same 10 percent reduction in consumption caused by the lower level of OPEC production. Price increases and supply losses were also experienced equally among consuming countries during the Iranian Revolution and the Iran/Iraq war.

In fact, lifting the Alaskan export ban would enhance U.S. energy security by increasing domestic production, reducing U.S. net oil imports and by increasing the flexibility of the world oil market to adjust efficiently to unexpected supply disruptions. Lifting the export ban would allow—not required—U.S. firms to export Alaskan oil. Some Alaskan oil would continue to be shipped to the West Coast markets. Some oil which currently goes to the Gulf Coast markets may be shipped to Japan and other nations of the Pacific Rim. In this case, substitute supplies from foreign producers would be sent to Gulf Coast markets to meet unsatisfied demand. In short, the export of Alaskan oil would not diminish the supply of oil for U.S. markets. Allowing exports of Alaskan would result in increased domestic oil production on the West Coast and in Alaska. Net U.S. oil imports would, therefore, be lower and our vulnerability to oil supply disruptions reduced if the ban were lifted.

Lifting the export ban also would remove a barrier to free exchanges and allow supply patterns to be redirected in a way that would reduce refining and transportation costs. It is especially important during supply disruptions that the market is allowed the flexibility to distribute available oil supplies as efficiently as possible.

NATIONAL SECURITY

The final issue is the effect that lifting the Alaskan oil export ban would have on U.S. national security. There is serious concern that small, militarily useful tankers now employed in the Alaska oil trade would be scrapped if the ban were lifted. These tankers would then not be available for use in an emergency, such as a military sealift or increased domestic use of Alaskan oil during a disruption. Further, the trained seamen who operate these vessels may not be available. Of course, it is possible that some of these tankers could be employed on other petroleum shipping routes if the ban were lifted.

Nevertheless, the Administration is concerned that some of these ships will be unemployed. We are currently examining military tanker requirements to determine whether an alternative means of guaranteeing our security interests would be less costly to the economy than maintaining the Alaskan oil export ban.

CONCLUSION

Our analysis of the Alaskan oil export ban will not be completed until this Fall, but one important conclusion has already emerged. The decision to retain or lift the current prohibition against exports must be based on a careful balancing of economic, energy security and national security concerns.

Initial results from the Contingency Planning Model show that the economic benefits derived from reducing transportation and refining costs far outweigh the economic costs imposed on the maritime industry. In other words, the U.S. economy as a whole would benefit from lifting the ban. As previously noted, however, the dislocations to the U.S. maritime industry would be significant.

In terms of energy security, lifting the ban also has positive effects. The reduction in U.S. net oil imports makes us somewhat less vulnerable to oil supply disruptions. The increase in secure world oil supplies, the removal of barriers to energy trade, and the strengthening of energy trade in the Pacific Rim serve to increase the energy security of all oil importing nations, including the U.S.

The economic and energy security benefits must be weighed against the reduction in national security as the current subsidy to the domestic tanker fleet is reduced.

This concludes my prepared statement, and I would be pleased to respond to any questions.

Mr. MURKOWSKI. Mr. President, I shall be happy to yield the remainder of my time to my colleague (Mr. CHAFEE).

Mr. CHAFEE. I thank the Senator.

I thank the distinguished junior Senator from Alaska for yielding the

time. How much time would that be, Mr. President?

The PRESIDING OFFICER. The Senator from Rhode Island has 16 minutes.

Mr. CHAFEE. I thank the Chair.

AUTO IMPORT QUOTAS ARE WRONG

Mr. CHAFEE. Mr. President, the administration announced Tuesday an agreement with the Japanese to extend auto-import restraints yet another year.

This means a fourth year of protection for an industry whose workers are among the most highly paid in the world, and a fourth year of protection for an industry whose 1983 profits are expected to reach $5 billion—record levels for most of the individual auto makers.

The extension of the automobile import quotas benefits those who have no need of protection at the expense of those who have legitimate and pressing concerns over Japanese trade restrictions.

These quotas benefit the rich—rich auto makers and auto workers who draw unrealistically high wages and fringe benefits—at the expense of those in need. By agreeing to extend automobile import quotas, the Japanese now have every incentive to ignore U.S. demands that Tokyo ease its restrictions on, for example, American beef, or American citrus, telecommunications equipment, pulp and paper, tobacco products, and other American goods.

If you are a citrus grower in Florida, you can thank Detroit and the United Auto Workers if the Japanese find an excuse to continue unfair restrictions on their produce.

If you are an unemployed lumber worker in the Northwest, you can thank Detroit and the UAW for the fact that your plant does not reopen if the Japanese now use the auto quotas as an excuse to avoid opening their market to the pulp and paper that you make.

If you are a cattleman in Texas, you can thank Detroit and you can thank the UAW if the Japanese refuse, once more, to open their markets to American beef.

If you are a stockholder in one of the U.S. telecommunications equipment companies that is seeking to provide Japan with new equipment, you can thank Detroit and you can thank the UAW for the fact that your dividend check will be smaller if the Japanese use the auto limitations as a reason to put off opening their market to American equipment.

And guess what? Not only will citrus growers, cattlemen, loggers, telecommunications companies, and others suffer because of the extension of these outrageous quotas, but these same Americans who stand to lose their jobs and business will be forced to pay higher prices for their next car.

Automobile import quotas are blatantly anticonsumer. They have raised the price and decreased selection of imported cars while giving domestic auto makers less incentive to compete.

It is not the fault of the American consumer that Japanese cars are popular in the United States. The Japanese were offering fuel-efficient autos when Detroit was giving us gas guzzlers. The Japanese have offered value and quality consistently superior to that of most American cars, and that is why they are selling so well.

What possible reason exists to continue protection for auto makers and overpriced auto workers?

I submit there is no reason whatsoever.

The new agreement increases the import level at a rate that is lower than the rate the market is expected to expand this year.

Indeed, the agreement is expected to increase the domestic manufacturers' market share, and yet, despite the fact that Detroit may get a bigger share of the market as a result of these artificial limitations, Ford Motor Co. said they are disappointed that the restraints allowed for even a small increase in imports.

Chrysler Chairman Lee Iacocca decried the arrangement as "a serious blow," "incredible." American Motors similarly denounced the agreement as "incredible." A United Auto Workers spokesman described it as a "failure."

Mr. President, what I find disappointing is that the restraints were extended at all; 3 years of protection is enough. It is time to let the auto industry compete.

It is, indeed, a serious blow, not to the domestic industry, but to the consumer who will inevitably bear the burden of increased prices and limited selections.

What is really incredible is the unabashed greed of the UAW, the greed of Ford, the greed of Chrysler, the greed of American Motors which, with 4 years of protection under this extension and an increased market share, are still complaining. They are still dissatisfied.

And the failure, Mr. President, lies in our inability to persuade this domestic industry that rigid restraints are not an annually renewable matter of right.

What more can the industry and the UAW demand of this administration, of foreign competitors, and, indeed, American consumers? Perhaps an article in the New York Times of November 2 gives a clue.

According to the New York Times:

> American auto makers apparently are trying to build a case for permanent limits on imports of Japanese cars * * * Until recently, the auto companies had been talking about a need for temporary restraints while they retooled factories to build the small and fuel-efficient models that led the Japanese surge. Now they are saying that restrictions on Japanese cars will be needed for years * * *

Ford, in fact, sought a 2-year extension and Chrysler wanted an indefinite extension—Chrysler, who has just reported record profits of all time. They have made more in three quarters than they ever made in any single year of the company.

I have opposed the additional 1-year extension of auto restraints, as I stated before the Senate on September 29. Among other reasons, I view the demand of Detroit and of the UAW for a fourth year as a means of guaranteeing their share of the increasing U.S. auto market. But the notion of an indefinite extension represents audacity of an entirely different dimension.

How does the industry justify its position in the face of the impressive recovery it now enjoys? Some domestic auto manufacturers point to yen/dollar valuation and trade deficits with the Japanese.

I am the first to agree that there are legitimate problems which deserve our immediate attention, but the value of the dollar, Mr. President, does not only affect the automobile manufacturers in the United States, it affects all domestic industries. And singling out autos for relief is neither fair to the rest of the American industry nor a solution to the underlying problem.

And, Mr. President, the logic of selecting one of the most profitable U.S. industries for protection as a means of rectifying our trade imbalance escapes me altogether.

We must no longer look at the demand of a single industry in isolation. We must see them as interconnected to the whole of the U.S. trade picture as, indeed, our trading partners do. In the complex process of negotiations, concessions in one area, just like these concessions to Detroit and the UAW, inevitably come at the expense of something else.

The United States has a number of serious problems with Japanese trade policies and practices. It is my concern that any one of these might be sacrificed, in effect, to satisfy the demands of an industry that does not need such concessions and does not deserve them.

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 10 a.m., with statements of individual Senators limited to 2 minutes each.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

HEART OF THE NUCLEAR FREEZE—A COMPREHENSIVE TEST BAN TREATY

Mr. PROXMIRE. Mr. President, what is the most important single element of the nuclear freeze? Easy. The real contribution of the freeze is that it would stop "modernization" of Soviet and U.S. nuclear arsenals. It would blow the whistle on the runaway race to develop ever more deadly weapons. The real crux of the nuclear arms race lies in the ever more deadly nuclear arms that emerge every year from research labs in America and Russia. The Senate should have joined this issue Monday night, October 31, in the debate on the nuclear freeze versus arms control by the so-called nuclear build-down. We failed to do so.

Why do I say that the real strength of the nuclear freeze is that it would stop the arms race by stopping nuclear testing? Here is why: Without testing, effective research on nuclear weapons would grind to a virtual halt. We and the Soviets test new nuclear weapons repeatedly before either side decides to produce or deploy them. For many years our two countries have conducted about 50 tests a year. Without the testing neither side could or would build new weapons which they could reasonably expect to operate reliably. Testing is crucial to the arms race. Stop testing and we stop the very heart of the growing threat to humanity from new "modernized" nuclear arms. Those 50 tests in 20 years totaling about 1,000 underground nuclear test explosions have given the superpowers our "modern" super, deadly nuclear arsenals.

Why is the freeze the answer to the arms race and the build-down is not? Because the freeze would stop testing. The build-down would not. But do we not have a treaty flatly prohibiting the testing of nuclear arms by explosions in the atmosphere, in outer space, under water? Yes; we do. And does not another treaty not limit testing underground to 150 kilotons? That is right. And have these treaties not been in effect since 1963 and 1974? And have the United States and the Soviet Union not both abided by those treaties during all these years. Yes, indeed. And are not these treaties widely viewed as two of the most successful nuclear weapons treaties between the United States and the Soviet Union? Absolutely. And has not this 20-year period during which both nations have abided by the 1963 treaty, also been a period of massive buildup of nuclear forces by both the United States and the Soviet Union? Certainly. Well then, what useful purpose did the test-ban treaty serve and why would a ban on testing included in a nuclear treaty make any critical difference?

Before I answer that crucial question, let me say that the 1963 test-ban treaty served two essential purposes: First, it stopped testing in the atmosphere by the two superpowers. It thus prevented the radioactive pollution that otherwise would have done serious environmental damage throughout the world. Second, the fact that both superpowers have faithfully abided by this treaty for 20 years gives us a hard-headed, practical basis for taking the next step.

Now, my answer to the logical question—why place any faith in that element of the nuclear freeze that would stop nuclear arms testing when the test-ban treaty has already been in effect for 20 years? The answer is that the test-ban treaties unfortunately provide a loophole through which thousands of megatons of new, "modernized" more deadly nuclear arms have been marching into the arsenals of both superpowers and through nuclear proliferation will continue to march on with a build-down. The freeze would halt this march cold. The build-down would not.

Finally this brings us to the final critical issue. Could the comprehensive nuclear test ban that would drive the underground testing of nuclear weapons down from its present 150-kiloton level to 1 kiloton or less? Could our scientific experts verify compliance by the Soviet Union with the ban? Mr. President, the evidence is very strong that they could. A year ago—in October 1982—two distinguished scientists, Dr. Lynn Sykes, professor of geological sciences at Columbia University and Jack Evernden, program manager of the U.S. Geological Survey's National Center for Earthquake Research wrote an article that appeared in the Scientific American entitled, "The Verification of a Comprehensive Nuclear Test Ban." Sykes and Evernden concluded that:

> Networks of seismic instruments could monitor a total test ban with high reliability. Even small clandestine explosions could be identified even if extreme measures were taken to evade detection.

Now, Mr. President, this goes to the crux of the problem. Efforts to extend the test-ban treaty were made in 1977 and dropped in 1980, because of a lack of confidence in verification. Mr. President, those of us who believe the nuclear arms race is pushing down the path toward ultimate, inevitable nuclear war must challenge the decision of our Government to walk away from a total, comprehensive test-ban treaty. Sykes and Evernden convincingly argue that such a treaty would work. I firmly believe they are right. But could they be wrong? Of course. Are we then taking a risk with a comprehensive test ban? Sure we are. But I honestly believe the risk is a much smaller risk than the terrible risk we take by permitting those 150-kiloton underground tests to continue. Those tests relentlessly improve the killing capability of nuclear weapons on both sides. We can stop them mutually, and use our great scientific talent to verify compliance. We should press for a negotiated freeze that would do exactly that.

Mr. President, I ask unanimous consent that the article which I have referred by Sykes and Evernden from the Scientific American of October 1982 be printed in the RECORD.

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

[From Scientific American, October 1982]

THE VERIFICATION OF A COMPREHENSIVE NUCLEAR TEST BAN

(By Lynn R. Sykes and Jack F. Evernden)

Two treaties put into effect over the past 20 years have set limits on the testing of nuclear weapons. The Limited Test Ban Treaty of 1963, which has been signed by more than 120 nations, prohibits nuclear explosions in the atmosphere, the oceans and space, allowing them only underground. The Threshold Test Ban Treaty of 1976, a bilateral agreement between the United States and the U.S.S.R., prohibits underground tests of nuclear weapons with a yield greater than 150 kilotons. In the present climate of widespread pressures for more effective control of nuclear arms the idea of a comprehensive ban on all nuclear testing is receiving renewed attention. Such an agreement would be an important measure. It might inhibit the development of new weapons by the major nuclear powers, and it might also help to prevent the spread of nuclear weapons technology to other countries.

A halt to all testing was the original goal of the negotiations that led to the 1963 Limited Test Ban. New talks with the aim of achieving a total ban were begun in 1977 by the United States, the U.S.S.R. and Britain, but the talks were suspended in 1980. In both cases the main impediment to a comprehensive treaty was the contention by the United States and Britain that compliance with the treaty could not be verified because sufficiently small underground nuclear explosions could not be reliably detected and identified. In July the Reagan Administration announced that the test-ban negotiations with the U.S.S.R. and Britain will not be resumed. Once again the primary reason given was a lack of confidence in methods of verifying compliance.

In 1963, the reliability of measures for the verification of a treaty banning explosions larger than about one kiloton may have been arguable, but it no longer is. We address this question as seismologists who have been concerned for many years with the detection of underground explosions by seismic methods and with means of distinguishing underground explosions from earthquakes. We are certain that the state

of knowledge of seismology and the techniques for monitoring seismic waves are sufficient to ensure that a feasible seismic network could soon detect a clandestine underground testing program involving explosions as small as one kiloton. In short, the technical capabilities needed to police a comprehensive test ban down to explosions of very small size unquestionably exist; the issues to be resolved are political.

An underground explosion sets up elastic vibrations that propagate as seismic waves through the earth and along its surface. The waves travel great distances, and seismic monitoring instruments in common use are sensitive enough to record even those generated by very small explosions. Once the waves have been detected the main task is to distinguish the seismic signals of explosions from those of earthquakes. This can be done with a network of several widely separated seismometers.

Two types of elastic vibrations can propagate through the solid body of the earth, that is, through the crust and the mantle. The first waves to arrive at a seismometer are compressional waves, which are similar to sound waves in air or water; the seismological name for them is *P* (for primary) waves. The slower body vibrations are shear waves, which are similar to the waves on a vibrating string; they are called *S* (for shear or secondary) waves. An underground explosion is a source of nearly pure *P* waves because it applies a uniform pressure to the walls of the cavity it creates. An earthquake, on the other hand, is generated when two blocks of the earth's crust rapidly slide past each other along the plane of a fault. Because of this shearing motion an earthquake radiates predominantly *S* waves.

A result of the spherical symmetry of the explosion source is that all the seismic waves it generates have a nearly radial symmetry around the focus of the explosion. In contrast, the highly directional character of an earthquake source gives rise to seismic waves with strongly asymmetric patterns. The asymmetry in the amplitude of the waves received at seismometers throughout the world provides the means whereby the seismologists can determine the faulting mechanism of a given earthquake.

In addition to the *P* and *S* body waves there are also two types of seismic waves that propagate only over the surface of the earth. They are called Rayleigh waves and Love waves, and they result from complex reflections of part of the body-wave energy in the upper layers of the earth's crust. A simple explosion can generate Rayleigh waves but not Love waves, whereas an earthquake generates waves of both types.

Seismologists characterize the size of a seismic event by means of magnitudes. A given event can be assigned several magnitudes, each one based on a different kind of seismic wave. A magnitude is the logarithm of the amplitude of a particular type of wave normalized for distance and depth of focus. Of the numerous magnitudes that can be defined for a single seismic event we shall discuss only two, which in seismological notation are designated M_s and m_b. The former is generally based on Rayleigh waves with a period of 20 seconds, the latter on one-second *P* waves. The magnitude of a seismic signal is ultimately related to the energy released at the site of the event. For a nuclear explosion the customary measure of energy release is the yield in kilotons, where one kiloton is the energy released by detonating 1,000 tons of TNT.

Every year there are numerous earthquakes whose magnitudes are in the range corresponding to the yields of underground explosions. Several methods can be applied to several types of waves to distinguish the seismic waves of explosions from those of earthquakes. The location of a seismic event and its depth below the surface are important criteria; indeed, the great majority of routinely detected events can be classified as earthquakes simply because they are either too deep or not at a plausible site for an explosion. The remaining events can be reliably classified by the amount of energy radiated in the several kinds of waves at various frequencies.

The location of an event in latitude and longitude is a powerful tool for classification. The position is determined by recording the arrival of short-period *P* waves at several seismographic stations in various parts of the world. The travel time of the *P* waves to each station is a function of distance and depth of focus. From the arrival times it is possible to determine the location of the source with an absolute error of less than 10 to 25 kilometers if the seismic data are of high quality.

The identification of seismic events at sea is quite simple. It is assumed that the network monitoring a test-ban treaty would include a small number of simple hydroacoustic stations around the shores of the oceans and on a few critical islands to measure pressure waves in seawater. The hydroacoustic signal of an underwater explosion is so different from that of an earthquake and can be detected at such long range that the identification of a seismic event at sea as an explosion or an earthquake is simple and positive. Hence any event whose calculated position is at least 25 kilometers at sea (a margin allowing for errors) can be classified as an earthquake on the basis of its location and the character of its hydroacoustic signal.

The accuracy with which the position of a seismic event can be determined in an area offshore of an island arc has been tested with an array of ocean-bottom seismometers off the Kamchatka Peninsula and the Kurile Islands in the U.S.S.R. The tests indicate that the accuracy of a seismic network under these circumstances is much better than 25 kilometers. Holding to that standard, however, one finds that well over half of the world's seismic events are definitely at sea and are therefore easily identified as earthquakes.

Another large group of detected events have their epicenters on land but in regions where no nuclear explosions are to be expected; these events too can be safely classified as earthquakes. Indeed, almost all the world's seismic activity is in regions that are of no concern for monitoring compliance with a comprehensive test ban. Thus the simple act of locating seismic events classifies most of them as earthquakes.

Calculating the depth of focus provides a means of identifying a large fraction of the remaining earthquakes. From 55 to 60 percent of the world's earthquakes are at depths of more than 30 kilometers; at least 90 percent are more than 10 kilometers deep. Any seismic event as deep as 15 kilometers is certainly an earthquake. No one has yet drilled into the earth's crust as far down as 10 kilometers, and the deepest nuclear explosions have been at a depth of about two kilometers.

Several seismological procedures can be employed to determine an event's depth of focus. In most cases the depth is calculated at the same time as the location. When a seismic event is detected at 20 stations or more, a routinely calculated depth of 30 kilometers or more ensures with a 95 percent degree of confidence that the event was at least 15 kilometers below the surface.

A powerful technique for estimating depth can be applied if at least one seismological station is within a few hundred kilometers of the detected event. (A monitoring network for a comprehensive test ban would be quite likely to meet this condition in areas where nuclear testing might be expected.) A pair of *P* and *S* waves generated at the same instant and recorded by a station near the event follow identical paths but propagate at different speeds. The difference in their times of arrival, or in other words the difference in their phases, therefore serves to determine the time of origin of the event. With experience the seismograms of a station near the event can be successfully analyzed to detect at least one pair of such *P* and *S* phases. Given the time of origin determined in this way and the arrival times of the *P* waves at only a few distant receivers, an accurate estimate of the depth of focus can be made.

There may remain critical seismic regions where nearby stations do not exist. Data from large events can then be employed to refine the calculated depth and location of smaller events. The essence of the technique is to correct the observed times of small events by noting the differences between the observed and the calcuated times for a large event in the same area. The procedure is in routine use by several networks.

The combined effectiveness of location and depth in distinguishing earthquakes from explosions is impressive. More than 90 percent of all earthquakes either are under oceans or are at least 30 kilometers deep (or both). Most of the remaining earthquakes are of little interest because they are in countries that are unlikely to be testing nuclear weapons or in countries where clandestine testing would be impossible. For the United States, of course, the U.S.S.R. is the country of prime interest. About 75 percent of the earthquakes in and near the U.S.S.R. are in the eastern part of the country near the Kamchatka Peninsula and the Kurile Islands. Almost all of the shocks in these areas either have a focal depth greater than 50 kilometers or are well offshore. It turns out that seismic events whose calculated position is on land in the U.S.S.R. or less than 25 kilometers at sea and whose calculated depth is less than 50 kilometers constitute only about .5 percent of the world's earthquakes. This amounts to about 100 earthquakes per year with an m magnitude greater than 3.8 for which other seismic discriminants must be employed.

None of the measures we have discussed so far relies on the detailed characteristics of the waves radiated by earthquakes and explosions. Several powerful discriminants are based on those characteristics, in particular on the relative amounts of energy in waves of different types and periods. For example, a shallow earthquake generates 20-second Rayleigh waves with amplitudes at least several times greater than those of an explosion that releases the same amount of energy. In the notational practice of seismology the comparison of the two magnitudes is referred to as the M_s:m ratio, that is, the ratio of long-period to short-period waves.

A second spectral discriminant is based on the observation that long-period *P* and *S* waves are rarely or never seen in association with explosions but one type or the other is routinely detected today by simple seismo-

meters for most earthquakes that have a one-second *P*-wave magnitude of at least 4.5. More sophisticated seismic stations and more sophisticated analysis of the signals could lower the magnitude at which such waves can be detected.

A third distinction is that surface waves of the Love type are generated far more strongly by shallow earthquakes than they are by underground explosions, including even abnormal explosions. Still another characteristic feature of the seismic signal from explosions is that the first motion of the earth stimulated by *P* waves is always upward because the explosion itself is directed outward; the first *P*-wave motion in an earthquake can be either upward or downward.

An important factor contributing to the separation of earthquakes from explosions on an M_s:m_b diagram is that *P*-waves from the two kinds of events have different radiation patterns. Explosions radiate short-period *P* waves equally in all directions, whereas earthquakes have very asymmetric patterns. Hence most earthquake sources show a decrease of from .4 to one magnitude unit from the peak values when the *P*-wave amplitudes are averaged over pertinent radiations angles. A simple explosion does not initially radiate any shear waves; earthquakes typically generate large shear waves. As a result Rayleigh waves generated by many types of earthquakes have a larger amplitude than the corresponding waves generated by underground explosions of the same m_b.

There is a characteristic time for the formation of the source of a seismic event; the time is equal to the maximum source dimension divided by the velocity of source formation. The source dimension for earthquakes is the length of the break where most of the short-period energy is released; it is from three to 20 times greater, depending on the state of stress in the rocks, than the radius of the cavity and shatter zone of a comparable explosion. The velocity of source formation for earthquakes is from somewhat less to much less than the velocity of shear waves in the rocks surrounding the fault, whereas the relevant velocity for explosions is the velocity of shock waves in the rock, which is essentially the velocity of compressional waves. As a result of these differences in the size of the source and the velocity of source formation the characteristic times for earthquakes and explosions differ by a factor of from 6 to 40. It is therefore not surprising that differences are observed between the short-period *P*-wave spectra of earthquakes and explosions.

Observations of several U.S. explosions have demonstrated the existence of a phenomenon called overshoot. It is related to shock waves in strong rock, but it can be thought of as an equivalent of cavity pressure rising to high values followed by a decrease in pressuer by a factor of four or five; the lower pressure is then maintained for many tens of seconds. Overshoot, when it occurs, provides additional *P*-wave spectral discrimination and augments discrimination by means of the M_s:m_b ratio for larger events.

It was once thought that an explosion could not give rise to any Love waves at all. A phenomenon that was a great significance in thwarting President Kennedy's effort to achieve a comprehensive test-ban treaty in 1963 was the observation that many underground nuclear explosions at the U.S. testing site in Nevada, particularly those in hard rock, generated unmistakable Love waves. The failure of the qualitative criterion "No Love waves from explosion" (at a time when such quantitative criteria as the comparison of the magnitudes of long-period and short-period waves were not adequately established) left seismologists unable to guarantee their ability to distinguish the seismic waves of underground explosions from those of earthquakes.

The presence of Love waves in the Nevada tests has since been explained. What was not considered in the earlier analyses was the influence of the natural stressed state of the earth on the waves generated by an explosion. The creation of a cavity and its surrounding shatter cone by an underground explosion leads to the release of some of the natural stress, which in turn generates seismic waves equivalent of those of a small earthquake, including Love waves. The observed waves are a superposition of the waves from the explosion and from the release of the stress.

The release of natural stress also alters the amplitude of Rayleigh waves. The perturbation has never been large enough, however, to put in doubt the nature of an event identified by the ratio of long-period to short-period waves. Only rarely does the perturbation significantly affect the amplitude of *P* waves; it is not known ever to have changed the direction of their first motion. Moreover, if the magnitude M_s is determined from Love waves rather than Rayleigh waves, the ratio method (M_s:m_b) provides an excellent discriminant.

In short, if seismologists had done their homework thoroughly by 1963, the nations of the world might well have achieved a comprehensive test-ban treaty then. Today the release of natural stresses in the earth is significant only as a perturbing factor that must be taken into account when the yield of an explosion is estimated from Rayleigh waves.

Reports of earthquakes occasionally have Ms:mb values like those of explosions have been cited as a factor that might impede the effective monitoring of a comprehensive test ban. In analyzing a large set of earthquakes in all parts of the world and of underground explosions in the United States and the U.S.S.R. we found only one example of this kind of ambiguity. The focus of the event was far from the area in which the seismometer network gave its best results.

In 1972, at a meeting of the UN Committee on Disarmament, the U.S. submitted a list of 25 "anomalous" events that were said to be indicative of a problem in discrimination. In 1976, the 25 events were reanalyzed by one of us (Sykes) and two other seismologists, Robert Tathum and Donald Forsythe. It was established that about half of the events had Ms:mb values, that put them clearly in the earthquake population. Most of the original magnitudes had been determined from only one or two stations, and much existing information had not even been consulted. When the records of other available stations were examined, the events ceased to be "anomalous."

For the remaining problem events Ms:mb measurements based on 20-second Rayleigh waves gave values in the range characteristic of explosions. Several of these events were at depths of from 25 to 50 kilometers, where the possibility of nuclear testing can be excluded in any case, but the magnitude ratio nonetheless demanded explanation. It is known from seismological theory that certain types of earthquakes at these depths excite long-period Rayleigh waves poorly. The theory predicts, however, that Love waves and vibrations called higher-mode Rayleigh waves are in many instances vigorously generated in these circumstances. An analysis of recordings of the Love waves and the higher-mode Rayleigh waves identified several more of the problem events as earthquakes.

Only a single sequence of events at one place in Tibet remained as a problem. In that region underground nuclear testing is unlikely, but the nature of the events could not be determined with certainty from the magnitude ratios. We think the reason is that with the seismographic networks of the 1960's, when the events were recorded, Love waves could not be detected for small-magnitude events because they were obscured by background earth noise. New installations and new modes of data processing have greatly reduced the problem. If the same series of events or a similar series were to take place today, we think they would be identified unambiguously. Long-period seismographs in boreholes and routine digital processing of seismograms lead to a suppression of background noise and increase the detectability of many types of waves, including Love waves.

As it happened, the nature of the Tibetan problem sequence was resolved in spite of the inadequacies of the long-period data of the time. At several stations the first motion of the *P* waves was downward, which is not possible for an explosion. Hence the events must have been small earthquakes.

It seems reasonable to say that for the networks we shall describe below there should no longer be any problem events at m_b 4 or more. We know of no Eurasian earthquake with a one-second *P*-wave magnitude of 4 or more in the past 20 years whose waves are classified as those of an explosion. (Of course, numerous smaller Eurasian earthquakes during that period went unidentified because of inadequate data.) Furthermore, to our knowledge not one out of several hundred underground nuclear explosions set off in the same period radiated seismic waves that could be mistaken for those of an earthquake. Our experience indicates an extremely low probability that an event will remain unidentified when all the available techniques of discrimination are brought to bear.

No monitoring technology can offer an absolute assurance that even the smallest illicit explosion would be detected. We presume that an ability to detect and identify events whose seismic magnitude is equivalent to an explosive yield of about one kiloton would be adequate. It is often assumed that for the U.S. to subscribe to a comprehensive test ban it would require 90 percent confidence of detecting any violation by another party to the treaty. Developing a new nuclear weapon, however, generally requires a series of tests, and the probability that at least one explosion will be detected rises sharply as the number of the tests is increased. Moreover, a 90 percent level of confidence for the detection of even a single explosion probably is not needed. For a country seeking to evade the treaty the expected probability of detection would certainly have to be less than 30 percent, and perhaps much less, even if only one illicit test were planned. The test-ban agreements that have been considered over the years all include an "escape clause" through which a country could renounce its treaty obligations. Unless the probability of detection were very low, a country whose national interest seemed to demand a resumption of testing would pre-

sumably invoke the escape clause rather than risk being caught cheating.

Given these standards of reliability for a monitoring system, it is possible to specify the size and the sensitivity of the seismic network that would be needed to verify compliance with a comprehensive test ban. Two kinds of network can be considered for maintaining seismic surveillance of the U.S.S.R. One network consists of 15 stations outside the borders of the U.S.S.R. In the second network the 15 external stations are supplemented by 15 internal ones.

The ultimate limit on the detection of seismic signals is imposed by microseisms, or random vibrations of the earth's surface. Most microseisms are induced by the earth's atmophere and oceans. In order to detect a one-kiloton explosion in much of the U.S.S.R. a monitoring network would have to be able to recognize above the background noise any event with a short-period *P*-wave magnitude of 3.8 or more. In order to distinguish an explosion from an earthquake by comparing the long-period magnitude with short-period one, the network would also have to be able to detect surface waves with an Ms magnitude of 2.5 or more. The network of 15 external stations could achieve these goals. Indeed, since almost all the seismic areas of the U.S.S.R. are along its borders, the external network would be sensitive to events of even smaller magnitude there. The mere detection of a seismic event in most areas of the interior would constitute identification of the event as an explosion.

The low limit of one kiloton on the yield of an explosion that could be detected by an external network is based on the assumption that the coupling between the explosion and the seismic radiation is efficient and that the explosion was not set off during or soon after a large earthquake. If one must consider the possibility that a country would try to evade a test-ban treaty by decoupling, or muffling, an explosion and thereby reducing the amplitude of the emitted seismic signals, an improved network would be required. In principle such muffling could be done by detonating the explosion in a large cavity or by using energy-absorbing material in a smaller cavity. The former stratagem might reduce the seismic signal of an explosion by 1.9 magnitude units as measured by one-second *P* waves (that is, by mb). The latter stratagem might bring a reduction of one unit.

The use of an oversize cavity is clearly the more worrisome possibility, but it could be attempted only in certain geologic formations: a salt dome or a thick sequence of bedded salt deposits. Few areas of the U.S.S.R. have deposits of salt in which the construction of a cavity large enough for decoupling a several-kiloton explosion would be possible. The maximum size of a cavity that could reasonably be constructed and maintained sets a limit of two kilotons on explosions that might be muffled in this way and escape detection by the 15-station external network.

Another way to reduce the amplitude of radiated seismic waves is by detonating an explosion in a low-coupling medium such as dry alluvium. The maximum thickness of dry alluvium in the U.S.S.R. sets a limit of 10 kilotons on explosions that might be concealed by this means, again assuming that only the 15 external stations were installed.

Another possible drawback of an exclusively external network should be mentioned. Confusion could arise when signals from two or more earthquakes reached a station simultaneously. The effect would be most troublesome when the long-period waves from a small event in the U.S.S.R. arrived at the same time as similar waves from a much larger earthquake elsewhere in the world. Under these circumstances it might be difficult to establish with certainly by comparing M_s with m_b the identity of the event in the U.S.S.R. With a network of 15 external stations there would be a few events per year in which the smaller earthquake was in the territory of the U.S.S.R. or within 25 kilometers of its borders and at a depth of less than 50 kilometers.

A monitoring network made up of 15 seismographic stations outside the U.S.S.R. and 15 inside it would largely eliminate the problem of coincident earthquake signals and would greatly reduce the maximum yield of an explosion that might escape detection, even if decoupling were attempted. The internal monitoring stations would be simple unattended ones, with the capability of measuring vertical ground motion and two orthogonal components of horizontal motion, so that the distance and direction of a nearby event could be estimated from the data of a single short-range station. With such a network in place, and assuming that muffling was attempted in the presence of normal earth noise, the largest explosion that would have a 30 percent chance of escaping detection in any setting except a salt dome would be .5 kiloton.

For salt domes the main area of concern in the U.S.S.R. is the region north of the Caspian Sea. Our hypothetical network has three stations there. Even a small explosion in a large salt-dome cavity would emit certain *P* and *S* waves with an amplitude large enough to be detected by nearby stations. Furthermore, detection by even one of the stations would immediately identify the event as an explcsion because the area has no natural seismic activity. As a result evasion would not be likely to be attempted at a yield greater than one kiloton even in the salt-dome area.

A possible strategy for evasion that has been mentioned from time to time is the one of hiding the seismic signal of a nuclear explosion in the signal of a large earthquake, which might be near the site of the explosion or far from it. For the U.S.S.R. the only credible possibility is a distant earthquake because the only possible testing sites where earthquakes are frequent enough to make the effort worth while are on the Kamchatka Peninsula and in the Kurile Islands. Clandestine testing there is not likely because seismic activity in the area can be monitored in detail from stations in Japan and the Aleutian Islands. Indeed, oceanbotton seismometers and hydroacoustic sensors could be placed just offshore.

The first defense against evasion by the masking of a test in a large earthquake is the questionable feasibilty of the subterfuge. Unless the evader maintained several testing sites the number of opportunities per year for clandestine testing would be quite limited. In addition the evader would have to maintain his weapons in constant readiness for firing. To attain the evasion capability given below he would have to set off an explosion within 100 seconds of the time of arrival of the short-period waves of the earthquake. He would have to estimate the maximum amplitude and the decay rate of the earthquake waves with high accuracy, and he would have to be certain of the amplitude of the *P* waves generated by the explosion to within .1 magnitude unit. Even after taking these precautions the evader would have to accept a high probability that the event would be detected by at least one monitoring station and a small probability that three stations would detect it. He would also have to install and operate his testing site (including a large cavity) and his own seismological network in total secrecy over a period of years.

In contrast to these daunting requirements for successful evasion, the only requirements for a monitoring nation are to operate a network of high-quality seismic stations and to process the data with determination. Against a network of 15 external stations and 15 internal ones the only effective evasion schemes at yields of one kiloton or more would require both decoupling and hiding the explosion signal in an earthquake.

The issues relating to the monitoring of a comprehensive test ban can be summarized as follows. The understanding of seismology and the testing of seismometer networks are sufficiently complete to ensure that compliance with a treaty could be verified with a high level of confidence. The only explosions with a significant likelihood of escaping detection would be those of very small yield: less than one kiloton provided the monitoring system includes stations in the U.S.S.R.

It is important to view the question of yield in the context of the nuclear weapons that have been tested up to now. The ones that ushered in the nuclear age in 1945 had a yield of from 15 to 20 kilotons. Yields increased rapidly to the point where the U.S.S.R. tested a 58,000-kiloton weapon in 1961. The largest underground explosion had a yield of almost 5,000 kilotons. Unclassified reports place the yield of the weapons carried by intercontinental missiles in the range from 40 to 9,000 kilotons. The yields of underground explosions that might go undetected or unidentified under a comprehensive test ban are therefore much smaller than those of the first nuclear weapons. If the threshold of reliable detection and identification is one kiloton, that is only one-150th of the limit specified by the Threshold Test Ban Treaty of 1976.

From the viewpoint of verification a comprehensive test ban would actually establish the equivalent of a very low threshold, since weapons of extremely low yield could be tested underground without the certainty of being detected and identified. A treaty that imposed a threshold near the limit of seismological monitoring capability might therefore be considered an alternative to a comprehensive test ban. Such a treaty might be preferable to the present quite high threshold, but it would have the disadvantage that arguments could arise over the exact yield of tests made near the threshold. Indeed, the judgment of whether or not a test has taken place will always be less equivocal than an exact determination of yield.

In recent years there have been reports that the U.S.S.R. may have repeatedly violated the 1976 treaty by testing devices with a yield greater than the 150-kiloton limit. Such reputed violations were recently cited as evidence that the threshold treaty, which has not been ratified by the U.S. Senate, is not verifiable and should be renegotiated. On the basis of our analysis we conclude that the reports are erroneous; they are based on a miscalibration of one of the curves that relates measured seismic magnitude to explosive yield. When the correct calibration is employed, it is apparent that

none of the Russian weapons tests exceed 150 kilotons, although several come close to it.

Observations at the Nevada Test Site (NTS), where American nuclear-weapons tests are held, indicate there are linear correlations between the logarithm of the explosive yield and the two magnitude values. M_s and M_b, for explosions with yields greater than 100 kilotons. When the measured M_s and M_b values of explosions at the Russian test site near Semipalatinsk are inserted into the NTS formulas, however, the resulting estimates of yield given by m_b are more than four times as great as those given by M_s. For explosions in hard rock at many test sites estimates of yield based on the NTS M_s formula have invariably agreed with actual yields, whereas estimates based on the NTS m_b formula have sometimes been in drastic disagreement with the actual yield.

A strong correlation has been found between m_b values measured at individual stations and *P*-wave travel times to these stations. The U.S.S.R. routinely publishes seismological bulletins that include *P*-wave arrival times of earthquakes, and it is straightforward to interpret the times for stations in central Asia in terms of the expected pattern of m_b values near Semipalatinsk. From an analysis of the *P*-wave signals it is predicted that the m_b value for an explosion at Semipalatinsk is 40 percent greater than an equivalent explosion at NTS. This is the same correction that must be applied to the curve relating m_b to yield at NTS to make the m_b estimates of the yield of Russian explosions consistent with the M_s estimates. Thus two modes of analysis lead to the conclusion that there is an essentially universal relation between M_s and yield whereas the curve relating m_b to yield must be calibrated for each test site.

A comprehensive treaty would have an additional advantage over a low-threshold treaty: all technological uncertainties would work against the potential evader. A country planning a surreptitious nuclear test could not know the exact seismic-detection capability of other nations or the exact magnitude of the seismic waves that would be generated by his test. A ban on nuclear explosions of all sizes would also have the important conceptual value that nuclear weapons, no matter what their size, would be recognized as inherently different from conventional weapons.

It is sobering to consider how the state of the world would differ if a full test ban had been achieved in 1963. The number of nuclear weapons has grown tremendously since then and is now estimated at from 50,000 to 100,000. The loss of life and the social damage that would be inflicted in a major nuclear exchange are vastly greater than they were in 1963. Furthermore, both the U.S. and the U.S.S.R. are less secure now than ever before, not because of any failure to develop arms but because of the growing stockpiles of weapons and the inability of any nation to defend itself against nuclear attack.

A comprehensive test-ban agreement should not be regarded as a substitute for disarmament. Meaningful reductions in the nuclear threat must include a continuing and serious process of arms control; in this process, however, a comprehensive test-ban treaty could have an important part. The problems of negotiating such a treaty are overwhelmingly political rather than technical and must be recognized as such.

Before the suspension of negotiations between the United States, Britain and the U.S.S.R. in 1980 tentative agreement had been reached on a number of issues. All three nations agreed that a test-ban treaty would include a prohibition of all tests of nuclear weapons in all environments, a moratorium on peaceful nuclear explosions until arrangements for undertaking them could be worked out, provisions for on-site inspections, a mechanism for the international exchange of seismic data and the installation of tamperproof seismic stations by each country in the territory of the others. The proposed treaty would have a term of three years. The agreements on the long-standing issues of on-site inspection, peaceful explosions and the placement of monitoring stations in each country represented important breakthroughs. It would be a setback for the cause of international security if this hard-won ground were now lost.

For many years the stated policy of the U.S. has emphasized the desirability of a complete test ban if verification could be ensured. The policy was not fundamentally altered by the recent decision of the Reagan Administration to put off further negotiations on the test ban. On the contrary, it was reported that the Administration still supports the ultimate goal of a comprehensive ban on nuclear testing but has doubts about the efficacy and reliability of seismic methods of verification. As we have attempted to show here, there can be no substance to such doubts.

THE AUTHORS

Lynn R. Sykes and Jack F. Evernden ("The Verification of a Comprehensive Nuclear Test Ban") are geophysicists who in addition to their scientific work have spent considerable time on means of distinguishing underground nuclear explosions from earthquakes. Sykes is Higgins Professor of Geological Sciences at Columbia University and head of the earthquake studies group at the university's Lamont-Doherty Geological Observatory. His B.S. and M.S. were both awarded in 1960 by the Massachusetts Institute of Technology. His Ph.D. in geology was granted in 1964 by Columbia and he has remained at the university since, taking up his present jobs in 1971. Sykes's scientific work has centered on plate tectonics, including the plate-tectonic structure of Asia, which may be signficant in the verification of a test-ban treaty. Evernden is program manager of the U.S. Geological Survey's National Center for Earthquake Research. His B.S. in mining geology (1948) and his Ph.D in geophysics (1951) are from the University of California at Berkeley.

AMNESTY INTERNATIONAL RELEASES 1983 REPORT

Mr. PROXMIRE. Mr. President, Amnesty International, the international human rights organization which in 1977 received the Nobel Prize for peace, recently released its 1983 annual report. The report gives nation-by-nation accounts of Amnesty International's struggle against the detention of prisoners of conscience, against imprisonment without fair trial, and against tortures and executions. The report stresses that a vital aspect of that struggle is providing unbiased, accurate information about such abuses, and states that "Amnesty International is in fact rarely shown to have reported incorrectly." Detailed, reliable accounts of human rights offenses in over 115 countries are included in the current report.

The work of Amnesty International is a clear reminder that despite the attention of such internationally recognized organizations, human rights abuses are still distressingly widespread. Further action to prevent such offenses is still needed. For the United States, ratification of the International Genocide Convention is a vital step. We could greatly clarify our support for human rights by ratifying this treaty.

Some critics of the Genocide Convention have questioned the necessity and propriety of international action to deal with this crime. A passage from the Amnesty International report applies to these questions. It reads:

> Human rights are an international responsibility and a matter of legitimate international concern. Governments are accountable not only to their own people but also, in more than one sense, to the international community.

If human rights are of international concern, then surely the most fundamental of those rights—the right to exist—should be defended by international action. The Genocide Convention is needed precisely to defend that right.

Mr. President, the United States should be proud of its fine record on human rights. We ought to unhesitatingly claim a position of moral leadership among our fellow nations. Our failure to ratify the Genocide Convention is an unfortunate blemish on our excellent record. Ratification is entirely consistent with our longstanding support of human rights, and I urge the Senate to lend its advice and consent without delay.

THE DEFICIT DILEMMA

Mr. SASSER. Mr. President, over the past several months, an apparent schism has developed in the attitudes expressed by administration officials over the importance of the historically high levels of Federal budget deficits threatening the economy.

The debate reveals a marked difference of opinion between the Treasury Secretary, Mr. Regan, and the President's chairman of the Council of Economic Advisers, Mr. Feldstein. Very simply, the Treasury Secretary maintains that current level deficits will have little if any effect upon interest rates and the strength of the economic recovery. Chairman Feldstein, on the other hand, has repeatedly called for immediate reduction of the looming budget deficits in order to avoid continuing high levels of real interest rates and or disruption in the strength of the current recovery.

The Treasury argument is premised upon the assumption that future

budget deficits are basically cyclical in nature, and thus will disappear under a faster economic growth sceniario. This rationale seemingly diminishes the relative importance of these deficits. The argument, however, simply ignores the size of the structural deficit and its relationship to financial markets. It does not consider the long-run consequences of high structural deficits on the growth potential of the economy. Further, the administration's own budget, presented to the Congress in February, projects a structural deficit which steadily increases to the point where it envelopes 5.7 percent of the gross national product by 1986.

Mr. Feldstein, on the other hand, has argued repeatedly that without immediate action to reduce these large Federal deficits the recovery will remain fragile and could self-destruct. The President's chief economic advisor warns that without constructive action to reduce these deficits, including both spending reduction and revenue increases, real interest rates will stay extremely high and may even increase as financial markets become convinced that Congress will not address the problem.

Mr. President, it is absolutely imperative that we, as responsible elected representatives of the American people, take the necessary steps to control these levels of budget deficits. Mr. Feldstein is correct when he says that the link between future deficits and continuing high real interest rates is unambiguous.

As a member of the Senate Budget Committee, and as a conferee on the House-Senate budget conference which blueprinted a bipartisan first budget resolution, I can readily attest to the difficulty of achieving a consensus on the matter. The first concurrent budget resolution was a constructive compromise. I did not agree with every provision of the budget resolution, but on the whole I believed and still believe that it was a step in the right direction. It is hard for this Senator to believe now, just a few short months after Congress took the responsible action of adopting a budget strategy which called for both spending restraint and revenue increases and reduced the projected Federal deficits by $100 billion over the next 3 years, that somehow this tough action is no longer needed. Well, Mr. President, that logic simply ignores the reality of the current situation and is fiscally irresponsible, and I refuse to be a part of it.

I commend Dr. Feldstein for his candor in this matter. The President should heed the advice of his adviser and act accordingly.

We in Congress must take the fiscally prudent and responsible actions to reduce these large deficits. To do anything less is simply to invite a vote of no confidence from those to which we are beholden, the American people.

Mr. President, I ask unanimous consent that the following newspaper articles which appeared in the Washington Post yesterday be printed in the RECORD. The articles only serve to reinforce the importance and necessity for immediate action on this pressing economic problem.

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

FORD URGES SWIFT ACTION ON DEFICITS

(By Hobart Rowen)

Former president Gerald R. Ford yesterday called on President Reagan and congressional leaders to take action now that will cut projected federal deficits substantially.

He urged the appointment of a bipartisan commission that would draw up recommendations immediately—"the sooner the better"—for revenue and expenditure changes that could be put in place early in 1985, after the 1984 election.

"I'm not optimistic that Congress will act to resolve the budget deficit problem" before the election, Ford said at a press conference at the American Enterprise Institute here, where he serves as a distinguished fellow. "I'm afraid we will have to wait until after the election, and I hope it's not too late then."

He added that delay in making meaningful inroads into the deficit problem "could abort the recovery, and that would be tragic."

Ford said he met Tuesday with Reagan, summarizing his views and those of other former leaders who had met with Ford at Vail, last August at a World Forum sponsored by the AEI. Ford would not be specific about his conversation with Reagan, but there was a strong intimation that the two Republican presidents had not agreed on tax increases.

In an open break with the White House view, Ford had said at Vail that Reagan should consider tax increases as well as spending cuts. He took that public position even though he is aware that public pressure from him to raise taxes displeases the Reagan White House.

Ford indicated that he had told Reagan yesterday that there has to be "combined [administration-congressional] leadership in a nonpartisan way to do what obviously has to be done. But I hesitate to suggest to you what I suggested to him."

Asked to summarize what Reagan's reaction had been, Ford blandly replied: "We had many areas of agreement."

Reagan has said repeatedly in recent weeks that the administration will not consider tax increases as a way of reducing the deficit. On Tuesday, he called on his department heads to trim their fiscal 1985 spending requests, and was quoted by spokesman Larry Speakes as saying at a Cabinet meeting: "The best way to reduce deficits is to reduce spending. And we're going to start right now."

Although Ford would not elaborate on any potential disagreement with Reagan, he unhesitatingly lined up against Treasury Secretary Donald T. Regan, who has been insisting in an ongoing debate with economic adviser Martin S. Feldstein that the budget deficit and high interest rates are not related. Ford said "I subscribe to the view" of those who have criticized the Regan thesis.

Ford also asserted that the deficits had contributed to the overvaluation of the dollar in foreign exchange markets, "and fan the flames of protectionism," a stand that put him at odds with Regan and with his undersecretary for monetary affairs, Beryl Sprinkel.

Sprinkel testified at a congressional hearing last week that "the evidence doesn't support the view" that the dollar is overvalued because of high interest rates triggered by the deficit. Regan and Sprinkel insist the dollar is neither too high, nor overvalued.

In addition to his remarks on the deficit, Ford listed five other areas of "concern" on economic issues. One unexpected comment was that the United States should be prepared to take an "interventionist position" in foreign exchange markets to bring the dollar more into line with underlying conditions.

He stressed he was not talking about rigid or fixed exchange rates, but greater willingness on the part of the Treasury to intervene than has been the case under Reagan.

A BITTER FIGHT OVER THE DEFICIT

(By Hobart Rowen)

The bitter debate between Economic Council Chairman Martin Feldstein and Treasury Secretary Donald Regan on whether larger federal deficits are helping to keep interest rates high—and, by extension, the dollar overvalued—represents a significant split within the Reagan administration.

There is evidence, too, that there is no unanimity within the CEA: council member William Poole, in a recent public speech and in a subsequent conversation with this reporter, made clear that he does not support a tax increase to reduce the deficit.

But Feldstein told Congress the other day that unless something is done about it—and quickly—deficits over the next five or six years will add $1 trillion to the national debt.

He insists that Congress tackle the problem now, aiming at reducing the cumulative debt by $500 billion. That would bring real intrest rates and the overvalued dollar down, simultaneously encouraging business expansion and the potential for exports. He would like the tax increase enacted now, to become effective in 1985.

Contrary to some recent news accounts Feldstein is not alone in his concern about deficits. OMB Director David Stockman, for example, is closer to Feldstein than to Regan on this question. Commerce Secretary Malcolm Baldrige and trade ambassador Bill Brock make no secret of their concern about mounting red ink. But they are more vague—at least publicly—on when the attack should be mounted. Federal Reserve Chairman Paul Volcker is strongly and unequivocally in Feldstein's corner.

And Donald Regan doesn't suggest that deficits are unimportant. "It's just a case of what's do-able," an aide argues.

Nonetheless, the split in terms of the impact of the deficit is clear: Regan minimizes the current threat, and says in any event that deficits do not cause high interest rates. He points to a more relaxed view in financial markets about fears of a credit crunch next year.

For further support, the Treasury cites Poole's speech to the Steel Shipping container Institute, in which he said: "* * * it would be a bad bargain in the long run if ac-

ceptance of tax increases now set back the effort to control spending in future years."

Poole elaborated that thought to me this way: "From the economics side, I believe it is most desirable to close the deficit by reducing spending without a tax increase." Poole concedes that "the political question is how you do it."

What Feldstein and others are saying to Regan and Poole, as loud as they can, is that it can't be done just by reducing budget expenditures. This view was echoed yesterday by former president Gerald Ford.

The bitterness between Feldstein and Regan pokes its way through a polite facade. At the CEA, questions are raised about the economic talent of Treasury aides. At the Treasury, questions are raised about Feldstein's off-base economic projections earlier this year.

Behind this unusual display of policy conflict at the top in the Reagan administration was a conclusion by White House advisers Ed Meese and Jim Baker that Congress will not act to cut the deficit before next year's election. "In effect," says one insider, "the president doesn't want to be seen defeated on a major issue like the budget."

One irony is that earlier this year, Regan and Feldstein privately lobbied with Meese and Baker for a refinement of the standby tax proposal incorporated in the budget Reagan sent to Congress last January: instead of waiting for taxes to be triggered by the deficit, they proposed making the taxes effective at the beginning of 1985—then taking them off if the deficit appeared to be in check.

But when this story hit the newspapers, it only raised Baker's and Meese's blood pressure. The idea was vetoed because, they contended, tax increases merely increase the congressional penchant for spending. Regan dropped this idea, and soon abandoned support for any standby tax program. This was no flip-flop, Treasury sources say, because Congress had no intention of fulfilling its part of the bargain relating to standby taxes. Under the deal, Congress was to provide $3 worth of spending reductions for every $1 of tax increase.

The Treasury staff then came up with a study purporting to show that there is "no necessary cause-effect link" between deficits and interests rates, a theory debunked by Feldstein and most financial analysts.

Nothing is ever black or white in this complicated capital, but a reasonable conclusion is that team player Regan, like the White House pols, has his eyes focused on next year's presidential election. Except for the pure monetarists and right-wing extremists, almost everybody else agrees that a tax increase in addition to spending reductions is desperately needed to cut staggering deficits.

THE GOOD NEWS ABOUT YOUNG PEOPLE AND DRUG ABUSE

Mrs. HAWKINS. Mr. President, today I would like to give my colleagues some good news about kids and drugs. Despite the pervasive abuse of illegal drugs in this country, there are exceptions to the great numbers of school children using drugs. And the efforts of prominent Americans to focus attention on this problem have been highly successful in combating youthful drug abuse.

First Lady Nancy Reagan, in particular, has been a highly vocal and visible proponent of drug rehabilitation, education, and prevention programs. As a former actress, the First Lady has made a successful plea to entertainers to stop glamorizing the use of illicit drugs. Vice President GEORGE BUSH and his special task force have also made much progress in stopping the flow of illegal drugs into the United States from foreign countries.

Mr. President, I do not want to toot my own horn, but my own efforts to stop international drug trafficking and to combat youthful drug abuse in this country have not gone unrewarded. First of all, I was very pleased that my diplomacy against drugs amendment to the State Department authorization bill was unanimously adopted by the Senate. But I have been most gratified by the support for my efforts that has come from the young people in Florida. They remind me once again that by publicizing the "worst-case scenario" of youthful drug abuse, we perform a useful public service by highlighting the problem, but this tends to overshadow the important fact that many young people in this country are not hooked on drugs and are well aware of their dangers.

I request permission, Mr. President, to include in the RECORD at this point the text of just two letters I received from my younger constituents in Florida on the subject of youthful drug abuse.

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

OCTOBER 6, 1983.

DEAR SENATOR PAULA HAWKINS: You have a very good idea concerning marijuana. I don't feel that a warning, however, will phase drug users much.

I am 15 years old and I have never come in contact with any kind of drugs or alcohol. I am strongly against use of either (doctor's prescriptions excluded).

I am an exception to the teenage society. I am very straight. I'm not pressured about being the way I am by anyone. I'm glad I don't fool around with drugs.

I wish there were another way to stress emphasis besides warning. People just don't realize how harmful it is.

Sincerely,

BRENDA WALDRON,
Fort Myers, Fla.

OCTOBER 7, 1983

SENATOR HAWKINS: I'm a sophomore in high school, and I'm glad you're concerned about marijuana in school. Being in school, I know that marijuana is a big problem.

Most kids that smoke marijuana nowdays truly believe that marijuana is harmless, or they just plain don't care. If kids really knew what happened to their bodies and minds, they would never touch marijuana. Some people think getting high is going to solve their problems. But as soon as they come down, all their problems come back, plus a few more.

I truly hope that someday there will be no marijuana problems, but that day is very far off. Until then, we certainly have to start doing something.

Sincerely yours,

TRACY CLARK,
Alva, Fla.

THE INVASION OF GRENADA

Mr. CRANSTON. Mr. President, on October 25, I joined other Senate and House leaders in a Cabinet room meeting convened at the White House by President Reagan to explain his decision to invade Grenada earlier that morning.

Later that day, I met with Secretary of State George Shultz and Secretary of Defense Caspar Weinberger to hear further explanations of the Reagan administration's justification for the invasion of Grenada.

I was not satisfied with these explanations. I have therefore spoken out consistently in opposition to this invasion since the day it was launched. With the recent reports that fighting in Grenada has ended, I think it is important to review the record of these administration explanations.

The original Reagan administration justification for invading was that Grenada had closed its airport, barring Americans from leaving, and that American lives were in danger.

This was not true.

In fact, according to subsequent White House "clarification," four charter flights were able to arrive and depart the day before the invasion and more were expected until the invading American forces closed the airport.

And there has been no strong evidence that the lives of Americans on Grenada were threatened or that they were in danger of being taken hostage.

These assertions are but two of a large number of misleading arguments put forward to provide the Reagan administration with a pretext for overthrowing a government it did not like.

The Reagan administration also claimed that it had no assurances of the students' safety. In fact, they had received numerous such assurances from the Grenadian junta, assurances that were repeatedly given to U.S. diplomats Ken Kurze and Linda Flohr in face-to-face meetings in Grenada in the days and hours before the United States invaded.

Doubtless, once U.S. forces began invading Grenada and an armed struggle ensued, the students did feel in great danger.

But the tragedy of this invasion is that in the name of protecting American lives and enhancing human rights, at least 18 Americans were killed and at least 90 Americans soldiers were injured. There were more than 70 reported deaths among Cubans and Grenadians. A hospital was bombed by American planes, killing at least 30 Grenadian civilians. And a number of American men were killed by our own

forces due to intelligence failures and a split military command that led to clumsy excesses of force.

A second pretext the Reagan administration advanced to justify the invasion was to assert a duty to respond to a request to invade made by the new Organization of Eastern Caribbean States (OECS). Not only is the United States not a member of this organization, but the group's own mutual defense pact provides for military action only by unanimous request of all OECS parties. The OECS request—which many reports have indicated was generated by the Reagan administration—was not unanimous, and in any case did not bind the United States to violate international law and invade the sovereign territory of their unpopular neighbor.

The administration's twin pretexts are in glaring contradiction. If American lives were truly at stake, we would not wait for a request from obscure island states before acting to protect Americans.

The U.S. military action against Grenada had no basis in international law unless it was essential to protect American lives.

Since this was not the case, the Reagan administration invasion violated both the Organization of American States treaty and the United Nations Charter. For this action, the U.S. Government has been condemned around the world. This condemnation has come from ally and adversary alike as evidenced by the fact that not a single member of the United Nations Security Council—including the United Kingdom and France—joined the United States in voting against a resolution critical of the U.S. invasion.

The Reagan administration also cites the need "to foster democracy" as a justification for the invasion. And yet in its shameful shackling of the American press and in its skirting of the War Powers Resolution, the administration showed its contempt for key elements of our own democratic tradition. It is especially important for a free people to have a free press to report controversial military actions of their Government so that the justifications of these actions can be weighed against the information provided by an unbiased press. The administration's excuse that journalists were being protected "for their own good" is simply bunk—journalists accept risks to life and limb as part of their job and have observed firsthand all major U.S. military actions in our recent history, from the Normandy invasion to the Hiroshima bombing to the Vietnam war.

The shackling of the American press has been particularly harmful in the Grenadian invasion given the large amount of erroneous claims made by official Reagan administration spokesmen.

I have already cited two examples of where administration claims subsequently proved false: Claims that the Grenadian airport had been closed and claims that no protection of American lives had been assured. At various times, administration officials have also calimed that there were up to 1,100 Cuban combat troops on the island, that no civilian casualties were incurred, and that there were terrorist training camps in Grenada. Each of these reports was subsequently revealed by the American press—once free to do its job—to be untrue.

I am not unmindful of the fact that the Grenadian Government had taken a turn for the worse in the days prior to the invasion. But I have fundamental questions about the utility of force for reshaping the world in America's image and specifically about whether we might have explored other means for advancing U.S. interests in the Caribbean before launching a 10,000 man invasion.

The Reagan administration had a number of opportunities if it wished to exercise diplomatic influence to affect the direction of the radical Grenadian Government. But the Reagan administration repeatedly spurned overtures from the leftist Grenadian regime of Maurice Bishop, who sought closer ties with the United States. President Reagan had publicly declared that tiny Grenada was infected with a Marxist virus. Thus many have concluded along with House Speaker "TIP" O'NEILL that: "For 2 years the administration had been looking for an opportunity to get into Grenada."

I do not believe that it was our business to battle our way to Grenada and seek to determine who runs it.

The United States cannot reserve to itself the right to use military force every time we see a government somewhere in the world we do not like.

Americans should be prepared to fight when our fundamental security interests are threatened.

But these interests were not threatened and we should not have gone to war just because one distasteful ruler replaced another on a tiny island off South America.

British Prime Minister Margaret Thatcher, usually a staunch backer of militaristic Reagan administration policies, was critical of the Reagan invasion of Grenada for similar reasons, declaring:

> I am totally and utterly against Communism and terrorism. But if you are going to pronounce a new law that wherever Communism reigns against the will of the people, even though it has happened internally there, the United States shall enter, then we are going to have really terrible wars in the world.

The invasion of Grenada cannot be viewed in isolation. It raises serious concerns among the American people and our friends abroad that Ronald Reagan is a trigger-happy President who will shoot first, then ask questions and devise excuses later.

In Beirut, Ronald Reagan has become the first American President to plunge American troops directly into combat in the historic bloodfueds and civil wars of that turbulent region.

In Central America, the Reagan administration has poured in more than $1 billion to prop up the Salvadoran military and provided CIA funds for terrorist bombing against civilian targets in Nicaragua.

Thus, President Reagan has achieved the dubious distinction of getting America involved in three shooting wars in three different parts of the world all at the same time.

American efforts to promote democracy beyond our shores can succeed only if our military firepower is supplemented with a strong and steady moral beacon. The Reagan administration dims this beacon when it takes precipitous military action, skirts our laws, shackles our free press, and alienates our allies world round. It sacrifices the high moral plane from which our Government can condemn Soviet agression in Afghanistan, promote human rights abroad, and encourage sympathy for American peace initiatives.

In the short term, Ronald Reagan may have made some Americans feel good that we are not muscle bound, that we will act against Marxists and push for democracy, however clumsily. But I feel a strong obligation as an elected official to augment this narrow sighted perspective. In the long term, the subjugation of a tiny island force by the American colossus took more than 100 lives and could have serious consequences with both friends and foes of the American people, especially in this hemisphere, where those whose support we seek are deeply suspicious of our reliance on military intervention.

Walter Lippmann understood the importance of rejecting shortsighted policies when he wrote 20 years ago in the wake of the Bay of Pigs fiasco:

> A policy is bound to fail, which deliberately violates our pledges and our principles, our treaties and our laws. In the great struggle with communism, we must find our strength by developing and applying our own principles, not in abandoning them.

ALAN CRANSTON ON LEBANON: "GIVE US A REASON OR GET OUR MEN OUT"

Mr. KENNEDY. Mr. President, the cruel terrorist bombing in Beirut, which has now claimed the lives of over 230 Americans, makes it all the more urgent that we take immediate steps to protect our forces there and that the administration clearly define a sensible mission for those forces if their presence is to continue.

One of the most perceptive analyses of these issues was made recently by our colleague, Senator ALAN CRANSTON, in an excellent and informative article in the Los Angeles Times on October 25, 1983. I believe that all of us who are troubled by the administration's policy in Lebanon will be interested in Senator CRANSTON's discussion and recommendations, and 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:

[From the Los Angeles Times, Oct. 25, 1983]

GIVE US A REASON OR GET OUR MEN OUT

(By Alan Cranston)

(Alan Cranston is the senior senator from California and a candidate for the Democratic presidential nomination.)

The carnage in Beirut is a tragic reminder of the fact that our Marines have been put into a terribly vulnerable position in order to achieve vague diplomatic goals in Lebanon.

It is a desirable goal for a stable pro-Western government to emerge from the chaos in Lebanon, and it is a desirable goal for the United States to see a reduction in the influence of Soviet-backed Syria in the Beirut area. These are policy goals, not totally unlike the hope of seeing a free and independent Poland. But we are not sending Marines to Warsaw. Similarly, there is good reason to question whether the Reagan Administration's stated goals in Lebanon are fundamental U.S. interests that can be achieved by the passive presence of U.S. Marines. We should not immediately abandon the peace effort in Lebanon, but it is absurd to think that 1,200 U.S. Marines pinned down at the Beirut airport can achieve the Administration's goal of establishing a sovereign Lebanese government in full military control of all its territory.

President Reagan has twice changed the Marines' ill-defined military mission as a peacekeeping force. But it should be clear to everyone that none of the dozens of factions in and around Beirut consider the Marines as anything but an American force to prop up the minority regime of Amin Gemayel. For months they have been a target for every radical fringe group in a city where anarchy reigns.

I did not think that we should deploy U.S. combat troops in Beirut in the first place; a neutral international force not including troops from one of the superpowers should have been enlisted. I led the fight in the Senate Foreign Relations Committee against giving the President carte blanche to keep the Marines in Beirut for another 18 months or longer.

It is essential to the morale of our military and the strength of our country that we do not send American men to sit and die in a foreign land to achieve unrealistic diplomatic goals that do not enjoy the full support of the American people. Since the original purpose behind the Marines' deployment does not appear to be achievable, it is hard to see that it would be anything but a waste of more young American lives to keep them there just so that we won't "withdraw under fire."

Our government should have several specific objectives in the hours and days ahead:

The President must make the Marines' position fully defensible, or he should withdraw them to a defensible position offshore.

At the same time, he should define a specific, achievable mission for U.S. military deployments in or near Lebanon, and seek support for this mission from Congress and the American people. He should explain in plain English how, specifically, the Marines are supposed to advance our interests in the peace process.

If the Administration cannot make a persuasive case for continued U.S. military deployments in Lebanon, Congress should—and I believe will—force the withdrawal of U.S. troops under the authority of the War Powers Resolution.

The Reagan Administration should make clear to Gemayel and his minority government, which is so reluctant to share power with other Lebanese factions, that the U.S. forces will be totally withdrawn at a certain date if there is a lack of progress toward peace due to the intransigence of the Gemayel faction.

The Administration should press hard on Saudi Arabia and other supporters of Syria to gain greater Syrian cooperation in peace efforts.

The Administration should bring other multinational forces onto the scene—ones that will be viewed as genuinely neutral by the Lebanese factions—and thereby facilitate a reduction in the role of the U.S. Marines.

And the Administration should expedite a Pentagon investigation into how American soldiers were left so vulnerable to the primary terrorist threat in a city of terrorists: a car bomb attack, nearly a carbon copy of the bombing of our Beirut embassy earlier this year.

The Reagan Administration has been eager to attack critics of its foreign policies for being too reluctant to use military firepower. The tragedy in Lebanon is a bitter reminder of the consequences of being too quick to deploy military forces without adequate thought to their mission and without adequate preparation for diplomatic follow-up to achieve American goals.

DOUBLE BOOKKEEPING

Mr. HATFIELD. Mr. President, it has been some time now since I last made a statement on this floor concerning what I consider to be the administration's skewed priorities and a rather unusual method of bookkeeping. It has seemed evident to me that Mr. Stockman has kept, from the very beginning of this administration, a separate set of books for defense and nondefense spending. According to those books, a dollar spent for defense does not contribute to the deficit, but a dollar spent on nondefense programs does. To hear Mr. Stockman tell it, the 36 percent real increase in defense over the past 25 calendar months bears no relation to the prospect of a $200 billion deficit and the frightening increase in interest costs of the Government.

Two "Statements of Administration Policy" received earlier this week prompt me to return to this subject of double bookkeeping and the issue of what causes deficits. On Tuesday, November 2, I received from OMB a "Statement of Administration Policy" concerning the conference report on the agriculture appropriations bill for fiscal year 1984. The statement proclaims that the bill as reported from conference "exceeds the President's request for funding by $3.5 billion," and, therefore, "if the conference report is presented to the President in its present form, his senior advisers will unanimously recommend that it be disapproved." I ask unanimous consent that the administration's statement be printed in the RECORD at this point.

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

NOVEMBER 2, 1983.

H.R. 3223 AGRICULTURE APPROPRIATIONS CONFERENCE REPORT

The Administration is strongly opposed to the Conference Agreement on H.R. 3223, and urges that the Conference Report be defeated and returned to the Conference Committee.

As reported from Conference, the bill exceeds the President's request for funding by $3.5 billion. The Conference Agreement increases funding for annual discretionary appropriations by $956 million more than the Administration request, and increases obligations for subsidized lending by more than $2.5 billion.

The Administration believes that the needs of the agricultural sector of the Nation's economy, and legitimate rural development priorities, can be met without resort to the excesses embodied in the Conference Report.

Accordingly, if the Conference Report is presented to the President in its present form, his senior advisers will unanimously recommend that it be disapproved.

Mr. HATFIELD. Now, Mr. President, I disagree with that position. I believe that the President ought to sign the agriculture bill. Yes, it is over his January request, but it is within the limitation of the budget resolution, and represents some hard work and tough choices made by the subcommittee chairman, Senator COCHRAN, and the other members of his subcommittee in holding down the total cost of the bill.

But I could be much more understanding of the President's position if he were consistently opposed to all spending for whatever purpose. The very next day after I received the statement against the agriculture bill, with the recommendation it be vetoed because it is some $3.5 billion over the President's January request, along comes another "Statement of Administration Policy" saying that the defense bill now on the floor does not spend enough money, is "$14.7 billion below the original January request," and that "a reduction of this magnitude . . . is unacceptable." The statement goes on to say that the administration will seek to increase the cost of the bill.

I ask that that statement and a letter to me from Mr. Stockman be printed in the RECORD at this point.

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

NOVEMBER 3, 1983.

S. 2039: DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1984 (SENATOR STEVENS (R), ALASKA)

The Administration is concerned that the Committee's recommendation is $10.3 billion in budget authority below the President's amended request of $260.9 billion or $14.7 billion below the original January request. A reduction of this magnitude, approximately $4 billion more than was taken in the enacted authorization and over $3 billion below the Budget Resolution 302(a) level, is unacceptable. We will seek restorations and a program mix more in line with the Administration's request.

EXECUTIVE OFFICE
OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 3, 1983.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Senate is scheduled to vote on the 1984 Defense Appropriation Bill soon. The Administration is concerned that the full Committee's recommendation is $10.3 billion below the amended request or $14.7 billion below the original January request, excluding the committee's addition of $1.9 billion for civilian and military pay raises. A reduction of this magnitude, approximately $4 billion more than was taken in the enacted authorization, is particularly troublesome to the Administration. Moreover, the Committee's recommendation is over $3 billion below the Budget Resolution 302(a) level. This level of reduction in Defense funding is unacceptable to the Administration.

In his appeal the Secretary of Defense will raise specific objections to some of the detailed recommendations and will seek to have the program mix in the bill made more in line with the Administration's request.

I know that you share the Administration's commitment to a strong national defense. I hope that you will encourage the Senate to reconsider the Committee's action and to provide funding more consistent with the President's request.

Sincerely,

DAVID A. STOCKMAN,
Director.

Identical letters sent to Hon. JOHN C. STENNIS and Hon. HOWARD BAKER, Jr.

Mr. HATFIELD. Mr. President, nowhere could there be a more graphic demonstration of the administration's refusal to count defense dollars as contributors to the deficit. Here in black and white we have Mr. Stockman ignoring the plain arithmetical fact that if you save $14.7 billion in one area, and spend $3.5 billion in another, you wind up $11.2 billion to the good as far as the deficit goes. He does not see it that way, apparently. Anyone else who can add and subtract can.

RHODE ISLAND'S BURDEN OF GRIEF FROM THE LEBANON BOMBING

Mr. PELL. Mr. President, the deaths of U.S. marines in the bombing of their headquarters in Lebanon is a national tragedy that has angered and saddened all Americans. As a nation we grieve; we wish it were not so; and we look for answers and assurances that such a thing will not again happen.

But our national anguish is as nothing when we consider the personal grief and sorrow visited upon the families and friends of those young Americans whose lives were taken from them in Beirut, far from their homes.

In the State of Rhode Island, the Lebanon bombing has taken a particularly heavy toll. Nine young Rhode Islanders died in the explosion at the Marine barracks and headquarters. Through circumstance and unpredictable fate, that is more than eight times as many fatalities as might have been expected based on the population of our small State.

There apparently is no one reason that explains why such a heavy burden of grief has fallen on the State of Rhode Island. It has been suggested that because the Marines in Lebanon came from an east coast base, they are primarily from Eastern States. In addition, Rhode Island has a long and strong tradition of military service, linked to the proud presence in our State of major Navy bases.

Whatever the reasons, during the past week we have seen in Rhode Island a series of military funerals in an atmosphere of respect and sorrow which we have not known since the days past when our armed services suffered heavy losses in the conflicts in Vietnam and Korea.

Because Rhode Island is small State, both in area and population, there is a special sense of sharing, community and brotherhood among its people. We tend to share each others joys and accomplishments, hopes and fears, sadness and heartbreaks. In this past 2 weeks we shared in the desperate worry and anxiety as word was awaited on the fate of our young men, and in the sorrow when the worst of news arrived.

I have spoken with the families—the mothers and fathers and wives—of the young Rhode Islanders who died in Lebanon in the service of our Nation, and I have been moved not only be their grief and sorrow, but also by their courage, their resolve and their faith.

Mr. President, I take this occasion now to pay tribute to the young Rhode Island members of the U.S. Marine Corps who died in service of our Nation in Lebanon:

Lance Cpl. Rick R. Crudale, age 21, of West Warwick, husband of Heidi Crudale and son of Marie Crudale.

Cpl. Timothy Giblin, age 20, of North Providence, husband of Valerie Giblin, father of Tiffany Giblin and son of Jeanne Giblin.

Lance Cpl. Edward S. Iacovino, Jr., age 20, of Warwick, son of Elizabeth and Edward S. Iacovino, Sr.

Pvt. Thomas Julian, age 22, of Portsmouth, son of Joyce and Karl Julian.

Cpl. David Massa, age 21, of Warren, son of Christine and Manuel Massa.

Lance Cpl. Thomas Shipp, age 27, of Woonsocket, husband of Pauline Shipp and son of Theresa and David Desjardins.

Lance Cpl. James Silvia, age 20, of Middletown, son of Mrs. Patricia Farrell and Joseph Silvia.

Cpl. Edward Soares, Jr., age 20, of Tiverton, son of Lorraine Albernaz and fiance of Lisa Jusseaueme.

Lance Cpl. Stephen Spencer, age 23, husband of Lynne Spencer of Portsmouth.

May they rest in peace and may the memory of these fine young men rest forever in our hearts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4185, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The Senate resumed consideration of the bill.

RECESS UNTIL 10 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess until 10 a.m.

There being no objection, the Senate, at 9:36 a.m., recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

The Senate continued with the consideration of the bill (H.R. 4185).

Mr. BAKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. H.R. 4185.

Mr. BAKER. Has it been reported?

The PRESIDING OFFICER. It has been.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the time for morning business was somewhat abbreviated this morning. I ask unanimous consent that there now be a

period of 5 minutes, during which Senators may speak for 1 minute.

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

ORDER OF PROCEDURE

AMENDMENTS TO DEFENSE APPROPRIATIONS BILL AND POSSIBLE TIME FOR PASSAGE

Mr. BAKER. Mr. President, I will not take but a moment. I just had a conversation with the minority leader about the possibility of a time agreement on the Department of Defense appropriations bill. I indicated to him that I intended to have our cloakroom contact Senators on this side of the aisle about the amendments they plan to offer to the Defense appropriations bill.

Let me hasten to say to those who may be listening in their offices, I am not encouraging amendments. In fact, I want as few amendments as possible, so far as I am concerned.

What I would like to do is to first identify the amendments that Members intend to offer, serious amendments that they really plan to offer, and then in all likelihood I will attempt to enter into negotiations with the managers of both sides and the minority leader to see if we can establish a time certain for passage of this bill, and perhaps that only certain amendments will be in order. Mr. President, that hotline will go out from our cloakroom with a request that Members respond by 11 o'clock.

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

Mr. BAKER. I yield.

Mr. BYRD. I related to the majority leader earlier that I have proposed to the deputy majority leader that he on his side and we on our side attempt to find out what amendments are going to be offered and by whom, and whether or not those authors would be willing to enter into a time agreement.

I also stated that in my judgment it is unrealistic to seek a time agreement for a date certain and a time certain, on which to vote until we know what amendments will be authorized because obviously we would be making for ourselves, meaning all of us, a trap if that happened without some limitations on amendments other than those we know about.

The deputy majority leader said that process would begin on that side. It is already underway on this side. After we find out about the amendments, we may be able to reach an agreement.

Mr. BAKER. I thank the minority leader. I am grateful for that. I assure him I will be most anxious to work with him to see if we can get a time agreement. Once again, it is in the nature of a child making up a Christmas wish list, but I would like to see us have a time for passage, say, on Monday, at 6 o'clock, with no further amendments in order. If we can do that, it would be clear that we could avoid a Saturday session.

Mr. BYRD. The time for final passage I would prefer to be on Tuesday.

Mr. BAKER. We can negotiate on that.

CIVIL RIGHTS COMMISSION BILL

Also, Mr. President, before I arrived in the Senate this morning the minority leader expressed interest in the status of the Civil Rights Commission bill. I wonder if I can volunteer a word about that at this time also.

Mr. BYRD. I wish the majority leader would.

Mr. BAKER. Mr. President, I indicated to Senator BENTSEN some time ago in colloquy on the floor, and have repeated a number of times since, that it is my intention to ask the Senate to turn to the consideration of the bill on the calendar reauthorizing the Civil Rights Commission, the House-passed bill. I will repeat that at this time. It is the intention of the leadership to do that. It is presently the intention to do it as soon after we finish the Department of Defense appropriations bill as posssible.

We have a parliamentary situation which will bring back the natural gas bill when we finish this bill, but there are no insuperable parliamentary problems involved. We are going to get to the Civil Rights Commission bill as soon as possible and as soon as we can arrange that, and certainly, I think, some time next week.

I am prepared to do that on this side, Mr. President, with or without a time agreement. It is potentially, however, a time-consuming measure and one full of controversy. I hope it does not remain that way. I hope something can be worked out. I know the distinguished Senator from Kansas is working with others in an effort to do that. But regardless of that——

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Regardless of that, we intend to take up the Civil Rights Commission bill and plan to do it next week. As we get closer to that event, I will try to arrange with the minority leader a time agreement, if that is possible.

Mr. BYRD. I am prepared to offer an agreement that we have worked out on this side.

While we are talking, I would like to ask the majority leader, as I indicated to him that I would, when we are likely to reach the conference report on the vocational rehabilitation amendments.

Mr. BAKER. The Senator did mention that to me, Mr. President. May I say to him that I am here without my notes. Let me defer that just for a moment until I can get back to my office and pick up my staff report on that matter.

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

SINE DIE ADJOURNMENT SAFEGUARDS

Mr. President, the distinguished majority leader and I talked briefly on two or three occasions about the upcoming adjournment. I expressed my concerns and he expressed concerns also. I have expressed my concerns about the Congress, meaning both the House and the Senate, being out for over 2 months without some built-in safeguards in the event Congress should be reconvened to deal with any emergency.

We have the situation in Lebanon, which shows some signs of getting better but a lot more signs of getting worse. We saw what happened within the last several hours when the Israelis suffered an experience like the one our own marines suffered a few days back. We see the Israelis retaliating quickly, and I compliment them on that.

We see the situation in Central America. Something could happen there. Without the Congress being in session the administration could do any one of many things there or elsewhere.

We also have the situation in Grenada, which seems to be well under control.

I am not now suggesting that we not go out, but I have been trying to get in touch with the Speaker this morning to voice the same concerns. I have not been able to reach him as yet.

I hope that we will think about this very carefully and work out some arrangement whereby the Congress will not have to be called back by the President, but can call itself back. As far as I am concerned, appropriate language can be worked into the adjournment resolution.

I think it would give the American people a lot more confidence, satisfaction and comfort if they realized that the Congress, even while out of session, is prepared, in the case of an eventuality which would require its presence here, to come back without its being called by the President.

I indicated to the distinguished majority leader that I was going to say a little something about this. I am sure he will have something which will reflect his own concerns and reactions.

Mr. BAKER. Mr. President, I thank the minority leader. We have talked about the adjournment of the Congress as proposed on November 18. He has expressed his concern about the world situation and our responsibilities. I understand that and I respect that. I have indicated to him that I feel very strongly that we should go ahead with our efforts to adjourn sine die on November 18 as both the Speaker and I have previously announced. I am afraid people have begun to depend on that.

I believe we can finish by November 18. We have a big list of things yet to do. We have the debt limit yet to do, and we have the continuing resolution, the reconciliation bill, this Department of Defense appropriations bill, Treasury-Post Office, and a number of other things—the Civil Rights Commission, and a number of conference reports. But I believe we can make it. I monitor that list every day and fill in little boxes on my schedule, and as well erase items and add others as the minority leader does, I am sure. But it is possible to do.

The minority leader has correctly said, in my opinion, that we ought to give some consideration to our own authority to reconvene during the upcoming period if circumstances warrant, and not be totally dependent on the constitutional authority of the President to recall the Congress into special session. I agree with that. I think his point is very well taken.

Pursuant to our other private conversations, I have already initiated conversations with my staff and with the Speaker's staff on language that would accomplish that purpose, and the form of that language is not dissimilar to the form that was used in August; that is, that the Speaker and majority leader, each having conferred with their counterparts—in my case, with the distinguished minority leader—on their own motion might reconvene Congress. I think that is a wise precaution and I agree with the suggestion the minority leader makes in that respect. This is my effort to try to accommodate that concern, which is real and legitimate.

So, Mr. President, I shall speak with the minority leader further regarding that as we proceed. I do not yet have that reply from the Speaker's staff or Representative MICHEL's staff. I am encouraged to think we can work out such language, and the minority leader may be sure I shall confer with him on that and get his views on the arrangement.

Mr. BYRD. I thank the majority leader.

THE WAR POWERS ACT

Mr. President, I also pose this question, which I do not believe I have raised with the majority leader. It concerns the War Powers Act.

As I understand it, the 60 days under 4(a)(1) of the War Powers Act will expire on Christmas Eve. I am concerned about what will happen then. I have stated previously that I am supportive of the President's actions in Grenada, but I speak only as a Senator from West Virginia, and I do not commit other colleagues on this side of the aisle at all. I have also raised concerns about the lack of appropriate intelligence when we undertook that action.

I was told at the White House by General Vessey, Chairman of the Joint Chiefs—less than 12 hours before the invasion of Grenada began—that the cleanup operations and the securing of the island would probably take 1 day. As we found out, we ran into a lot more resistance than we expected. So something is wrong with our intelligence apparatus.

That is not to say that we are the only country that has problems. The Soviets apparently had some problems of their own a year or so ago when a Korean pilot flew 1,000 miles over their territory before they discovered it. I understand some people were executed by the Soviet Government as a result of that negligence or intelligence failure.

I have also raised concerns that we are only told about what the administration decides after it decides it. So I still have those concerns. But for the moment here, I do not know what is going to happen on December 25, when the 60 days expire. If the President should need an additional 30 days in order to expedite the removal of troops, we would not be here to act on it. We would not be here to act on it unless the majority leader and the Speaker can call us back in the event that is the way the continuing resolution reads. I have that problem and I would simply like to raise it.

That is one of my great concerns about our going out for 2 months without at least looking ahead and attempting to deal with that situation, either before we go out or when we come back and deal with it at the time.

Troops are being removed, from Grenada, according to reports. They could be put back in very quickly. While I have indicated my support of the President's first action, it would depend upon the circumstances as to whether or not I, as a Senator from West Virginia, would support any future action. I might or I might not. But I want to raise that question. The situation in Lebanon is extremely dangerous.

I am sure that the majority leader has undoubtedly been thinking something about this himself. As a matter of fact, I believe I raised the matters with him—maybe yesterday. I think we talked about that.

Mr. BAKER. We did, Mr. President.

Mr. BYRD. Yes, Mr. President.

I yield the floor.

Mr. BAKER. Mr. President, we have covered a lot of ground and I am grateful to the minority leader for that. I assure him we shall work together as we address the issues the Congress—the Senate—should address. As we get closer to the events at hand, we shall have a further report on it, including how the war powers situation should be dealt with.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have a request by the Senator from Idaho to speak for a couple of minutes. I previously had had a request by the Senator from Montana to speak for a couple of minutes, presumably in morning business; is that correct?

Mr. MELCHER. Yes, Mr. President.

Mr. BAKER. What I would like to do, if the minority leader does not object, is extend the time for routine morning business until 10:30 a.m.

Mr. BYRD. I have no objection, Mr. President.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for routine morning business be extended to 10:30 a.m., and that Senators may speak therein for 3 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE PIK PROGRAM

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, calling the PIK program "a pig in the poke" was the way I warned the Senate last December against action on a bill to authorize it. Despite Secretary of Agriculture John Block, perhaps at the invitation of some Senators, lobbying right here on the Senate floor to get Senators to go his way, there was no need, I said, to rush into PIK. On his own, without legislation, Secretary Block initiated the payment in kind program.

GAO estimates that the 1983 PIK program will cost the Department between $10 billion and $11 billion based on Department of Agriculture estimates in September. Transportation and handling costs are unknown or uncertain and cannot now be calculated with certainty. In other words, the total cost may be $14 billion or $15 billion. Only 708 farms in nine States were checked by the GAO. On the average, each of the 708 farms will receive commodities valued at $175,000. Of these 708 farms, 35 will receive commodities valued at over $500,000 each, including 7 farms that will receive commodities valued at more than $2 million each.

Of the 10 farms scheduled to receive the largest payments, 8 were California cotton producers. It is obvious that PIK was designed as a program for the secure farms—many of them large corporate holding farms.

The Department, in the President's midsession budget update, estimated that the 1983 and 1984 PIK programs would result in a $14.9 billion savings in farm program outlays for the 4-year period ending in 1986. In view of the September 29, 1983, announcement that there will not be a 1984 PIK program for corn and grain sorghum, the

Department's estimates will have to be revised. This has been a program out of control since outlays, that is costs, are from $10 to $15 billion already. Savings, my eye.

Various farm programs have been devised to assure commodity supplies ample for U.S. needs. In the past most effort has been directed to assist family-owned farms. The big PIK payments, however, are for large corporate farms backed by corporate holdings. PIK has been a corporate bonanza.

Under the price support program, the Department makes loans at established minimum prices, which are in essence floor prices, to producers who agree to store reserve commodities, thereby keeping them off the market during periods of excess supply to help keep prices from falling. The producer can either pay back the loan or forfeit the commodity to the Government when the loan comes due. If forfeited, the Government takes possession of the commodity and it becomes part of the inventory of the Department's Commodity Credit Corporation (CCC). This feature of the farm program was devised to protect producers. It is a safety net—not a profit assurance program.

GAO COST ESTIMATES OF PIK

[In billions of dollars]

	Minimum cost	Maximum cost
Cost element:		
Cost of commodities[1]	9.363	9.363
Storage costs	.104	.390
Diversion payments	.336	.371
Distribution of commodities	.167	.167
Potential interest forgiven	0	.826
Other	.055	.055
Estimated cost for 1983 PIK program	10.025	11.172

[1] The cost of commodities is based on the Department's August 29, 1983, estimate of PIK obligations for wheat, corn, grain sorghum, and rice and September 9, 1983, estimate for cotton. PIK estimates have fluctuated considerably and most likely will continue to do so. As a result, the cost associated with PIK obligations will vary until final PIK obligation data is available.

STORAGE COSTS

That, I repeat, may add several billions to the cost. GAO explaned several of these items in their estimates.

Under the PIK program, the Department will pay all producers for up to 5 months storage after their PIK commodities become available. Also, the Department will pay an additional 7-months storage compensation to producers who have commodities that are stored on the farm in a special type of loan account called a farmer-owned reserve and are to be used to meet PIK obligations. These reserve loans are designed to keep the commodities in storage for an extended period of time. The Department is paying this additional 7-month storage compensation becasue of the cost these producers incurred for constructing on-farm storage facilities for commodities placed in the reserve. The 7-month storage cost will be paid regardless of when the producers dispose of their PIK commodities. Together, the up to 5-month and the 7-month storage payments will result in a PIK cost ranging from about $104 million to $390 million.

DISTRIBUTION OF PIK COMMODITIES

The Department is obligated to provide PIK commodities as near as possible to a warehouse designated by each producer; however, Government-owned stocks needed to meet PIK obligations to the producers are often not located where they are needed. Instead of transporting PIK commodities to the locations needed, the Department chose whenever possible to exchange its commodities for commodities owned by dealers in the needed locations. This generally resulted in the Department paying a premium.

There is a farm program, Mr. President, in our law, a more considerate program that is designed for family owned farms and has a limitation of $50,000 per individual farm. Secretary John Block in initiating the PIK program chose to ignore that. I believe ignoring the limitation was illegal. GAO also believes it is illegal.

What should be done? For a fraction of the PIK cost we can pursue the positive in selling and sharing our agricultural abundance. First, help the hungry and malnourished at home. Second, help our friends abroad with concessionary sales and barter of our food surplus. We can and should do it. I am soon introducing a bill to require that the Secretary of Agriculture do just that. It will win friends and makes more sense than PIK.

Mr. President, I yield the floor.

U.S. FOREIGN ASSISTANCE FUNDS

Mr. SYMMS. Mr. President, I thank the distinguished majority leader and minority leader for extending morning business. I want to make a few comments and insert in the RECORD the letter I have sent to Secretary Shultz dealing with our foreign aid money, the hard-earned taxpayers' dollars that are going to be given to the Marxist dictatorship in Zimbabwe. I do not put that in the RECORD as some kind of a condemnation of our distinguished Secretary of State or the people working at the State Department, but to put this in context, to criticize our lack of direction. This morning we are greeted with the tragic news of the bombing of the Israeli headquarters in Lebanon with a tragic loss of lives in an unfortunate suicidal act very similar to the bombing of the French headquarters and American Marine headquarters in Beirut.

It is interesting to note that after this happens, what we do is bring the Commandant of the Marine Corps before Congress and start an interrogation to find out who was at fault for security, and the Israelis' response is to launch a retaliatory raid against suspected villains. This Senator was also questioning our Secretary, so I do not say this as criticism, but I think we should take our wrath out on the enemy, not the marines and General Kelley.

Mr. President, I do not know that it is possible for the United States to have the flexibility in the Middle East to have launched a retaliatory attack against Syrian forces because of the East-West confrontation that is obviously present with Soviet forces being in Syria. Maybe we do not have the ability to do what the Israelis did. But I think that in context with some of the things I pointed out to Secretary of State Shultz, it appears we do not retaliate against heinous acts, tragic loss of lives; such as the lack of real sanctions or retaliation against the Soviets with respect to flight 007. In fact, Zimbabwe, which I pointed out in my letter to Secretary of State Shultz, abstained rather than voting against the Soviets for murdering 269 innocent passengers of KAL flight 007, including the distinguished Congressman and great American Larry McDonald, from Georgia. I think it is unbelievable then that we turn around and talk about giving foreign aid to this country, Zimbabwe a country that votes with the United States less in the United Nations than does even the U.S.S.R. itself.

Now, I see a parallel. With the terrible and tragic murders in the French headquarters, the Marine headquarters, and the Israeli headquarters, somehow or another I think we have to orient ourselves to determine whose side we are on, Mr. President.

I ask unanimous consent to insert into the RECORD two articles, one entitled "How Much Will Congress Give Mugabe" and another "Mugabe is America's Mortal Foe" from the Human Events Newspaper of September 24, 1983 and my letter of November 2, 1983, to Secretary of State George Shultz, which is an inquiry as to why it is, in heaven's name, we in the United States could be giving money to an avowed Marxist dictatorship, which has made it very plain that they are supporting the wishes of the Soviets with respect to their African policy and not supporting the United States. I think our colleagues and our constituents deserve to have an answer from the State Department.

I think there is a parallel, Mr. President. There is a parallel not ony from a lack of retaliation and only tough talk, which is what the United States did after the murder of American citizens aboard KAL flight 007, the tragic bombing of our Marine headquarters in Beirut, and yet we turn around and continue to try to buy off these people with foreign aid dollars.

If we cannot retaliate somehow in kind to these murderous acts, maybe we could at least cut off the funds for feeding the dog that bites us in the hand.

Mr. President, freedom is the issue—what in heaven's name are we doing supporting a protyranny antifreedom government in Africa or anywhere else with marines dying in Lebanon—soldiers and marines fighting Communists in Grenada, the Soviets pushing the Brezhnev doctrine all over the world to our detriment and against our liberty—I yield the floor.

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

[From Human Events, Sept. 24, 1983]

HOW MUCH WILL CONGRESS GIVE MUGABE?

The Reagan Administration's "pro-Mugabe" tilt has irritated a number of House lawmakers on Capitol Hill, especially in view of Zimbabwe's refusal to support the Administration against the Soviets in the shooting down of Korean Air Lines flight 007.

Despite a "soft" resolution embraced by nine members of the United Nations Security Council deploring the downing of the jumbo jet—later vetoed by the Soviets—Zimbabwe decided to abstain just hours before its Prime Minister Robert Mugabe received red carpet treatment at the White House. Lamented U.N. Ambassador Jeane Kirkpatrick, "I very much regret that Zimbabwe decided, as it so often has in the Security Council, to tilt its vote toward the Soviet Union. I regret it very much."

Indeed, the Soviet Union, as we have pointed out, has voted with us in he U.N. more than Zimbabwe. In the 1982 General Assembly session, the Soviets backed us 60 per cent more of the time than did Zimbabwe, 20.6 per cent to Zimbabwe's 12.8 per cent.

House lawmakers eager to cut the foreign aid budget, in fact, are thinking of going after U.S. assistance to African nations, since so many of the African countries oppose U.S. policy. But Zimbabwe may come in for the most severe slashes.

What may intrigue the lawmakers as much as Zimbabwe's non-vote at the United Nations on the Korean airliner incident is Mugabe's speech earlier this year in Dar es Salaam, the capital of Tanzania. There Mugabe makes clear that he intends to align his country on the side of the rovolutionary left.

In that speech (January 24), Mugabe pays tribute to Tanzania for becoming a prime mover in promoting revolutions throughout southern Africa, even to the extent of training and arming guerrillas. Mugabe not only lavishes praise on Tanzania, but the various revolutions it has successfully promoted in such countries as Mozambique, Angola and Guinea-Bissau.

The countries and the movements that Mugabe praised, of course, are both leftist and stridently anti-American. The liberal organization, Freedom House, has given the governments he lauds sorry marks in the human rights category. Here's what Freedom House has to say about some of Mugabe's favorite countries:

Tanzania: "Civil liberties are essentially subordinated to the goals of the socialist leadership. No contradiction of official policy is allowed to appear in the government-owned media, or in educational institutions. . . . There is no right of assembly or organization. . . . Thousands have been detained for political crimes. . . . Most business and trade and much of agriculture are nationalized."

Mozambique: "Mozambique is a one-party Communist dictatorship in which all power resides in the 'vanguard party'. . . . All media are rigidly controlled; no public criticism is allowed. Rights of assembly and foreign travel do not exist. There are no private lawyers. Secret police are powerful; thousands are in reeducation camps, and executions occur. Police brutality is common. Unions are prohibited. Heavy pressure has been put on all religions. . . ."

Angola: "Angola is ruled by a very small Communist-style socialist party in which military commanders may wield considerable power. The ruling party has relied heavily on Soviet equipment and Cuban troops to dominate the civil war and stay in power. . . . The media in controlled areas are government-owned and do not deviate from its line. Political imprisonment and execution are common; repression of religious liberty is reported. . . . Private medical care has been abolished, as has much private property—especially in the modern sectors."

Guinea-Bissau: "Guinea is administered by one party; all other parties are illegal. . . . Political executions are alleged to have been common and opponents are readily imprisoned."

Aside from singing hosannas to all these leftist dictatorships, and implying that Tanzania should encourage leftist guerrilla movements elsewhere as well, Mugabe praised the African National Congress (ANC), the Communist-controlled revolutionary movement in South Africa, and scored U.S. insistence that the Cubans must agree to withdraw from Angola before there is a settlement in Namibia. Nowhere is a hint in his speech that the Soviets and the Cubans are doing anything wrong on the African continent.

Mugabe also said: "Like you, we believe socialism, with its principles of equality of man, and therefore, equal ownership of resources and the means of production, equal right to contribute labor imputs and equitable sharing of returns, equal right to social services and amenities, is a truly moral and selfless philosophy as opposed to capitalism and its host of inequalities and its emphasis on selfish individualism." He further stressed Zimbabwe's efforts "to lay a basis for socialist transformation across the various economic and social sectors."

Even so, the Administration, along with key members of Congress, is seeking to lavish close to three-quarters of a million dollars on Mugabe in the coming fiscal year.

[From Human Events, Sept. 24, 1983]

MUGABE IS AMERICA'S MORTAL FOE

Prime Minister Robert Mugabe, the Marxist-Leninist leader of Zimbabwe, was in the United States last week, trying to rustle up some more economic assistance, apparently believing the $225 million or so that we've given him since independence hasn't been enough.

Mugabe was given a royal welcome. President Reagan hailed him as a "wise" leader, whom we can look to for "leadership in southern Africa." Both of our nations, the President contended, have "much in common," including a "revolutionary" heritage and the fact that both "our constitutions offer protection to all our citizens, black and white, ensuring their political freedoms as well as their individual rights."

What was extraordinary about this glowing tribute is that the U.S. and Zimbabwe are on totally different political wave lengths. While America is democratic, Zimbabwe is becoming a murderous, one-party state that brooks virtually no significant dissent. While the U.S. pursues an anti-Communist foreign policy, Zimbabwe has become one of our most determined foreign policy foes.

Zimbabwe's constitution may pay lip service to human rights, but those rights are not respected in practice. Mugabe's North Korean-trained Fifth Brigade, as many may recall, went on a murder spree in Matabeleland last February, apparently in an effort to suppress rebellious followers of Joshua Nkomo. In seeking the guilty, however, the Fifth Brigade slaughtered the innocent, causing the country's Catholic bishops to stress in a pastoral letter that Zimbabwe is becoming a place "where violent reaction against dissident activity has, to our certain knowledge, brought about the maiming and deaths of hundreds and hundreds of innocent people who are neither dissidents nor collaborators. We are convinced that many wanton atrocities and brutalities have been and are still being perpetrated." The facts, the bishops added, "point to a reign of terror caused by wanton killings, beatings, burnings and rapings. . . ."

Sen. Jesse Helms (R.-N.C.) delivered several written questions about alleged human rights violations in Zimbabwe to Assistant Secretary of State Chester Crocker earlier this year. Crocker's written responses showed the violations were massive.

Helms wrote Crocker: "Wallace Stuttaford, a member of the Zimbabwe Parliament . . . met with eight leaders of black parties to discuss in private this trend toward a one-party state. He was subsequently arrested, his home searched without warrant, he was put in jail for a year, tortured, according to affidavits, deprived of medicines necessary for his physical condition—all without charges being brought against him.

"The government witnesses who had signed sworn statements against him recanted in court, saying that they had been forced to swear falsely. Mugabe's own judge was forced to acquit him and award him damages, which were subsequently taken away by *ex post facto* law." Was this, asked Helms, in accord with the Declaration of Rights that Mugabe had pledged to adhere to before he took office?

Crocker responded: "The overall handling of the Stuttaford case was not in accord with the Declaration of Rights and the charges of torture during his interrogation appear to be true. . . ."

How many persons, asked Helms, "are in detention without trial . . .?" Crocker replied: "Several opposition members of Parliament have asked the Minister of Home Affairs to provide figures for the numbers of persons being detained in Zimbabwe. He has repeatedly refused to do so and our embassy is unable to provide a figure."

Zimbabwe, in short, is hardly the type of country we should be extolling as a respecter of political freedoms and individual rights. Well, some liberals might argue, Zimbabwe is no less authoritarian than South Africa, and the U.S. is still friendly with that country. But South Africa, for all its faults, is allied with the West. Zimbabwe is one of our most tenacious foreign policy foes.

Zimbabwe had a chance to prove its friendship for the U.S. in the Korean airliner incident where 269 passengers were shot from the sky by a Soviet jet fighter. But Mugabe flunked this test just one day before he came passing his tin cup for more American funding.

At the U.N. Security Council on September 12, nine nations—the bare minimum needed to adopt a resolution—voted to deplore the Soviet destruction of Korean Air Lines flight 007 on August 31. The Soviets then vetoed it.

Facing possible political humiliation, the U.S. had to scramble to get nine nations to approve, with only eight in favor on the morning of the vote. The resolution was adopted 9 to 2, with Poland and the Soviet Union opposed. Four countries—China, Nicaragua, Guyana and Zimbabwe—abstained, "thus," in the words of the New York *Times*, "weakening the United States' attempt to demonstrate that most of the world condemned the Soviet deed."

In order to win support, furthermore, the U.S. agreed to a "soft" resolution which only once referred to the Soviet Union and avoided condemning it directly. Even so, Mugabe couldn't see fit to support us. As United Nations Ambassador Jeane Kirkpatrick lamented: "I very much regret that Zimbabwe decided, as it so often has in the Security Council, to tilt its vote toward the Soviet Union. I regret that very much."

In his talks with President Reagan, Mugabe not only defended that vote, but tried to persuade the President to take harsher measures against South Africa, charging in his departing statement that only that country "continues to destabilize our region." He refused to criticize Communist Cuba's role in Africa, however, and, in fact, condemned the Reagan Administration for insisting that the Namibian issue could not be settled until the Cubans agreed to withdraw from Angola.

Indeed, Mugabe's Zimbabwe has one of the most anti-American voting records in the United Nations. In Senate Report No. 98-146, put out by the Senate Foreign Relations Committee, there is a table (pages 111-113) comparing the support each country in the U.N. gave to the U.S. position during the 1982 General Assembly session. (See Human Events, Sept. 10, page 14.)

Zimbabwe, on all U.N. votes, supported us just 12.8 percent of the time, less than just a handful of nations. The Soviet Union suported us 20.6 percent of the time, or nearly 40 percent more than Zimbabwe. The entire Soviet bloc in Eastern Europe—including Poland, East Germany, Rumania, Hungary and Czechoslovakia—backed us more than Zimbabwe did.

Nevertheless—and despite Mugabe' continued insistence that he's going to use our aid to socialize his country—the Reagan Administration has decided to lionize a man who is a major foe of America. The only time he smiles is when he's asking us for another couple of million.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., November 2, 1983.

GEORGE P. SHULTZ,
Secretary of State, State Department, Washington, D.C.

DEAR MR. SECRETARY: The taxpayers of this country have a right to know why so much of their hard-earned money continues to be given in U.S. foreign assistance funds to nations that are not only critical of the United States, but are working overtime to undermine our ideals and interests.

Foreign aid to the Marxist dictatorship in Zimbabwe is a case in point.

Despite the fact that we have been giving Zimbabwe approximately $75 million a year, its government seldom fails to oppose us and to support the Soviet Union. Indeed, as noted in a recent article in Human Events which I am enclosing, Zimbabwe has actually voted against us at the United Nations more often than the Soviet Union.

Several weeks ago, after Zimbabwe abstained rather than vote against the Soviets for murdering 269 innocent passengers aboard the KAL 007 flight, U.N. Ambassador Jeanne Kirkpatrick recommended that Zimbabwe's foreign aid allocation this year should be reduced. I understand that AID chief Peter McPherson and Under Secretary Lawrence Eagleburger have made the same recommendation, but that you have overruled them.

Last Friday, as I am sure you know, Zimbabwe was one of the three sponsors (with Nicaragua and Guyana) of the U.N. Security Council resolution condemning the U.S. for sending troops to Grenada to protect American lives and restore freedom. That should have been the very last straw.

There simply is no justification for rewarding that kind of hostility with foreign assistance. Zimbabwe doesn't deserve 75 cents, much less $75 million. I strongly urge you to reverse your decision in this matter. Many of my colleagues and constituents, I am sure, will want to know how much longer they are expected to subsidize our enemies. We are anxiously awaiting your reply.

Respectfully,

STEVE SYMMS,
U.S. Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1984

Mr. STEVENS. Mr. President, do we resume consideration now of the pending business?

The PRESIDING OFFICER. That is automatic.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be printed in the RECORD a comparative statement of the new budget—obligational—authority in this bill.

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

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	New budget authority—				Recommendation compared with—		
	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House fiscal year 1984	Recommendation fiscal year 1984	Enacted	Estimates	House
TITLE I—MILITARY PERSONNEL							
Military personnel, Army	14,454,848,000	15,237,800,000	15,074,758,000	15,401,626,000	+946,778,000	+163,826,000	+326,868,000
Military personnel, Navy	10,537,408,000	11,309,800,000	11,181,477,000	11,447,097,000	+909,689,000	+137,297,000	+265,620,000
Military personnel, Marine Corps	3,293,277,000	3,467,300,000	3,447,324,000	3,515,159,000	+221,882,000	+47,859,000	+67,835,000
Military personnel, Air Force	12,099,850,000	12,779,000,000	12,603,391,000	12,902,253,000	+802,403,000	+123,253,000	+298,862,000
Reserve personnel, Army	1,247,250,000	1,388,300,000	1,346,850,000	1,426,600,000	+179,350,000	+38,300,000	+79,750,000
Reserve personnel, Navy	657,125,000	744,000,000	739,800,000	758,600,000	+101,475,000	+14,600,000	+18,800,000
Reserve personnel, Marine Corps	170,900,000	177,400,000	176,200,000	180,100,000	+9,200,000	+2,700,000	+3,900,000
Reserve personnel, Air Force	358,925,000	383,600,000	380,000,000	389,400,000	+30,475,000	+5,800,000	+9,400,000
National Guard personnel, Army	1,698,800,000	1,917,100,000	1,857,950,000	1,977,600,000	+278,800,000	+60,500,000	+119,650,000
National Guard personnel, Air Force	548,425,000	593,500,000	589,100,000	604,400,000	+55,975,000	+10,900,000	+15,300,000
Total, title I, new budget (obligational) authority, military personnel	45,066,808,000	47,997,800,000	47,396,850,000	48,602,835,000	+3,536,027,000	+605,035,000	+1,205,985,000
TITLE II—RETIRED MILITARY PERSONNEL							
Retire pay, Defense	16,154,800,000	16,772,800,000	16,592,600,000	16,592,600,000	+437,800,000	−180,200,000	
TITLE III—OPERATION AND MAINTENANCE							
Operation and maintenance, Army	15,853,615,000	17,655,800,000	16,776,984,000	17,334,571,000	+1,480,956,000	−321,229,000	+557,587,000
Army stock fund	221,138,000	408,600,000	379,400,000	408,600,000	+187,462,000		+29,200,000
Army industrial fund			99,400,000				−99,400,000
Operation and maintenance, Navy	21,079,712,000	22,601,600,000	21,355,774,000	22,266,908,000	+1,187,196,000	−334,692,000	+911,134,000
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
Navy stock fund	354,372,000	682,869,000	634,069,000	632,869,000	+278,497,000	−50,000,000	−1,200,000
Navy Industrial fund			181,900,000				−181,900,000
Operation and maintenance, Marine Corps	1,481,671,000	1,554,900,000	1,510,950,000	1,547,050,000	+65,379,000	−7,850,000	+36,100,000
Marine Corps stock fund	11,812,000	22,280,000	20,780,000	22,280,000	+10,468,000		+1,500,000
Marine Corps industrial fund			2,300,000				−2,300,000
Operation and maintenance Air Force	16,916,076,000	18,250,100,000	17,080,246,000	17,871,056,000	+854,980,000	−379,044,000	+790,810,000
Air Force stock fund	161,600,000	1,638,325,000	1,241,225,000	1,353,325,000	+1,191,725,000	−285,000,000	+112,100,000
Air Force Industrial fund			80,600,000				−80,600,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority—				Recommendation compared with—		
	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House fiscal year 1984	Recommendation fiscal year 1984	Enacted	Estimates	House
Operation and maintenance, Defense agencies	5,715,778,000	6,818,900,000	6,503,738,000	6,584,744,000	+868,966,000	−235,156,000	+81,006,000
Defense stock fund	160,500,000	47,000,000	43,600,000	47,000,000	−113,500,000		+3,400,000
Defense industrial fund			150,300,000				−150,300,000
Operation and maintenance, Army Reserve	705,584,000	654,800,000	688,350,000	677,100,000	−28,484,000	+22,300,000	−11,250,000
Operation and maintenance, Navy Reserve	637,507,000	662,000,000	658,900,000	639,500,000	+1,993,000	−22,500,000	−19,400,000
Operation and maintenance, Marine Corps Reserve	51,094,000	52,629,000	52,029,000	52,879,000	+1,785,000	+250,000	+850,000
Operation and maintenance, Air Force Reserve	765,735,000	787,000,000	774,150,000	790,900,000	+25,165,000	+3,900,000	+16,750,000
Operation and maintenance, Army National Guard	1,195,067,000	1,118,000,000	1,177,350,000	1,169,800,000	−25,267,000	+51,800,000	−7,550,000
Operation and maintenance, Air National Guard	1,822,603,000	1,740,700,000	1,769,350,000	1,807,300,000	−15,303,000	+66,600,000	+37,950,000
National Board for the Promotion of Rifle Practice, Army	875,000	899,000	899,000	899,000	+24,000		
Claims, Defense	147,500,000	222,900,000	160,400,000	172,900,000	+25,400,000	−50,000,000	+12,500,000
Court of Military Appeals, Defense	3,271,000	3,372,000	3,372,000	3,372,000	+101,000		
Summer Olympics		50,000,000	50,000,000	45,000,000	+45,000,000	−5,000,000	−5,000,000
Environmental restoration fund, Defense				300,000,000	+300,000,000	+300,000,000	+300,000,000
Total, title III, operation and maintenance:							
New budget (obligational) authority	67,285,510,000	74,972,674,000	71,396,066,000	73,728,053,000	+6,442,543,000	−1,244,621,000	+2,331,987,000
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
TITLE V—PROCUREMENT							
Aircraft procurement, Army	2,506,572,000	3,441,100,000	3,198,448,000	3,255,530,000	+748,958,000	−185,570,000	+57,082,000
(Transfer from other accounts)			(22,500,000)				(−22,500,000)
Missile procurement, Army	2,740,600,000	3,060,500,000	2,857,002,000	2,858,500,000	+116,900,000	−203,000,000	+12,498,000
(Transfer from other accounts)				(32,600,000)	(+32,600,000)	(+32,600,000)	(+32,600,000)
Procurement of weapons and tracked combat vehicles, Army	4,551,946,000	4,890,416,000	4,542,196,000	4,598,244,000	+46,298,000	−292,172,000	+56,048,000
(Transfer from other accounts)	(198,200,000)		(83,800,000)	(111,600,000)	(−86,600,000)	(+111,600,000)	(+27,800,000)
Procurement of ammunition, Army	2,122,394,000	2,311,189,000	1,965,989,000	1,943,500,000	−178,894,000	−367,689,000	−22,489,000
Other procurement, Army	4,128,364,000	5,267,877,000	4,604,616,000	4,753,077,000	+624,713,000	−514,800,000	+148,461,000
Aircraft procurement, Navy	10,416,107,000	11,028,300,000	9,994,245,000	10,321,701,000	−94,406,000	−706,599,000	+327,456,000
(Transfer from other accounts)				(22,100,000)	(+22,100,000)	(+22,100,000)	(+22,100,000)
Weapons procurement, Navy	3,561,700,000	3,992,600,000	3,767,832,000	3,764,900,000	+203,200,000	−227,700,000	−2,932,000
(Transfer from other accounts)				(73,200,000)	(+73,200,000)	(+73,200,000)	(+73,200,000)
Shipbuilding and conversion, Navy	16,076,700,000	12,585,800,000	10,913,650,000	11,184,200,000	−4,892,500,000	−1,401,600,000	+270,550,000
Reappropriation	176,200,000				−176,200,000		
(Transfer from other accounts)	(35,000,000)			(227,600,000)	(+192,600,000)	(227,600,000)	(+227,600,000)
Other procurement, Navy	3,727,075,000	4,887,501,000	4,295,412,000	4,393,705,000	+666,630,000	−493,796,000	+98,293,000
Procurement, Marine Corps	2,008,083,000	1,835,049,000	1,694,793,000	1,748,461,000	−259,622,000	−86,588,000	+53,668,000
Procurement of additional weapons and tracked combat vehicles, Aray			110,000,000				−110,000,000
Aircraft procurement, Air Force	17,658,500,000	22,506,190,000	21,070,610,000	21,100,400,000	+3,441,900,000	−1,405,790,000	+29,790,000
(Transfer from other accounts)	(170,000,000)		(348,000,000)	(317,000,000)	(+147,000,000)	(+317,000,000)	(−31,000,000)
Missile procurement, Air Force	4,941,100,000	8,059,130,000	7,787,112,000	7,553,417,000	+2,612,317,000	−505,713,000	−233,695,000
(Transfer from other accounts)	(15,000,000)			(55,000,000)	(+40,000,000)	(+55,000,000)	(+55,000,000)
Other procurement, Air Force	5,566,987,000	7,465,212,000	6,793,265,000	6,982,231,000	+1,415,244,000	−482,981,000	+188,966,000
(Transfer from other accounts)	(4,963,000)				(−4,963,000)		
National Guard and Reserve Equipment	125,000,000		125,000,000	176,000,000	+51,000,000	+176,000,000	+51,000,000
Procurement, Defense agencies	828,145,000	1,063,791,000	942,657,000	957,646,000	+129,501,000	−106,145,000	+14,989,000
Defense Production Act Purchases		200,000,000				−200,000,000	
General reduction	−386,000,000				+386,000,000		
Acquisition & Construction, Coast Guard				300,000,000	+300,000,000	+300,000,000	+300,000,000
Total, title IV, Procurement:							
New budget (obligational) authority	80,749,473,000	92,594,655,000	84,650,827,000	85,890,512,000	+5,141,039,000	−6,704,143,000	+1,239,685,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
TITLE V—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION							
Research, development, test, and evaluation, Army	3,879,683,000	4,711,200,000	4,141,624,000	4,169,939,000	+290,256,000	−541,261,000	+28,315,000
Research, development, test, and evaluation, Navy	5,967,251,000	8,059,743,000	7,473,937,000	7,487,554,000	+1,520,303,000	−572,189,000	+13,617,000
Research, development, test, and evaluation, Air Force	10,650,661,000	12,781,197,000	12,121,001,000	12,323,026,000	+1,672,365,000	−458,171,000	+202,025,000
Research, development, test, and evaluation, Defense agencies	2,153,189,000	2,890,900,000	2,680,153,000	2,736,728,000	+583,539,000	−154,172,000	+56,575,000
Director of Test and Evaluation, Defense	55,000,000	55,800,000	49,000,000	49,000,000	−6,000,000	−6,800,000	
Total, title V, new budget (obligational) authority, Research, development, test, and evaluation	22,705,784,000	28,498,840,000	26,465,715,000	26,766,247,000	+4,060,463,000	−1,732,593,000	+300,532,000
TITLE VI—SPECIAL FOREIGN CURRENCY PROGRAM							
Special foreign currency program	3,800,000	3,050,000	3,050,000	3,050,000	−750,000		
TITLE VII—GENERAL PROVISIONS							
(Additional transfer authority, sec. 730)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)		
TITLE VIII—RELATED AGENCIES							
Intelligence Community Staff	15,856,000		17,083,000	18,440,000	+2,584,000	+18,440,000	+1,357,000
CIA Retirement and Disability System Fund	91,300,000	86,300,000	86,300,000	86,300,000	−5,000,000		
Total, title VIII, new budget (obligational) authority, Related agencies	107,156,000	86,300,000	103,383,000	104,740,000	−2,416,000	+18,440,000	+1,357,000
RECAPITULATION							
Title I—Military personnel	45,066,808,000	47,997,800,000	47,396,850,000	48,602,835,000	+3,536,027,000	+605,035,000	+1,205,985,000
Title II—Retired military personnel	16,154,800,000	16,772,800,000	16,592,600,000	16,592,600,000	+437,800,000	−180,200,000	
Title III—Operation and maintenance	67,285,510,000	74,972,674,000	71,396,066,000	73,728,053,000	+6,442,543,000	−1,244,621,000	+2,331,987,000
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
Title IV—Procurement	80,749,473,000	92,594,655,000	84,650,827,000	85,890,512,000	+5,141,039,000	−6,704,143,000	+1,239,685,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
Title V—Research, development, test, and evaluation	22,705,784,000	28,498,840,000	26,465,715,000	26,766,247,000	+4,060,463,000	−1,732,593,000	+300,532,000
Title VI—Special foreign currency program	3,800,000	3,050,000	3,050,000	3,050,000	−750,000		
Title VII—General provisions (additional transfer authority, sec. 730)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)		
Title VIII—Related agencies	107,156,000	86,300,000	103,383,000	104,740,000	−2,416,000	+18,440,000	+1,357,000
Total, Department of Defense (NOA)	232,073,331,000	260,926,119,000	246,608,491,000	251,688,037,000	+19,614,706,000	+9,238,082,000	+5,079,546,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
Total funding available	232,496,494,000	260,926,119,000	247,062,791,000	252,527,137,000	+20,030,643,000	−8,398,982,000	+5,464,346,000
(Transfer authority)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)		
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
Distribution by organizational component:							
Army	55,306,736,000	62,063,581,000	58,809,816,000	58,974,586,000	+4,667,850,000	−2,088,995,000	+1,164,770,000
(Transfer from other accounts)	(198,200,000)		(106,300,000)	(144,200,000)	(−54,000,000)	(+144,200,000)	(+37,900,000)
Navy	80,207,994,000	83,663,771,000	78,101,372,000	79,962,963,000	−245,031,000	−3,700,808,000	+1,861,591,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	New budget authority—				Recommendation compared with—		
	Fiscal year 1983 enacted	Fiscal year 1984 estimates	House fiscal year 1984	Recommendation fiscal year 1984	Enacted	Estimates	House
(Transfer from other accounts)	(35,000,000)			(227,600,000)	(+192,600,000)	(+227,600,000)	(+227,600,000)
Air Force	71,490,462,000	86,983,954,000	82,290,050,000	83,677,708,000	+12,187,246,000	−3,306,246,000	+1,387,658,000
(Transfer from other accounts)	(189,963,000)		(348,000,000)	(372,000,000)	(+182,037,000)	(+372,000,000)	(+24,000,000)
Defense agencies/OSD	9,067,183,000	11,355,713,000	10,586,270,000	10,599,440,000	+1,532,257,000	−756,273,000	+13,170,000
Reserve & National Guard (procurement)	125,000,000		125,000,000	176,000,000	+51,000,000	+176,000,000	+51,000,000
Retired military personnel	16,154,800,000	16,772,800,000	16,592,600,000	16,592,600,000	+437,800,000	−180,200,000	
Related agencies	107,156,000	86,300,000	103,383,000	104,740,000	−2,416,000	+18,440,000	+1,357,000
General reduction	−386,000,000				+386,000,000		
Total, Department of Defense (NOA)	232,073,331,000	260,926,119,000	246,608,491,000	251,688,037,000	+19,614,706,000	−9,238,082,000	+5,079,546,000
(Transfer from other accounts)	(423,163,000)		(454,300,000)	(839,100,000)	(+415,937,000)	(+839,100,000)	(+384,800,000)
Total funding available	232,496,494,000	260,926,119,000	247,062,791,000	252,527,137,000	+20,030,643,000	−8,398,982,000	+5,464,346,000
(Transfer authority)	(1,700,000,000)	(1,200,000,000)	(1,200,000,000)	(1,200,000,000)	(−500,000,000)		
(Liquidation of contract authority)	(25,000,000)				(−25,000,000)		
CONGRESSIONAL BUDGET RECAP							
Total	232,073,331,000	260,926,119,000	246,608,037,000	251,688,491,000	+19,614,706,000	−9,238,082,000	+5,079,546,000
Amounts in this bill	(232,073,331,000)	(260,926,119,000)	(246,608,491,000)	(251,688,037,000)	(+19,614,706,000)	(−9,238,082,000)	(+5,079,546,000)
Prior year outlays associated with this bill							
Total Congressional mandatory and discretionary	232,073,331,000	260,926,119,000	246,608,491,000	251,688,037,000	+19,614,706,000	−9,238,082,000	+5,079,546,000
Mandatory (total)	(16,393,600,000)	(17,082,000,000)	(16,839,300,000)	(16,851,800,000)	(+458,200,000)	(−230,200,000)	(+12,500,000)
(Mandatory new)	(16,393,600,000)	(17,082,000,000)	(16,839,300,000)	(16,851,800,000)	(+458,200,000)	(−230,200,000)	(+12,500,000)
(Prior year)							
Discretionary (new)	(215,679,731,000)	(243,844,119,000)	(229,769,191,000)	(234,836,237,000)	(+19,156,506,000)	(−9,007,882,000)	(+5,067,046,000)

AMENDMENT NO. 2493

(Purpose: Technical Amendment to correct error in the reported bill)

Mr. STEVENS. Mr. President, I send to the desk a technical amendment. This is an amendment to correct a printing amendment. The item in question is the annual floor on the operations and maintenance account for the Army for real property maintenance expenditures. The recommendation of the committee is to require the expenditure of $13.2 million more than the House recommendation for real property maintenance projects.

When the staff prepared the House bill with the Senate committee amendments, these minimums were inadvertently reversed and the amount that is shown in the printed bill is incorrect. This amendment will correct the bill to reflect the actual committee amendment which was agreed to be original text, subject to amendments; I ask that this amendment be accepted on the same basis that the other text was accepted. In other words, it should not bar any futher amendments but it would be text in the proper way.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2493.

On page 7, line 17, delete "41,260,200,000" (Roman linetype) and insert "$1,247,000,000" (Roman linetype), and on line 18, delete "$1,247,000,000" and insert in italics *"$1,260,200,000"*.

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

The amendment (No. 2493) was agreed to.

The PRESIDING OFFICER. The amendment will be treated as original text.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to offer an amendment, but before I offer it I should like to ask the manager of the bill some general questions about the status of our troops in Europe.

Some time ago I took the time to visit our troops in Germany. I was very impressed with their dedication and commitment. I was also troubled at some things I observed, namely the high cost to U.S. taxpayers of maintaining these troops. I was told stories of how the local population does not accept American troops in Germany very well, stories of how the United States is charged high fees for road repairs and bridge repairs when we have a convoy on maneuvers. In general I was told we are not really so welcome in Germany in spite of all of our efforts. In fact, we are being taken advantage of by paying the price of defending Europe while the Europeans spend a fair amount of time criticizing us without making an equal contribution.

I know that, historically, this situation developed after the end of World War II, when we placed certain restraints and commitments on the Government of Germany in terms of rebuilding their own Army and defense. We have done the same with Japan. But I feel very strongly that burden sharing should be strengthened in our foreign defense policy, that the prosperous countries of Europe and Japan should share more fully in the cost of mutual defense, and that we should make it clear we are taking steps to relocate some of our troops in Germany in our own country, where their presence will stimulate our own economy.

I am not necessarily advocating massive reduction of troop levels. But with the mobile military capabilities we have today, we can defend our shores and defend our overseas interests with rapid deployment forces.

Some years ago, there was the Mansfield amendment, but I do not think the Mansfield amendment was ever actually brought to a vote. It was offered and talked about. Sometimes at international conferences they will talk about the Mansfield amendment, and it is clear nobody really knows what it was in detail or whether it was ever brought to a vote.

The chairman of the subcommittee, the senior Senator from Alaska, has talked about offering legislation or taking steps to reduce our personnel in Europe. I have prepared an amendment to this bill that would provide that not later than 9 months after the date of enactment of this act, the President shall begin reducing the number of military personnel of the United States stationed in Europe.

The amendment provides that the total reduction required by subsection (a) shall be the number of military personnel equal to not less than 50 percent of the average personnel strength of the air, land, and sea forces of the United States stationed in Europe during the 12-month period ending September 1983. Such reduction shall be make over a period of 5 years and shall be apportioned over such periods as equally as practical.

It provides that military personnel withdrawn from Europe pursuant to this section shall be reassigned to military installations throughout the United States.

It seems to me that we are in a position to relocate some of our troops who are now in Europe to our own country, where their expenditures would stimulate our own economy and not the German economy. I am told that in Germany the damage claims are sometimes manufactured, that the roads are getting old anyway, and the bridges are getting old anyway, and we

end up paying literally millions of dollars for work which should not be our responsibility. I think we are being taken advantage of. If such damage occurs and such payments are to be made, let them be made here to our country, city, and State governments. I doubt that U.S. troop reductions in Europe would really hurt our national defense. Our highly mobile defense capabilities certainly should be able to move troops anywhere in the world in a matter of hours.

Must our troops be stationed in Germany forever? I hear stories from South Dakota soldiers—and I met with several when I was over there—about how the local population does not welcome them. Our soldiers are subject to double-standard treatment and hostile attitudes, especially when they are in uniform, and there is a strong strain of anti-Americanism. Yet, at the same time, our taxpayers are paying the bills. Not only are we paying the bills for maintaining our own military, but also, we are paying the bills for a lot of European roads and bridges.

Many of our NATO allies actually enjoy higher living standards and higher per capita income than the American people. Yet, on a per capita basis, we spend far more for defense than they do. The United States made a major contribution to repairing and rebuilding Europe after World War II. Now they are prosperous, even more prosperous than the United States. Therefore, I believe they should be contributing much more to their own defense and to our mutual defense. We should not be expected to increase our defense spending while our closest defense allies are standing still or increasing very little.

Mr. STENNIS. Mr. President, will the Senator yield to me, briefly?

Mr. PRESSLER. I yield.

Mr. STENNIS. Mr. President, I commend the Senator for what he has said. I am glad to hear the expression of interest by the Senator of this problem, and it is a problem. He could make a review of it and a special study of it, and I think he could get a forum to have a hearing, if he wishes.

This matter has actually grown. I have supported it, generally. I think we have too many personnel over there, for one thing. I would like to see the matter fully explored.

The Senator mentioned the Mansfield amendment. We used to have amendments all along from Senator Mansfield, putting limitations on appropriations measures for the military. We had some hot battles about that.

At one time, he offered an amendment which proposed a reduction, to bring home, I believe, 50 percent, and he had 44 signers to start with, including myself. I thought we were going to do it at that time. But more time passed, and that amendment was never voted on; and on others, we lost by a very narrow margin. But that was when the war in Vietnam was going on.

Today, we have laid aside almost everything for this bill, for the consideration of amendments that are ready now. I am not the manager of the bill; but, representing the minority, I want to insist that we get moving on this bill in such a way as to dispose of these amendments one way or another.

We are getting reports now that some Senators want us to wait until Tuesday to bring up their amendments. Tuesday will come, and somebody else will want to make it Thursday.

So, if the Senator has an amendment ready, he can get a good debate on it now. But I believe he will have to work his case from the ground up. He took a good step by going over there and looking it over.

I say to the Senator from Alaska that I am here to help in any way I can, but he is the manager of the bill. As a Member of this body and one of the helpers, I insist on getting to this now and getting Senators here who want to offer amendments, get them to agree on a time limitation, if possible, and keep insisting until we dispose of the amendments.

Time is important. I have been doubtful about our recessing on November 18. I never believed that was possible. It will be January before we recess for Christmas if we do not make better progress.

Again, I commend the Senator from South Dakota for his interest in this matter, and I hope he follows up on it.

Mr. STEVENS. Mr. President, does the Senator from South Dakota wish to continue? May I address the subject matter he is discussing?

Mr. President, I also commend the Senator from South Dakota for his interest.

As he knows, last year we raised a serious question about the level of troops in Europe. With the assistance of my good friend from Mississippi, who has a real background in this matter—he managed these bills in the days of the Mansfield amendment—we put a cap on troop levels in Europe. This year the appropriations bill does not call for any increase in the number of troops in Europe. It would keep the level at 318,200 troops. We have appropriated funds based upon having fewer moves back and forth from Europe so far as our manpower is concerned.

But the Senator is absolutely right. In our inspection of the troop situation last fall when the Subcommittee on Defense Appropriations went to Europe, we found that there are over 1 million people a day in Europe who are being supported by the taxpayers of the United States. That includes our military personnel and their dependents and those who are in-country personnel who are hired to assist in our effort.

We found plans that would call for complete restationing of those troops, rebuilding of all of the barracks, at a time like this to calling on the American taxpayers to put up over $1 billion to build new quarters and new bases in Germany. Our committee warned them that Congress would not look with favor on such a plan, and it has not been presented to us.

What the Senator is suggesting I think requires serious consideration, and we certainly would dedicate the Defense Subcommittee to work with him to attempt to achieve a goal to reduce troop strength in Europe.

Actually the bill as a whole reflects the authorized reductions in troop strength. We funded the amount that the Armed Services Committee recommended, but that is 28,800 troops less in terms of the total Armed Forces than had been planned at the time the budget was submitted.

We believe that there are questions that should be explored. The Senator from Mississippi, I know, has expressed some opinions in the past concerning the numbers of dependents who are in Europe and the manner in which those dependents increase costs as far as the troop disposition is concerned.

I will tell my friend from South Dakota when we examined the POMCUS site that we visited in Europe, the pre-positioning of our equipment for our divisions if they are called to Europe in event of an emergency, we found people who were more concerned about their dependents there than trying to get that reserve equipment out of that warehouse and get it ready for the troops that would come to Europe. Very frankly, they told us that they felt their first obligation would be to help their family get ready to be evacuated.

The very presence of those dependents in the numbers that are now there raise serious questions over the availability of our troops to immediately be utilized in the event of an emergency.

I think the Senator from Mississippi and I would like to see Congress go into this subject in depth in the future.

We can tell the Senator from South Dakota that we are willing to join with him in the total review, but for the time being we have agreed on a course of stability. We have not authorized an increase in troop strength. We have not recommended a decrease in troop strength. We want to see what the reaction of Europe is to the Pershing missile. We want to see what the reaction of Europe is to the modernization of our forces. And under these circumstances we do not believe that this is

the time to discuss troop strength with them.

In the years ahead, we must be aware of the increased costs of maintaining our troops and their dependents.

I say to my friend, I think that we could save more taxpayers' money if we would alter some of the policies of the Department of Defense and allow those people who are stationed in Europe to have a 2-month leave every 2 years to be with their families than having their families travel over there and then find that their father is off on battalion maneuvers, regimental maneuvers, or duty at the border.

One young man I talked to only spent 45 days with his family in the whole year, and yet they were there in Europe to be with their father. He would have had a lot more time with them in the final analysis if we changed our policies with regard to giving incentive leaves to those people who take these assignments. Then we would not have the excess costs that are incurred when we have dependent housing, schools, and transportation.

Just yesterday we passed an amendment to increase the amount of money that is available for students to visit their families when their father is stationed in Europe.

All of those costs I think have to be reviewed, and I think the Senator from Mississippi and I are prepared to join the Senator from South Dakota in doing that in the coming year.

Mr. PRESSLER. Mr. President, if there is agreement that this subject will be vigorously pursued, I shall not offer my amendment.

I agree that, with the deployment of the Pershing missiles, it perhaps would be the wrong signal at this moment to pass an amendment that would provide for a 50-percent reduction over a 5-year period.

But I feel very strongly that a growing number in this body are questioning how long the American taxpayer can go on supporting not only the 350,000 U.S. troops in Europe but also the large number of nonmilitary employees we employ over there and the other expenses that come with our large military presence in Western Europe.

I shall not offer my amendment with the assurances which have been given by the Senator from Alaska that this matter will be very vigorously pursued in the committee in the next year.

Mr. STEVENS. I do thank the Senator from South Dakota for his cooperation.

Mr. President, I yield to my good friend from Kentucky.

AMENDMENT NO. 2494

(Purpose: To provide free mailing privileges for members of the Armed Forces serving in the multinational peacekeeping force in Lebanon and members of the Armed Forces serving in Grenada)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) (for himself, Mr. FORD, Mr. BOREN, Mr. PRYOR, and Mr. STEVENS) proposes an amendment numbered 2494.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. —. Within funds available under Title III of this Act, Department of Defense shall provide free mailing privileges to members of the Armed Forces of the United States assigned to duty as part of the multinational peacekeeping force in Lebanon and to members of the Armed Forces of the United States assigned to duty in Grenada in the same manner and to the same extent such privileges would be accorded under section 3401 of title 39, United States Code, to members of the Armed Forces of the United States serving on active duty in an overseas area, as designated by the President, when the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force.

Mr. HUDDLESTON. Mr. President, the amendment I offer today, on behalf of myself, Senator FORD, Senator BOREN, Senator PRYOR, and Senator STEVENS, is a simple, direct way of showing our Nation's gratitude to the members of our Armed Forces serving in Lebanon and Grenada.

The amendment provides for the Department of Defense to transfer to the U.S. Postal Service funds to pay for the free delivery of mail from those personnel serving in and associated with the multinational peacekeeping force in Lebanon and the troops serving in Grenada. The funds would come from funding available within title III.

This procedure will be a continuation of the one used in the Vietnam era and should be viewed as, albeit a small one, a gesture of thanks to our Armed Forces for the dangerous duties they are performing on our behalf.

The free mailings covered would begin with the arrival of the personnel within the peacekeeping force for Lebanon or on Grenada and extend until such time as they are reassigned to areas outside the jurisdiction of the U.S. forces in Lebanon and Grenada. It is also the intent of the amendment to cover those members of the U.S. forces, who, as a result of wounds received during their tour of duty in Lebanon or Grenada, are receiving care in medical facilities until the time they can be released from medical care in such facilities.

The free mailings would be limited to personal correspondence and would be limited to communications forwarded to the United States or its possessions.

I urge the approval of this tangible, though hardly compensatory, demonstration of the gratitude of the Nation for the courage being displayed by our Armed Forces in Lebanon and Grenada.

The amendment simply extends to them the free postage privileges that have traditionally been accorded our armed services who are serving overseas in a hostile environment.

The amendment would provide that the funding for the expense of this privilege would be dealt with out of the appropriations that are already included in this bill, out of funds available, adding no new appropriations to the bill.

I think it has been reviewed by both sides of the aisle.

I ask for its immediate passage.

Mr. STEVENS. Mr. President, I commend the distinguished Senator from Kentucky, and I am pleased to join with him in cosponsoring this measure.

The Senate will recall, last evening I asked the Senator from Kentucky to give us time to study the measure to see how it would impact on the Department of Defense and the Postal Service.

I am pleased to report that the Department of Defense supports the objectives of this amendment and the Postal Service has indicated that there is no adverse impact on the Postal Service. The Postal Service sees this as a positive concept to allow the Postal Service to become involved in reassuring the families of our military personnel in combat zones of their safety.

We join in cosponsoring the amendment and ask for its adoption. I have discussed it with my good friend from Mississippi. He joins in support.

Mr. BOREN. Mr. President, I am delighted to join my good friends, Senator HUDDLESTON and Senator FORD in cosponsoring this amendment.

Of the billions of dollars that the Department of Defense will spend in this fiscal year, none will be better spent than the $500,000 contemplated by this amendment.

The money will be used to provide free mail service for our troops in Lebanon and in Grenada.

We are all well aware of the tragic events that have occurred recently in Beirut. Great anxieties were created among the immediate relatives and friends of our troops stationed in Beirut while they waited for word of whether or not their loved ones had

survived the attack. In the aftermath of this bombing, that anxiety remains, and I am sure nothing will completely alleviate the fears held by many families across this country until the American forces have left Lebanon and returned home.

However, we can help, and we can help by making it as easy as possible for our men and women in the field to maintain contact with their families here in the United States. Nothing can replace the opportunity to hear directly from the husbands, sons, and daughters, stationed in Beirut, that they are well and looking forward to returning home.

Mr. President, this could be in the nature of an early Christmas present for both our Armed Forces and their families. It is my hope that the entire amount appropriated by this amendment will not be required to be spent, because we all want to see them able to come home as soon as possible.

There is a Department of Defense regulation which allows troops in a combat zone to have free mailing privileges. While that might suffice for a time for our troops stationed in Grenada, the legal point has been made by the administration and others that Lebanon is not considered to be a combat zone. Thus, this amendment will serve the dual purpose of allowing the American forces in Lebanon to be covered by the applicable regulation and will eliminate any questions which may arise if our troops in Grenada are required to be there longer than is expected.

Finally, Mr. President, I point out that in these areas of the world, telephone communication is both expensive and infrequently available. Therefore, in many cases, the only avenue of communication will be the cards and letters that this amendment will make possible.

I urge passage of the amendment.

Mr. FORD. Mr. President, on Tuesday morning, I received a letter from my constituent, Mr. R. E. M. Keller, chairman of the Veterans' Affairs Committee of the Louisville Local of the American Postal Workers Union. Mr. Keller suggested that free mailing privileges be accorded all U.S. military personnel assigned to, and associated with, the peacekeeping force in Lebanon. We have expanded Mr. Keller's proposal to include those U.S. forces currently on duty in Grenada.

I wish I could say that this excellent proposal were mine. Even though I cannot, I do have the privilege and pleasure of presenting it to the Senate for its consideration.

Granting free mailing privileges is the least the Senate, the Congress, the American people, can do in appreciation of our forces in Lebanon and Grenada. Although those in Lebanon are technically not in a combat role, they certainly are the objects of hostile action. Many of those in Grenada have just experienced a combat situation.

The money involved is not much, Mr. President—only $500,000—a small price to pay in thanks to those dedicated to freedom.

Without making this a political moment, I hope that the entire appropriation will not have to be expended. The administration has promised that our troops in Grenada will be home within 1 month or so. I fervently hope that some kind of accommodation will soon be reached in Lebanon which will allow the multinational force now in place to disband.

Mr. President, I ask unanimous consent that Mr. Keller's letter to me be printed in the RECORD.

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

AMERICAN POSTAL WORKERS UNION,
AFL-CIO,
Louisville, Ky., October 28, 1983.

Hon. WENDELL H. FORD,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR FORD: With the commitment of the U.S. Marine Forces to the multinational peacekeeping force in Lebanon and given the recent savage and senseless attack by as yet unknown parties during the past week, we, the American public, are acutely aware of the courage and determination of these forces to maintain their courage and persevere in their mission.

While these peacekeeping forces have been limited in the performance of their duty by the nature of their mission, and considering their essentially noncombatant role, it is nevertheless appropriate that, given the unprovoked attacks against these forces, their noncombatant role be accorded a status benefiting the sacrifices they have endured.

It is, therefore, proposed that the U.S. Congress so designate, or cause to be designated, those funds or actions necessary to accord to the U.S. Naval Forces within the multinational peacekeeping forces including, but not limited to, the U.S. Marine Corps Personnel and to all auxiliary U.S. Forces so assigned to the continguous waters off the Lebanese coast, the privilege of exercising free mailing privileges. Such action to begin with their arrival within the peacekeeping forces and to extend until such time as they are reassigned to Duty Stations outside the jurisdiction of the local Commanders for the U.S. Marine Forces in Lebanon. Such privileges would further be extended to those members of the U.S. Forces who, as a result of wounds received during their tour of duty in Lebanon, are receiving care of treatment in medical facilities either overseas or within the territorial possessions of the United States until such time as they are released from medical care in said facilities. These free mailing privileges would be limited to personal correspondence; i.e., letters, post cards, and voice recordings, not to exceed one ounce in weight and shall be limited to those communications forwarded to the United States or its possessions.

The free mailing privilege was accorded to the U.S. Armed Forces during the Vietnam War and, while the members of the multinational peacekeeping forces are technically within a noncombatant role, it is nevertheless our contention that given the current status of these forces in Lebanon that they have justifiably earned a similar privilege.

We, therefore, urge your office to initiate such action in the appropriate Committee of Congress and to cause such measure to be taken that will result in the immediate implementation of such free mailing privileges during the life of the peacekeeping forces.

Your prompt and immediate attention in this matter would be greatly appreciated and, further, it would demonstrate in a tangible though hardly compensatory way, the gratitude of this Nation for the courage of those Marines who are currently assigned to Lebanon. Please keep this Office apprised of any pending action as a result of this proposal.

Respectfully,
R. E. M. KELLER,
Chairman, Veterans' Affairs,
Louisville Local, APWU.

Mr. FORD. Mr. President, I call to my colleagues' attention his suggestion that the free mailing privilege be extended to those members of the Armed Forces who have been wounded as a result of their assignments in Lebanon and Grenada. It is the intent of the authors of this amendment that our wounded servicemen be accorded the same treatment as those still stationed in these two areas.

I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 2494) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I am ready to say, if there is no further amendment to be proposed that we go to third reading.

I think we will have about a 10-minute quorum call and if there are no amendments—I am serious—I see no reason to stand here and wait for Senators to come here. We are prepared to defend this bill and if there is no amendment offered within 10 minutes, I shall ask for third reading.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Would the Chair be good enough to advise the Senator from Nebraska the pending business before the Senate?

The PRESIDING OFFICER. H.R. 4158 is before the Senate.

Mr. EXON. Is there any pending amendment to that measure at the present time?

The PRESIDING OFFICER. The Chair advises the Senator that there is no pending amendment.

Mr. EXON. And there has been no pending amendment since before we adjourned last evening, is that correct?

The PRESIDING OFFICER. The Chair will advise the Senator there have been several amendments disposed of during that time.

Mr. EXON. I would like to ask the managers of the bill, if I might, whether or not there is any chance of going to third reading on this measure, which would seem appropriate under the circumstances.

Mr. STEVENS. Mr. President, with the Senator's trust in the managers of the bill, we would welcome third reading at this point. We have a list of amendments we were informed Senators may decide to offer. None have been offered. We have served notice that if we do not have one offered we are going to go to third reading.

Mr. EXON. It is the desire of the Senator from Nebraska to try to be reasonable and understanding of my colleagues. It always has been. It seems to me with all the work we have to do and are not getting at, it may well be that the fact that no one is on the floor offering an amendment must mean to this Senator that they do not think their amendment is very important. This is Friday. Could I have any indication from the assistant majority leader whether or not we plan to have a Saturday session?

Could the Senator from Alaska advise the Senator from Nebraska whether or not we are planning a Saturday session at this juncture?

Mr. STEVENS. I might say to my good friend, I watched the news and the weather report and it is supposed to be cooling down here. Since I cannot be home for the weekend, I thought it would be nice to come in here and be with my friends, to sit around the fireplace. You know how much I love to be in this town over a weekend.

It appears that unless we get a time agreement so that we can tell how soon we can get to the end of this bill, it will be the intention to come in tomorrow.

Mr. EXON. I thank my friend. I understand fully the position he and the Senator from Mississippi are facing at this time. It just seems to me that we should be able to organize ourselves a little bit better than we have, to make better use of the time. There are grown thoughtful men and women serving in the Senate with some distinction. It seems to me that the process we go through time and time again in this body of tying up the Senate, wasting time, effort, and money for seemingly no worthwhile good does not enhance what the people of the United States in general think about Congress as a whole and the U.S. Senate in particular.

I am delighted to be advised that there is a Senator on the floor with an amendment. Therefore, so that I will not be accused of delaying the process further, I yield the floor.

Mr. STENNIS. Will the Senator yield to me for a moment for a comment?

Mr. EXON. I yield.

Mr. STENNIS. I agree with the Senator's sentiments. I point out that we have this bill here and it is a complicated matter. But many of the larger items in it have been before the Congress now for 3, 4, 5, or 6 years in one form or another. The MX missile, for instance, the B-1 bomber. They are highly important, but we have been over and over and over them.

All the other items have been carefully scrutinized by the Armed Services Committee in the House and in the Senate. We have the benefit of what they did about it, what the Congress and the House did about it. This appropriations bill has to come within the limit of the authorization. It does come within those limits. We have gone over all of it from the standpoint of the Appropriations Committee members. We brought in the bill. There are no major criticisms of the bill. There are a good many amendments but we cannot get the sponsors of the amendments to come to the floor and present them. That is where we are now, just in a dilemma.

One proposer of a major amendment said he would be here and announce what his amendments were going to be by 2 o'clock and maybe before. We count that a victory, to make that much progress.

But we are going to have to do the best we can and then insist on a third reading. I proposed a few minutes ago that we should go on and make all the arguments against the amendments and notify the proposer that the record already reflects opposition. If they do not come in, we will call for a third reading.

Mr. EXON. Will the Senator yield?

Mr. STENNIS. The Senator from Nebraska has the floor.

Mr. EXON. I thank my friend from Mississippi for yielding. He is a distinguished Member of this group. I have had the honor and privilege since I have been here of serving with him on the Armed Services Committee.

Not to delay the matter further, but maybe in the way of enhancing the move a little bit, would it be in order that we ask for unanimous consent that if the Senate is tied up in quorum calls for more than 10 minutes for the rest of the day we would automatically go to third reading, if that should happen? Would such a motion be in order?

Mr. STEVENS. Mr. President, I am certain that it would be in order for the Senator to suggest that. I find it amusing to my ears, until I realize that I am wearing two hats and would be compelled to object.

I see the Senator from Massachusetts is on the floor and has an amendment. I think we ought to let him speak.

(Mr. COCHRAN assumed the chair.)

Mr. EXON. I recognize the difficult position the Senator from Alaska is in. I shall not delay the Senator from Massachusetts from offering his live amendment.

Mr. TSONGAS. Before I go live, Mr. President, I wish to say that I agree with the Senator from Nebraska. I find it very frustrating to alter schedules to be here, and on these amendments that have been indicated, no one wants to come forward and offer them. As far as some of the other big-ticket items are concerned, my recommendation would be that we Xerox off prior debates, hand them out, and then vote. That would save everybody a lot of time.

On some of these issues like the MX and the B-1, if there is anybody in this Chamber who has not made up his mind about it, I think they are in pretty sad shape to start off with. The idea that we have to consume this much time I have never really understood.

AMENDMENT NO. 2495

Mr. TSONGAS. On to a more conciliatory item; I ask that my amendment at the desk be considered at this time.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. TSONGAS) for himself, Mr. KENNEDY, Mr. PRESSLER, Mr. CRANSTON, Mr. LEVIN, Mr. PELL, Mr. GLENN, and Mr. BINGAMAN, proposes an amendment numbered 2495.

Mr. TSONGAS. I ask unanimous consent that further reading be dispensed with.

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

The amendment is as follows:

At the end of Title VII, add a new section as follows:

Sec. . PRESIDENTIAL REPORT ON STRATEGIC DEFENSES, INCLUDING BALLISTIC MISSILE DEFENSE SYSTEMS, THEIR COMPONENTS, AND RELATED TECHNOLOGIES

(A) The President shall submit to the Congress by April 30, 1984 in unclassified form with classified addenda as necessary a report addressing the national security implications of the research, development, testing and eventual deployment of strategic defenses, including ballistic missile defense systems, their components, and related technologies (hereafter referred to as "strategic defense programs"). The report shall draw upon the studies of the Defense Technologies Study Team headed by James

C. Fletcher and the Future Security Strategy Study headed by Fred S. Hoffman as well as other relevant materials.

(B) The report shall address specifically the following issues:

(1) the impact of strategic defense programs on existing arms control agreements and on current and prospective arms control negotiations and agreements;

(2) the impact of strategic defense programs on likely Soviet efforts in offensive and defensive military programs; and the impact of Soviet strategic defensive efforts on United States strategic doctrine and strategic force structure;

(3) the impact of strategic defense programs on the viability of NATO nuclear forces and on the future of the independent nuclear deterrent forces of France and the United Kingdom;

(4) the projected costs of strategic defense programs, including an assessment of research, development, testing, development and maintenance costs on a year-to-year basis of the various technologies currently under study;

(5) the impact of strategic defense programs on other current and projected defense budget priorities and on the anticipated availability of technical and manpower resources necessary to support strategic defense programs.

Mr. TSONGAS. Mr. President, there are other potential cosponsors of this amendment who have indicated an interest. Since I brought it up so quickly, I ask unanimous consent that the addition of cosponsors be held open until the close of business today.

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

Mr. TSONGAS. Mr. President, I wish to quote from the report of the Committee on Appropriations: "The Committee is hopeful that the findings of the Fletcher Commission will provide the basis for a national consensus on directed energy weapons research and development." I join the committee in hoping for a national consensus, for a national consensus is necessary before we embark on a program of this magnitude and significance.

I also agree with the committee's concern that the administration should not reprogram funds from existing programs to accelerated R&D and demonstration of new strategic defense technologies until there is a more thorough review of these new programs.

However, the committee's concerns appear to be focused on the obligation of funds for shortwave laser space weapons and the effects of the acceleration of advanced technologies R&D on existing programs. I am concerned with broader policy, issues raised by the Fletcher and Hoffman reports.

The amendment I have sent to the desk requires a comprehensive Presidential report to Congress on the new multilayered strategic defense systems recently recommended to the administration by a senior interagency group of the National Security Council. Recently, we have read in the press and trade magazines that this group, supported by Secretary Weinberger and Mr. Clark, has urged the President to embark on an accelerated, advanced technology program, in order to develop and deploy elaborate BMD systems within 15 to 20 years. These recommendations are based on two parallel reports submitted by the Defense Technology Study Team, headed by James C. Fletcher, and the Future Security Strategy Study, headed by Fred C. Hoffman. Both reports are classified. We only know those facts which were leaked to the press.

Some have interpreted the Flectcher report as a blueprint for speedy action to develop an arsenal of high technology space weapons. Others have read it as a call for further study. In order for Congress to make decisions with regard to these new weapons, we need to be fully aware of the rationale for such systems and their implications.

The report to Congress, mandated by my amendment, is necessary so that Congress will be able to make an informed and deliberate decision regarding our priority defense programs, in their proper strategic context.

We are told that the R&D programs advocated alone would cost up to $27 billion over the next 5 years, whereas the total program cost through deployment could exceed $200 billion.

Mr. President, this is a program of unprecedented dimensions, which could mean a fundamental shift in our military strategic posture, and may have far-reaching arms control and space policy implications. We have existing treaties, such as the Limited Test Ban Treaty, the Outer Space Treaty, and the ABM Treaty, which could be jeopardized if we embark on the programs outlined in the Fletcher report.

The committee report and bill language express concern about the hasty adoption of this blueprint and already requires a report requiring clarification of some specific programs examined by the Fletcher Commission—Defensive Technologies Study Team—report. The committee is hopeful that a national consensus on the Fletcher Commission proposals can be achieved. Mr. President, I fully concur with this committee concern.

However, I believe we need to look further and deeper into the issues raised by the newly proposed strategic defense program, recommended by the interagency group to the President. What we lack, specifically, Mr. President, are the policy and budget implications of this strategic defense program. Only with a full understanding of all the national security implications of this program can the Congress proceed with confidence and certainty.

A number of vital issues would be clarified by this Presidential report to Congress in order to develop a national consensus in this area. More specifically:

First, what are the impacts of the proposed BMD programs on present and prospective arms control agreements? Would existing treaties such as the Outer Space Treaty and the ABM Treaty, be jeopardized if we adopt the space-based BMD option? At what point would the proposed R&D program be perceived as coming into conflict with the provisions of these agreements? Arms control negotiations could be perceived as futile, if our defense posture is to be substantially changed. In the 1960's, the United States moved to deploy multiple independently targeted reentry vehicles (MIRV's) in response to a perceived Soviet ABM effort. What would be the impact of accelerated American research on BMD on current efforts to achieve Soviet agreement on limitations to offensive strategic forces such as the build-down proposal?

Second. What would the most likely Soviet response be? Some believe that the arms race could accelerate and further drain our resources, while others argue that a multitiered array of defensive weapons in space could lead the Soviets to attempt a preemptive first strike or develop cheaper and more effective countermeasures. Current Soviet efforts on ballistic missile defense are well developed and could easily be accelerated. It would be unrealistic for American planners to assume that we will be able to develop an advanced BMD capability while the Soviets stand still. Far more likely is superpower competition to develop the first operational BMD system. This would be a highly volatile strategic context with grave implications for our existing deterrence posture and our ability to penetrate Soviet defenses.

Third. How would the new defense programs impact the viability of NATO and other Western nuclear deterrent forces? Even a limited Soviet BMD deployment could effectively negate the nuclear deterrent of our British and French allies. The global repercussions of a shift in our strategic policy should be explored and assessed, and our NATO allies should be consulted before any such major change is adopted.

Fourth. What are the projected costs of the advanced technology programs proposed, from R&D through deployment stages? The price tags on the technology smorgasbord are estimated to range from $18 to $27 billion over 5 years for R&D alone, and to be in the order of $200 billion through the deployment phase. It is necessary for Congress to examine spending plans matched to specific programs in order to assess their relative cost effectiveness.

Fifth. What impacts may be expected on the defense budget and Federal budget? While we face escalating costs and huge deficits, would the new BMD programs further inflate the defense budget—which at present exceeds a quarter of our Federal budget? The allocation of our national, technical, and manpower resources, as well as dollar figures, must be weighed carefully. Press reports suggest that just BMD research costs from 1985 to 1989 may range from $18 billion to $27 billion. This lower figure is in excess of the cost to fully equip an entire aircraft carrier battle group. The $27 billion R&D program recommended by Secretary Weinberger surpasses the entire cost of the B-1B program. Such massive expenditures have tremendous implications for our ability to fund other conventional and strategic military programs, as well as our ability to provide the scientists and engineers needed in the civilian sector.

Upon receipt of this report, Congress should be able to at least begin a reasoned and detailed debate on these new weapons systems, and on the fundamental change in U.S. strategic deterrent policy which they entail.

Mr. President, I understand this has been discussed with the chairman of the committee and the ranking minority member. It is my understanding that it is acceptable.

Mr. President, I ask unanimous consent that certain related materials be printed at this point in the RECORD.

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

PANEL URGES DEFENSE TECHNOLOGY

(By Clarence A. Robinson, Jr.)

WASHINGTON.—An Administration senior interagency group recommended to President Reagan late last week that the U.S. embark on early demonstrations of credible ballistic missile defense technologies to its allies and the Soviet Union.

In recommending a technology development plan to the President, the group, represented by Defense Secretary Caspar W. Weinberger and William P. Clark, assistant to the President for national security affairs, stressed the importance of showing the U.S. is determined to explore and has the competence to develop the required ballistic missile defense technologies.

PARALLEL STUDY

The interagency report melds a Defensive Technologies Study Team's report with a parallel strategy study conducted between June 1 and Oct. 1. It also presents to the President four funding levels for developing an effective ballistic missile defense system. Funding profiles from Fiscal 1985 through Fiscal 1989 range from $27 billion to $18 billion.

The Defensive Technologies Study Team was headed by James C. Fletcher, former administrator of the National Aeronautics and Space Administration. The parallel strategy group, known as the Future Security Strategy Study, called FS^3, was headed by Fred S. Hoffman, director, Pan Heuristics, a division of Research and Development Associates.

"With vigorous technology development programs, the potential for ballistic missile defense can be demonstrated by the early 1990s," the interagency report said. It also stressed that the development program will not impinge in the near term on the 1972 antiballistic missile treaty with the USSR.

MAXIMUM FLEXIBILITY

"Early development programs are configured to provide maximum flexibility and demonstrated capability within treaties, protocols, agreements and political constraints," the interagency report said.

The report said the nation should establish the resolve for a new strategy to defend against nuclear weapons attack.

It added that an advanced technology ballistic missile defense system for the U.S. and its allies will reduce the military effectiveness of a Soviet preemptive attack with nuclear-armed ballistic missiles. "By constraining or eliminating effective counterforce options, the utility of strategic and theater nuclear weapons are reduced and the threshold of nuclear war is raised. It undermines the confidence that an attack will succeed."

Early technology demonstrations planned by the interagency group include:

Underground tests at the Nevada nuclear test site leading toward the ability to scale the Lawrence Livermore Laboratory's X-ray laser to full military power, to control the laser beam spread, and simultaneously drive multiple lasers from a single power source.

Acquisition and tracking of reentry vehicles using long-wavelength infrared sensors and high-altitude aircraft. This also includes a separate demonstration of intercepting warheads within the atmosphere above 50,000 ft. and nonnuclear kill devices on interceptor missiles.

Ground-based short-wavelength lasers demonstrated against spacecraft in an antisatellite role.

Generic acquisition, tracking and pointing in space against intercontinental ballistic missiles in the boost phase.

Airborne optical system sensor and a low-cost homing interceptor. These technologies are key to terminal and mid-course intercepts in a multilayered system. This demonstration would be within three to five years following optical technology demonstration on interceptor missiles.

Proof of principle to acquire Soviet ballistic missiles and to track the booster, the first step in a high-technology payoff to use directed-energy weapons for boost-phase intercepts.

The plan calls for parallel early technology demonstrations in a three-pronged program—infrared chemical lasers, ground-based excimer lasers and shorter wavelength chemical lasers. Tests could be conducted within a few years to determine the effectiveness of these devices against targets such as spacecraft.

A technology assessment conducted by the Defensive Technologies Study Team that formed part of the interagency report called for the following:

Chemical infrared space laser with a 2-megawatt beam generator feasibility demonstration in 1987. The device is scalable almost immediately to 10 megawatts because of breakthroughs in nozzle technology. Beam control of a 4-meter (13.12-ft.) segmented optical system and mid-infrared beam control could be demonstrated in 1988.

A 1988 demonstration in acquisition, tracking and pointing could be conducted scalable to 50 nanoradians, with inertial reference technology to support 20-nanoradian pointing.

Free electron visible laser in space with a technical feasibility demonstration by 1986 for multimegawatt devices.

Free electron ground-to-space relay, with atmosphere compensation proof of concept by 1985.

Neutral particle beam technical feasibility demonstration/verification by 1985.

The technical feasibility of beam sensing would be demonstrated by 1986.

X-ray laser technical feasibility demonstration to 10^{16} joules/steerradian by 1988.

The interagency group report calls for the Joint Chiefs of Staff to rapidly structure the program plan for ballistic missile defense technology for the Fiscal 1985 budget request to Congress, and for the chiefs to help structure the management approach to the program.

BRIDGING DOCUMENT

The interagency report to the President is also known as a bridging document since it seeks to blend technology and strategy studies with funding profiles and recommendations. The funding for a technology limited effort prepares for early deployment options. It would provide $2.6 billion to Fiscal 1985, a total of $27 billion in Fiscal 1985 through 1989. The total through deployment of single layer of a multilayered defense by the year 2000 would be $92-94 billion. A multilayer system would cost approximately $95 billion.

Without the early deployment option, the funding in Fiscal 1985 would remain the same, but funding in Fiscal 1985 through 1989 would be reduced to $26 billion. Intermediate funding, with no early deployment option and a later full system deployment would be $2.2 billion in Fiscal 1985, and a total of $20 billion from Fiscal 1985 through 1989.

A fiscally constrained program would cost $1.8 billion in Fiscal 1985, and a total of $18 billion in Fiscal 1985 through 1989.

The bridging document from the interagency group calls for centralized management of the ballistic missile defense program within the Defense Dept., "with a carefully chosen leader specifically oriented with interagency management authority similar to space intelligence efforts."

The interagency report, based on input from the Future Security Strategy Study, said advanced ballistic missile defense offers options to enhance deterrence and increase strategic stability. It adds: "Even prior to deployment, the demonstration of U.S. technology would strengthen military and negotiating stances, and options for immediate deployment would play a significant role in deterrence." It could be a hedge against early Soviet Union breakout of the Antiballistic Missile Treaty.

Over the next few years, the interagency report said technologies can move to higher confidence levels for critical ballistic missile defense decisions, while remaining within current treaty/agreement constraints. The program is therefore structured to identify long-range system payoffs and near-term progress demonstrations.

The assessment of the U.S. program presented to Reagan determined that while current technology levels can provide an effective counter to current Soviet intercontinental ballistic missiles in some important contingencies, the effectiveness of near-term deployment of system based on present technologies alone could be eroded

by Soviet technology advances and operational responses.

"The long-term technology, however, holds particular promise for highly effective and robust counters to Soviet countermeasures," the report said.

Early demonstrations of ballistic missile defensive technologies would help the U.S. in managing relations with the Soviet Union. But to aid in this, the USSR must be convinced of the seriousness of purpose and the inevitability of U.S. success. This would, according to the interagency report, drive up Soviet costs to maintain an effective strategic force, develop the U.S. ability to adjust to emerging Soviet countermeasures and reactive threats, and demonstrate resolve to sustain a measured steady effort by the U.S.

The technology effort, even in its early phases, complicates and confuses Soviet plans to modernize strategic nuclear forces, the report said. "It drives them to try and develop possible countermeasures, increase emphasis on their air-breathing forces and conduct research and development on new families of weapons delivery systems. It drives the USSR away from preferred approaches of updating and proliferating existing strategic forces."

The program being recommended to the President is designed to increase the Soviets' role in cooperating with a stable strategic environment. It also is designed to "alter the Star Wars fantasy, establish the credibility and then the reality of defensive technologies."

The successful demonstration of the technology required to develop and deploy a defense system will build credibility and confidence, the report said. But the pressure to demonstrate the technology could push for rapid deployment of "marginal or brittle systems based on available technology," and this should be avoided, the report cautioned.

It proposes rapid development of technology that can deal with postulated Soviet countermeasures. This development approach also would provide a hedge against similar Soviet defensive technologies.

The interagency proposal to the President stresses that North Atlantic Treaty Organization countries and Japan should be convinced that even research and development for ballistic missile defense will enhance the potential for arms control or reductions, decrease the nuclear threat overall, increase crisis stability and improve long-term relations with the Soviet Union. "It does not alter the commitment by the U.S. to its allies' defense," the report said.

The Soviet Union has over the last decade conducted substantial research and development in this technology area, "and vigorous defensive activity is necessary to counter ballistic missile defense work by the USSR," the report added. The key to effective defense is low leakage with an indepth layered defensive system.

The boost-phase intercept is essential to the system because it destroys the missile before it can deploy multiple warheads. This minimizes the attractiveness to the Soviets of high-throw-weight missiles with large numbers of reentry vehicles.

Even a very effective boost-phase intercept capability would be augmented with post boost, midcourse and terminal interceptor defenses. "All of the concepts use some space-based assets and survivability of these is a critical issue requiring combinations of technology and tactics available or becoming available. X-ray lasers, chemical, excimer and free electron lasers, particle beams and kinetic energy hit-to-kill devices all have high potential for boost-phase intercepts," the report said.

[From the Washington Post, Oct. 18, 1983]

ACCELERATED ANTI-MISSILE PLAN URGED

REAGAN ADVISERS BACK PROGRAM OF UP TO $27 BILLION

(By Patrick E. Tyler)

President Reagan's national security advisers are urging him to back an accelerated five-year, $18 billion to $27 billion program to develop space-based and other defensive weapons for intercepting nuclear missiles fired at U.S. or other western targets.

The recommendation, which comes from Defense Secretary Caspar W. Weinberger and William P. Clark, the president's outgoing national security affairs adviser, follows months of study by scientists and policy analysts. The new defensive weapons that it envisions could have serious implications for the U.S.-Soviet strategic arms control talks now under way.

The United States and the Soviet Union signed an Anti-Ballistic Missile Treaty in 1972 in which both sides agreed "not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based."

A White House official familiar with the report would not say yesterday whether President Reagan has received it. "The report of the senior interagency group has come to the White House for coordination and is in a coordination mode," the official said.

Details from the highly classified report were published yesterday in the periodical Aviation Week & Space Technology.

The interagency group, headed by Weinberger and Clark, distilled the work of two Pentagon panels, which studied both the scientific feasibility of developing defensive space-based weapons and the political and policy-making impacts of abandoning the 30-year U.S. policy of deterring nuclear war and limiting the arms race through concentrating U.S. resources on offensive nuclear weapons only.

As word of the recommendations has leaked out over the past several weeks, they have been sharply attacked by critics who see defensive weapons as an escalation of the arms race.

"That's crazy," said Richard L. Garwin, a physicist who helped develop the hydrogen bomb. "The advent of defensive weapons does not help at all with arms reduction." Garwin accused the proponents of the recommended program of trying to gain a first-strike capability for the United States to be used to win negotiating concessions from the Soviets.

According to the aviation magazine, the inter-agency report argues that defensive weapons would enhance strategic stability and the deterrent quality of the U.S. arsenal.

"Even prior to deployment, the demonstration of U.S. technology would strengthen military and negotiating stances, and options for immediate deployment would play a significant role in deterrence," the magazine quoted the report as saying.

Weinberger and Clark reportedly have prepared for the president four funding options for an accelerated research and development effort.

The most expensive calls for spending $27 billion over five years, including $2.6 billion in fiscal 1985, leading to deployment of the first "layer" of a total defense system by the year 2000.

THE SPACE RACE

Mr. CRANSTON. Mr. President, I am pleased to be a cosponsor of this amendment to the Defense appropriations bill for fiscal year 1984 that will require a Presidential report on new ground- and space-based ballistic missile defenses.

We critically need the information that such a report will provide if we are to make informed judgments about the impact that proposed programs will have on our arms control efforts and on our defense systems.

I am deeply concerned that the Reagan administration, which has consistently demonstrated a cavalier attitude toward existing arms control agreements and a deep reluctance to pursue new arms control efforts, is setting the stage for an arms race in space. Apparently the administration is proceeding on the dangerously mistaken beliefs that we, the United States, can "win" a space race and that this is a feasible solution that will extricate us from the terrible threat we face from nuclear weapons.

In pursuit of this chimera, the Reagan administration appears to be willing to discard successful treaties, such as the ABM Treaty, which has thus far prevented the arms race from expanding into defensive systems, and the Outerspace Treaty, which has kept space open and accessible to us and every other nation.

In his "Star Wars" speech, President Reagan held out the vague and ill-defined hope that one day—in what even he admitted was the very distant future—we might be free from the dangers of offensive nuclear weapons through the development of a defensive system. We had this debate in the 1960's and 1970's. We concluded then that no matter how good a system could be, the opponent could always overwhelm it. As journalist Peter Clausen noted, "* * * one sure and certain principle of warfare is that any defensive system can be overwhelmed by an offensive system that has the advantage of surprise, mobility, and the selection of the most vulnerable targets." In addition, "* * * military experts estimated, a defense against nuclear missile attack would be defeated by an expenditure about one-tenth as great as the cost of the antimissile defense."

We concluded then that an ABM system would not work and was not worth the cost. Despite the technological advances that we have made in space lasers, in ballistic missile defense, and despite all the research dollars we have already poured into the question, the answer remains the same today. And thus far we are lacking any evidence that it will change in the future.

I am deeply distressed by the rhetoric that is beginning to surround the

debate on ballistic missile defense. Those who support it are claiming the moral high ground. For instance, Admiral James Watkins, Chief of Naval Operations, stated that "Dependence on retaliation—and accepting vulnerability—is neither a moral nor a sensible way for a God-fearing people to live when there is a rational, practical, and moral alternative." His alternative is to give much greater emphasis to ballistic missile defense which means an arms race in space.

I agree with Admiral Watkins that we cannot rely on the doctrine of MAD—mutual assured destruction—forever. And I believe that there is an eminently rational, practical, and moral alternative. But it is not a tremendously dangerous, expensive and ultimately futile expansion of the arms race into defensive weapons and into space. The alternative is a freeze in the arms race and the reduction of our nuclear arsenals.

I am not alone in thinking that a defensive arms race is dangerous and unworkable. Many experts in and out of the Government believe that a ballistic missile defense and an arms race in space is not rational, practical, or moral. As experts testified before the Senate Foreign Relations Committee this year, it is likely that a defensive arms race will trigger destabilizing and dangerous consequences. Combined with offensive warfighting weapons, which this administration has demonstrated no predilection for abandoning, a ballistic missile defense could increase the likelihood of a U.S. first strike attack by providing the illusion that we could blunt the effect of a Soviet retaliatory attack. This is an enormously dangerous illusion. It holds out the possibility that we can keep a nuclear war limited. We cannot.

Beyond the destabilizing consequences of pursuing ballistic missile defense, there has been no discussion in depth thus far on how a BMD system would affect the offensive systems that we already have. We must consider this because we must assume that anything we produce in the area of defensive systems the Soviets will match. The Soviets have consistently demonstrated that they can match every step we make. The sad history of the MIRV'ed missile is also the best example of our folly in believing that we can maintain a technological advantage over the Soviet Union. A Soviet BMD system will significantly degrade the systems that we have already spent so much on. How does the administration plan to deal with these serious ramifications? This point brings us to a question of very serious consideration: What kinds of costs are we discussing? We are told that we do not know yet. But some estimates already run over $1 trillion. Just for this program. Where are we going to find the money to fund this kind of program? How will we continue to fund adequately the rest of our force structure? Are we really going to put our eggs in one very risky, little understood, program? We need these answers. The report required by this amendment will help answer them.

Another troubling question about a ballistic missile defense system is the effect on our alliances. There is no way that we can provide an effective ballistic missile defense for Europe. Has this been taken into consideration?

The President has assembled a vast array of talent to look into these questions. We need to have the benefit of these experts as well as the tremendous resources that these commissions did not have the opportunity to tap.

Much too much is dependent on these decisions about the future of our national security policy, about the future of arms control, and the future of our world not to make every effort to explore the consequences of what we are doing. I have been deeply troubled by the lack of understanding and interest demonstrated by the Reagan administration about these ramifications. This report will address many of the unanswered questions and will provide the information not only to the Congress but to the American people. I strongly urge my colleagues to support this amendment.

Mr. TSONGAS. I yield to the acting majority leader.

Mr. STEVENS. Mr. President, it is legislation on an appropriations bill. It has been discussed with us. I am concerned about requiring a report to Congress in that timeframe on security implications of this report. It comes about during a time when the people who are involved in this matter are very much involved also in assisting in the overall recommendations that are being made to the administration in the total area, including dealing with the Geneva negotiations and the preparation of the President's budget and state of the Union message. There are so many things involved, I really am concerned about the timeframe.

I have suggested July 1—really a June 30 date—to the Senator from Massachusetts. I think there is a general agreement that his date, which is the first 3 months of the year, is just too soon. I urge him to consider a different date; what would he say to May 15? If the Senator would modify his amendment and make it May 15, I would not oppose the amendment.

I understand that the Senator from Mississippi also has similar comments concerning the problem. It is legislation. We have not been able to confer with the chairman of the Armed Services Committee concerning it. The indications are from my staff that such a report would be of interest to a substantial number of Members of the Senate. On that basis, we will not oppose it if the Senator will modify his amendment and make it May 15.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the date be changed to May 15.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment was so modified.

The amendment, as modified, follows:

At the end of title VII, add a new section as follows:

SEC. . Presidential Report on Strategic Defenses, Including Ballistic Missile Defense Systems, Their Components, and Related Technologies.

(A) The President shall submit to the Congress by May 15, 1984 in unclassified form with classified addenda as necessary a report addressing the national security implications of the research, development, testing and eventual deployment of strategic defenses, including ballistic missile defense systems, their components, and related technologies (hereafter referred to as "strategic defense programs"). The report shall draw upon the studies of the Defense Technologies Study Team headed by James C. Fletcher and the Future Security Strategy Study headed by Fred S. Hoffman as well as other relevant materials.

(B) The report shall address specifically the following issues:

(1) the impact of strategic defense programs on existing arms control agreements and on current and prospective arms control negotiations and agreements;

(2) the impact of strategic defense programs on likely Soviet efforts in offensive and defensive military programs; and the impact of Soviet strategic defense efforts on United States strategic doctrine and strategic force structure;

(3) the impact of strategic defense programs on the viability of NATO nuclear forces and on the future of the independent nuclear deterrent forces of France and the United Kingdom;

(4) the projected costs of strategic defense programs, including an assessment of research, development, testing, development and maintenance costs on a year-by-year basis of the various technologies currently under study;

(5) the impact of strategic defense programs on other current and projected defense budget priorities and on the anticipated availability of technical and manpower resources necessary to support defense programs.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 2495) was agreed to.

Mr. TSONGAS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2496

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an amendment numbered 2496.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. . None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after November 1, 1983, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from entering the United States unlawfully.

Mr. MATTINGLY. Mr. President, the amendment I am offering and that I understand is acceptable to both sides stipulates that none of the funds in the bill may be available to any country for a 3-month period following the certification of the President to the Congress that a nation is not taking adequate steps to prevent the production, sale, and distribution of illegal narcotic drugs or their sale to U.S. Government personnel. Measures are also required to prevent such drugs from entering the United States unlawfully. It is the same amendment that I have introduced and that has been accepted on other appropriations bills. I offered a similar provision to the fiscal year 1984 defense authorization bill. It was adopted by a 91 to 0 vote. The amendment has been included in the fiscal year 1984 foreign assistance appropriation bill that has been reported from committee.

Mr. President, the reasons for this amendment are obvious. First, of course, is the continued tremendous influx of drugs into the United States. Second, if you take the example of NATO and the missiles that we have in Europe, note that U.S. troops involved with those weapons are required to take urinalysis tests for drugs. Soldiers from other countries are not required to do so. This amendment provides leverage that the President of the United States can use with the NATO members to adopt uniform drug testing procedures.

Just several days ago, on November 2, public television aired a program called the "Chemical People." It will appear again on November 9. It showed the terrible problems created by the drug epidemic in the United States. My amendment is a conclusive demonstration of the U.S. intent to stifle the influx of drugs that not only are ruining so many of our children but are also creating tragic personal and security problems for our military personnel overseas. We should use as leverage the funds that we appropriate in an effort to insist that other countries assist our efforts to control this scourge.

Mr. President, I urge adoption of my amendment.

Mr. STEVENS. Mr. President, again this is a difficult problem. It is legislation on an appropriations bill.

I would call to the attention of the Senate that this matter was in the State authorization bill. It was accepted by the Armed Services Committee, as I understand it, and it was deleted in the conference with the House. It does take a different standing then, in my opinion.

It was also contained in the Foreign Relations Committee bill, and it is a matter that I think deserves attention by those of us who are concerned about the ever-present problem of drugs as they affect particularly those members of our Nation who serve our country in the military abroad.

This amendment deals with illegal sale of drugs within the jurisdiction of a foreign country to U.S. Government personnel or their dependents in that country. There is increasing evidence that many of the nations to whom we provide substantial military assistance are not taking action to cooperate with us to prevent our people from being subjected to really ungodly pressures particularly in terms of the sale of hard drugs abroad. I think we should accept this amendment.

Does the Senator from Mississippi agree with me?

Mr. STENNIS. Mr. President, if the Senator will yield, yes, I agree generally. I think it is important to get a policy from the administration that is pushing hard on the whole subject, and this would reinforce the executive effort.

The fact that the Senator has offered this amendment on several occasions and it has never been defeated—is that correct?

Mr. MATTINGLY. That is correct.

Mr. STENNIS. Shows the great strength the Senator has for his proposal, and I commend him for that. But as I see it, he would have to get it on a vehicle or in a policy of the administration, the executive branch to use this weapon that the Senator is giving them. And I hope he will keep trying. I support the amendment.

Mr. STEVENS. Mr. President, I join in commending the distinguished Senator from Georgia for his perseverance in this regard.

I will not take too much of the Senate's time, but I recall a conversation I had earlier this year with a young man who had been in the service, who told me about his experience with drugs and how he is trying to work his way around that dependence which came from his experience with narcotics. It was a sad tale. I really think anyone who has been exposed to young men like that can only feel that whatever efforts we take must be pursued vigorously. The kind of tenacity that the Senator from Georgia has shown with regard to this subject I think is commendable. We are prepared to recommend the Senate accept the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2496) was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Shall we go to third reading?

The PRESIDING OFFICER. Are there further amendments?

Mr. STEVENS. Mr. President, there is a committee amendment we have to deal with, and I would be willing to do that. I would ask the other side to give notice to the Senator from Ohio that we will raise the pending committee amendment. We could not go to third reading without disposing of the last committee amendment, so I intend to call up that amendment which deals with the subject of McNeil Island.

I would ask the people on this side to give notice to the Senators from Washington that I intend to call up that amendment as soon as the Senator from Ohio can reach the floor.

It is my understanding we could not go to third reading until we dispose of the committee amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. That is the last committee amendment, so I would call up the last committee amendment as soon as the Senator—he is here now.

Mr. President, the last full section in the bill, section 799, appears on page 88. I do note that the Senator from Ohio is here. I think in courtesy we ought to also await the presence of the Senator who requested us to put this in the bill. So if he has no objection, I would suggest the absence of a quorum for a short period of time so that that notice can be given to the Senator from Washington.

Mr. METZENBAUM. Mr. President, I have no objection to doing that, of course, but it is my understanding that we were going to lay this aside until

toward the end of the bill. I do think it is a controversial amendment and will actually involve—as I understand the amendment, it involves giving away some property to the State of Washington that has had an appraised value, I am told, of $14 million, that the GSA had then—and this is not hearsay because I have not seen the documentation—come to some tentative agreement with the State of Washington to sell it for $9 million. I do not know the circumstances of selling it for less than the appraised value. This legislation would be to give it away in its entirety.

Now, I do not have to point out to the Senator that this is legislation on an appropriations bill and is subject to a point of order which, if forced to, I would raise. But I really wonder why we are pushing this. I was told the other day there was an effort to put it on the Treasury appropriations bill. It seems to me that the State of Washington does have an opportunity to buy this piece of property if it wants to. I am not looking for a situation in which we get into a lengthy confrontation similar to one that the Senator and I experienced at an earlier point. I just wonder whether it would not serve all purposes if this matter were laid aside until the very end of the bill so that we might discuss it.

Frankly speaking, I have some strong feelings against it, but I would hope to avoid that kind of controversy, and I would hope to avoid the necessity of raising the point of order as well.

Mr. STEVENS. I say to my good friend that much of what he says is correct, but it is a matter that has some urgency. It is an amendment that was presented on behalf the Senators from Washington by the chairman of our committee.

I do say to my friend that I am familiar with McNeil Island. Any Alaskan is familiar with McNeil Island. McNeil Island was the Federal penitentiary that served to incarcerate prisoners from Alaska during the days we were a territory. It is now surplus to the prison system, and it is my understanding that McNeil Island is to be turned over to the State of Washington for use as a park and for environmental purposes. I do not know what the total plan for it is.

It is a matter that has urgency because of the problem that the rents were to be raised on November 1 unless action was taken that GSA would recognize, to demonstrate an intent of Congress to deal with the matter legislatively. We did approve this in the committee. We are aware that it is legislation on an appropriations bill. It may well be subject to a point of order. I assume that it is subject to a point of order.

It is a matter that the Senators from Washington and the chairman of the committee are very much concerned about and wish to handle in this way as an appropriate vehicle, which will result in a settlement of this controversy. It is my understanding that GSA has taken the position that it is prepared to transfer the property, but needs an act of Congress to deal with this property because it has been within the prison system, and disposal of those sites is a matter that requires compliance with an old law of Congress unless there is a special provision dealing with it.

As I have indicated, I do believe that we should have the attendance of the Senator from Washington.

I say to my friend that I did say that we would take it up last. However, so far as I am concerned, this is last. We cannot get anyone to come and present an amendment, and we cannot go to third reading until we dispose of this last amendment. So I am making an idle threat to go to third reading.

Mr. METZENBAUM. I am ready, but I suggest that we have a quorum call, so that I may advise the Senator from Alaska, in advance of offering the amendment, what I propose.

Mr. STEVENS. I hope notice has been sent to the Senators from Washington. I do not want to stand here making an idle threat, and I do not want the Chair to tell me that we cannot go to third reading because a committee amendment is still pending.

I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2497

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

The PRESIDING OFFICER. The amendment will be stated.

Mr. STEVENS. Mr. President, is a committee amendment pending?

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside in order that the Senator from Ohio may send an amendment to the desk and without the pending amendment losing its place.

The PRESIDING OFFICER. While the committee amendment is at the desk, it has not been called up and is not the pending business.

Mr. STEVENS. I thought I called it up. I have no objection to handling it either way. I withdraw that for the time being.

The PRESIDING OFFICER. The amendment will be stated.

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2497.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

Page 11, line 16, strike "$6,584,744,000" and insert $6,594,744,000," of which $10,000,000 shall be available for the hiring of 400 auditors in the Defense Contract Audit Agency.

Mr. METZENBAUM. Mr. President, this body at an earlier time dealt with this same subject having to do with the matter of a defense contract auditing agency.

My amendment increases the number of auditors in the defense contract audit agency by 400 auditors.

At an earlier point in the authorization bill an amendment was offered along the same line and was accepted by the Senate.

These 400 auditors will cost about $10 million. But based on historical experience, those additional auditors will save the Government more than $1 billion each year.

According to Deputy Secretary of Defense Carlucci, DCAA saved the taxpayers more than $6.9 billion in fiscal year 1981. That is a savings of $69 for every dollar in the DCAA budget—or $2.3 million for every DCAA auditor that year.

Using that track record, and there is no reason why we should not assume the same performance, this amendment would save the taxpayers at least an additional $1.1 billion in fiscal year 1984, when our defense procurement budget will be over $94 billion.

Let me review just a few of the individual examples of waste, fraud, and abuse that DCAA has uncovered.

According to a partial list compiled by the House Committee on Appropriations, DCAA auditors uncovered the following incidents of questionable overhead costs submitted by Department of Defense contractors to the Pentagon for payment at the taxpayer's expense: $1,500 for 10 tickets to the premier of the movie "Superman"; over $16,800 from one company for the purchase of season tickets, with parking, for sporting events.

What a great way to spend the Government's money; $53,000 for a golf tournament. That must have included, as I see it, all the bets on the 1st to the 18th hole because that is a lot of money for a golf tournament. For a tour of Tijuana, Mexico, $266. I am not sure how they spent it there, but that seems to be a pretty fancy tour. For office furniture, $20,000, that included bar stools, a stereo system, and a bumper pool table. I would guess that with the bar stools they must

have been able to obtain a lot of liquor as well for the bar, and they probably had very fancy cue sticks and balls on the pool table for $20,000. Numerous tickets for symphonies, ballets, and civic events. Numerous instances of undocumented travel, including travel for spouses.

Why? It is absurd. And the DCAA has picked this up. As a matter of fact, the Department of Defense should have been picking it up itself.

Outing costs, including $965 for rental of a party boat, $1,707 for food, $2,392 for liquor, and $589 for cowboy hats.

Million of dollars for operating expenses of company airplanes which shows no attempt by the companies to conserve fuel, energy, and last but not least, the taxpayers' dollars.

Numerous business conferences and dinners for which no agendas were kept nor the list of participants available.

Legal expenses for claims against the Government and defense against what—against bribery charges. How absurd can we get.

Advertising costs for giveaways of models, tie tacks, cuff links, et cetera.

The House Appropriations Committee report stated:

> The above are just a few examples of unallowable costs which contractors are including as a part of their overhead rates for Government contracts. These are not isolated situations but are discovered in audit after audit. The type of unallowable costs cited above were included by large Defense contractors who have been doing business with the Government for years. The fact that these costs continue to be submitted, apparently unabated, suggests to the investigative staff that contractors are attempting to and frequently succeeding in obtaining excess costs (profits) on Government contracts. They must be aware that the Government's audit effort is constrained, and only a small percentage of these type of costs will be identified. . . . DCAA's limited audit capacity can only uncover a small percentage of these items. Moreover, most of the items cited were found on a sampling basis, so that it is impossible to know how many millions of dollars the Government has paid in the past and is paying now for unallowable costs.

Mr. President, I am pleased that it is my understanding that the managers of the bill are prepared to accept the amendment and that gratifies me, and I think it indicates a degree of responsibility on the part of the leadership handling this measure.

I am not pleased, however, about the fact that there was $6 million in the House bill; it came over to the Senate and I am told that the Department said they did not need it. They did not need it. The Department needs more auditing and they are the ones who should be down here asking for the $10 million, not some of us in the Senate.

I am pleased, Mr. President, and I ask unanimous consent to add Senator PRYOR as a cosponsor of this amendment.

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

Mr. METZENBAUM. I think that it is shameful that these practices continue. I think making this $10 million available for an additional 400 auditors is a major step in the right direction.

I think I am correct in understanding that the managers are prepared to accept the amendment.

Mr. STENNIS. Mr. President, If the Senator will yield, I know how thorough the Senator from Ohio is and I believe to get an amendment like this started in operation, it is going to take some surveillance by the author of the amendment. Is he in a position that he can give it at least some followup? I do not mean just a great deal of time, but to get this thing put over and get it in reality, he can help out in getting it started, I am sure.

What is his attitude on that?

Mr. METZENBAUM. I am very happy to do so and anxious to do so, and I am pleased to report to the distinguished ranking member of the Armed Services Appropriations Subcommittee as well as the Armed Services Committee that I know I am joined in this effort by Senator BENTSEN, Senator PRYOR, Senator BOREN, and by a number of other Members of the Senate, and I assure my good friend from Mississippi that once we adopt this I do indeed intend to ride herd on it to see to it that the Department of Defense does that which they are obligated to do and which Congress wants them to do.

Mr. STENNIS. That is very good.

I thank the Senator for his attitude. I am going to support his amendment, and we will see what we can do in conference if it passes, and we do have so many of them in this vast activity, the Department of Defense and related matters, that our committee just cannot give it the surveillance.

Mr. METZENBAUM. My good friend from Mississippi knows that when I had the privilege of serving on his committee, the Armed Services Committee, in the early point in my Senate career at that point even in those early days I was not as much concerned with the specific expenditure of funds but what I was concerned about was failure to use competitive bidding and other procedures that throw away the taxpayers' dollars. I think this is a way where we can send 400 men or women out into the field to see to it that defense contractors do not load up their bills with unnecessary expenses for the U.S. Government to bear.

Mr. STENNIS. I join with the Senator to this extent. We are talking about balancing the budget and the problems that go with it, and they are real problems, but I still believe that in the field of the administration of whatever program it is, military or medicare or whatever it is, that some surveillance in that field, administration of it, rigidly within the law as authorized, will go a long way toward curing our fiscal affairs, a long ways toward balancing the budget.

Mr. METZENBAUM. The Senator has my assurance.

Mr. STENNIS. Yes.

Mr. STEVENS. Mr. President, I understand that the Senator wants to put $10 million into the defense contract audit account. We had deleted the amount in the House bill frankly because it was in a budgeted item that would be in conference.

If the Senator wants to increase it, of course, the Senate does have to address the matter. As a practical matter we have no objection to the increase of funds.

I have not read the Senator's amendment. I have it here now.

It would authorize the use of additional funds for hiring auditors for the Defense Contract Audit Agency. It is available; it does not direct the hiring of them, as I understand it.

It is my understanding the Inspector General of the Department of Defense does have a need for increased auditors. He did appear before our subcommittee with, I might say, a very fine presentation and is developing a good track record. I think we ought to listen to the Inspector General and have him determine the pace at which his unit grows. So on the basis of the matter in which this amendment is presented, I have no objection to it.

I think that the Inspector General should be given the funds he needs, and more, because we have every reason to believe he is doing a good job. As I indicated, as the reputation of his unit grows, waste and abuse and fraud will decrease in the Department of Defense.

So I am perfectly in accord with the objective of the Senator and we are prepared to recommend to the Senate to accept the amendment.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Senator SASSER be added as cosponsor of this amendment.

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

Mr. STENNIS. Mr. President, I accept the amendment and recommend its adoption.

Mr. METZENBAUM. Mr. President, I am very pleased that the managers of the bill are prepared to accept the amendment. I just want to be certain that, although it does not direct the Inspector General to add the auditors, I think the congressional intent is clear. I think that, realistically speaking, you cannot say to some particular executive who works for the Government, "Hire so many people by a cer-

tain day" because sometimes that is impractical.

But I would be greatly disappointed, and I think many of us in the Senate would be disappointed, if the Inspector General dragged his feet and did not move with dispatch as promptly as possible, because the congressional intent is certainly clear that we have given him $10 million with the understanding that he will move forward and get the necessary number of auditors and put them on as promptly as possible.

So with that understanding, I hope the amendment will be adopted.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, we have a person who has been hired to prevent waste in the Department. Certainly we would not expect him to spend money to hire new auditors until he needs them, would we?

Mr. METZENBAUM. I would agree with that.

Mr. STEVENS. On that basis, I accept the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Ohio (Mr. METZENBAUM).

The amendment (No. 2497) was agreed to.

Mr. METZENBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENT—PAGE 88

Mr. STEVENS. Mr. President, I ask the Chair to lay before the Senate the remaining committee amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

On page 88, add new section 799.

Notwithstanding any other provision of law, the Administrator of General Services is directed, for and on behalf of the United States, to transfer by quitclaim deed and without consideration, to the State of Washington, all right, title, and interest of the United States in real property, formerly administered by the Department of Justice, located in Pierce County, Washington, known as the former McNeil Island Federal Penitentiary, consisting of approximately four thousand four hundred and forty-five acres of land, all improvements thereon, and all related personal property associated therewith.

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

● Mr. EVANS. Mr. President, this amendment transfers ownership of the McNeil Island Federal Penitentiary complex to the State of Washington. This legislation conforms with the President's policy that these free conveyances should take place. It will resolve several years of frustrating negotiations between the State and the General Services Administration, and it will allow the State to proceed with the capital improvements needed to make the prison suitable for permanent use.

The McNeil Island complex consists of three islands located in south Puget Sound. The prison facilities are on 4,413-acre McNeil Island. The complex also includes 1-acre Pitt Island and 2.5-acre Gertrude Island.

Before it closed in June 1981, the Federal Bureau of Prisons had used McNeil Island as a Federal penitentiary for more than 100 years. Because of its isolation from human contact, the three-island complex has developed into a unique and significant wildlife sanctuary. When it was closed as a Federal prison, the U.S. Fish and Wildlife Service had the first rights to the property. It agreed to relinquish its claim in favor of the State of Washington provided the State agreed to use the island for prison purposes only and to maintain and protect the sanctuary. The State spends approximately $235,000 per year to protect the sanctuary.

The State of Washington is faced with severe and long-term overcrowding problems in its prisons. In addition to building other prisons, the State decided it needed McNeil as a permanent part of its adult corrections system.

In 1981 the State began using McNeil Island as a prison. Since then, the State has entered into right of entry agreements with the General Services Administration which have been renewed several times, so it can continue to use the prison while it has tried to acquire the facilities.

The State has spent approximately $3 million on capital improvements to the prison facilities, and must spend an additional $15 to $20 million to make the prison suitable for permanent use. In addition, the State has paid almost $1 million in rent for its use of the complex. Today the State pays approximately $350,000 per year in rent. The existing agreement expired Monday, October 31, however. And the GSA intends to triple this rent, to $1 million per year.

The State has been negotiating for 2 years, and is now trying to acquire McNeil Island as a public benefit discount conveyance. It is the administration's policy that property to be used as correctional facilities shall be conveyed to State and local governments free. The President's Property Review Board lists correctional facilities as its first exception to its general rule that Federal property shall be sold at fair market value. And the President, in response to the Attorney General's task force on violent crime, has promised to assist State and local governments in acquiring surplus property for prison use.

Despite this clear directive from the administration, the State has been unable so far to obtain title to McNeil Island. It has been negotiating for over 2 years to that end, and in the process has been spending millions of dollars in rent and capital improvements. The substantial rent increase brings this issue to the forefront and requires immediate resolution.

Therefore, Mr. President, I urge adoption of this amendment, which would relieve a crisis situation in my State, and would also meet the stated goals of the administration to donate Federal surplus facilities to State and local governments for corrections use.●

Mr. GORTON. Mr. President, the nature of this amendment is to require transfer of ownership of McNeil Island and two small islands adjacent to it to the State of Washington. McNeil Island, for many decades, was a Federal penitentiary, or rather a Federal penitentiary was the only development on the island which consists of approximately 8 square miles. The island is located in southern Puget Sound close to the city of Tacoma and was ideal for those purposes, because of its obvious high degree of security.

The overwhelming majority of the acreage of the island was left essentially in its natural state, though there were a few prison farms that developed on it during its administration by the United States.

Four or five years ago, the United States announced its intention to abandon the facility. After extensive negotiations between the State and the United States, in which my predecessor, Senator Magnuson, and the late Senator Jackson played a significant role, a temporary form of lease arrangement between the United States and the State of Washington was entered into. The State has since 1980 operated McNeil Island as a State correctional facility.

It has during that period of time invested about $3 million in capital improvements to the facility, which was absolutely necessary to the State because of prison overcrowding. It will be necessary for the State to devote another $15 million or $20 million in further capital improvements to the site to bring it to its full capacity and to its appropriate use.

At the time of those temporary leases, of course, under the law, the U.S. Fish and Wildlife Service had first call on most of the island because of its nature as a wildlife refuge. The State has entered into an agreement with the Fish and Wildlife Service, pursuant to which it manages the rest of the island as wildlife refuge.

Despite the fact that it is the policy of the President to transfer such facilities to States when they are going to be used for prison or correctional

facilities, we have not been able to end the negotiations in any kind of satisfactory fashion with the General Services Administration. On November 1, GSA threatened to increase State rentals to $1 million a year, far too great an amount for its use as a facility which will benefit the people of the State and of the United States.

As a consequence, the chairman of the Subcommittee on Defense Appropriations and the chairman of the Appropriations Committee agreed to this amendment, which will transfer title of the property of the State of Washington, so that it may continue to use it, first, as a correctional facility, and, second, for the great bulk of the acreage of the island, as a wildlife refuge.

Mr. METZENBAUM. Mr. President, deja vu. We are back to those days when we are on the floor proposing to give away Federal property to a State. In this instance, it is the State of Washington.

The last time we went to bat on an issue of this kind was the Alaskan railroad, and we wound up sending that to an appraisal and the appraisal has been made and that matter is still pending, but certainly we have made a major move forward in connection with that subject.

Here we are again proposing to give away Federal property to a State.

I do not quite understand how my good friend from Washington can make this proposal because I am not sure whether he is aware of the fact—I think it is a fact, or so I am told—that there has been a memorandum of understanding entered into between the GSA and the State of Washington setting a transfer price at $8.8 million. I might say that the $8.8 million is substantially less than the GSA appraisal of $14 million.

If there is that memorandum of understanding, which I am told is on its way to Washington at this very moment, then how can this body see fit to take action of this kind, action which I am sure my colleague from Washington would agree is on an inappropriate bill? Obviously, it is legislation on an appropriations bill.

I do not understand what it is about this McNeil Island. About 3 or 4 days ago they told me they wanted to put the McNeil Island amendment on the Treasury bill. Now they want to put the McNeil Island amendment on the Defense appropriations bill.

The penitentiary and the land has nothing at all to do with Treasury, except that it negatively impacts the Treasury to the extent of $8.8 million, if you use the agreement entered into between the State and the Federal Government, or $14 million if you use the GSA appraisal.

How can we come to the Senate with an appropriations bill for the military, and I do not know exactly how many billions of dollars is in it, and bring along with it a measure to give away $8.8 million of the Federal Government's money?

Some would say that is a nickel-and-dime item. But I want you to know that the people who are hungry in the cities of Cleveland, Youngstown, Toledo, and so many other cities in my State and around this country, could buy a heck of a lot of food with $8.8 million; $8.8 million is nothing if it is somebody else's money, but it is a lot of money if you do not have it, if you are hungry, if you do not have clothes, if you want to send your kids to school.

If the State wants to use this as a wildlife refuge, as my good friend from Washington says, then the Energy Committee ought to take a look at the proposal, there ought to be hearings, and we ought to decide whether to approve it or not to approve it.

But, no, come to Uncle Sam and get him to give you something for nothing.

Every day in the week I hear Senators talk about balancing the budget, I hear Senators talking about waste and fraud and abuse, I hear Senators talking about someone and who is getting food stamps and welfare for 12 kids and she only had 6. What a terrible thing. We are going to send her to jail.

But I do not know why that woman's actions are any worse than asking us in the U.S. Senate to give away $8.8 million of the taxpayers' money. There is not any logic under the Sun.

This property consists of 4,445 acres of land and considerable improvements. Even the State of Washington, I am told, estimates the value at $2 million to $5 million, and the prison is worth approximately $8 million. Why are we being asked to give this property away on a Friday morning on the Department of Defense appropriations bill?

Has it been offered to other Federal agencies as required by law? Have other applicable provisions of Federal law with respect to property transfer been complied with?

Of course not. There is a procedure that is taking place at the moment, and I do not know the details of the procedure, which provides, according to the advice I have, that the Federal Government is going to get $8.8 million for this property, and that there is actually signed and executed a memorandum of understanding.

I do not follow on this. I am aware of the fact that $8.8 million is peanuts around here. It is not even $88 million. It is not even $8 billion. But it is $8.8 million of the taxpayers' money and we are being asked to give it away.

No attempt has been made to show compliance, or even an attempt to comply, with the normal legal mechanisms for disposing of Federal property. There have been no hearings. Why not have a bill going through the normal committee process? No. Try to get it on the Treasury appropriations bill. If you fail on that, get it on the Department of Defense appropriations bill. I am surprised it did not come up on the supplemental appropriations or the continuing resolution. Try to get the Congress to do something people with good judgment would not ordinarily do.

I believe this legislation before us has no place before us. I do not know why we are meeting here on a Friday morning to talk about giving away $8.8 million of the Federal Government's money.

I want to repeat, there is a memorandum of understanding that the State is willing to pay for it. At least, that is what I have been advised by the staff. If that is the case, how can anybody suggest that it be given away?

I am not for that and I do not intend to permit this matter to pass without extensively debating it.

Some people would say, "Why do you want to hold up the Department of Defense appropriations bill, which involves"—how many billions of dollars?

Mr. HUDDLESTON. $251.7 billion.

Mr. METZENBAUM. "$251.7 billion?"

"Senator, how can you waste the Senate's time when all we are talking about is $8.8 million?"

Well, I think it is something and I intend to see that it does not pass.

I know I have the right to raise a point of order. I know what happens around here, that all those great conservatives will all vote to override. They will all vote to say it is germane. They will all put their heads in the sand and forget the realities. So we are not going to raise the point of order at this point. We are going to talk about this measure, because I think that the more attention we give this subject, the healthier it will be for the Senate and the healthier it will be for the country.

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

Mr. GORTON. Would the Senator withhold?

Mr. METZENBAUM. Yes.

The PRESIDING OFFICER (Mr. HECHT). The Senator from Washington.

Mr. GORTON. Mr. President, I am disappointed, to say the least, at the attitude expressed by my friend from the State of Ohio. For some reason or another he thinks that an $8.8 million item on a $251 billion appropriation is somehow or other particularly outrageous.

As a matter of fact, the Senator from Ohio is well known for his constant attempts, and often very successful attempts, to see to it that the Federal Government spends money on valid social and political purposes.

The Senator from Ohio does not find it offensive that the Federal Government builds highways in the State of Ohio or, for that matter, in the State of Washington, or creates capital improvements which improve the lives of the people of the United States, or spends money for a myriad of social programs having the same end.

In this case, we are involved in what under normal circumstances would be considered to be a completely routine transfer. The value of McNeil Island or of the former Federal penitentiary stems almost exclusively from its value if it is developed. The State of Washington does not intend to develop McNeil Island.

Of course, some 4,400 acres would be of great value if it were developed for condominiums or, for that matter, even for summer homes. It is not. Pursuant to an agreement between the State of Washington and the Fish and Wildlife Service, the State of Washington is actually going to save the Federal Government money by managing a wildlife refuge which might otherwise have simply been transferred, without consideration as an appropriation, I may say, from one Federal agency to another.

On April 5 of this year, a memorandum for the Administrator of the General Services Administration was sent out on the subject of transfers of surplus property for state correctional facilities from Edwin L. Harper at the White House. Mr. Harper states in the memorandum:

> I would appreciate it if you would alert your regional personnel to the new procedures and ask them to treat requests for surplus properties for correctional purposes as priority items. These transfers are an exception by the Board to the general policy of giving priority to the sale at fair market value of surplus property.

These are an exception to that policy. It is only because of the frustration which the State has had in dealing with the General Services Administration that this amendment comes up at all.

I simply have to repeat, Mr. President, this is totally different, whatever the merits of the case of the Senator from Ohio were with respect to the Alaska railroad, from that commercial venture. A railroad is a commercial venture. The State has charged shippers money for shipment on that railroad.

In this case, we are talking about a piece of property which is going to be used for two purposes, which are Federal purposes to precisely the same extent that they are State purposes——

Mr. METZENBAUM. Would my good friend yield for a question?

Mr. GORTON. Certainly, Mr. President.

Mr. METZENBAUM. Is the information that has been provided me correct that the State has entered into a memorandum of understanding between the GSA and the State setting the transfer price at $8.8 million?

Mr. GORTON. Mr. President, I say to the Senator from Ohio that there is no such memorandum signed or approved by the State at this point.

Mr. METZENBAUM. Let me tell the Senator that the source of my information is one of the Energy Committee staff members who has been in touch with the State of Washington this morning. They have indicated that that agreement will be forthcoming and is on its way.

Let me ask the Senator a second question. Is the Senator from Washington aware of the $14 million appraisal of this property by the GSA?

Mr. GORTON. The Senator from Washington is aware of that appraisal. But that appraisal is based on a value of the property for its highest and best use. I can assure the Senator from Ohio that the highest and best use of McNeil Island, under normal, formal real estate appraisal situations, is not as a wildlife refuge. It is exactly to that issue that I was speaking when I pointed out that the State has already agreed to keep the huge bulk of this island which is not occupied by the penitentiary facility as a wildlife refuge.

Yes, Mr. President, it is clear that if the island were to be developed for summer home purposes, for marinas and the like, the $14 million, in the view of this Senator, would be an appropriate value to attach to it.

The point is that that is not the case. What the State of Washington will do with that great bulk of the island is precisely what would have been done, without any money changing hands, I may say, had the Fish and Wildlife Service exercised its complete right to have a transfer from the Bureau of Provisions to the Fish and Wildlife Service for the purpose of keeping it as a wildlife sanctuary.

The State has stated that it will keep it as a wildlife sanctuary. In fact, of course, as against transferring it to the Fish and Wildlife Service, that will save the taxpayers of the United States money, because the administrative costs, the costs of keeping it as such, which are relatively modest but nonetheless real, will now be borne by the State of Washington rather than by the United States.

The other portion, of course, the physically used portion of the island, will, as I have already said, be used—is being used—as a State penitentiary at the present time. All of the money which the State can raise needs necessarily to go into physical improvements to that penitentiary facility.

This is a peculiar situation, Mr. President, unlike one which may take place, say, in the State of Ohio where, if the Federal Government were to abandon a Federal prison property, normally, of course, you would deal only with the area, say, within the walls of a prison in any kind of transfer. When the Federal Government built McNeil Island prison, it took ownership of the entire island for security purposes and kept most of it in a wild state. That is what the State of Washington wishes to do at the present time.

The island is not going to be used for commercial purposes. It has no commercial value. The taxpayers of the country make no gain by requiring that money be paid for it. That is precisely the reason that even an extremely conservative White House has said the transfers for prison purposes ought to be treated differently from transfers for some kind of commercial purpose.

Mr. METZENBAUM. Would the Senator from Washington be good enough to advise us as to why he has not followed the normal procedure of going through the authorizing committee, rather than tacking this on as an amendment to the DOD appropriations bill?

I have wondered why the Senator has not followed the usual procedures to go through the authorizing committee—the Energy Committee, I assume it would be—in order to deal with this matter, rather than try to attach it either as an amendment to the Treasury bill or now to the DOD appropriations bill?

Why are we being called upon to accept an amendment out of the Appropriations Committee on a totally extraneous matter to defense appropriations?

Mr. GORTON. The Senator raises a good and valid question. I think the best answer has to be that, obviously, there has been a long series of negotiations over the use of this island. As long ago as, I believe, 1980 or early 1981, after the Bureau of Prisons ceased using it, it was leased to the State. It is being used as a State penitentiary at the present time.

The State has always felt that it could reach an agreement pursuant to either an extremely modest price or a free transfer of the property. But the GSA, I suppose operating within its narrow parameters, simply stated that when the lease for a modest rental ran out on October 31, just a few days ago, it was going to triple the rent.

Mr. METZENBAUM. How much is that?

Mr. GORTON. From $350,000 to $1 million a year. It was that attitude, that expression, which triggered this response on Senator EVANS' and my part.

Mr. METZENBAUM. It would not take that long for a bill to be heard by

the Energy Committee. We are talking about $80,000 a month.

It is not enough, really, that it is going to affect the economic condition of the State of Washington. They are now paying about $30,000 a month, $25,000, or whatever. It seems to me that the Senator from Washington ought to recognize that this is really not the way to proceed and that he ought to introduce separate legislation. He has friends who chair the Energy Committee hearings. I am sure the matter could be brought to a hearing.

If not that, he could follow the procedures that are provided for under the law with respect to the disposal of surplus Government property. It also, as I understand the law, would require its being first offered to other Federal agencies.

Mr. GORTON. That took place in 1980, Mr. President.

Mr. METZENBAUM. Why are the normal procedures not being followed——

Mr. GORTON. The offer of the property to other Federal agencies was a process which obtained some 3 years ago, and the only other Federal agency which showed interest in the property was the Fish and Wildlife Service. When the State agreed to keep the island outside of the penitentiary grounds as a wildlife refuge, the U.S. Fish and Wildlife Service passed on its opportunity to take it over.

I say to the Senator that exactly the point which he is making, that this is a relatively small matter, is precisely the reason for its appropriate inclusion as an add-on to another bill. The Senator from Ohio does not take the position that these relatively small items are constantly the subject of separate bills and of separate hearings. The Senator from Ohio is a member of the Energy Committee and knows how hard it has worked on a natural gas bill, which is before the Senate right now, on wilderness bills, and the like. Because this is a proposed transfer from one public entity to another to be used for precisely the purposes that the United States utilized it before, it seems to me to be a totally appropriate method of dealing with the question and which has ample precedent in the history of the Senate.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, the distinguished Senator from Washington probably has a valid reason and maybe one that would be acceptable by the Members of the Senate, but there has been a lesson or two thrown around this Senate Chamber in the last few weeks and that is under rule XV, the jurisdictional question, and under rule XVI, the germaneness question. And if we want to skirt the normal procedure, if we want to get around the hearings that would bring to light recommendations, need, payment, loss of dollars to all of our taxpayers, something must be done. I am not in a position today to say that the proposal of the distinguished Senator from Washington is wrong, that it should not be done. But to come on the Senate floor and offer an amendment to the Defense appropriations bill—and his amendment has nothing to do with Defense appropriations—to give an island to his State seems to me to be another end run.

We are getting to the point, Mr. President, where end runs are attempted almost daily in this Chamber—end runs around the committee system, end runs around the hearing system, end runs to very quickly and quietly take care of a colleague.

Now, I object to that. I object to it in principle. I am not objecting to it on the basis of what the distinguished Senator is attempting to do because I do not know. This legislation should come through the committee upon which I sit as a member, and so today we find the end run. I hope the Senator from Washington would admit that. I think he said a moment ago, when he was asked precisely about an end run around the committee, that it was a good and valid question. Then he began to set out the reasons why it was a good amendment, yet we have not held a hearing.

I go back to the other day when we talked about the jurisdictional question under rule XV. I learned a real and valuable lesson early on when I came to the Senate. The distinguished senior Senator from Tennessee, who is now majority leader, told me that I may have a good amendment but I attempted to go around the committee system and the committee on which he was a member. Therefore, he would pledge to me that once the hearings were held and all these things came out before the committee, he may well support my position.

Well, I say to the distinguished Senator from Washington, if he will introduce a piece of legislation, let it go through the normal procedure, I may well support him. But I say to the distinguished Senator and to the Chair that I intend to see that we take some time on this amendment. I will be glad to join with the distinguished Senator from Ohio to see that we take some time on this amendment that does not deal in any way, directly or indirectly, with the Defense appropriations bill. So again I say to my distinguished friend from Washington I hope he would pull this amendment down and allow us to go through the normal procedure. I may full well support his request. I do not know. We have not had an opportunity to look at it. He knows about end runs on other committees on which we are members. You can have an end run if you have enough votes. But it is going to take us some time to get to the vote. I am hopeful that we could get back to the normal procedure as it relates to legislation introduced, present it to a committee, proper hearings being held, and bring that legislation to the floor. Then the committee could have its position and in all probability would support my distinguished friend. But I say to him again, I hope in his good judgment—and he has also related and apparently inferred that a moment ago—that what we are suggesting to him is the right way and he agrees that the question asked of him by the distinguished Senator from Ohio was valid in his mind. But then he begins to substantiate his amendment.

The committee is where he ought to do that. And then if it comes to the floor and there are any problems with it, we can have our discussion. But under the circumstances it is difficult for me.

I might say to my distinguished friend that I am contemplating a rules change and will submit that rules change, which I think I mentioned to the Senator the other day, to overrule the ruling of the Chair in certain areas—and I have to be very careful about it—it would take a super vote, not just a normal majority but it would take a super vote to overrule the ruling of the Chair. The Chair rules based on the rules of the Senate, and I want to see that the good work which is done by the Parliamentarian and his assistants and then the Chair leans on it, that we do not embarrass the Chair by voting on the issue rather than on rules, that Government should be of laws rather than of men, and that if we have laws, we ought to abide by them. So I hope the Senator would pull this amendment down and go through the normal procedure. I promise him I will help on the minority side to see that he gets a hearing. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. GORTON. Mr. President, I thank the Senator from Kentucky for his thoughtful remarks. He and I have discussed some of our concerns with the Rules of the Senate. I do not believe that we have discussed that one. I think that, in fact he has an intriguing suggestion: that appeals to the ruling of the Chair require some form of super majority. It may very well have a great deal of merit. I do point out, however, that that debate is irrelevant to the one on this committee amendment, not an amendment which I put up here on the floor, but a committee amendment, on two grounds. The first is there is no such super majority rule of the Senate. The second is no one has appealed the ruling of

the Chair because there has been no ruling of the Chair.

Mr. FORD. Would the Senator yield on that point?

Mr. GORTON. Yes.

Mr. FORD. The only point I was making is that this is an end run around the committee, and the jurisdictional question that came the other day was an end run around the committee. It was an amendment on an appropriations bill.

I was hoping that we might be able to go back a little bit, take a step backward, and go through the committee system, and probably it would be much easier to acquire and pass if we would follow that system, rather than try to make this amendment fit on an appropriations bill, on which it has no relevance.

Mr. GORTON. I thank the Senator from Kentucky.

I wish at this point to point out one misapprehension under which he and the Senator from Ohio are laboring, and one under which I was laboring.

The first of those is that the jurisdiction over such a proposal would not be in the Committee on Energy and Natural Resources, I am informed, but in the Committee on Governmental Affairs. I am informed by the manager of the bill, the distinguished Senator from Alaska, that it would be within the jurisdiction of the subcommittee which he chairs. It is he, of course, who placed this amendment on the bill in the Subcommittee on Defense of the Appropriations Committee.

So any concern about end runs around offended committees seems to me to be relatively minor in this case. It would not go to the committee of which the Senator from Ohio is a member.

Mr. FORD. Mr. President, will the Senator yield on that point?

Mr. GORTON. If I may at this point, since I have to correct a misstatement, I will go ahead and do that now and then yield.

The Senator from Ohio is correct that there was an initial memorandum of understanding in March of this year for the purchase of the island for $8.8 million. It was shortly after that was signed by a representative of the State and the local—that is to say, regional—Administrator of the General Services Administration, that the State discovered the memorandum from the Office of the President to GSA, which stated that it was the policy of the administration to make transfers of prison facilities for free.

The time since May, since that discovery, has been occupied by the State of Washington in the obvious attempt to see to it that that Federal policy was in fact carried out.

The Senator from Alaska again, in the course of the last couple of weeks, has spoken to the Administrator of the General Services Administration, who feels that what we are attempting to do here, through this amendment, is the appropriate way to solve this problem. So it is with his approval and because of some very clear legal questions as to the ability of the administration to carry out its policy, its sound policy, that we have this amendment here at the present time.

I yield to the Senator from Ohio, if he wishes.

Mr. METZENBAUM. Mr. President, I am very happy to respond.

I would like the man in the White House to understand that he does not make the laws of this country, and he cannot give away property. He does not have any more right than you or I to give away property. Whether he thinks you ought to give away penitentiaries or prisons or not, you cannot do it unless you come to Congress. Thank the Lord, we have a Congress that has some say about it.

That is the same President who a few weeks ago told the timber industry that they did not have to pay any interest for 5 years on contracts they had. He is the same President who goes on television and says, "I will not raise taxes."

The President ought to learn something. The reason you have to raise taxes, the reason you need more money, whether it is raising taxes or closing tax loopholes, is because he makes these decisions.

If you do not get the interest from the timber industry, you need that much more money. If you do not get the money in with respect to the value of the land you sell or give away, you need to get the money some other way.

We are a Government of law; we are not a Government of fiat.

Even here in Congress, with all due respect to the chairman of the subcommittee which would have jurisdiction of this matter, as the Senator from Washington suggests, that is not his decision to make. The chairmen do not make decisions. They just are the chair, to lead the committee and let the committee make the decision.

So it is not the subcommittee chairman. It is not the President of the United States. It is the laws of the land and it is the laws of this Congress and the rules of this Congress that we are talking about. Those rules provide that in a measure of this kind, it go to certain committees.

Why not? What is so terrible about introducing a bill and sending it to the appropriate committee? Then, if we want to vote for it or against it, we have the right to do so. But, oh, no, not on this. This is a committee amendment to a Department of Defense appropriations bill, and whether it supports the policy of the President of the United States or does not is not relevant.

As the Senator from Washington now readily agrees, there is an agreement to pay $8.8 million; and regardless of what the President says, that is a valid agreement, as I understand it. If you have a memorandum of agreement, is that not a valid agreement? I have not seen it.

Mr. GORTON. The Senator is in error on that. There is an initial memorandum of understanding, approved by a local administrator who, of course, could not make a final decision. It relates to certain maximum and minimum prices and the parameters of future negotiations. There is no valid contract in this case.

Mr. METZENBAUM. Mr. President, in order that I may read the memorandum of agreement, and in order that I may determine whether it is a fact, as I have already been advised, that the State of Washington already has in its budget funds for the purchase of this property, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, speaking on behalf of the manager of the bill, I ask that the committee amendment with which we are dealing at the present time be laid aside on the understanding that it will be brought up again on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. No objection.

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

Mr. METZENBAUM. Mr. President, the Senator from Ohio thinks that is a good procedure and would like to be assured he will be given adequate notice when it is brought up.

Mr. GORTON. The Senator from Ohio will certainly be given sufficient notice.

Mr. METZENBAUM. I thank the Senator from Washington.

AMENDMENT NO. 2498

(Purpose: To provide funds to assist needy spouses and other close members of the family of members of the Armed Forces who die as the result of service-incurred injuries to attend the funeral of such members)

Mr. METZENBAUM. Mr. President, I want to send an amendment to the desk. I notice the manager of the bill is not on the floor. I will send it to the desk but will not attempt to move to have it adopted until such time as the manager of the bill is on the floor.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2498.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 17, after line 19, insert the following:

SPECIAL FUNERAL TRAVEL ASSISTANCE

For the payment, under such regulations as the Secretary of Defense may prescribe, of travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than 200 miles from the residence of the surviving spouse, children, parents, or brothers and sisters, if such spouse, children, parents, or brothers and sisters, as the case may be, are financially unable to pay their own travel and transportation expenses to attend the funeral of such member, $100,000, to remain available until expended.

Mr. METZENBAUM. Mr. President, is the Senator from Washington managing the bill?

Mr. GORTON. The Senator from Washington is not managing the bill.

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

Mr. LEAHY. Will the Senator withhold for a moment?

Mr. METZENBAUM. Yes.

Mr. LEAHY. I suggested to somebody before when they asked if I was managing the bill, I said, "No; right at the moment the bill is on autopilot and I am simply sitting here until the managers do get back."

I would ask that I be added as a cosponsor with the distinguished Senator from Ohio on this amendment. I read it and I think it is an excellent amendment. But I would ask, whatever disposition is made, that I be added as a cosponsor.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Senator LEAHY be added as a cosponsor of the amendment.

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

Mr. METZENBAUM. Mr. President, until the managers do arrive on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. METZENBAUM. Mr. President, this probably is the smallest amount of money that has ever been attached to a Department of Defense appropriations bill, and yet the fact is it may be one of the most important amendments that we will be considering.

There recently came to may attention the following situation:

A father of a marine killed in Lebanon called our office. He told us that his son's widow did not have the money to travel from Camp Lejeune to a small town near Cincinnati where his son was to be buried, and he said he did not have the money to provide it for her. Our staff thereupon called the Marine liaison and was told that no help was available.

We were further told that there were no military flights to Cincinnati and that we are not allowed to compete with the private airlines in providing military transportation.

Fortunately, the person on my staff who received this response did not accept the response and decided that it was the kind of a matter that he would take further.

So he went higher up in the Marines and I am pleased to report that the situation was taken care of through a privately donated fund.

I am not quite certain where those funds come from, but I believe they are donated by other marines.

It really should not take the intervention of a Senate office nor should it require the donation from fellow marines to see to it that the widow of a marine who lost his life has the funds to be able to attend her husband's funeral.

Frankly, it is inconceivable that the Department of Defense does not have a fund to cover this kind of contingency.

My amendment would establish a very small amount. I hope we will not need a large amount and that there will not be the need to call upon the fund for this purpose. My amendment would provide a maximum of $100,000. The Secretary of the Department of Defense would be authorized to draw upon that fund to help needy families who must travel 200 miles or more to attend the funeral of members of the armed services who have lost their lives in line of duty.

My amendment is not intended to discourage voluntary efforts to help survivors. The intent is to provide a fallback and to insure that never again will a grieving family have to grieve about the problem of where do they get the funds to attend their beloved one's funeral.

I think it is difficult to understand that anyone can be opposed to this amendment. If the funds are not needed, they will not be expended. If they are needed, they will be expended only on the authorization of the Secretary of Defense.

I would hope that no other widow, mother, son, daughter, father, or mother would ever again have to call upon their Senator or Congressperson in order to get assistance under circumstances such as these.

Mr. STENNIS. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STENNIS. Mr. President, I am entirely in sympathy with the purpose of the Senator from Ohio, but those of us in charge of the bill only heard of this matter yesterday. Information about it came to me just a few minutes ago.

The Senator from Alaska is unavoidably detained from the Chamber at this time, but I expect him to return in a few minutes.

Mr. METZENBAUM. I have told those on the other side of the aisle that I had no intention of moving this amendment until the return of the Senator from Alaska.

Mr. STENNIS. Yes.

Here is the report we received. Our staff studied this matter yesterday when they first heard about it. I am told that they have information about this and that the Department of Defense has a general policy and standing rule, authorized in law, that for anyone in any of the services who is killed in action, when they notify the family or next of kin they then offer them or provide them with funds for their discretionary use. It does not have to be in connection with the funeral. but it is assumed that it will be used, at least part of it, in connection with the funeral.

I am not saying that this was done in this case, but I recite this to show that at least it ought to be investigated a little further so we can get at the facts, whatever they may be. Certainly I know we can all join hands in seeing that the law is complied with, if there is any law on it, that the right thing is done and that no one is left without the strong arm of the Government behind them with reference to the funeral or interment of the remains of any service person killed in action.

I appreciate the attitude of the Senator from Ohio. The Senator from Alaska will return to the Chamber just as soon as he can. Of course, he will make a judgment on this also and made a recommendation. I again thank the Senator.

Mr. METZENBAUM. Mr. President, I thank the Senator from Mississippi.

I am about to suggest the absence of a quorum. The Senator from Alaska has just walked in, so I shall not have to suggest the absence of a quorum.

Mr. STENNIS. Mr. President, if the Chair will indulge me just a minute.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I ask that the amendment of the Senator from Ohio be temporarily laid aside in order that the Senator from New Mexico may offer an amendment.

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

The Senator from New Mexico is recognized.

AMENDMENT NO. 2499

(Purpose: To increase funds for basic research)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN) proposes an amendment numbered 2499.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 36, line 23, strike out "$4,169,939,000" and insert in lieu thereof "$4,174,939,000".

On page 37, line 5, strike out "$7,487,544,000" and insert in lieu thereof "$7,491,544,000".

On page 37, line 17, strike out "$12,323,026,000" and insert in lieu thereof "$12,327,914,000".

On page 38, line 9, strike out "$2,736,728,000" and insert in lieu thereof "$2,740,328,000".

Mr. BINGAMAN. Mr. President, the effect of this amendment is to increase the Defense Department basic research budget to the level of $850 million requested by the President when he submitted his budget to us in January. The amendment would restore cuts made by the Appropriations Committee in the Defense research sciences budgets of the three services and of the Defense Advanced Research Projects Agency, DARPA.

Mr. President, earlier this year both the House and Senate Armed Services Committees supported the President's request for basic research funding as it was requested. Then similar action was taken by the House Appropriations Committee and full funding was included in the Defense appropriations bill which the House passed, H.R. 4185.

To be specific, this amendment would restore $5 million to the Army's basic research budget, $4 million to the Navy's basic research budget, $4,888,000 to the Air Force's basic research budget, and $3,600,000 to the basic research budget of DARPA, the Defense Advanced Research Projects Agency. The total involved in the amendment is $17,488,000. The amendment, it adopted, would allow a 4-percent real growth in the basic research accounts of the Pentagon.

This would compare to an overall increase in research and development of approximately 13 percent, which is being allowed in the bill in other parts. This is an area, Mr. President, that does not have much of a constituency. The money involved goes to basic research and primarily would go to universities which contract with the Defense Department to do this basic research.

In my opinion, the research that is done is crucially important both to our national security and to the economic competitive position of this country.

The article on the front page of the Washington Post this morning about the work DARPA is doing with regard to supercomputers and fifth generation computers is an example of the type of work that results from this type of funding.

I do not need to belabor the point that maintaining our technological edge depends heavily upon our funding of basic research in our defense laboratories and universities.

This additional funding that is called for in this amendment, I believe, is the least we can do and hope to keep this technological edge which we have today in many of these areas.

The Association of American Universities and the National Association of Land Grant Colleges and State Universities endorse the amendment. Although the amendment seems small in comparison to the enormous amounts we are talking about in the Defense budget, a relatively small amount, such as the $18 million called for in this amendment, can go a long way toward keeping us number one in some of these basic research areas in which we become involved.

Let me cite a few examples of the types of research that are funded by this type of activity.

Mr. President, we have a good deal of this money going into basic physics, mechanics, oceanography, chemistry. Computer sciences receive a very substantial amount of the funding that is designated as basic research funding. Clearly, mathematics and computer sciences are areas that this country needs in order to maintain its lead if it is going to be able to have a secure defense and if it is going to be able to compete with other countries that we have as trading partners today.

Mr. President, I think that is a reasonable explanation of the amendment what it does and the reasons for it.

I am glad to yield for any questions which the managers of the bill have with regard to the amendment.

Mr. STEVENS. Mr. President, I appreciate the statement that the Senator has made.

This is a relatively small amount, but we have deleted relatively small amounts from a bill that contains about 22,000 separate items.

As a net result of those relatively small amounts, we are here with a bill that would appropriate roughly $251.7 billion for the Department of Defense, as opposed to $260.9 billion when we all started considering defense at the beginning of this year. The President made some of those cuts, the authorization committee made some of them, and we have made some of them.

However, the item that the Senator from New Mexico mentions represents $17.5 million over a budget request of $850 million. It is a cut of less than 2 percent in this item.

I call the attention of the Senate to the fact that the statement the Senator has made is correct; but we felt that we wanted to reduce the rate of growth in this budget, because we project that next year the rate of growth will be roughly half of what we think we can survive with in this Congress.

Under those circumstances, we have to recognize what we are doing when we start off and get some of the universities dependent upon the higher level.

Believe me, next year we will have to cut even deeper in order to keep within what we project to be the amount of money available for the Department of Defense. We have not cut ongoing projects, ongoing basic research. We have not cut the important university instrumentation activity. There is major growth in the basic research program by virtue of the bill we have recommended.

I point out that in 1983, the Army had $182 million. The budget request for 1984 was $199 million. We have funded $194 million. In other words, we have allocated this cut among the services.

The Navy had a 1983 base of $282 million. The request was $300.8 million. We have appropriated $296.8 million.

The Air Force had a $155 million base; the request was $180.9 million; we recommended $176.9 million.

We have spread this. If you look at the individual services, it is not a large cut. As a matter of fact, it seems to us that with the rate of increase that pervades the whole bill, we had to reduce the trend line on this bill. This is one of the items.

If the Senator from New Mexico succeeds, I can say that there must be a hundred separate amendments that could come in on the same basis, and this bill would go far above the achievable level of real growth.

We have funded every basic weapons system that was requested, and we have done so on a basis of being slightly above $5.1 billion in excess of the House level.

I hope the Senate will allow us to go to conference in the way we have presented it on these items, where we have allocated a reduction that in our opinion has to be made in order to have a livable level so far as this bill is concerned.

Even with the reductions we have made, the Army research program has a 12 percent real growth since 1981. It is a substantial increase in basic research over the period of these years. We have made very small reductions. We have made a serious review of each line item. In this instance, it is 2 percent. The cuts are targeted against new projects, not ongoing research.

What we are saying is this: Do not expand this program any more, because it will not be able to be funded at a greater level in the outyears. We believe that we are going to have a difficult conference with the House, as it stands. The House, as I said, is $5.1 billion below our mark right now. I see no reason to have the Senate take away from us some of our flexibility in dealing with the House, and this is one of the areas in which we have to have flexibility. We do not want to apply these cuts against university research, and we would be willing to examine that issue in conference, for funding the university basic research.

The House, as I pointed out, has fully funded it; and it is one of the areas where we might well get the House to concede a point to us if we have something to concede to them. Everybody knows that this is part of the way to approach a conference, and that has to be my answer to the Senator from New Mexico.

I can say to the Senator that I would be willing to recommend in conference that we state that none of those cuts can be applied to university research, if that is the problem, so that we are dealing with no reduction with regard to the basic university research programs.

I appeal to the Senate: Let us take to conference this bill, on which we have worked so hard, and see how we will do with it. I predict that we will come back at least $1 billion less than we recommended. So why should we add back $17.5 million now? It is going to have a double impact, in other words, on other areas where we will have to yield if we start adding to this bill now.

If Senators look at page 151, they will see that the recommended research and development program represents an increase of more than $4 billion over the 1983 appropriation. I agree that it is not basic research, but the total real growth in the research and development program is up 13 percent in 1 year.

We have done that while we have lived within our outlay ceilings, and we are $2.5 billion below the authorization ceilings. So I do hope that the Senator will understand. We have not done this in terms of any antagonism against the basic research program. Rather we have tried to adjust that line as I said, and I sometimes wish I had a blackboard here to show the Senate really what I mean by those trend lines. Those trend lines, in terms of demand, are up and in terms of budget we anticipate what we are going to be able to achieve in terms of real growth is down. We cannot let those lines continue to go up as far as demand is concerned when the budget limitations are definitely on the trend line down.

I urge the Senator to understand our position.

I yield to my good friend from Mississippi.

Mr. STENNIS. Mr. President, I did not have this amendment called to my special attention during the markup of this bill. We have some ins and outs there that are necessary.

I commend the Senator from New Mexico, and I hope he follows up on his interest and his efforts to encourage this basic research and reaching out to let the services reach out into institutions that are in the business.

At the same time, there is a lot in what the Senator from Alaska says here. We are going to have to try to have a real conference on this bill, and there will be in conference the difference between the total amount here that he refers to and the amount that we have put in the bill. For my part, and I am expecting to be one of the conferees, I will certainly promise to give this further consideration at that time.

But I believe in keeping with this handling of the bill generally now it would be best to leave this the way the committee has it at that figure with the promise, and the Senator from Alaska has made the same promise, that it actually will be in conference and we will seek further facts and listen to the House side and see what can be done.

This is a basic sound purpose. The amendment can well apply, and I think though that should be my position.

Again I hope that the Senator will follow up his interest and attention to this kind of research.

I got into some of this myself in other fields when I first came here, and we are growing a few more and better pine trees than we were before that research was done many years ago, to give one illustration.

So I will support the committee's position on all the facts now, but I will reconsider it in the conference.

Mr. BINGAMAN. Mr. President, if I can just respond to the comments made, I appreciate very much the comments of both the manager of the bill and the senior Senator from Mississippi. I would make a distinction, though. I think it is a crucial distinction in the bill and in practice. That is the distinction between general research and development, which is being funded in this bill at a very substantial level and does involve an increase of nearly 13 percent overall for research and development. But I would distinguish between that and basic research which is done primarily through our universities, and I think the distinction is important. The basic research account that I am here talking about would be rising at a level of 4 percent, if this amendment were adopted, not the 13 percent. The 13 percent would apply to the general category of research and development.

I would say that the general category of research and development is much more oriented toward application, application to weapons systems, application which is of a short-term nature. What I am trying to do here is to put a little more balance in it and see to it that we put something in this budget, some reasonable amount in this budget, for the long-term research that we are going to be dependent upon 5 years, 10 years, 15 years from now for our continued leadership in many of these areas. I think that is crucial and I think that to too much of an extent we are, as they say, living "off the shelf" in the sense that we are not adequately funding the basic research component of this budget.

So all I am asking here is that the Senate agree in this bill to the same level of funding that the administration requested, that the Senate authorizing committee approved, that the House authorizing committee approved, and that the House Appropriations Committee approved, and the House in general approved in their defense appropriations bill.

I think to do less than the 4 percent would not be adequate to our purpose.

Perhaps instead of calling for the yeas and nays here, Mr. President, if I could have the assurance of the two managers of this bill that this item will be given positive consideration and that the need to accede to the House position will be adequately considered on this item in a conference, then I might be disposed to withdraw the amendment. I gather from the Senator from Alaska that he would be inclined to go with the higher figure if the conference indicated that was the course to go, and I would like some

further assurance from him in that regard if possible.

Mr. STEVENS. Mr. President, I would be happy to tell my friend I would give it very serious consideration. We have done our best to preserve the university initiatives in this research, and I would certainly like to have the higher figure but I do not want it at the expense of deleting a major weapons system if that is what the House wants. I think if the House will listen to us in terms of some of the systems that we have funded, we obviously funded them at a much higher level than the House because we are $5.1 billion over the House. If they listen to us on some of the things we want, we will be happy to increase this back as the House wants.

Does the Senator understand my negotiating position?

Mr. BINGAMAN. I do. I just do not know how much commitment we have to basic research going into the conference report.

Mr. STEVENS. We have a commitment to the funds that are in the bill, obviously. I will be more than willing to come back with a bill that is higher than the amount we take in the committee.

We have done that before. But I think we have to have some matters here that are in the position where we have some things to discuss with our colleagues from the House of Representatives. I know how much they want that item. I do not have anything against it. I just have other things I want, too, and I think the Senate wants to approve.

The Senate is going to have a chance here in a little while to increase a whole series of items that we have not funded that are in the House bill. If the Senate wants to do that and leave us without anything to talk about other than the things that we want in this bill, that the House has not funded, then it will be a different kind of conference, I can assure the Senator that. I have a commitment to this, and I will be happy to have it. I would not have any problem about increasing research. Obviously we have a great feeling for research. Research and development has a 13-percent real growth, more than 18½ percent above 1983.

I think that that should demonstrate the commitment we have to this total area. But it is not exactly in the same place as the House said they wanted it.

Mr. BINGAMAN. Mr. President, with that assurance, I will withdraw the amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

Mr. BINGAMAN. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2498, AS MODIFIED

Mr. METZENBAUM. Mr. President, have the yeas and nays been ordered on my amendment?

The PRESIDING OFFICER. They have not.

Mr. METZENBAUM. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment, as modified, is as follows:

At the appropriate place in the bill insert the following:

SEC. . Within funds available under Title I of this Act, but not to exceed $100,000, and under such regulations as the Secretary of Defense may prescribe, the Department of Defense shall, in addition to allowances currently available, make payments for travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than 200 miles from the residence of the surviving spouse, children, parents or brothers and sisters, if such spouse, children, parents, or brothers and sisters as the case may be are financially unable to pay their own travel and transportation expenses to attend the funeral of such member.

Mr. METZENBAUM. Mr. President, the amendment is to provide an additional $100,000 to pay for the costs of a spouse and members of the family attending the funeral of one of their beloved ones lost in military service. I have previously spoken to this subject and pointed out that my own office had been contacted by the father of a widow who was unable to get to the funeral of her husband. There were no funds available. We were able to prevail upon the Marines to provide the funds after going through liaison and then going up beyond the liaison officer. But that should not be the way it should have to work. This would make it possible for the Secretary of Defense to provide these funds without there being a hassle in order to get them.

I think every Member of the Senate would agree that we have an obligation to the families of those who have given their lives for our Nation to be able to attend the funeral of their beloved ones.

Mr. STEVENS. Mr. President, we have worked with the Senator from Ohio and redrafted this amendment with his cooperation. I do not understand the instance that came to his attention. I am not questioning the Senator's word; I just do not understand how it happened. Upon notification of the Department by a spouse, within 24 hours, the widow or widower, under existing law, is supposed to receive $3,000 for emergency expenses. That is paid out of military personnel appropriations.

In addition, the surviving spouse can also designate his or herself as the person to escort the deceased member of the military and the military will pay the travel expenses to and from the funeral. That is in addition to the $3,000.

Further, funeral expenses are provided for the military up to $950 if the deceased member of the military is buried in a national cemetery, $1,400 if he is buried in a private cemetery.

The distinguished Senator from Ohio and others have said that as a result of the catastrophe we just suffered, Members have been contacted about problems relating to members of the family of deceased military personnel. The Senator's amendment is important because it goes beyond existing law in that it establishes for the first time the requirement to pay the costs for the family, the immediate family, to attend that funeral, the funeral of a deceased military person. I support the amendment. I think the Senator should understand that it is a broad precedent.

We might have a vote on this, I might say, as soon as we can to inform Members of the Senate of the negotiations concerning a time agreement and the possible result of that time agreement.

Mr. METZENBAUM. Mr. President, I shall be very brief. The name of the young man who gave his life is Gunnery Sgt. Lloyd Dennis West, age 28, of New Richmond, Ohio; father, Charles West; wife, Kathy West. I shall not put the name of the Senate military liaison into the RECORD because I am certain that officer made every effort possible within the limits of the law to do what he could. He was unable to give assistance to our staff, but we finally did get help from Brigadier General Monahan, and Staff Sergeant Riley was helpful to us in connection with this matter.

I am glad we were able to resolve it. I think that, with this amendment, we shall see to it that these problems do not arise again in the future. I must say I hope there are not too many more instances, but I am afraid there will continue to be, because of the lives of our young men lost in battle, the problems of paying travel expenses to attend the funeral.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PRYOR. Mr. President, I wish to lend my support to the amendment of my colleague, Senator METZENBAUM, and to say that the purpose and thrust

of his amendment is directly in line with my point of view over the past several years.

During my tenure on the Senate Committee on Governmental Affairs, it was a constant and recurring theme that waste and cost overruns occurred throughout the Pentagon. I would not single out this agency as the only offender, but certainly the magnitude of its budget—plus the nature of its procurement practices—made contract abuse and mismanagement particularly easy.

Under this amendment, I believe that the American taxpayer will be more certain that his money is being well spent. I believe, furthermore, that contracts will be written so that performance is guaranteed on the highest level.

Mr. President, DCAA is the major auditing Agency within the Deppartment of Defense. It is the only Agency performing contract audits, and the only Agency that actually reviews costs submitted by contractors. DCAA auditors are involved, furthermore, in all stages of the contract. And because they are included in the early phases of any negotiation they can prevent unnecessary costs. I know from experience in our investigations in the Governmental Affairs Committee that the place to stop overruns and faulty purchasing is at the beginning—when the terms of the contract are being negotiated.

The Agency saved more than $6.9 billion in fiscal year 1981. This included $738 million saved in incurred costs that were questioned, another $250 million in reviews of operations for efficiency, and $47 million saved through defective pricing reviews.

By any account, this is a good return for the dollars spent. A total of 3,500 DCAA personnel cost $99 million in fiscal year 1981—but saved the Government $6.9 billion in that same year. What is more, this was when the DCAA was understaffed. I can well imagine the potential savings if we add the needed 400 more auditors.

The amendment is eminently reasonable, Mr. President. Compared to 1978 needs, we could actually put to work more than 7,500 auditors simply keeping pace with the huge increase in defense procurement. Instead, we have only 3,000 auditors. The addition of 400 will not do the job entirely—but it will be a step in the right and proper direction.

Further, Mr. President, I commend the sponsor of the amendment, Mr. METZENBAUM of Ohio.

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask that the appropriate cloakrooms notify Senators that there is going to be a discussion of a time agreement right after this vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Washington (Mr. EVANS), the Senator from Idaho (Mr. MCCLURE), the Senator from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. EVANS) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusettes (Mr. KENNEDY), would vote "yea."

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

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 333 Leg.]

YEAS—86

Abdnor	Goldwater	Murkowski
Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Baker	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Huddleston	Riegle
Byrd	Humphrey	Roth
Chafee	Jepsen	Rudman
Cohen	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Specter
Danforth	Lautenberg	Stafford
DeConcini	Laxalt	Stennis
Denton	Leahy	Stevens
Dixon	Levin	Symms
Dodd	Long	Thurmond
Dole	Lugar	Tower
Domenici	Mathias	Trible
Durenberger	Matsunaga	Tsongas
Eagleton	Mattingly	Wallop
East	Melcher	Warner
Exon	Metzenbaum	Wilson
Ford	Mitchell	Zorinsky
Garn	Moynihan	

NOT VOTING—14

Baucus	Glenn	McClure
Bentsen	Hart	Percy
Chiles	Hollings	Simpson
Cochran	Inouye	Weicker
Evans	Kennedy	

So Mr. METZENBAUM'S amendment (No. 2498), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, has there been a motion to reconsider and a tabling motion?

The PRESIDING OFFICER. That has been done.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment, what I would like to do is to explore the possibility of getting a unanimous-consent agreement to——

Mr. BYRD. May we have order in the Senate? This is going to be an important discussion. I hope that we will have order.

The PRESIDING OFFICER. The minority leader is correct.

Would the majority leader please suspend?

All Senators who do want to hear the upcoming request for a time consent please retire to the cloakroom or restrain from talking. All members of the staff please remain quiet.

The majority leader.

PROPOSED UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. All right.

Mr. President, what I want to do is to try to get a time certain for final passage of the Department of Defense appropriations bill, and I have discussed with those who appear to be principally involved in this measure, the proposal, I am about to put.

In essence, it would provide this, Mr. President: First, that only certain amendments would be in order and they are listed and they are based on the solicitation by both cloakrooms of Members who have amendments to be offered to this bill. There are a great number of them. My guess is, however, that all of them will not be offered and some of them may be contingent.

Then it is to provide, Mr. President, that final passage of this measure would occur on Tuesday and the proposal that I have suggested is that it occur on Tuesday at 2 p.m.

Mr. President, Senators will recall that in addition to this measure, I am also committed to bring up the Civil Rights Commission bill, which is on the calendar, the House-passed bill dealing with that measure.

The proposal I am about to put would provide that we would continue the debate on this bill today, that we would not be in tomorrow, that we would come in at 9:30 a.m. on Monday, and that at 10 a.m. on Monday, we would turn to the consideration of the civil rights bill and stay on that until 2 p.m. in the afternoon on Monday with the hope that we have then completed action on the civil rights bill, but in any event, at that time, we would return to the consideration of the De-

partment of Defense appropriation bill, continue on that bill Monday as long as necessary, including the possibility of a late evening on Monday, in order to take care of the several amendments which are listed and qualified under the request that I will put, that we would come in then on Tuesday morning at 9 a.m. and resume consideration of the Department of Defense appropriation bill at 9:30 a.m., and the final passage of that measure would come then at 2 p.m. in the afternoon.

There are two other amendments, Mr. President, that must be dealt with and they would be scheduled on Monday. One would be——

Mr. STEVENS. The Senator means Tuesday.

Mr. BAKER. I mean on Tuesday.

Mr. President, on Tuesday—all the amendments would be disposed of under this plan prior to Tuesday except two that would not be included in the order, but that would be the intention of the managers on Tuesday, we would have votes on the binary gas amendment and a Tower amendment and a second amendment which would be a Tower amendment to increase funding in certain respects in the bill, and that then at 2 p.m. on Tuesday final passage on this bill would occur.

That is a general outline, Mr. President, of the request, and I give you this summary in advance because, rather than try to put all of that together in a multipage unanimous-consent request, I thought I would describe it first and see if there were any Members who objected to the concept or had modifications they wished to suggest and then I will try to put together a unanimous-consent request in the next moment or so that I could put more formally to the Senate.

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

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

Mr. BAKER. I yield first to the Senator from Arkansas and then to the distinguished manager on this side.

Mr. BUMPERS. Let me thank the majority leader for the request. It is a very reasonable one. I am not inclined to object, but I do want to say that I am more in sympathy with the problems the majority leader has right now than I have in some time, because on the amendment dealing with the MX missile, I have been trying to accommodate everyone who is out of town and trying to made sure all of them will be here when that amendment comes up, and that is no easy chore. I have been trying to do that also in keeping with what I thought this unanimous-consent agreement was going to be.

I have six Senators who have specifically asked for time to speak on this amendment. The debate on the authorization bill was lengthy and it is certainly not my desire to unduly burden the Senate with another debate. I do think there may be some changes in the vote on that missile and it is present intention, of course, to try to get it up as quickly as possible after we finish the Civil Rights bill. I had intended to try to do it first thing Monday. But we go back on the bill at 2 p.m. Monday, and I would like to bring it up at that time.

I am willing to enter into a time agreement on that, but I would want the majority leader to know that there is some constraint since I have so many Senators who are wishing to speak on it. Does the majority leader have any thought about how much time we might get on that and how late he is considering going Monday night?

Mr. BAKER. Mr. President, I am prepared to stay as late as the Senate is willing to stay. I think we are going to have to stay late on Monday night in order to get this all done.

I understand that 2 hours——

Mr. STEVENS. If the majority leader will yield, I suggest 2 hours on the MX amendment. We have argued this issue time and time again.

Mr. BUMPERS. Would the Senator consider this: Since the votes are probably on his side, would he consider an unequal division of time so I can accommodate some of these people? Two hours I am afraid would not accommodate—if I gave each one 15 minutes, that is 1½ on our side. If you want to make it unequally divided or 3 hours equally divided, either way.

Mr. STEVENS. I would be more than willing to say the Senator has 80 minutes and we would have 40.

Mr. BUMPERS. I am willing to enter into such as agreement.

Mr. EXON. Will the Senator yield?

Mr. STEVENS. Mr. President, will the Senator yield to me for a suggestion? And I am happy and hope the Senator will include that.

Mr. BUMPERS. I yield.

Mr. STEVENS. It seems to me we should have a provision that says there can be no longer than 1 hour on any amendment unless the amendment is specifically described here today and requested to go beyond that time. One hour equally divided should be sufficient on any amendment.

Mr. BAKER. All right. I think that is a good suggestion.

Mr. President, does the distinguished manager on this side have anything else he wishes to add at this point?

Mr. STEVENS. I am informed that there are questions of points of order that might be raised here that I do not know how to take care of in terms of time under this agreement. I think they should be explored with the Senator from Texas. I just mention that to the distinguished leader.

Mr. STENNIS. Mr. President, will the Senator yield one question?

Mr. STEVENS. What time does the Senator have in mind for these two major amendments he referred to for Tuesday morning?

Mr. BAKER. Mr. President, I will propose that the Senate come in at 9 a.m. on Tuesday and resume consideration of this bill at 9:30 a.m., and the proposal I would make would provide for—is the Stevens amendment the binary gas amendment?

Mr. STEVENS. That is not my amendment. That is the potential Tower amendment, and the Senator indicated he would like to have time on that amendment if it is presented.

Mr. BAKER. All right.

Could I inquire of the manager of the bill on this side when the binary gas amendment was to be up? It is to be on Tuesday.

Mr. STEVENS. The first thing on Tuesday was the request of the Senator.

Mr. BAKER. The binary gas amendment would be up Tuesday at 9:30 a.m.

Mr. STENNIS. How much time?

Mr. BAKER. Two hours on it, which would run into 11:30 a.m. It would be unequally divided if we follow this formulation, 80 minutes for proponents of the amendment and 40 minutes for the opponents.

Mr. STEVENS. Yes.

Mr. STENNIS. How much time on the second one?

Mr. STEVENS. On the second one, which is the Tower amendment to add to the bill, he indicated he would like to have 2 hours. He would be glad to scale that down if necessary.

Mr. BAKER. All right.

Mr. President, there is no way we can do this. There is no way we can get this by 2 p.m. on Tuesday.

So right now what I think we better do is just decide we are going to extend that say to 4 p.m. or 5 p.m. on Tuesday in order to make it fit.

We are going to have 2 hours on binary, going to have 2 hours on—what is the other amendment?

Mr. STEVENS. Tower amendment.

Mr. BAKER. On what?

Mr. STEVENS. To increase the bill. There is a whole series.

Mr. QUAYLE. To add money back.

Mr. STENNIS. A composite.

Mr. BAKER. A composite amendment to add funding levels. If we have 2 hours on those two, there is no way we are going to get a final passage vote before 5 p.m. in my opinion.

Mr. BIDEN. Mr. President, if the leader will yield on that, would it might not make sense to continue straight through with this bill and have the Civil Rights Commission, on which I think we are close to a unanimous-consent agreement on time, come after the final vote on this by 2 p.m. but not interrupt Monday morn-

ing for that 4-hour period for the Civil Rights Commission? I do not care.

Mr. BAKER. The problem is what I call the "wet noodle problem," and that is I cannot make the Senate do anything it does not want to do. I am afraid people will not be here on Monday morning, to say my concern, in all fairness to the Senator from Delaware.

Mr. BIDEN. Is that why we are bringing the Civil Rights Commission then?

Mr BAKER. No. We are bringing it up because I hope we can plug something into that vacancy. I have six Senators who are interested in this bill who say they are not going to be here on Monday morning. I am faced with the prospect of one Senator asking me at 2:25 this afternoon if there will be no more votes today, and we are about to arrange that there are not going to be any votes tomorrow.

Mr. BIDEN. I yield the floor.

Mr. BAKER. Then there is going to be nobody here on Monday and before long I am up to my ears to Tuesday and I have not got this bill anywhere near final passage.

Mr. BIDEN. Let us go to the Civil Rights Commission.

Mr. BAKER. I am all for it.

Mr. STEVENS. Will the Senator yield?

Mr. BAKER. Yes.

Mr. STEVENS. May I suggest the Senator reverse the order and put the Tower amendment first on Tuesday, the binary amendment second, and we will say that the timeframe for final passage is not later than 4 p.m. on Tuesday. And to add to the Senator's problems, I might tell the Senator the only time that I know of that the President of the United States will be in my State during the period of my election is Tuesday.

Mr. BAKER. The last problem I had got defeated. Ever since then I have no justification for being out of town or trying to trade with anybody. So I am free at least. [Laughter.]

Mr. BYRD. That old song, "When I'm Free, I'm Free at Last."

Mr. BAKER. Mr. President, let me answer my friend from Delaware more seriously about the Civil Rights Commission. Let me just try to outline what we are up against between now and the 18th of November or the 21st or 22d or 23d, or whatever. It may be, and it pains me to say what I am about to say next, but I am going to say it. We have things we have to do. We have no choice but to pass the debt limit, the continuing resolution, the reconciliation bills, and the Civil Rights Commission, and I could go on because there are others. And I have said we are going to get out of here on the 18th, and that is going to be my best estimate. But certainly we are not going to leave unless we have done what we need to do.

Mr. STEVENS. Will the Senator yield?

Mr. BAKER. In a minute.

On next week, in addition to this bill, which we will not finish until Tuesday, we are going to have the continuing resolution over here on Wednesday from the House of Representatives. The continuing resolution expires on Thursday on midnight. I would love to pass that thing on a 1-hour time limitation, but I do not think the Senate will.

So I think, Mr. President, as we try to space in the continuing resolution, the reconciliation bill, and finally to do something on the debt limit, if we do not get on with the business at hand and try to fit them in when we have an opportunity, there is no way we are ever going to get out of here.

Mr. BIDEN. Mr. President, I was not suggesting we not bring it up, I was attempting to accommodate other Senators.

Mr. BAKER. Mr. President, I yield to the Senator from Alaska.

Mr. STEVENS. I am informed now that Senator TOWER will be willing to accept 90 minutes, equally divided, and have his amendment first on Tuesday, to be followed by the binary amendment, on which there would be a 2-hour limitation, equally divided.

Mr. BAKER. Mr. President, could I interrupt the Senator for a moment? I have 27 amendments listed and I see Senators popping up all over the place now with others.

But let me say that I do not believe I can craft an agreement on the floor at this time. Let me state once again what I urge the Senate to consider, and that is that we stay here and do whatever we can do today, perhaps tomorrow, and on Monday, and Tuesday to get this bill passed, and that we agree unofficially that we are going to target it for sometime Tuesday afternoon.

I will meet now with the minority leader, if he will agree to do that. We will try to put all of this on paper and see where we get on it.

But, Mr. President, let me tell Members that, although I have previously said that if we could get a time for final passage we would not be in tomorrow, I think we better reconsider that, because with 27 amendments that are listed, some people are not going to have the opportunity to proceed.

I will put off the Civil Rights Commission until I find a hole for it; maybe it will be Monday, maybe it will not be until late in the afternoon on Tuesday, or maybe it will not be until Wednesday. But we are going to do that. We are going to do the continuing resolution and the debt limit.

But it is clear to me that the most we could do right now is to ask this, which I will now ask informally. Are there Members here on this side of the aisle who would not be agreeable in principle to the idea of final passage at 5 o'clock on Monday with only specified amendments—I mean on Tuesday, I am sorry.

I think not.

Mr. BUMPERS. Monday or Tuesday?

Mr. BAKER. Tuesday.

Mr. SARBANES. Will the majority leader yield for a further complication?

Mr. BAKER. Yes, I yield.

Mr. SARBANES. The President is leaving the country on Tuesday morning. I assume the continuing resolution will require the President's signature. I do not know how that problem is going to be addressed, but I only raise it from the point of view of whether we should not be doing the continuing resolution on Monday.

Mr. STEVENS. The deadline, I might say to my friend, is on Congress to pass it. If it is signed by the following Monday—there is a holiday on Friday and Saturday and Sunday—if it is signed on Monday, he will be back, I understand, from that trip.

Mr. SARBANES. So, in terms of the workings of the Government, it is all right for him not to sign it until the following Monday?

Mr. STEVENS. That is correct.

Mr. BAKER. Mr. President, let me answer the Senator from Maryland this way: We cannot do the continuing resolution to make appropriations until we get it from the House. I am advised the House will have it over to us sometime Tuesday night or Wednesday morning.

In addition to that, Mr. President, it would be my full intention to call upon whatever resources we might require to see that an engrossed bill reaches the President by courier if he is not in the country. I would not wait for his return. I have the authority to do that and I would intend to do that.

Mr. SARBANES. As I understand it, it could await his return without creating a problem on the following Monday.

Mr. BAKER. Perhaps, Mr. President, but what I am saying to my friend is I have already made arrangement to have that bill "couriered" to the President at the time that it is finally passed by both Houses.

Mr. PRYOR. Will the leader yield?

Mr. BAKER. Yes.

Mr. PRYOR. As we were talking about the President's schedule on Tuesday, if we are talking about bringing up the chemical nerve gas issue on Tuesday, I am not as worried about the President's schedule as I am about the Vice President's schedule. Does anyone know where he might be?

Mr. BAKER. Mr. President, I would bet he is not here.

Mr. PRYOR. You think he might be where, Mr. Leader?

Mr. BAKER. I do not know. I better stop. [Laughter.]

Mr. FORD. Will the distinguished majority leader yield?

Mr. BAKER. Yes.

Mr. FORD. We have tried to set some time limits on several amendments. What about the other 24 amendments that you have? Would they just fit in when the time runs out and we would still have a vote on them?

Mr. STEVENS. Many of those are not even going to take an hour.

Mr. FORD. You get 27 hours if you just take 27 of them.

MR. BAKER. What I propose to do, and I will confer with the minority leader, if he would agree to do that, is to limit them on whatever basis we can, one by one, and then have an hour overall limitation for all of the others. It is entirely possible, as the Senator from Kentucky pointed out, that we could get to final passage and have no time left for debate, in which case they will be voted on without debate. That is exactly what I had in mind when I said that we had better stop and reconsider this idea of not coming in tomorrow because we may have to do so. There is no way we could do it without being in on Saturday and devoting all of Monday, as well as Tuesday, to the completion of this bill.

So let me say this, Mr. President.

First, I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I believe the Senator has this matter worked out, except one point I want to stress.

If we are left here on Saturday without the two elected floor leaders, we will make very little progress.

Mr. BAKER. You will have this one here.

Mr. STENNIS. I know, you will be here and I will be here. I do not have any other plans. But when you are reconsidering that Saturday session, I hope you can arrange to omit it, if possible, because I am afraid it will bring very few results. Today is one of the proofs of it.

Mr. BAKER. Mr. President, I agree with the Senator. Saturday is always a tough day to try to get votes done and work accomplished, although last Saturday I must say, if my memory serves me, we had 90-plus Senators here and voting. That was very good indeed.

I do not think, in fairness, I can now announce there will not be a Saturday session, as I had hoped. There are so many amendments we may be stuck. Let me confer with the managers and the minority leader and I will have a further announcement to make in a moment. I hope the managers will get on with the bill and try to get another amendment up and voted on this afternoon.

Mr. STEVENS. Mr. President, the Senator from Iowa has an amendment on which we are prepared to proceed.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. DURENBERGER). The minority leader is recognized.

Mr. BYRD. I will only take a moment.

Mr. STEVENS. May we have order, Mr. President? I apologize to the minority leader. I did not see him rise to speak.

The PRESIDING OFFICER. May we have order?

Mr. BYRD. Mr. President, I want to add to the problems of the majority leader. I do it reluctantly, but I have three amendments which I may or may not call up, No. 1.

No. 2, there are elections, I believe, in Mississippi, Kentucky, New Jersey, and New York.

I will be happy to sit down with the majority leader and talk about the agreement. I would say, however, that I believe the hour for a final vote on this bill would probably be more agreeable on this side if it were 6 o'clock.

Mr. BAKER. Mr. President, the only reason for trying to finish this at all is to try to keep the Department of Defense appropriations bill out of the CR. In order to do that, we are going to have to do that before Wednesday during the day, because we still have to go to conference with the House, act on the conference report, and get it to the President for his signature. So I would urge Senators to consider there is a very important deadline involved, if, in fact, we are going to keep this out of the CR.

Mr. President, it could be that we are going to have to just lay aside Defense sometime Tuesday or Wednesday, if we are still on it and do not get this agreement, and go to the CR. But I urge Senators to consider that is the worst possible alternative we could pursue. With that, Mr. President, I thank the minority leader, and I will now try to engage in some useful conversations with the managers in collaboration with the minority leader. I will have a specific request to make in a few moments.

AMENDMENT NO. 2500

(Purpose: To remove barriers for commercial small businesses to sell commercial products to the Department of Defense)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. Jepsen) proposes an amendment numbered 2500.

On Page 78, strike out lines 8 through 18.

Mr. JEPSEN. Mr. President, one of the most discussed issues in the last year has been waste in Government spending, especially in defense spending. We hear horror story upon horror story about staggering prices paid for spare parts and other items available for a very small fraction of the cost on the commercial market.

There is general agreement that a key element for combating this waste is competition. It is a commonplace that competition invariably forces down the costs of goods and services as well as stimulation of productivity improvements.

One of the areas where competition can be implemented most rapidly is in the area of commercially available products. Why should we develop military specifications for bottles of catsup, T-shirts, and medications? Yet, that is precisely what was required until the implementation of the Defense Logistics Agency's acquisition and development of commercial products program, ADCoP.

This program arose out of the 1972 Federal Commission on Procurement recommendation that Federal agencies make greater use of commercial products. This recommendation languished until 1976, when the Office of Federal Procurement Policy finally issued policy guidance with the intent of making greater use of commercially available products from small businesses.

The implementation of this policy did not begin in the Department of Defense until 1979, as it was very difficult to buy commercial products without the redtape of military specifications. But since the ADCoP program was implemented millions have been saved, including in fiscal 1982 over $7.4 million in clothing purchases and $20 million in shared medical purchases for the Department of Defense and the Veterans' Administration. By all means this is a program that needs to be continued.

Section 779 in the Department of Defense Appropriations Act will continue what has been an effective freeze on this program since last year. A freeze benefits those contractors who deal exclusively with the military and supply products under complicated military specifications, even though similar products are available from commercial sources.

As I said before, why should we develop military specifications for bottles of catsup, T-shirts, and medications?

These Government specification suppliers are not, however, barred from bidding against commercial suppliers under the ADCoP program.

In other words, the amendment I am recommending does not take anything away from anybody. It merely brings in the competition, in Government procurement which has structured the private sector in this country ever

since the day we signed the Declaration of Independence.

The restrictions in this bill go against the grain of everything that has been recommended to cut the cost of our national defense. We have to stop talking about the problem, issuing press releases about the individual horror stories and start taking some positive action. The section and its restrictions must be moved in order to: Increase competition in procurement of consumables for the Department of Defense; remove the barriers that prevent competent commercial small businesses from competing for Government contracts, and cut down on the lead times and inventory costs that result from the reliance on milspec suppliers.

I ask that my amendment be accepted.

Mr. RUDMAN. Mr. President, the principal architect of the language within the Senate bill is the junior Senator from Georgia (Mr. MATTINGLY).

Mr. JEPSEN. A point of order, Mr. President. I think something was done. My amendment was just accepted. I do not think that is really what I intended to request. My last statement was merely that I asked that my amendment be accepted by the managers of the bill.

The PRESIDING OFFICER. It is the understanding of the Chair that the only request that was agreed to was to insert additional matter into the RECORD.

The Chair apologizes for the interpretation.

Mr. RUDMAN. That was my understanding, Mr. President.

Mr. JEPSEN. Mine, as well, Mr. President.

Mr. RUDMAN. I know the Senator knows precisely what he said. That was not what I understood. I am sure that unanimous-consent request, if it is agreeable, can be vitiated.

Mr. JEPSEN. That is why I brought this matter up.

Mr. RUDMAN. I appreciate the Senator's courtesy.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I oppose the effort being made by my distinguished colleague from Iowa to delete the provision from the bill. The language that is now in the bill and which is proposed to be deleted is a modest effort to insure that the Department of Defense does not eliminate contract manufacturers from competing for DOD procurement contracts.

Several months ago, DOD circulated proposed regulations that would have had the effect of eliminating contract manufacturers from such competition. Contract manufacturers are those who manufacture and sell on a contract basis to various customers, including the Federal Government, but who do not maintain sales to the public.

Although I agree with those who believe that the Department of Defense should acquire as many of its products as possible in the commercial marketplace, I do not believe that such an initiative should come at the expense of the more than 100 contract companies and their thousands of employees.

The language contained in the bill merely prohibits the implementation of any regulation that would have the effect of eliminating the contract manufacturers from competing for the DOD procurement dollar. If the announced intention behind the move to acquire commercial products rather than rely on cumbersome specifications is to increase competition, how can the unilateral elimination of so many of the prospective competitors be justified?

In its assessment of the DOD proposal, the Small Business Administration noted:

> * * * We question whether there is sufficient basis for adopting a regulatory preference for commercial procurement applications. * * * the implementation of the * * * preference may adversely affect supply compatibility, parts interchangeability, systems maintenance and operation * * *

The SBA further noted that:

> Small producers, notwithstanding their historical Government supply status, could be disqualified from continuing acquisition consideration because, traditionally, many small concerns do not maintain commercial distribution systems.

Mr. President, that last point, to me, is key. Why should the Government, through regulatory and unilateral fiat, be allowed to toss aside those small business contract manufacturers who have a history of providing quality products at fair prices to the Federal Government?

The General Services Administration has made it plain that it will continue to include such contract manfacturers as well as commercial firms in its bid solicitations. Why cannot DOD follow their lead?

The provision that was contained in the draft DOD regulations and that would have allowed contract manufacturers to continue to bid based on existing specifications would continue only as long as those specifications were not changed or modified in the slightest. The provision clearly would have provided only the most modest sort of transitional assistance.

I believe that the move of DOD into the marketplace should not come at the expense of those who have a history of successful market competition.

Congress acted properly during consideration of the fiscal year 1983 supplemental appropriation bill when it approved a provision identical to that which is proposed to be stricken.

A recent Federal supply statement (FSS) issued by the General Services Administration is clear in its intent to allow commercial and contract manufacturers acccess to the competitive bidding process.

The same policy is reflected in the proposed Federal acquisition regulation (FAR) that is pending final publication.

The same policy has been incorporated into the proposed uniform Federal procurement system that has been submitted to Congress by the Office of Federal Procurement Policy.

Why should we allow DOD to pursue an acquisition policy that is at variance with that being recommended by the Federal agencies that have the primary responsibility for establishing procurement policy.

Mr. President, as I have said, I support the efforts to increase DOD activity in the marketplace. I do not disagree with the concept. But let us not do it at the expense of some of the market competitors!

Let us send DOD back to the regulatory drawing board to craft regulations that allow true, open competition.

I urge my colleagues to sustain the committee recommendation.

Mr. COCHRAN. Mr. President, I rise in opposition to the amendment. I first want to commend the Senator from Georgia (Mr. MATTINGLY), who brought to the attention of the Senate earlier this year this proposed regulation that the Department of Defense was about to implement. It was through his leadership that the language was included in legislation which created an exemption from this proposed regulation for small businesses. In my State, it has been brought to my attention that there is a company that would go completely out of business if this amendment is agreed to and this regulation proceeds toward implementation without any exception for small businesses.

I do not know whether the Members understand exactly what the amendment seeks to do, but it eliminates from eligibility for bidding any company that cannot prove to the staff of the Department of Defense that its products are accepted in the commercial market. That is a very heinous and onerous burden to be imposed upon a small business that may not have a nationwide sales force, may not have diversity of product, may just simply not be able to sustain that very onerous burden of proof. It basically says there are hundreds of small businesses throughout America that are not going to be eligible for bidding on Government contracts.

I do not think we ought to permit such an amendment to be attached to this bill, Mr. President. I hope Senators will vote against the amendment.

Mr. STENNIS. Mr. President, over a period of years, I have been in contact

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with certain small, very small businesses that supply these products—not just needed products but necessary products—to our armed services. We do not have a great number of them in Mississippi, just a few. But I have come in contact with these companies through many, many States by virtue of membership on the Armed Services Committee.

It is very difficult to legislate on this subject, but those little factories are of great value in supplying to the military the products that they need, even though those products are not used nor purchased by private concerns or private business. In other words, the military is virtually the only customer that they have. With this provision that is proposed in this amendment, it will throw them out in the rain, you might say, without any real chance to compete successfully for this business that is almost exclusively for the Government and for the military. It is necessary and essential.

This is not trying to legislate for any advantage that these people get. Just do not blow the daylight out of things for them or blow out the lamp by which they find their way.

As my colleague says, the question here is one of eligibility for a contract. They have to win it on a fair price, a reasonable price, quality production, and everything else. But this amendment would rule them out of eligibility to compete for a chance to do business.

Mr. President, I know we would run into serious trouble in many, many States of the Union if we enact this legislation. I have great respect and admiration for the author of the amendment, but this will do harm. I have seen it come for years and years with virtually the same kind of trouble. I hope, therefore, that the amendment will not be approved but will be defeated.

Mr. JEPSEN. Mr. President, in answer to some of the charges that have been made in statements here—all made, I am sure, in good faith—they are not accurate. There is no way that my amendment restricts competition by discriminating against sources that do not sell commercially. That is the statement that has been made.

These procedures, the ADCoP procedures, permit Government-only suppliers; that is, companies that do not have an established commercial market—and that is what we are talking about—to continue to compete for DOD contracts. Nothing in the new DOD regulations says they cannot.

I would like to go into the real business world and get a contract that guaranteed for the rest of my life that I could do business because I have followed the specs, so no one else can do business. That is beautiful. They have a name for those kinds of businesses. Under the new regulations, however, all the specification contractors are grandfathered in. They are not going to be allowed to compete on the basis of MILSPECS forever. They are going to have to be able to compete on a commercial basis after a certain number of years. But they can compete now.

You say, "How can this be done?" Government-only suppliers—those are the ones we call MILSPEC—will be required to meet current specifications to satisfy military requirements.

Commercial suppliers will use a commercial item description, known as the CID.

Both the specifications and the CID's will describe the same product with the same features to assure that all competitors are competing on a similar basis.

And then there is the question that you ask regarding the creation of a dual procurement procedure. Of course, the answer to that is that dual procedures in some instances are necessary to be fair and equitable to Government-only suppliers. In this instance we provide a sense of fairness to those companies who have had it made all these years. To those who have not had any competition because they have a guaranteed contract based on the specifications, we allow these companies to continue bidding. We do not throw them out in the rain. That is why these dual procedures are necessary. These companies previously supplied the Department of Defense and others with acceptable products. They were working fine for the years until ADCoP was instituted a few years ago. They should be given a fair chance to continue to compete.

So for all these contractors, there will be no more paperwork than they presently see. For commercial suppliers, however, there will be less.

I can summarize my statement and I would be ready to vote. It is a lot easier for a Government supply only company to get into the commercial business than 99 percent of all the other small businesses in the United States, with all the redtape and all the specs, to try to get the Government business. So let us take these great numbers of small businesses across the country and give them a fair shake.

I am ready to vote.

Mr. BUMPERS. Did the Senator ask for the yeas and nays.

Mr. JEPSEN. No.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. I will be very brief. The Small Business Administration has called this so-called small business protection language—well, I will not say, but they certainly did not think much of it. The committee does not think much of it. We think that the objectives are laudable, but, unfortunately, we think they will simply move a great many people who have been doing a pretty good job out of business with the Armed Forces.

Mr. JEPSEN. Will the Senator yield?

Mr. RUDMAN. I will be glad to.

Mr. JEPSEN. I am confused. I understood that the manager of the bill accepted this yesterday and as late as 15 minutes ago before the Senator took over.

I would also add that the Small Business Administration is on taxpayer money. They are not out there paying the bills and overhead, and so on.

I have contacted the National Federation of Independent Businessmen, which represents hundreds of thousands of small business around this country. They have indicated support for my amendment.

Mr. STENNIS. If the Senator will yield, it was never cleared on this side yesterday. I am sure of that because we were here on the job watching it.

Mr. RUDMAN. Mr. President, let me simply say to my distinguished friend that I am occupying this chair, managing this bill at this time——

Mr. JEPSEN. To correct the record, my staff member does now tell me that it had not been cleared on both sides. There was not official acceptance, the distinguished Senator is correct.

Mr. RUDMAN. Well, to be perfectly frank about it, as I was just about to say, I am managing this for the manager not because of my ability this afternoon but because of my availability. But I did happen to check out what the status was.

A rather senior member of the Appropriations Committee, as a matter of fact, said no to this and would not accept it. It was not cleared with him on this side either. So we are ready to vote, and we can voice vote if the Senator would like to do that.

Mr. JEPSEN. Mr. President, I do not think I would win.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. DECONCINI (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Vermont (Mr. LEAHY). If he were present and voting, he would vote "Yea." If I were at liberty to vote, I would vote "Nay." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Washington (Mr. EVANS), the Senator

from Illinois (Mr. PERCY), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

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

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

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

The result was announced—yeas 22, nays 62, as follows:

[Rollcall Vote No. 334 Leg.]

YEAS—22

Armstrong	Helms	Pressler
Dole	Humphrey	Stafford
East	Jepsen	Symms
Garn	Kassebaum	Tower
Grassley	Kasten	Trible
Hatch	Laxalt	Warner
Hecht	Melcher	
Heinz	Packwood	

NAYS—62

Andrews	Exon	Nickles
Baker	Ford	Nunn
Biden	Goldwater	Pell
Bingaman	Gorton	Proxmire
Boren	Hatfield	Pryor
Bradley	Hawkins	Quayle
Bumpers	Heflin	Randolph
Burdick	Huddleston	Riegle
Byrd	Johnston	Roth
Chafee	Lautenberg	Rudman
Cochran	Levin	Sarbanes
Cohen	Long	Sasser
Cranston	Lugar	Specter
D'Amato	Mathias	Stennis
Danforth	Matsunaga	Stevens
Denton	Mattingly	Thurmond
Dixon	McClure	Tsongas
Dodd	Metzenbaum	Wallop
Domenici	Mitchell	Wilson
Durenberger	Moynihan	Zorinsky
Eagleton	Murkowski	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

DeConcini, against.

NOT VOTING—15

Abdnor	Evans	Kennedy
Baucus	Glenn	Leahy
Bentsen	Hart	Percy
Boschwitz	Hollings	Simpson
Chiles	Inouye	Weicker

So Mr. JEPSEN's amendment (No. 2500) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. RUDMAN. Mr. President, I believe that there are some Senators now on the floor who are ready to offer amendments. The committee intends to continue to try to hear those amendments and dispose of as many as we can this afternoon, unless the leader should announce something else in the meantime.

AMENDMENT NO. 2501

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and Mr. SYMMS, proposes an amendment numbered 2501.

Mr. HELMS. Mr. President I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

"SEC. . (a) The Senate finds—

(1) that the Committee on Armed Services of the Senate has determined that the SALT II Treaty is unequal, unbalanced, destabilizing, and not in the national security interest of the United States;

(2) that the United States (a) has deactivated 292 Inter-Continental Ballistic Missiles, Submarine-Launched Ballistic Missiles, and B-52 bomber aircraft, all of which are counted in the SALT II Data Exchange, (b) has cancelled deployment of stockpiled Minuteman III Inter-Continental Ballistic Missiles with Multiple-Independently targetable Re-entry Vehicles, (c) has modified B-52 bomber aircraft equipped to carry Air-Launched Cruise Missiles with "strakelets", and (d) has reduced the potential payload and throw-weight of the MX Inter-Continental Ballistic Missile;

(3) that the Department of Defense memorandum issued on March 24, 1980 entitled "United States Programmatic Actions Relative to the SALT II Treaty", which is still in effect, directed the US military services to take no programmatic actions which were inconsistent with the provisions of the unratified SALT II Treaty;

(4) that by prolonged inaction on the SALT II Treaty by the Senate and the initiation of Strategic Arms Reduction Talks, the United States Government has given constructive notice to the Soviet Union that it does not intend to ratify such treaty.

(b)(1) It is the sense of the Senate that no national defense program involving the national security of the United States shall be terminated, impeded, delayed, or affected in any way in order to comply with the terms of the SALT II Treaty unless and until the Senate has given its advice and consent for the President to ratify the Treaty in accordance with the treaty-making provision of the Constitution of the United States.

(2) It is furthermore the sense of the Senate that the United States compliance with the SALT II Treaty should cease until and unless the President certifies to the Senate in writing that the Soviet Union has been in full compliance with all the provisions of the SALT II Treaty, the SALT I Anti-Ballistic Missile Treaty, the 1962 Kennedy-Khrushchev Agreement, the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

Mr. HELMS. Mr. President, I am willing to enter into a time agreement on this amendment if the leadership or the managers of the bill are interested, but they may want to think about it.

Mr. STENNIS. Will the Senator state what his amendment does?

Mr. HELMS. I certainly will. I just want to say up front that I am willing to enter into a time agreement if it is the wish of the managers of the bill after they discuss it.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from North Carolina has the floor.

Mr. STEVENS. Will the Senator yield just a moment?

Mr. HELMS. Yes.

Mr. STEVENS. I apologize for interrupting him, but there are Senators who want to know if we are going to have a vote on this matter. It is our intention to oppose the Senator's amendment. Could he give us an idea of what timeframe he would like to have in terms of the consideration of the amendment?

Mr. HELMS. Twenty minutes equally divided, or 30 minutes equally divided.

Mr. SYMMS. I would like 5 minutes.

Mr. STEVENS. Thirty minutes, equally divided?

Mr. HELMS. Make it 40 minutes, equally divided.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a 40-minute time limit on the Senator's amendment, equally divided, and I ask for the yeas and nays.

Mr. BYRD. Mr. President, I object to the time limitation.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. For the moment, at least.

Mr. HELMS. Mr. President, I am not clear as to whether or not the yeas and nays were obtained on the amendment.

The PRESIDING OFFICER. They were not.

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

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

The yeas and nays were ordered.

Mr. HELMS. Mr. President, this amendment would end the unilateral compliance on the part of the United States with the unratified 1979 SALT II Treaty. Now, here is the situation in which we find ourselves, Mr. President:

For the past 4 years, under two administrations, U.S. policy had been to treat the restraints of SALT II as binding on the U.S. strategic posture based upon the presumption that the Soviets would show equal restraint. Mr. President, while the United States has adhered to the constraints, the Soviets have not.

So, in effect, this policy has meant precise U.S. compliance with all of the provisions of the unratified treaty—a de facto ratification of SALT II, without the advice and consent of the Senate. In 1979, SALT II was offered as a "freeze" of strategic posture. We should consider what has happened under this arrangement before we go on with consideration of one "freeze" proposal after another that we hear about in this Senate and elsewhere.

Now, there are three kinds of arguments against the unratified SALT II Treaty: The constitutional argument; the strategic argument; and the compliance argument; namely, the fact of Soviet SALT II violations. The Senate has already expressed its view on each of my three arguments against the SALT II Treaty: The first, as I say, being the constitutional argument; the second being the strategic argument; and the third being the matter of noncompliance by the Soviet Union.

The constitutional argument is very simple. U.S. compliance with an unratified arms control treaty is unconstitutional and even illegal. The Senate's own corporate prerogatives and powers have too long been ignored. The only way the United States can legally comply with an arms control treaty is with the advice and consent of the Senate. Indeed, on December 3, 1981, the Senate tabled by a vote of 49 to 45 an amendment which would have endorsed the U.S. policy of complying with the unratified SALT II Treaty. Thus the United States continues to comply with SALT against the already expressed will of the Senate. My amendment would merely state the will of the Senate positively and properly.

In the process, we would rid ourselves of the anomaly that now exists.

Second, the Senate Armed Services Committee has already reported that the fatally flawed SALT II Treaty is unequal, unblanced, destabilizing, and "not in the national security interest of the United States." Thus even if the Soviets were not violating SALT II and the Senate's prerogatives were not being ignored, there would be fully sufficient reason to vote against the unequal SALT II Treaty locking the United States into permanent inferiority.

Third, the Soviets themselves have not been in compliance with the SALT II restraints. Not only have the Soviets not deactivated some of their forces as required by SALT II, but they have significantly expanded their forces since 1979. There is also strong evidence that the Soviet Union is violating the SALT II Treaty, which they have an international legal obligation to comply with pending ratification on both sides or absence of formal notice of one side not to ratify. There is also strong evidence that the Soviets are violating the SALT I Anti-Ballistic Missile Treaty. President Reagan himself has expressed his "serious concerns" at the United Nations about Soviet encoding of missile testing telemetry signals, Soviet testing of a prohibited second new type ICBM, and Soviet construction of prohibited ABM battle-management radars. There are other clear indications that the Soviets have already "broken out" of all arms control treaties and "peaceful coexistence" relations with the West. Indeed, the Senate has already voted on a rollcall 93 to 0 to require the President to report urgently to the Senate in public about Soviet SALT violations.

What does all of this mean?

One-sided U.S. compliance with the already unequal SALT II Treaty will damage U.S. national security even further, because it means that the United States is disarming while the Soviets are illegally arming. Thus the Soviets have all the benefits of U.S. compliance with the unratified SALT II Treaty, while they themselves are violating its fundamental provisions with impunity.

Ronald Reagan in 1980 made the following statements:

> SALT II is illegal, because the law of the land, passed by Congress, says we cannot accept a treaty in which we are not equal. (October 30, 1980)
>
> I believe the SALT II Treaty should be withdrawn, and I especially believe that the U.S. should not abide by its terms prior to ratification. To abide by the terms of (SALT II) would violate Article 33 of the Arms Control and Disarmament Act of 1961 . . . (May, 1980)
>
> I cannot agree to any treaty, including the SALT II Treaty, which . . . legitimizes the continuation of a one-sided arms buildup. (August 18, 1980)

Mr. President, if Ronald Reagan was correct in what he said in 1980, he is correct today. These arguments are still true.

There are other facts as well which support a yes vote on my amendment. For example, the Defense Department has stated that the "interim restraint" policy of U.S. SALT II compliance is under intensive review because of the President's concerns about the Soviet SALT violations. Moreover, approximately about $100 million is being spent deactivating U.S. forces in compliance with SALT II. These funds would be better spent in building up U.S. defenses.

Mr. RUDMAN. Mr. President, will the Senator yield for a moment?

Mr. HELMS. Yes.

Mr. RUDMAN. Would the Senator be willing to enter into a unanimous-consent agreement that we would vote on or in relation to this amendment at 4:30?

Mr. HELMS. If the Senator will make it no later than 4:30.

Mr. RUDMAN. That will be fine.

Mr. President, I ask unanimous consent that the Senate vote on or in relation to the Helms-Symms amendment on or before 4:30, with the remainder of the time to be equally divided.

The PRESIDING OFFICER. Who would control the time?

Mr. RUDMAN. The Senator from North Carolina for the proponents and I will control the time for the opponents.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, I yield to the Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the distinguished Senator for yielding.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SYMMS. Is the Senator from Idaho listed as a cosponsor of this amendment?

The PRESIDING OFFICER. The Senator is listed as a cosponsor.

Mr. SYMMS. I appreciate that. I am honored to cosponsor this amendment. I wanted the Senator from North Carolina to know that.

Mr. HELMS. I thank the Senator.

Mr. SYMMS. I say to my colleagues, I urge you to support the Helms SALT II amendment. This amendment would end U.S. unilateral compliance with the unratified SALT II Treaty. SALT II is unequal and the Soviets are violating it. There are many fatal flaws in the SALT II Treaty. The four most important are:

First, the longstanding Soviet monopoly in heavy ICBM's, such as the SS-18 and SS-19 codified by SALT II.

Second, the allowed growth in the already overwhelming Soviet counterforce threat.

We have a large chart on display which I urge my colleagues to look at before they vote on this amendment.

Third, the failure to limit stockpiled Soviet missiles capable of rapid refire.

Fourth, the exclusion of the intercontinental Soviet Backfire bomber, which was excluded in the original context of the SALT II Treaty.

These factors explain why the Senate Armed Services Committee reported that the SALT II Treaty is unequal and dangerous to U.S. security.

On January 3, 1980, former President Carter asked Senator ROBERT BYRD to delay Senate consideration of the SALT II Treaty. President Carter stated that:

> The purpose of this request is not to withdraw the Treaty from consideration, but to defer the debate so that the Congress and I as President can assess Soviet actions and intentions . . .

I believe that we can now assess Soviet actions and intentions.

Many things have happened since then, not the least of which was the massacre of 269 innocent people in flight 007 of Korean Air Lines from

Anchorage, Alaska, en route to Seoul, Korea, which also carried the distinguished Congressman, Larry McDonald, of Georgia, on board.

I say, Mr. President, any nation that will do as dastardly an act, such as shoot down an unarmed airliner when they know good and well what they are doing, would also take advantage and bomb unarmed cities if they thought it was in their best interests, sometime in the future.

I believe in view of what has happened, we can assess Soviet actions and intentions.

The evidence is overwhelming that the Soviets are clearly violating SALT II, the SALT I Antiballistic Missile Treaty, and the 1962 Kennedy-Khrushchev agreement.

I urge my colleagues to look at these charts that we have in the back of the Chamber which show violations of SALT II, SALT I, and the Kennedy-Khrushchev agreement.

Mr. COHEN. The Senator does refer to the Kennedy-Khrushchev agreements on Cuba. I was wondering—I have never seen that document. Does the Senator from Idaho or does the Senator from North Carolina have a copy so we may know whether that document has any meaning, what it contains?

Mr. SYMMS. Mr. President, I say to my colleague that is a very good question he asks. As the Senator probably well knows, there was an exchange of letters, understandings, and agreements that took place over a period of time in 1962. There is not, to answer the question, an exact treaty as such that has been signed and ratified. There was an understanding between the two countries.

I think the understanding was very clear to this Senator's mind, anyway, that with respect to the Kennedy-Khrushchev agreement, the agreement was that we would provide an umbrella so there would be no liberation or invasion, if that is the word which we wish to use, of Cuba as long as they did not export their revolution outside the perimeters of Cuba, per se.

It is very clear, with the thousands of Cuban troops they have in Africa, Nicaragua, and other countries, they are in violation of this agreement. There is a Soviet brigade there that has been classified as offensive. There are the Floggers, the Mig-27's, the Mig-23, the Bear bombers. I think there is a clear violation of the intent——

Mr. COHEN. Mr. President, I just raised the question because I do not know if there is such an agreement, whether such an agreement was ever reached or whether it is a part of the mythic lore of the 1962 period, whether it was reduced to writing or if there is any understanding along the lines the Senator has suggested.

MORE SOVIET ARMS CONTROL VIOLATIONS CONFIRMED

Mr. SYMMS. I appreciate the Senator's question. I may say I made a much more lengthy explanation of this 2 days ago on the Senate floor. I shall see that that is made available to my good friend from Maine.

I might also say that President Reagan has mentioned that the Soviets have violated, Director Casey has made those statements. Former Secretary of State Alexander Haig made the statement that the Kennedy-Khrushchev agreement was being violated by the Cubans and Soviets. Under Secretary of Defense Fred Ikle has made that statement. There are numerous officials of the United States Government who have made that statement.

Mr. President, if we look, we can see the Soviets are almost completely encoding the telemetry signals in testing all their new missiles, in an effort to deliberately conceal their capabilities from the United States. In 1979, the Senate Intelligence Committee stated that Soviet actions "which involve deliberate concealment and deception would constitute serious violations of the (SALT II) Treaty." According to President Reagan, the Soviets are also violating the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

I urge my colleagues to vote for the amendment ending U.S. unilateral compliance with the unratified SALT II Treaty. A vote against this amendment is a vote in favor of preserving a dangerous U.S. strategic inferiority to the Soviet Union, and a vote in favor of appeasing Soviet SALT violations.

I think this is the wrong time for us to send a signal to the Soviet Union which in any way would give the impression that this country is being weak and we are not going to stand strong for the agreements that have been made and that would in any way allow for Soviet violation.

Mr. President, I ask unanimous consent that an article related to this subject, entitled "Soviets Blatantly Violate Biological and Toxin Weapons Treaty" by Dr. Joseph D. Douglas, Jr., from the November 1, 1983, New York Tribune be printed in the RECORD.

Mr. President, this article makes several important points related to the Helms SALT II amendment, which I am cosponsoring. It demonstrates some of the evidence underlying President Reagan's two public charges that the Soviets have violated the 1925 Chemical Warfare Protocol and the 1972 Biological Warfare Convention. Dr. Douglas' article also provides supporting evidence for voting against U.S. unilateral compliance with the unratified SALT II Treaty.

Dr. Douglas has also pointed out two unusual events. First, he says that terrorists in the United States have created nerve gas and actually threatened the White House. In addition, Douglas points out that a terrorist cell in Paris, France was apprehended while in the process of manufacturing anthrax, a biological warfare agent.

Perhaps most alarming, Dr. Douglas has pointed out that the Cuban Armed Forces has announced the formation of a "Directorate of Chemical Troops in the Revolutionary Armed Forces." Douglas also points out that there is already in Cuba a facility for the manufacture, storage, and testing of BW/CW agents. This ominous revelation would be another violation of the 1962 Kennedy-Khrushchev agreement.

In sum, Dr. Douglas allows one to conclude that the Soviet-Cuban BW/CW threat may be more imminent and more dangerous than the strategic nuclear threat. This is because Soviet BW/CW offensive capabilities are awesome yet more useable than nuclear weapons of mass destruction, while the United States has quite limited BW/CW offensive capability to deter Soviet first use, and a quite small BW/CW defensive capability. Moreover, the United States has virtually no BW/CW defenses to protect our civilian population.

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

[From the New York Tribune, Nov. 1, 1983]

SOVIETS BLATANTLY VIOLATE BIOLOGICAL AND TOXIN WEAPONS TREATY

(By Joseph D. Douglas, Jr.)

After five years of unsuccessful protests, the U.S. response to the Soviet use of lethal chemical warfare agents and toxins (i.e. yellow rain) in Afghanistan and Southeast Asia appears to have fallen back on the old standby, "What we really need is a better treaty."

As explained by Undersecretary of State for Political Affairs Lawrence Eagleberger during congressional hearings last spring, the conclusion that should be drawn as a result of the Soviet actions is that "real, equitable and fully verifiable arms control is an absolute necessity. It is not that arms control is pointless; it is that we have to do a better job of it."

One of the most disturbing aspects of this position is that it is said to follow directly a specific recognition that U.S. policies "cannot be based on a benign or naive view of the Soviet Union and its intentions," and the almost unbelievable assertion that "with a realistic appraisal of the Soviet goals and an appreciation that they are not constrained by many of the values we support, we can proceed with caution and prudence to help build a world eventually free from chemical, biological and toxin weapons."

SOVIET TREATIES

In seeking not to upset the arms control process, a questionable objective considering the lack of progress over the past 20 years, Eagleberger begs the real issue and attempts to focus attention on issues of verification and the need for better arms control agreements. But the real issue is: What use is any treaty with the Soviets, however well written, unless their intentions are to comply with both the spirit and letter of

the treaty, which in the case of the chemical and biological areas is clearly not the case.

Obviously, the unspoken concern is how these Soviet violations add further credence to alleged violations and circumventions in the various nuclear arms control areas.

The 1972 Biological and Toxin Weapons Convention is probably one of the best treaties ever written. It is good because everything is outlawed—development, production and storage of agents, development of weapons and any types of related assistance to other parties involving biological agents and toxins.

Under the 1925 Geneva Protocol the use of poisonous gases and biological agents in war is prohibited. It has become quite clear over the past few years that the Soviet Union has blatantly violated both the spirit and letter of both treaties.

EXTENSIVE VIOLATIONS

Nor is it appropriate to blame verification. It is quite true that there are no effective provisions for verification in either the Geneva Protocol or the Biological and Toxin Weapons Convention. But the violations have been so extensive and blatant that no provisions have been needed to establish deliberate non-compliance.

While initially there were some concerns that the United States might have been over-anxious in its claims of violations and might have been using the data to support its own chemical weapons rearmament program, these possibilities have been dispelled as other nations addressed the data and reached the same conclusions: namely, that chemical and toxin weapons are being employed and the only plausible explanation is that the Soviet Union and its allies are directly violating the treaties.

In recent testimony before Congress, Sterling Seagrave, who more than any other individual deserves credit for uncovering Soviet atrocities in Southeast Asia and Afghanistan, discussed the governments that have examined the data and reached the above conclusions. His list includes Canada, France, West Germany, England, Israel, South Africa, Australia, Norway, Sweden, Denmark, China, Thailand, Singapore and New Zealand. The only glaring deficiency at this time is the absence of strong, public pronouncements by these governments against Soviet actions and in support of U.S. analyses.

NO COMPLIANCE

The problem, therefore, is not the absence of a "real, equitable and fully verifiable" arms control agreement. The problem is compliance. No treaty, however well written, will be any better than the current one unless the Soviets are motivated to comply, and they have clearly demonstrated that they have no such motivation. Until Eagleberger and like-minded Western officials can figure out how to make the Soviets comply, we might suggest that their diplomatic energies would be better directed to areas other than negotiating more unilaterally constraining agreements.

Chemical and biological warfare are areas all Western countries would like to see disappear, which is probably why NATO pays them so little attention, and indeed why countries such as Great Britain and the United States, in effect, unilaterally disarmed in these areas.

Unfortunately though, chemical and biological warfare are not going away. Thanks to the Soviet Union, the problem is growing worse and the time is rapidly approaching when Western governments must come to grips with the possible significance of this fact.

The significance is potentially broad-ranging. All NATO forces are highly vulnerable to a concerted chemical and toxin attack. In the event of a crisis, it is inconceivable that the Soviet Union would not employ those methods to debilitate not only NATO's ground forces, but certainly its land-based nuclear deterrent forces and, most important, its civilian war support and the political and military decision process.

The Middle East, always in a tinderbox of trouble, now has an added chemical and biological dimension. Perhaps mindful of the Afghanistan employments so close to their borders, certain Middle Eastern countries have engaged in a large-scale proliferation of capabilities, intentions and activities to obtain various manufacturing and weapons capabilities. Countries that have received or are suspected of having received chemical and biological agents from the Soviet Union, or of taking part in such activities, include Iraq, Egypt, Syria, Iran, Israel, Libya and Saudi Arabia.

LACK OF REAL ATTENTION

Nor is this just a European NATO or Middle East problem. Studies conducted in the late '60s and early '70s concluded that the United States itself was extremely vulnerable to various forms of chemical and biological warfare. These vulnerabilities have increased over the past 10 years.

Again, in the event of a severe crisis, why wouldn't the Soviet Union use every opportunity to debilitate U.S. forces and disorganize the country on the eve of war, possibly rendering ineffective up to 70 percent of the military, demoralizing the population and paralyzing the government? This is not an unreasonable possibility when one considers the effectiveness of modern chemical and biological weapons techniques, Western vulnerability and the lack of real attention at high government levels.

Nor is the problem strictly military. Chemical and biological agents have increasingly crept into the arsenal of potential terrorist weapons. Terrorists in the United States have created nerve gas and threatened the White House. A terrorist cell in Paris was apprehended while in the process of manufacturing anthrax. Various sources emerging from the Middle East and South Africa indicated that Soviet training in such warfare has extended through the Cubans to include the PLO, SWAPO and other revolutionary organizations.

Of special importance to all Americans, a Cuban military officer in the Directorate of Chemical Troops of the Revolutionary Armed Forces" has announced establishment of an "advance" training school for chemical warfare in Cuba. Refugee reports strongly suggest the manufacture and storage of chemical, toxin and biological agents as well as experimentation and training in their use.

The problem continues to expand. Now is not the time to ignore the Soviet actions and naively continue to press for a better arms control treaty. It is time for top officials to recognize that chemical and biological warfare actions of the Soviets and more than a dozen other nations have produced a new and serious problem requiring realistic and urgent attention.

Mr. SYMMS. Mr. President, I thank the distinguished Senator from North Carolina.

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

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. I yield 3 minutes to the distinguished Senator.

Mr. MATHIAS. Mr. President, I have listened with interest to the colloquy which has just taken place between the Senator from Idaho and the Senator from Maine with respect to the Kennedy-Khruschev agreement.

I point out that Secretary Shultz just recently gave a classified briefing to the members of the Committee on Foreign Relations on that subject. I urge Members of the Senate who would like to get the greatest possible understanding of what was talked about and discussed by President Kennedy, by John McCloy, and by others who were active in that period to read the transcript of that hearing.

Mr. President, the reason I have asked the manager of the bill for a few minutes is to speak in opposition to this amendment, which I feel is not only unwise but dangerous.

President Reagan has taken a very prudent course in dealing with the SALT II agreement. Although it has not been ratified by the Senate, he has said that he would take no action which was in contravention of the agreement. He has never said that there were violations of the agreement by the Soviet Union. He has, from time to time, expressed concern about the manner of compliance, but he has properly referred those concerns to the standing consultative committee, which is the mechanism that has been established by the United States and by the Soviet Union to investigate and to determine the facts in relation to each such charge of violation. For us, on the basis of a 30-minute discussion on the Senate floor with no facts before us, to arrive at a finding that there have been violations, that the U.S. compliance should cease, is, I think, an insult to the President. It is a reflection on his judgment in this matter I think a very unwise step for the Senate to take. I hope that the Senate will resoundingly defeat this amendment.

Mr. RUDMAN. Mr. President.

The PRESIDING OFFICER (Mr. WILSON). The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, the subcommittee is well aware of the concerns expressed by the Senators from North Carolina and Idaho, who are the cosponsors of this amendment. As a matter of fact, if one wishes to look at the report of the subcommittee on page 156, we ask a number of questions relating to the Army, consulting with others within the defense community and the intelligence community, and provide a report comparing a

number of United States-Soviet ABM activities, deployment of battle management radar, and a whole array of subjects which are very much the central factual concern of the amendment before us.

As a practical matter, Mr. President, there are many members of the subcommittee on both sides who have the feeling that there is something of worth and substance in this amendment and, in many ways, on the merits standing alone, might well like to support it.

Mr. SYMMS. Will the Senator yield, Mr. President, to tell me what page he referred to?

Mr. RUDMAN. Page 156, Mr. President.

This morning, the subcommittee contacted the National Security Council to seek out their position again on the amendment. They stated without equivocation that the President has not changed his position on this issue, and opposes this amendment for the reasons stated by the Senator from Maryland. I shall not restate them.

I think it is important to point out that the President, after all, has the responsibility for negotiating arms agreements and they are very much a matter of great concern; witness the great number of discussions before the Senate on this very issue in the last 6 months.

Since the President has taken the position that even though he was not a proponent of certainly SALT II and in fact spoke out against it, as President he has said that as long as the Soviet Union showed restraint in his mind, in his view, and that the talks continue, he, in fact, would observe these restraints. It seems to the subcommittee, under all of those circumstances, that we only have one President, we have one National Security Council, we have one negotiating stance, although sometimes as I listen to the debate on the floor I sometimes wonder, but the President is responsible for that and thus the subcommittee feels that to pass this amendment would be in a way limiting the action of the President, and thus we are going to, at the appropriate time, move to table the amendment offered by the Senator from North Carolina and the Senator from Idaho.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. Six-and-a-half minutes remains to the Senator from New Hampshire.

Mr. COHEN. Will the Senator yield?

Mr. RUDMAN. I would be happy to yield a small amount of time to the Senator from Maine.

Mr. COHEN. Let me just indicate that I was and am a member of the Armed Services Committee that did review the SALT II Treaty last term and that we did, indeed, file a report that concluded the treaty as written was unequal, unbalanced, destabilizing, not in the national security interests of the United States. One of the principal objections that I had at the time and I know was shared by Members on the other side, some in fact who are running for President today, was the question of verification, and the question involved the provision pertaining to encryption.

As it was written in SALT II, the Soviet Union would be allowed to incrypt its telemetry provided it did not interfere with our national technical means of detection and verification. That in itself presented great problems. No. 1, it expressly allowed them to encrypt provided it did not interfere with our means of detection. And that has been the principal problem today, that we are having great difficulty determining whether or not they have in fact complied with SALT II. So I share a lot of the sentiments expressed by my colleagues from Idaho and North Carolina. The difficulty I have is that the President of the United States right now is trying to negotiate an agreement with the Soviet Union. He has put forth, in my judgment, the most far-reaching and I think most flexible proposal that has yet been tabled and has indicated that he is willing to reach an agreement with the Soviet Union based on the essential principles of reducing the levels of nuclear weapons in both inventories, of having a so-called guaranteed build-down, of putting bombers on the table. He has made a very fair and equitable proposal, and I think that even though my sentiments are with the two Senators offering this amendment, I do believe the Senator from Maryland is correct, that we ought not to take action this afternoon on 20 minutes debate, or 40 minutes debate equally divided, to undermine what is currently under way in Geneva, notwithstanding the sentiments that I share with my colleagues from Idaho and North Carolina.

Mr. STENNIS. Will the Senator yield just 1 minute to me?

Mr. HELMS. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes 30 seconds remains to the proponents.

Mr. RUDMAN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. HELMS. The Senator, however, did take his seat, but that is all right, Mr. President. I defer to the two managers.

Mr. RUDMAN. I was going to say that I would defer and yield the floor to the Senator from North Carolina and then we would finish at the end. That is what I rose to say.

Mr. STENNIS. Mr. President, if I am allowed 1 minute, that is all I really need.

This undoubtedly, Mr. President, is legislation on an appropriations bill. In spite of the good faith and high purposes of the proponents of the amendment and those that would be supporting it, it is just the opposite roadway for consideration of a matter like this. We have the Appropriations Committee and an appropriations bill. We have heard from the Armed Services Committee. Neither one of those committees are opposing it. We have speakers from the Foreign Relations Committee, which has primary jurisdiction.

I think, Mr. President, with all deference, we downgrade and denigrate, cast a shadow on our parliamentary method of functioning as the Senate. That is another reason we should clear the decks, clear up the atmosphere, get out of the fog, and respectfully reject this amendment by a large vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Does the Senator from Delaware wish time?

Mr. BIDEN. Yes, but I would be delighted to wait until Senator HELMS speaks. I would like a few minutes before the managers close out, if that is possible.

Mr. RUDMAN. The Senator from Delaware may proceed at this moment.

How much time do we have on this side, Mr. President?

The PRESIDING OFFICER. Two-and-a-half minutes remaining.

Mr. RUDMAN. I yield 1 minute to the Senator for Delaware.

Mr. BIDEN. Mr. President, the Senator's amendment would stop the United States from maintaining its policy of not undercutting existing SALT agreements so long as the Soviet Union uses similar restraints.

The President has received the support of the Senate for his present approach to strategic arms control, specifically the policy of not undercutting SALT and the pursuit of the START negotiations. Some of us are more dubious than others about prospects for success in the negotiations, but we would certainly not want to create strategic instability while these negotiations proceed. The amendment raises the specter of a situation in which no meaningful controls were placed on the arms race and each side was free to do as it chose.

It is important to remember that the United States has benefited strongly from the restraints imposed upon the Soviet Union by SALT II. These restraints are of such importance that it is crystal clear to me that we should

not capriciously remove the obligations the Soviets have accepted.

Under SALT the Soviets have accepted the following controls:

No deployment of the SS-16 mobile missile nor upgrade of SS-20 to the SS-16, nor production of the third stage of the SS-16 for possible conversion of SS-20's.

No increases in ICBM and SLBM warheads above specified limits.

No increases in the Backfire production rate.

Continued retirement of older SLBM's and submarines when replacements are built.

No additional fixed, land-based ICBM's except in existing silos, with replaced missiles to be dismantled.

Strict limits on the characteristics of new ICBM's with rules governing characteristics of one permitted new type.

No testing and deployment of rapid reload/refine capability for ICBM launchers.

No more "heavy" ICBM launchers.

No interference with national technical means of verification.

No deliberate concealment measures which impede verification.

No deliberate denial of telemetry information, including encrypted telemetry, when such denial impedes verification.

If this amendment were adopted, here are some actions the Soviets could easily take before SALT II would expire on December 31, 1985:

Flight testing of more than one new type of ICBM.

Deployment of the SS-18 with more than the SALT limit of 10 warheads.

Deployment of more than 820 (Multiple Independently Targetable Reentry Vehicle, MIRV'd ICBM's or more than 1,200 MIRV'd ballistic missiles.

Deployment of the mobile SS-16.

Increasing the Backfire production rate beyond 30 per year.

Interference with our national technical means.

Deliberate concealment of strategic programs which leaves us uncertain as to whether we have reason for concern.

Mr. President, in order to keep the Russians obligated to SALT II and to forestall such additional Soviet actions, I urge defeat of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Will the Senator from North Carolina yield 1 minute?

Mr. HELMS. Gladly, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I have been in the forefront of the opposition to the 1979 SALT II Treaty, which is unequal and therefore inconsistent with U.S. law. In accordance with another law, I also led a successful Senate effort in September 1977 to prevent President Carter's extended or prolonged compliance with the expired SALT I interim offensive agreement from hindering U.S. strategic modernization programs. There remain significant constitutional, legal, national security, and political problems with prolonged U.S. unilateral compliance with the SALT II Treaty, which has not received the advice and consent of the Senate for Presidential ratification.

Since June 18, 1979, when SALT II was signed, both the U.S. and the U.S.S.R. have been obligated under traditional international law to do nothing which would defeat the object and purpose of the SALT II Treaty still unratified on both sides. U.S. policy under both President Carter and President Reagan has been that the United States would do nothing to undercut SALT II, as long as the Soviets show equal restraint. The United States is complying precisely with all the provisions of the unratified SALT II Treaty, according to the Secretary of State's testimony and to recently declassified Defense Department directives. Therefore, the whole world should recognize that the United States is complying with SALT II. The Senate also has a right and an obligation to determine whether the Soviets are meeting the stated U.S. criteria for that policy, that is, that the Soviets show equal restraint and do nothing to defeat the object and purpose or to undercut SALT II. Under any interpretation of Soviet obligations under SALT II, a Soviet violation of a fundamental provision of SALT II constraining new type ICBM's would both undercut and defeat the object and purpose of SALT II, and cannot be regarded as restraint.

Mr. President, the SALT II Treaty is unequal, unbalanced, and destabilizing. It is fatally flawed. The Senate Armed Services Committee has determined that the SALT II Treaty is not in the national security interest of the United States. There are at least eight fatal flaws of the SALT II Treaty, which include these four as the most important fatal flaws of SALT II:

First, the Soviet monopoly on very heavy ICBM's, giving them 326 SS-18 very heavy ICBM's to zero allowed for the United States, making SALT II fundamentally unequal in the most significant strategic capability—very heavy ICBM's deployment of which are legally denied to the United States.

Second, allowing the Soviet Backfire bomber, which has intercontinental range and refueling capability, to be uncounted in SALT II, when Soviet Bison bombers with shorter range than the Backfire and scrapped U.S. B-52 bombers are counted in SALT II. This is another fundamental inequality of SALT II contrary to the Jackson amendment legal requirement that there be equality in SALT II.

Third, the fact that the Soviet ICBM counterforce capability would legally be allowed to grow massively under SALT II, through Soviet deployment of new ICBM's carrying increased numbers of warheads.

Fourth, the fact that from 1,000 to 2,000 stockpiled ICBM's capable of rapid reload and refire, covert soft launch, and mobile launch are completely unconstrained by the SALT II Treaty, thereby circumventing or violating all of the SALT II delivery vehicle ceilings: 2,400, 2,250, 1,320, 1,200, and 820. Here again the U.S. legal objective of equality in SALT II is denied.

Mr. President, for all of these reasons I oppose continued U.S. compliance with the unratified SALT II Treaty. There is a strong argument that the prolonged Senate inaction on the SALT II Treaty, together with the initiation in 1982 of strategic arms reduction talks with the Soviets, provide constructive, de facto evidence of a U.S intention not to ratify the SALT II Treaty.

Mr. President, I would like to provide the constitutional arguments for my amendment. I believe that the United States should no longer comply with the SALT II Treaty unless the Senate gives its advice and consent for the President to ratify the SALT II Treaty in accordance with the treaty-making provision of the Constitution. It is simply not proper for the United States to comply with a treaty which is unratified. Moreover, it is improper for the United States to constrain its strategic forces in order to comply with an unratified treaty. There are dangers to our national security in such extraconstitutional compliance.

Only two legal methods exist for U.S. compliance with an arms control treaty: The treatymaking provision of the Constitution must be exercised or in the case of an Executive agreement on arms control, there must be further affirmative legislation enacted by the Congress. Section 33 of the 1961 Arms Control and Disarmament Act specifies these two methods for constraining U.S. military forces to comply with an arms control treaty or an Executive agreement.

Now, Mr. President, several aspects of my amendment deserve comment in light of these constitutional and legal facts. In regard to the deactivation of 292 U.S. missiles and bombers counted in SALT II, I am aware of no further affirmative legislation which either authorizes or appropriates funds specifically for the deactivation of these SALT II constrained forces. It is my understanding that general operations and maintenence funds of the Defense Department are being used to achieve these deactivations, and these funds

should be better utilized to enhance U.S. military readiness and operational capabilities. Second, in regard to the canceled deployment or our stockpiled Minuteman III ICBM's, there is further affirmative legislation which is both the fiscal year 1981 and fiscal year 1982 defense authorization bills, specifying the deployment of these stockpiled ICBM's. Yet this deployment was canceled and the Reagan administration has actually admitted that this cancellation occurred in order to comply with SALT II. Thus, both the treatymaking powers and the further affirmative legislation proviso of section 33 of the Arms Control Act are being defied by this cancellation.

Third, the funds for modification of our ALCM-equipped B-52's to carry strakelets, which are observable differences required by SALT II, are being explicitly authorized and appropriated by Congress, despite the inconsistency of this modification with the treatymaking provision of the Constitution.

Finally, the reduction of the number of warheads and throwweight of the new MX ICBM in order to comply with SALT II is to my knowledge, not authorized or covered by further affirmative legislation.

In conclusion, I would also point out that the March 1980 guidance from the Defense Department to the military services to comply with the unratified SALT II Treaty is also inconsistent with section 33 of the ACDA Act and with the treatymaking provision of the Constitution.

The argument for my amendment is thus compelling. We must comply with our Constitution and our laws, and we must safeguard our national security. U.S. unilateral compliance with the unratified SALT II Treaty, especially in light of substantial and conclusive evidence of Soviet violations of SALT II, is both unconstitutional and illegal, as well as dangerous. I ask that the Senate vote on this amendment, and vote to uphold the Constitution, the law, and the common defense.

Mr. President, on January 3, 1980, former President Carter asked Senator ROBERT BYRD to delay Senate consideration of the SALT II Treaty. President Carter stated then that:

> The purpose of this request is not to withdraw the treaty from consideration, but to defer the debate so that the Congress and I as President can assess Soviet actions and intentions * * *

The Soviet invasion of Afghanistan was the reason President Carter delayed the Senate SALT II debate. Previously, the Soviet combat brigade detected in Cuba had delayed the debate. Since President Carter's deferral request, we have had other examples of Soviet actions and intentions, such as their violations of SALT I, SALT II, the chemical weapons protocol, the Biological Warfare Convention, and the Kennedy-Khrushchev agreement of 1962.

Anyone who pretends that arms control can make a contribution to our security must agree that arms-control agreements must be complied with. If there is no penalty for Soviet violations of arms-control agreements, the Soviets will have every incentive to violate them. If the United States continues to comply with arms-control agreements in the face of Soviet violations and Soviet stonewalling in compliance discussions, they will have even more incentive to persist in their violations.

We are at a critical turning point in United States-Soviet arms-control negotiations. The Soviet arms-control violations strike at the very heart of existing and future arms-control agreements. The new Soviet ABM radar at Abalakovo violates the central provisions of the ABM Treaty. The Soviet SS-X-25 violates the SALT II new types rule, which is also the central concept for the build-down. Soviet telemetry encryption makes it impossible for us to effectively verify SALT II, or for that matter a build-down, a START, an INF, or a freeze agreement.

I could go on listing major U.S. compliance concerns regarding Soviet conduct. Suffice it to say that these issues are not accidental. Soviet behavior was conditioned by détente-era rationalizations of Soviet noncompliance with or circumvention of SALT I. The clear trend toward increasingly blatant Soviet arms-control violations must be brought to an end.

The policy I am advocating is quite simply the exercise of our legitimate rights under international law to suspend our obligations in the face of flagrant Soviet arms-control violations. We are merely denying the Soviets the benefit of the bargain. If the Soviets resume compliance with existing arms-control agreements, there is no impediment to reinstating them, but we would be sending a clear signal to the Soviet Union that we will not tolerate acts of international lawlessness, such as flagrant arms-control violations.

In light of the Soviet destruction of KAL-7, also contrary to an international legal obligation, we must send the Soviet Union a clear message that we will not cravenly acquiese in such Soviet actions or crude Soviet nuclear blackmail threats.

On September 25 I offered a similar amendment to the State Department authorization bill that was then before us and then withdrew the amendment. I suspect the amendment will not be adopted today because it is going to startle too many people and it is going to appear to be an irrevocable act and they would like to have a little more time to think about it. But I do believe that it is important for us to focus upon the fact that there are violations of SALT II; that indeed the Armed Services Committee was right when it said that the SALT II provisions were not good for this country and ought to go beyond that.

I also think it is important for us to recognize in that process how we hamstring ourselves in defending this country by complying with agreements that we negotiate, the other side never complies with, and we are afraid to say quit.

When it gets down to the question of whether or not we are going to be able to negotiate, the question then has to be asked: Are we better off to negotiate while we are being hamstrung by an agreement which they violate and we are afraid to say they are violating or whether or not we can negotiate most from strength, from a position that says that we are going to act to protect the security of this country? Therefore, I will support the amendment of my colleagues, although I suspect it is too radical an action to be accepted on the floor in the limited amount of time that we have for debate.

Mr. HELMS. At least we started the dialog. I thank the Senator.

I yield the remainder of the time to the able Senator from Idaho (Mr. SYMMS).

Mr. SYMMS. I thank the distinguished Senator.

Mr. President, the distinguished Senator from Maryland made the point that we did not have adequate time to debate this. I would only say that the SALT II agreement has been around for 4 years that this Senator is aware of. We are all very well aware of it. With respect to the Kennedy-Khrushchev agreements that have been brought up today, I attended the classified briefing Secretary Shultz gave, and I thought he gave a very enlightened and a very in-depth review of the entire situation for the some 2 hours he discussed this with the committee. When I left the committee, I made the statement that in 1962 I had the feeling we had been sold out. I think, after having heard the Secretary of State make the explanation of what has happened, from my point of view we have been getting the short end of the stick on the Kennedy-Khrushchev agreements. There have been numerous violations, and I ask unanimous consent that the administration violation charges be printed in the RECORD.

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

REAGAN ADMINISTRATION VIOLATION CHARGES

Have the Soviets complied with the 1962 Kennedy-Khrushchev agreement? On September 14, 1983, President Reagan for the second time as President made an important accusation against the Soviet Union. President Reagan was asked publicly if the Soviet Union was violating the 1962 Kennedy-Khrushchev agreement which ended the

Cuban Missile Crisis. President Reagan answered:

". . . That agreement [The Kennedy-Khrushchev Agreement of 1962] has been abrogated many times by the Soviet Union and Cuba in the bringing of what can only be considered offensive weapons, not defensive, there."

This is the second time that President Reagan has accused the Soviets of violating the Kennedy-Khrushchev agreement. The word "abrogated" means to cancel, disavow, or annul. The Soviets thus have already canceled, disavowed, or annulled the 1962 agreement.

President Reagan previously accused the Soviets of violating the Kennedy-Khrushchev agreement in April 1982, on national television. In addition, CIA Director Casey, Under Secretary of Defense Ikle, and the Chairman of the Joint Chiefs of Staff have all during the spring of 1982 also explicitly accused the Soviets of violating the Kennedy-Khrushchev agreement ending the 1962 Cuban Missile Crisis.

President Reagan stated at a televised press conference in April 1982:

"There's been other things we think are violations also of the 1962 agreement."

OTHER REAGAN ADMINISTRATION ACCUSATIONS OF SOVIET VIOLATION

Mr. President, because of these Soviet activities in defiance of a solemn accord, the 1962 Kennedy-Khrushchev agreement, Reagan administration officials drew the appropriate conclusions.

In March 1982, CIA Director Casey stated that the "1962 Kennedy-Khrushchev Agreement has been violated for 20 years."

Also in March 1982, then Joint Chiefs of Staff Chairman General Jones testified to Congress: "We (the JCS) interpret Soviet actions in Cuba as a violation of the 1962 Agreement." Jones added: "They have gone beyond the 1962 accords."

Again, in March 1982, Under Secretary of Defense Ikle testified to Congress that the 1962 agreement "had been eroded away to nothing" by Soviet actions, and he confirmed press reports of a possible Soviet-nuclear-delivery capability from Cuba.

If the Soviets are violating and have cancelled, disavowed, and annulled the very accord which ended the most dangerous nuclear crisis in history, is the world now thrust back into a dangerous nuclear crisis? Will Soviet deployment of SS-20 IRBM's or SLBM's in Cuba or in Nicaragua only compound the danger of an already unprecedented Soviet threat?

In sum, I believe that the United States must itself now also disavow the Kennedy-Khrushchev agreement of 1962, because the original U.S. quids pro quo have not been reciprocated, and the Soviets have violated the accord. Further, the agreement is inconsistent with the Monroe Doctrine and the U.S. law of the land dealing with Caribbean foreign policy objectives. Finally, if we are ever to stand up successfully to the Soviet-Cuban export of Marxist-Leninist revolution on our very front doorstep in Central America, we must disavow the agreement. We must be able to exercise whatever options are necessary to defeat Soviet expansionism in the Western Hemisphere.

Mr. President, it is interesting to see the enormous support from the American people for the President's action in Grenada. I think that is because the American people seem to understand the fundamental principle of American foreign policy, the Monroe Doctrine, better than some of the people at the State Department in Washington. The American people also know that the 1962 Cuba resolution, Senate Joint Resolution 230 and the 1982 Symms resolution express the law of the land on U.S. foreign policy in the Western Hemisphere. The United States has every justification, both legal and moral, for liberating Grenada from the clutches of the tyrants in Cuba and the Soviet Union. The American people know this better than our striped pants diplomats.

All free people around the world are given great hope and great heart to think that the people of Grenada will be able to continue now with a life in which they have the opportunity for private property, for upward mobility, and to look forward to a future not in a Communist slave camp but an opportunity to live in a free land, thanks to the bold, decisive action on the part of our President.

It is interesting to see that the rationale is there, yet it appears to me that the State Department is not using their very best argument as to why this was done and why it should be done, and that is why I make these remarks this morning.

I thank the distinguished Presiding Officer for his indulgence, and I yield the floor.

Mr. SYMMS. Mr. President, it is high time that the United States stand up for some honest, moral principles, and there is a moral question here. If we continue to go along with Soviet violations and we are in compliance, we are helping them. We are saying it is OK, and I do not believe it is OK.

Mr. RUDMAN. Mr. President, under the unanimous-consent agreement, I understand that the time for the vote has arrived.

I move to table the amendment, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MELCHER (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished Senator from Vermont (Mr. LEAHY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from North Carolina (Mr. EAST), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. EVANS) would vote yea.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Vermont (Mr. LEAHY) are necessarily absent.

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

The result was announced—yeas 50, nays 29, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—50

Andrews	Ford	Nunn
Baker	Gorton	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Proxmire
Bradley	Heinz	Randolph
Burdick	Huddleston	Riegle
Byrd	Johnston	Roth
Chafee	Kassebaum	Rudman
Cochran	Lautenberg	Sarbanes
Cohen	Laxalt	Sasser
Cranston	Levin	Specter
D'Amato	Lugar	Stafford
Danforth	Mathias	Stennis
Dodd	Matsunaga	Stevens
Dole	Metzenbaum	Tower
Durenberger	Mitchell	Tsongas
Eagleton	Moynihan	

NAYS—29

Armstrong	Heflin	Pressler
Boren	Helms	Pryor
Denton	Humphrey	Symms
Dixon	Jepsen	Thurmond
Domenici	Kasten	Trible
Exon	Long	Wallop
Garn	Mattingly	Warner
Grassley	McClure	Wilson
Hatch	Murkowski	Zorinsky
Hecht	Nickles	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Melcher, against.

NOT VOTING—20

Abdnor	East	Kennedy
Baucus	Evans	Leahy
Bentsen	Glenn	Percy
Boschwitz	Goldwater	Quayle
Bumpers	Hart	Simpson
Chiles	Hollings	Weicker
DeConcini	Inouye	

So the motion to table Mr. HELMS' amendment (No. 2501) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, before we go to the next amendment—may I say, by the way, I fully expect one more amendment and almost surely one more rollcall vote before the day is out—but before we go on, I would like now to propound the unanimous-consent request that I believe has been carefully worked out on both

sides and I hope will not be objected to.

Mr. President, if we could have order in the Senate, I am going to read this two-page agreement at this time.

The PRESIDING OFFICER. There will be order in the Senate. Those Senators wishing to engage in conversations will please take them into the cloakroom.

The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, let me put the unanimous-consent request.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 o'clock a.m. on Monday, November 7.

Further, I ask that at no later than 10:30 a.m. on Monday the Senate turn to the consideration of the Department of Defense appropriations bill, H.R. 4185. I also ask unanimous consent that any rollcall votes which are ordered prior to the hour of 2:45 p.m. on Monday be stacked to occur beginning at 2:45 p.m. in sequence, with the first vote to be 15 minutes in length and any remaining votes in sequence to be 10 minutes in length.

Mr. President, I further ask unanimous consent that the following amendments be the only amendments in order to this bill, that they be first-degree amendments with the single exception of one second-degree amendment which is identified in the list, and that they be limited to the following time agreements:

First, a Bumpers amendment on the MX, 80 minutes for the proponents, 40 minutes for the opponents.

Next, the Johnston amendment dealing with the B-1 bomber, 1 hour equally divided.

Next, a Kassebaum-Levin amendment dealing with MIRV, 1 hour equally divided.

Next, an Inouye amendment, OMB circular, 1 hour equally divided.

Next, a Byrd amendment on Stealth, 20 minutes equally divided.

MR. BYRD. Which may not be needed.

Mr. BAKER. Next, a Byrd amendment on spare parts, 20 minutes equally divided.

Next, a Weicker-Chafee amendment on submarines, 1 hour equally divided.

Next, a Tower amendment on chemical. I assume that is the binary gas amendment, 2 hours equally divided.

Next, a Boschwitz amendment to the Tower amendment, 1 hour equally divided. That is the single exception to the second-degree prohibition.

Next, a D'Amato amendment on Seneca, 20 minutes equally divided.

Next, a Quayle amendment, a DOD amendment, 20 minutes equally divided.

Next, a Grassley amendment, a sense-of-the-Senate resolution, 30 minutes equally divided.

Next, a Grassley amendment dealing with GAO analysis, 30 minutes equally divided.

Next, a Tower amendment dealing with additions to the bill, 1½ hours equally divided.

Next, a Levin amendment, an add-back to the bill, 30 minutes equally divided.

Next, a Kennedy amendment, JTACMS, 30 minutes equally divided.

Then, a Melcher amendment, military pay, 30 minutes equally divided.

Next, a committee amendment which was reserved and excepted on McNeil Island, 1 hour equally divided.

Then, an Inouye amendment on Hickam Air Force Base, one-half hour equally divided.

Next, a Byrd amendment dealing with the end of the year fiscal spending, 20 minutes equally divided.

Next, a Byrd amendment sense-of-the-Senate amendment, 20 minutes.

Then a Nunn amendment, one-half hour equally divided.

A Mattingly amendment on consultants, one-half hour equally divided.

Next an Andrews amendment on warranties, 20 minutes equally divided.

Mr. President, I also ask unanimous consent that when the Senate completes its business on Monday it stand in recess until the hour of 9 a.m. on Tuesday.

I further ask unanimous consent that the Senate resume the Department of Defense appropriations bill at 9:30 a.m. on Tuesday and that at that time the pending amendment be the Tower amendment dealing with add-ons which is limited to 1½ hours equally divided.

I further ask unanimous consent that the Senate stand in recess on Tuesday between the hours of 12 noon and 2 p.m.

Finally, I ask unanimous consent that final passage occur on this bill at no later than 6 p.m. on Tuesday and that paragraph 4 of rule XII be waived and that the agreement be in the usual form.

Mr. President, I amend that request in this respect:

I further ask unanimous consent, Mr. President, that there be 1 hour of debate on the bill itself to be equally divided and the control to be in the usual form.

Mr. STEVENS. Will the Senator yield for one addition? That is, we do have an agreement that the binary and the Tower add-on amendments would occur on Tuesday morning.

Mr. BAKER. Very well.

Mr. STEVENS. Tower is the first amendment on Tuesday morning and binary is second.

Mr. BAKER. That is not part of the request but that is the intention of the leadership on this side, to schedule them that way.

May I point out that the listing of the amendments is not meant to be the order in which the amendments will necessarily occur.

May I also point out, Mr. President, that only these amendments will be in order and votes may occur on or in relation to these amendments or on or in relation to the bill.

Mr. President, that completes the request.

Mr. DOMENICI. Reserving the right to object, and I will not object, I just have a question. Every amendment was explained in some way except the Byrd sense of the Senate. What is that going to be on?

Mr. BYRD. That has to do with proposing to the President that he ask the Japanese to deal fairly and squarely with us rather than the way they are dealing.

Mr. DOMENICI. I thank the Senator.

Mr. PRYOR. May I pose a question to the majority leader relative to the request of the Senator from Minnesota to have a second-degree amendment on the Tower amendment? Is that the Tower add-on amendment on Tuesday or the Tower nerve gas?

Mr. BAKER. I am told it is the nerve gas amendment.

Mr. PRYOR. If that would be the case, I wonder if the Senator from Minnesota is here to explain the purpose.

Mr. STEVENS. It incorporates the concept of build-down into the binary production.

Mr. PRYOR. And no other amendment to the binary chemical warfare would be in order?

Mr. BAKER. No other amendments are in order except those listed. The Senator is correct.

Mr. PRYOR. I will still reserve my right to object for a moment.

Mr. SARBANES. Reserving the right to object, I would like to propound the same question to the majority leader the Senator from New Mexico put with respect to the Quayle and Grassley amendments. They were read and identified but I do not think in such a way that we fully understand what they are.

Mr. BAKER. May I yield to the distinguished Senator from Iowa to first answer the question with respect to his amendment. Does the Senator mean the sense-of-the-Senate resolution?

Mr. SARBANES. One is a GAO thing and the other says the sense of the Senate.

Mr. BAKER. I yield to the Senator from Iowa.

Mr. GRASSLEY. Let me inform the Senator as well as all of my colleagues that the second one I will not be offering. The second one can be eliminated.

Mr. BAKER. May I take the GAO analysis out of the request?

Mr. GRASSLEY. Yes.

In regard to the first one, that is a sense-of-the-Senate resolution on competitive bids.

Mr. SARBANES. The Quayle amendment has been identified as a Department of Defense amendment.

Mr. STEVENS. On the Quayle amendment, his amendment pertains to a DOD report that we have discussed, a report he wishes to have the DOD directed to make. I believe it is an amendment we will be able to accept.

Mr. LEVIN. Reserving the right to object, I wonder if I can ask the majority leader, is it the intent that there will be an opportunity for all of these amendments presented and voted on where there is a desire for debate and vote prior to final passage?

Mr. BAKER. Yes, it is. In that connection, you can tell from the number of amendments that we are going to have a very, very busy day and I believe a very later day on Monday. But it is the intention of the leadership on this side to ask the Senate to stay as late as necessary on Monday to see that everybody who has an amendment may debate it within the provisions of this order.

Mr. LEVIN. Despite our best efforts and everybody's best efforts if the hour of 6 o'clock comes and there are still amendments which we have not had the opportunity to debate, is it the intention of the majority leader to allow at least a vote on the amendments?

Mr. BAKER. Yes. The Senators would be entitled to that under the rules. This is a limitation on debate, not on the ability of the Senator to call up his amendment, if the amendment is on this list, and have it voted upon.

Mr. BYRD. Mr. President, there is no provision in this agreement for a time on debatable motions, appeals or points of order.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. BYRD. Yes.

Mr. BAKER. The Senator is absolutely right. I will amend the request in that respect.

Mr. President, I ask unanimous consent that any debatable motion, points of order or appeals be limited to 30 minutes to be equally divided.

Mr. STEVENS. Reserving the right to object, Mr. President, it is my understanding that the Senator from Texas (Mr. TOWER) is trying to work out the warranty matter with the Senator from North Dakota. In the event that cannot be worked out, the Senator's staff informs me that Mr. TOWER would have a request for a warranty amendment of his own and he wishes to reserve the right for 30 minutes on a warranty amendment if he does not come to an agreement with the Senator. It is a first-degree amendment.

Mr. BAKER. I will add that to the list, a Tower amendment on warranties, 30 minutes equally divided.

Mr. BYRD. Mr. President, still reserving the right to object, the distinguished majority leader does not list a Nickles amendment.

Mr. BAKER. Mr. President, it was an oversight if I did not. I apologize. It is on the list.

Mr. STEVENS. He listed it.

Mr. BAKER. I did not read it. It is on the list. It should be included.

Incidentally, I will reread this list to make sure everybody's amendment is on it.

(Mr. GORTON assumed the chair.)

Mr. BYRD. Would the majority leader include a second-degree amendment to Nickles for me?

Mr. BAKER. Yes, Mr. President. How much time would the Senator want?

Mr. BYRD. Twenty minutes equally divided.

Mr. BAKER. Twenty minutes equally divided on a possible second-degree amendment to Nickles. I add that to the request, Mr. President.

Mr. PRYOR. Mr. President, I ask the Senator to yield, and I apologize for asking him to yield.

I wonder if the majority leader would consider propounding in his unanimous-consent request the right of the Senator from Arkansas to propose a second-degree amendment to the Tower amendment once the Boschwitz amendment has been disposed of. Would that be an unfair request to the majority leader?

Mr. BAKER. Let me see if I understand, Mr. President: That after the Boschwitz amendment is disposed of, it be in order for the Senator from Arkansas to offer another second-degree amendment to the Tower amendment?

Mr. PRYOR. That would be my request, Mr. President.

Mr. STEVENS. Could the Senator inform us what type of amendment we are talking about? Is it redundant to the Boschwitz amendment?

Mr. PRYOR. It would not be redundant to the Boschwitz amendment. The Senator from Arkansas does not have the amendment at this time exactly worded, but it would be in the nature of taking $135 million or $138 million from the chemical warfare funds and transferring those funds to a more conventional use.

Mr. STEVENS. I have no problem with that.

Mr. BAKER. May I make sure I understand what the Senator is asking, Mr. President? If we were to qualify an amendment to Tower after Boschwitz is adopted, if Boschwitz is adopted, it would constitute 3 degrees of amendment. I would not wish to do that.

If the Senator, however, is asking that if Boschwitz is not adopted, another second-degree amendment would be in order, I have no problem with that.

Mr. PRYOR. Would the amendment framed in the order of a pure substitute amendment be in order?

Mr. BAKER. A substitute for which one, Mr. President? Boschwitz?

Mr. PRYOR. Well, Mr. President, let us start first with the Tower amendment. Would that amendment be in order, a substitute for the Tower amendment?

Mr. BAKER. Mr. President, if I may have the attention of the Senator from Arkansas, if we can frame it in this way, I think we can meet his needs and avoid any problems from the parliamentary standpoint on this side: That there be in order a Pryor amendment in the nature of a substitute for the Tower amendment as amended, if amended.

Mr. PRYOR. The majority leader is saying as amended by the Boschwitz amendment?

Mr. BAKER. Yes, Mr. President, if amended by the Boschwitz amendment.

Mr. PRYOR. Maybe I can rephrase it and ask if it would be possible to ask for permission to offer an amendment to the Tower amendment, notwithstanding the submission of the Boschwitz amendment. Is that in order at that time?

Mr. BAKER. Mr. President, I believe that is what we will do in this formulation.

I think the sequence of events would be this: Tower would be up; Boschwitz would offer a second-degree amendment. Whether Boschwitz is adopted or rejected, it would still be in order under the request that I made, or I hope it would still be in order—I shall ask the Chair in a moment—for the Senator to offer an amendment in the nature of a substitute for the Tower amendment.

Mr. PRYOR. If the leader would consent to do that and have the Chair maybe give a ruling on that, I would be happy to do it.

Mr. BAKER. May I ask the Senator how long he would require for that amendment?

Mr. PRYOR. On that particular amendment, a very short period of time. Perhaps on that amendment, 10 minutes on a side would be sufficient.

Mr. BAKER. Very well, Mr. President, I include that in my request: That the list of amendments qualified to be offered shall include a Pryor amendment in the nature of a substitute for the Tower amendment, as amended if amended by the Boschwitz amendment, on which there be a limitation of 20 minutes equally divided.

Before the Chair puts the question again, may I propound a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. In this formulation, would it be in order for the Senator from Arkansas to offer an amendment such as would be provided for in this agreement?

The PRESIDING OFFICER. The answer to the question of the majority leader is in the affirmative.

Mr. BYRD. Mr. President.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, the McNeil Island amendment will not occur before—the time on that amendment will not start running before 3 o'clock on Monday?

Mr. BAKER. I include that in the request.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Reserving the right to object, could we order some sequence to begin on Monday? I am informed that Senator BUMPERS would be willing to raise the MX amendment as the first order of business on Monday. I would like to specify in the agreement that that would be the first order of business on Monday.

Mr. BAKER. Mr. President, I add to the request that when the Senate completes action on this bill today, the Bumpers amendment on the MX missile be laid down and made the pending question to occur when the Senate resumes consideration of this bill on Monday.

The PRESIDING OFFICER. Is there objection to the entire unanimous-consent request of the majority leader?

Hearing none, it is so ordered.

The text of the agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That on Monday, November 7, 1983, at no later than 10:30 a.m., the Senate resume consideration of the pending business, H.R. 4185 (Order No. 527), an act making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and that only the following amendments shall be in order:

Bumpers amendment on MX, 80 minutes for proponents, 40 minutes for opponents, which shall be the first amendment considered.

Johnston amendment on B-1, 1 hour, equally divided.

Kassebaum/Levin amendment on MIRV, 1 hour, equally divided.

Inouye amendment on OMB circular, 1 hour, equally divided.

Byrd amendment on Stealth, 20 minutes, equally divided.

Byrd amendment on spare parts, 20 minutes, equally divided.

Byrd amendment on sense of Senate, 20 minutes, equally divided.

Byrd amendment on end fiscal year spending, 20 minutes, equally divided.

Weicker/Chafee amendment on submarines, 1 hour, equally divided.

Tower amendment on chemical, 2 hours, equally divided.

Boschwitz amendment in second degree to Tower amendment, 1 hour, equally divided.

Pryor substitute amendment to Tower amendment, as amended, if amended, 20 minutes, equally divided.

Nickles amendment to delete provision, 1 hour, equally divided.

Byrd amendment in second degree to Nickles amendment, 20 minutes, equally divided.

D'Amato amendment on Seneca, 20 minutes, equally divided.

Quayle amendment on DOD, 20 minutes, equally divided.

Grassley amendment on sense of Senate, 30 minutes, equally divided.

Tower amendment on additions to bill, 1½ hours, equally divided.

Levin amendment on add back, 30 minutes, equally divided.

Kennedy amendment on JTACMS, 30 minutes, equally divided.

Melcher amendment on Military pay, 30 minutes, equally divided.

Committee amendment on McNeil Island, 1 hour, equally divided, but not to be considered before 3:00 p.m. on Monday, Nov. 7, 1983.

Inouye amendment on Hickam AFB to state, 30 minutes, equally divided.

Nunn amendment on fighter engines, 30 minutes, equally divided.

Mattingly amendment on consultants, 30 miuntes, equally divided.

Tower amendment on warranties, 30 minutes, equally divided.

Andrews amendment on warranties, 20 minutes, equally divided.

Ordered further, That any rollcall votes ordered prior to the hour of 2:45 p.m. on Monday, November 7, 1983, be stacked to occur beginning at 2:45 p.m. in sequence, with the first vote to be 15 minutes in length and any remaining amendments in sequence be 10 minutes in length.

Ordered further, That time on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 30 minutes, to be equally divided and controlled: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee.

Ordered further, That at 9:30 a.m. on Tuesday, November 8, 1983, the Senate resume consideration of H.R. 4185, and that the pending amendment be the Tower amendment dealing with chemicals, on which there shall be 2 hours.

Ordered further, That on the question of final passage of the bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the Senator from Alaska (Mr. STEVENS) and the Senator from Mississippi (Mr. STENNIS), or their designees: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendments, debatable motions, appeals, or points of order.

Ordered, That the vote on final passage occur on H.R. 4185 at no later than 6 p.m. on Tuesday, November 8, 1983.

AMENDMENT NO. 2502

(Purpose: To require the Office of Federal Procurement Policy to review certain procurement practices and procedures of the Department of Defense and to report its findings, conclusions, and recommendations to the Congress)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) for himself and Mr. SASSER, Mr. HOLLINGS, Mr. BOREN, Mr. ARMSTRONG, Mrs KASSEBAUM, Mr. ANDREWS, Mr. PRESSLER, and Mr. PRYOR, proposes an amendment numbered 2502.

Mr. BYRD. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following:

STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY THE DEPARTMENT OF DEFENSE

SEC. . (a) Not later than June 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the office relating to such matters. The report shall include (1) an evaluation of the adequacy of the reform proposals and programs to promote practices and the development of directives which will achieve control of costs, economy, and efficiency in the procurement of such spare parts and (2) such recommendations for legislation with respect to the procurement of such spare parts as the Office considers appropriate.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the practices of the Department of Defense in procuring spare parts for weapon systems as the Inspector General acquires during his audits of such practices and the Office considers necessary to carry out subsection (a).

(c) The Inspector General of the Department of Defense shall have reasonable opportunity to review and comment on the report required by subsection (a) before the report is transmitted to the Congress. The comments of the Inspector General shall be included in such report.

Mr. BAKER. Mr. President, for a brief moment, may I now announce that there will not be a Saturday session. I do expect, however, that there will be another vote today.

Mr. STENNIS. Mr. President, may I commend the highly dedicated efforts of our leadership. I know the Senator from Alaska was part of it, too.

Mr. BAKER. I thank all Senators for their cooperation, especially the minority leader.

Mr. BYRD. Mr. President, there may or may not be a rollcall vote on this amendment. It all depends on the distinguished manager of the bill.

Mr. President, this is an amendment which requires a new and hard look at the Pentagon's spare parts procure-

ment practices. There have been a number of recent reports suggesting there is entirely too much waste and sloppiness in Secretary Weinberger's Pentagon. This is particularly true, apparently, in the general area of procurement of spare parts.

The fiscal year 1984 Department of Defense budget represents a commitment to a strong American defense program. There is not any dispute that we need a strong defense program and the bill to pay for it is large and will continue to be large. The DOD appropriations bill will cost taxpayers over $251 billion. Not all Senators agree on the urgency of all the programs in the defense budget, of course, but by and large the general level of commitment has not been subject to dispute.

Nevertheless, Mr. President, when we dedicate such large sums to national defense, we need to take special care that the funds are spent prudently. We need to look very sharply at practices and situations where there is waste. We need to make every effort to spend these dollars efficiently, to stretch them out, to make them go further. It is admittedly a difficult task for the Pentagon managers to accomplish cost savings, to buy efficiently, and to rigorously enforce economical buying practices. It is also a difficult task for the Congress to conduct effective oversight in the unglamorous and complicated area of procurement contract practices. In order to achieve the goal we all desire—the most economical costing of defense hardware systems and spare parts—recent reports strongly indicate there is plenty of room for improvement.

To achieve more efficiency and economy in the Department of Defense, Congress 2 years ago created an independent Inspector General. It was unfortunate that the administration fought the creation of this post. But the wisdom of this move, which resulted from the combined efforts of a number of Senators—particularly Senators BENTSEN, PRYOR, ROTH, and EAGLETON—has now become obvious. In the area of spare parts procurement, the Inspector General caused DOD to develop a series of initiatives which, if followed up properly—I repeat if followed up properly by both Pentagon managers and the oversight committees in Congress—should save the taxpayer substantial sums of money.

There has been a great deal of attention devoted to a draft audit report of the Inspector General of the procurement of aircraft engine spare parts. The report is not final. It is undergoing revision at this time, and the services in fairness must be given an opportunity to respond to the findings of the auditors. But Mr. President, the overwhelming evidence contained in this audit points unmistakably to shockingly bad practices in the procurement of spare parts. Although many of the details of the report are being challenged, the thrust of the report is clear. Parts are not being purchased in a cost effective manner. Cost growth of spare parts far exceeds the Consumer Price Index—in many cases the cost growth is as much as 500 percent. Procedures designed to assure that the Government pays fair and reasonable prices were not being implemented, according to the report. Most of the expenditures on engine spare parts were not based on competitive bidding—instead, they were based on sole source procurement contracts from prime contractors.

Secretary Weinberger has recently stated that, depending on how one defines spare parts, the Pentagon spends between $3 billion and $13 billion a year in this area. The potential for waste in this area, then, runs into many millions of dollars per year, perhaps hundreds of millions of dollars per year.

Two general areas appear to need correction: First, the form of the contracts themselves, clauses such as price redeterminable ordering agreements were a sole source contractor can escalate prices at will from year to year; and second, the practices of Federal procurement offices. These offices are apparently often undermanned and rushed to get the ordering of parts done on time, and in some cases there is what one might term an "attitude problem" on the part of the officials themselves. Furthermore, recent press reports indicate that at least part of the problem may result from the practices of the prime contractors. It may be too much to expect prime contractors to promote competition for their own products. However, prime contractors should not be encouraged to block competitive behavior in their own industries.

It is encouraging that the action by the Inspector General has prodded Secretary Weinberger to announce a new 10-part program to attack pricing abuses in the Department of Defense. It is encouraging that he has been candid enough to admit that the audits "demonstrate conclusively that we must make major changes in the way we order and purchase spare parts." This program, which includes a system of rewards and punishments to promote competition and cost-cutting, is commendable. But it will take very rigorous follow-through. It will take a sustained effort throughout the Defense Establishment.

Furthermore, Mr. President, it seems clear to me that oversight by the Senate is needed. I understand the distinguished chairman of the Armed Services Committee, Mr. TOWER, has held hearings on this whole matter, and plans further work on it. It will take a great deal of effort by the committee, I am sure.

In order for the Congress to exercise its oversight function properly and fully, I think it is essential that it be provided a thorough and objective report on this whole complex area of spare parts procurement for our weapons systems. The work of the Inspector General has been an invaluable contribution so far. He is, I hope, just getting started. From all indications he is doing a difficult job expeditiously and fairly. He is to be commended.

Nevertheless, Mr. President, a very worthwhile and needed supplement to this work can be performed by the Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget. It is the fundamental responsibility of the OFPP to promote economy, efficiency, and effectiveness in the Federal procurement process. The basic reason that Congress created this office in 1973 was that there was no central office in the executive branch prepared to provide Congress with recommendations for improving the procurement process. Its goal, therefore, its mission is to improve Federal procurement.

It is therefore entirely appropriate that this independent office conduct a review and analysis of the weapons-systems spare parts procurement crisis which has erupted as a result of the work of the Inspector General. It is appropriate that the OFPP conduct an in-depth, thorough, investigation of the procurement practices and regulations in the Department of Defense. It is essential that an analysis be done of how effective the reform programs announced by Secretary Weinberger in this area will be. The goal of these reforms is to cut costs in the Department of Defense procurement programs. I share that goal.

My amendment is intended to do just that.

The OFPP is directed to report to Congress no later than June 1, 1984, on the adequacy of those reform programs announced by Secretary Weinberger this past summer. The overall question is how adequate are those programs in promoting practices and developing directives which will achieve substantially better cost control, economy, and efficiency in the purchase of spare parts. The amendment also directs the OFPP, in the context of its report, to provide recommendations which may be appropriate for legislative action by the Congress in the procurement area. It is expected that the OFPP will consult carefully with the Inspector General in the course of its investigation and the amendment requires that the data developed by the Inspector General be made available upon request to the OFPP. Furthermore, the amendment requires that the Inspector General

comment upon the findings and recommendations of the OFPP in its report to the Congress. My intention is that the close cooperation of the Inspector General with the OFPP will result in a more solid and valuable report to the Congress.

Mr. President, the American people are not going to stand for pricing abuses to continue unabated. It has been reported that one supplier sold the Navy a clawhammer for $435 dollars, and a 12-foot measuring tape for $437 dollars. The press has reported a number of such outrageous episodes. If these practices are not corrected, and followup does not bring the major changes needed, it is going to be nearly impossible to sustain the 5-percent real growth in defense spending which has seemed appropriate. It has been reported that Secretary Weinberger is seeking a 17-percent budget increase for fiscal year 1985 compared to 1984. This would be a real growth rate of around 12 percent. I think even 5 percent will be difficult if the evidence continues to mount on waste in the Weinberger Pentagon.

It may well take legislative action to correct some of these abuses. I will be looking with interest at the situation as it unfolds—both in the new audits that are now being conducted in other spare parts areas, such as electronic parts, and in the results of the investigations by the committee. The distinguished Senator from Michigan (Mr. LEVIN) authored a sound amendment to the fiscal year 1984 Defense authorization bill which implemented one of the recommendations of the Inspector General. Additional legislative action may well be appropriate in the near future. The continuing action by the Inspector General, supplemented and put into perspective by the report I am proposing be done by the Office of Federal Procurement Policy, should provide the Congress with the appropriate recommendations.

Mr. COHEN. Will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. COHEN. I would like to associate myself with the remarks of the Senator from West Virginia and also to ask his permission to be added as a cosponsor to his amendment.

Senator LEVIN and I and others who serve not only on the Armed Services Committee but also on the Governmental Affairs Committee have been conducting hearings and oversight proceedings to try to determine what in fact is going on within the Department of Defense with respect to billions of dollars, in my judgment, being wasted particularly in the field of spare parts.

This past week, in the Governmental Affairs Committee, we had a hearing, and we found that a 4-cent diode cost the Defense Department over $100. We found that a plastic cap that goes on the bottom of a stool on one of our aircraft, the AWACS, which may cost 26 cents, was being billed at $1,118 per plastic cap.

We had testimony of loveseats and chairs in ships going for $5,000 and $6,000. It is simply an outrageous situation. In my judgment, what we have is a looting mentality taking place among our defense contractors. Not only is it unconscionable pricing—a word that has been used many times—in my judgment it goes further; I think it is criminal. I think we have a case of criminal behavior on the part of some of our contractors who charge hundreds or, indeed, thousands of dollars for a 4-cent or 5-cent item and pass that on to the taxpayers of this country. I think it represents an attitude that is not only arrogant but contemptuous, contemptuous of the Department of Defense, contemptuous of the Congress, and ultimately contemptuous of the American taxpayer who has to pay the bill.

I say this, in addition, to my good friend from West Virginia: It is not only going to be necessary for the Office of Federal Procurement Policy to conduct a study and to make recommendations about what sort of reform has to take place. OFPP is going to go out of business. OFPP, unless Congress reauthorizes it, is going to go out of business. There is a bill pending now, on which a hold has been placed, to reauthorize the OFPP. Not only do we have to reauthorize OFPP, but we have to restore its regulatory authority.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. BYRD. Mr. President, I have no more time. Will the distinguished manager yield me 1 minute on the bill, so that I may yield to the Senator from Maine?

Mr. STEVENS. I yield.

Mr. COHEN. In addition to conducting the study, we need fundamental procurement reform, more competition, and we have to insist upon our proceedings of debarment and suspension. If we find a defense contractor engaging in fraudulent activity, he should be debarred from doing business not only with DOD but also with every other Government agency.

This is just the beginning, and I commend the Senator.

Mr. BYRD. I thank the Senator for his statement, for his support, and for his cosponsorship.

Mr. President, I ask unanimous consent that the name of the Senator from Maine be added as a cosponsor of the amendment.

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

Mr. LEVIN. Mr. President, will the manager of the bill yield me a moment on the bill?

Mr. STEVENS. I cannot define a moment.

Mr. LEVIN. One minute.

Mr. STEVENS. One minute.

Mr. LEVIN. I thank my friend.

Mr. President, I compliment the Senator from West Virginia.

Senator COHEN has mentioned that we have held many hearings in two committees, Governmental Affairs and Armed Services, in the area of spare parts.

The basic problem is that there is not enough competition and not enough vigilance. This amendment of the Senator from West Virginia will help promote some vigilance. A number of amendments have been adopted recently by Congress to promote competition and vigilance. They are both needed.

The parts situation that the Senator from Maine has described was duplicated by a number of other horror stories. I do not know if the Senator from West Virginia saw this or not, but we were about to pay $9,700 for a part that cost 12.5 cents. We were about to pay thousands of dollars for two pieces of wire that you can get free at the hardware store.

I commend my friend from West Virginia, and I ask that he adds my name as a cosponsor.

Mr. BYRD. Mr. President, I yield myself 1 minute from the bill, Mr. Stennis not being here.

I thank the Senator from Michigan.

Mr. President, I ask unanimous consent that the name of the Senator from Michigan be added as a cosponsor.

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

Mr. STEVENS. Mr. President, there is some reason to believe that there needs to be greater review of the procurement system, particularly in the area of small parts. That is why we readily agreed to an amendment to hire additional auditors.

I can count, so I am not going to oppose this amendment now. But I think the Senate should realize that this is another study to be made by people who have been hired to find the problems, not to write reports to Congress. This puts the Department of Defense under another group, the Office of Federal Procurement Policy, and then requires that report to be reviewed again by the Inspector General, and the Inspector General is supposed to be out there finding fraud, abuse, and corruption.

Let me tell Senators about fraud, abuse, and corruption. When we heard about these parts that cost 26 cents and are being billed for $14 or $1,400, we held a hearing on that. That was unitary billing. The supplier provided, say, a thousand parts, and he billed them on a unit basis, rather than listing each one at 26 cents or 39 cents or $140,000.

The Inspector General looked at that, and there was nothing wrong

with it. We advised them to list it the other way. It will cost the Government more money to pay the contractor for having to hire computer people to punch in the individual parts and list them and have that control, rather than to bill the Government on a unitary basis for all the parts they supply.

I understand that it makes nice reading to indicate that that was fraud. It was not fraud. We had a hearing, and it was not fraud. There were some individual cases where there was fraud.

I would hope that the Inspector General could spend his time finding that fraud and not writing more reports.

Unfortunately, my good friend has enough votes to win, and I accept the amendment. I do not really support it. I hope he understands my reluctance with respect to another series of reports to sit on a shelf. I will take you to our office and let anybody see the reports we have. We do not have enough staff to keep track of them, let alone read them.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute.

Mr. STEVENS. I yield.

Mr. STENNIS. Mr. President, no one is better at finding things than the Senator from Alaska. But this matter of parts has become so important and so expensive and there is so much of it every year that it is a good idea to have something that puts the finger on them. Perhaps more elaborate legislation would have been better, but my opinion is that this will help to make a start, and it will doubtless be worth something in saving money. I am going to support the amendment for that reason.

The PRESIDING OFFICER. Is there further debate on the amendment? Does the Senator from Alaska yield back the remainder of his time?

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

Mr. STEVENS. I yield.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that my name be listed as a cosponsor.

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

Mr. FORD. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

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

Mr. STEVENS. Mr. President, if the Senator from West Virginia will delay long enough, I am sure we will have a majority as cosponsors, and we will not have to take a rollcall vote.

I am prepared to accept the amendment. I see no reason to have a rollcall vote.

Mr. BYRD. I had understood that the leadership wanted one more rollcall vote today, and I thought this might be it.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum, and I will ascertain that.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from Alaska yield back the remainder of his time?

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

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

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from North Dakota (Mr. ANDREWS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. LAXALT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from Indiana (Mr. QUAYLE), the Senator from Wyoming (Mr. SIMPSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. WEICKER).

I further announce that, if present and voting, the Senator from Washington (Mr. EVANS), would vote "yea."

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from North Dakota (Mr. BURDICK), the Senator from Florida (Mr. CHILES), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Vermont (Mr. LEAHY), are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY), and the Senator from Illinois (Mr. DIXON), would each vote "yea."

The PRESIDING OFFICER (Mr. JEPSEN.) Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 66, nays 5, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—66

Armstrong	Hatch	Murkowski
Baker	Hatfield	Nickles
Biden	Hecht	Nunn
Bingaman	Heinz	Pell
Boren	Helms	Pressler
Bradley	Huddleston	Proxmire
Byrd	Humphrey	Pryor
Chafee	Jepsen	Randolph
Cochran	Johnston	Riegle
Cohen	Kassebaum	Roth
Cranston	Kasten	Rudman
D'Amato	Levin	Sarbanes
Danforth	Long	Sasser
Dodd	Lugar	Specter
Domenici	Mathias	Stafford
Eagleton	Matsunaga	Stennis
East	Mattingly	Symms
Exon	McClure	Trible
Ford	Melcher	Tsongas
Garn	Metzenbaum	Warner
Gorton	Mitchell	Wilson
Grassley	Moynihan	Zorinsky

NAYS—5

Denton	Stevens	Wallop
Dole	Tower	

NOT VOTING—29

Abdnor	Durenberger	Lautenberg
Andrews	Evans	Laxalt
Baucus	Glenn	Leahy
Bentsen	Goldwater	Packwood
Boschwitz	Hart	Percy
Bumpers	Hawkins	Quayle
Burdick	Heflin	Simpson
Chiles	Hollings	Thurmond
DeConcini	Inouye	Weicker
Dixon	Kennedy	

So Mr. BYRD's amendment (No. 2502) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, the distinguished Senator from Iowa has an amendment we have discussed. I yield to him for the purpose of sending his amendment to the desk.

AMENDMENT NO. 2503

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY), for himself and Mr. PRYOR, proposes an amendment numbered 2503.

At the appropriate place in the bill insert the following:.

SEC. . It is the sense of the Senate that competition, which is necessary to enhance innovation, effectiveness, and efficiency, and which has served our nation so well in other spheres of political and economic endeavor, should be expanded and increased in the provision of our national defense.

Mr. GRASSLEY. Mr. President and Members of the Senate, I think the language just read speaks for itself so I will not take very much time of the Senate.

Mr. President, Senator PRYOR and I offer this sense of the Senate resolution as an expression of a vital need to strengthen our national defense through the benefits of competition.

Many of us in the Congress, and the American public in general, are becoming increasingly alarmed at outrageous pricing by large defense contractors, and the poor quality and performance of what we are buying.

But such results should not come as a surprise to us. Not if we understand these as the products of a system donated by monopoly and centralization.

Last week, an article appeared in a Tucson paper, the Arizona Daily Star, describing mismanagement and egregious overpricing by the Hughes Aircraft Co., in the production of the Maverick missile.

According to the report, Hughes is spending an average of over 3,000 hours to do what the U.S. Air Force says should take less than 180 hours.

Translated into efficiency, that means it takes Hughes 17 times what it should to roll a Maverick missile off the assembly line.

Industrial work is measured by the standard labor hour, or the standard hour of output. It is a measure of work, not time. It is the amount of work that a trained worker will do in an hour, given adequate supervision and tools, working at a normal pace, with suitable allowances for coffee-breaks, trips to the restroom, cleanup time, and so forth.

How is it possible that we can allow ourselves to be charged for 17 times the amount of work that should go into what we buy? The answer is quite simple: We do not demand other competitors to do what we ask of Hughes, or of any other prime contractor for that matter.

Mr. President, Americans prefer competition because it work. We view competition as necessary to reduce costs and improve the quality of our products. In the general economy, competition is necessary to prevent the abuses of monopoly and centralization, which stifle innovation, effectiveness and efficiency. The values we have traditionally demanded have led to a political economy whose freedom and productivity are the rival of the world.

It is interesting, however, that we fail to apply these same values to the much more critical area of our Nation's defense. For our defense, we allow labor markups to exceed the norm by a factor of 17. It is grotesque. But it exists. It exists because in the realm of the defense industry, there is an absence of competition. So plastic stool-caps can cost a thousand dollars, washers can cost $700, and on and on.

When we view the defense industry, we understand the problem as an overpricing of the products we buy. Products cost many times what they would cost in a market economy. It is because there are no checks and balances within the industry. There is no competition.

But in the Pentagon bureaucracy, the problem is different. There, the problem is the buy-in. The buy-in represents a deliberate, overoptimistic bid pumped into the system by a program manager whose incentives are simply to startup a program and get it funded. His program will be bought if he can show its cost will decline in the outyears.

Although the costs of such programs are invariably and systematically underestimated, they appear as projected costs in DOD's 5-year defense budgets. When the outyears come to pass, however, actual costs always exceed substantially the projected costs, and so execution of these programs require more resources.

We talk of these programs, and the collective budget, as being underfunded.

The underfunded budget is a phenomenon inherent to any bureaucracy. It is the product of a centralized process. It can occur if there exists no suitable system of checks and balances.

Mr. President, it is the responsibility of the Congress to do what is necessary to provide a check to the centralized bureaucracy. The strength of our national defense requires it. But to provide such a check, we need a better knowledge of the bureaucracy, and insights into how it functions, and what its incentives are.

We must be sufficiently critical, yet constructive. In the case of our national defense, it is becoming more and more evident that we are not reaping the benefits of competition, but instead suffering the abuses of its absence.

This resolution offered by myself and Senator PRYOR, would be an expression by the Senate that increased competition is necessary to strengthen our national defense in order to maximize the value of our defense dollars. I urge the resolution's adoption.

● Mr. PRYOR. Mr. President, I urge Senate approval of the resolution the distinguished Senator from Iowa (Mr. GRASSLEY) and I have proposed to express the sense of the Senate that competition be increased in defense contracting activities. Such competition will serve the taxpayers and will serve the interests of national security.●

Mr. GRASSLEY. Mr. President, I want to thank Senator PRYOR for his work in this area.

Mr. STEVENS. Mr. President, I have discussed this amendment with the distinguished Senator. It is a sense-of-the-Senate resolution. I am sure the Senator from West Virginia will comment from his side of the aisle.

Mr. BYRD. Mr. President, I am advised that there is not opposition to this amendment on this side.

Mr. STEVENS. I thank the Senator. I yield back the remainder of our time.

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 2503) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, that will finish the matters to be considered on the Defense appropriations bill this evening. I do thank all of those who have been working on the bill, and I thank the Senate for its patience.

Mr. President, on Monday when we return to the bill, I might state that we do have an understanding now that Senator BUMPERS will present his MX amendment; followed by Senator NICKLES, if he decides to present his amendment; followed by Senator MATTINGLY, who has an amendment on consultants; followed by Senators WEICKER and CHAFEE, who have an amendment pertaining to the support submarine.

That means we will start off early on Monday. The votes on those amendments, if they are ordered, will occur later in the afternoon under the agreement which has received the approval of the Senate.

THE PRESIDENT MUST PROVIDE LEADERSHIP

Mr. BYRD. Mr. President, I have in my hand a UP wire service story which I ask unanimous consent to have printed in the RECORD.

I call particular attention to the reported statement by an aide to Senator DOLE to the effect that White House officials told him that President Reagan would wait to see what the Senate proposes.

In view of the President's election promises that he would balance the budget by 1983, if not 1982, and also in view of the unprecedented large budget deficits that are now occurring and will occur in the years ahead, it seems to me that the President ought to get off the sideline and participate directly in the efforts to reduce the budget deficits. These deficits have occurred because of the failure of Mr.

Reagan's monetary and fiscal policies. So instead of his waiting to see what the Senate proposes, he himself needs to provide leadership.

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

[From the UPI Wire Service]

(By Robert MacKay)

WASHINGTON.—President Reagan might support a package of tax increases and spending cuts to slash mounting deficits if the tax hikes are similar to his "contingency" tax proposal, a White House spokesman said Friday.

And Senate Republican leader Howard Baker said Senate leaders are discussing $73 billion in new taxes that are "not inconsistent" with Reagan's contingency tax proposal.

It was the first indication the President may be willing to support Senate Republican and Democratic leaders in their closed-door efforts to produce a plan to slash deficits by $150 billion over the next three years.

But Deputy Press Secretary Larry Speakes, asked during a Presidential trip to North Carolina Friday whether the President had ruled out tax increases, said Reagan favors "contingency" taxes if they are accompanied by spending cuts.

"His position is still that the best deficit-reduction plan is the one he submitted in January in the budget," Speakes said. "He will not accept any new taxes without spending" cuts.

An aide to Senate Finance Committee Chairman Robert Dole (R-Kan.), said White House officials told him Reagan would wait to see what the Senate proposes.

Baker (R-Tenn.), said Reagan's remarks Thursday night were consistent with his previous statements, but he also noted Reagan had included contingency tax increases in his fiscal 1984 budget proposal that would go into effect if the deficit got too large.

Despite Reagan's veto threats, Baker said a bipartisan group of Senate leaders will continue to try to fashion a package of spending cuts and tax increases to slash the deficit.

Baker said Reagan's statement in opposition to new taxes "does* * *.

Dole met with members of his Finance Committee throughout the day to try to reach a bipartisan consensus on a package of spending cuts and tax increases that would cut the deficit by about $150 billion over the next three years.

"This is our plan and we're very optimistic about it," a congressional aide said. The White House is "not rejecting our effort," he added.

Congress is scheduled to adjourn for the year Nov. 18.

One of the possibilities being discussed, according to congressional sources, is for about $75 billion in tax increases and $45 billion in spending cuts over the next three years—a package that would be added to a $28 billion deficit-reduction bill already in the Senate.

The 1984 budget resolution Congress adopted in June called for $85 billion in deficit reductions over three years—$73 billion in tax increases and $12 billion in spending cuts.

DEPLORING THE LOSS OF LIFE IN THE EARTHQUAKE IN TURKEY

Mr. CHAFEE. Mr. President, I send a resolution to the desk. I do not ask for its immediate consideration. It would be agreeable to me if it were placed on the calendar for consideration on Monday.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be placed on the calendar.

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

Mr. BYRD. Would the distinguished Senator want to have his resolution printed in the RECORD?

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

There being no objection, the resolution proposed by Mr. CHAFEE, for himself, Mr. BYRD, Mr. TSONGAS, Mr. MATTINGLY, Mrs. KASSEBAUM, and Mr. HATFIELD was ordered to be printed in the RECORD, as follows:

S. RES. 271

Whereas, a major earthquake struck the mountainous region of eastern Turkey on October 30, killing more that 1,300 persons, and

Whereas, this earthquake has caused widespread destruction, as well as anguish and suffering for the survivors: Therefore, be it

Resolved, That the Senate of the United States extends its condolences to the Government of Turkey and to its people on the loss of life and the destruction of property; and be it also

Resolved, That it is the sense of the Senate that the Government of the United States provide assistance to the Turkish Government and to the people of Turkey in this time of need.

Mr. CHAFEE. Also, Mr. President, I presume it would be available for additional cosponsors should there be others.

The PRESIDING OFFICER. That is correct.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

ANNUAL REPORT OF THE DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT—PM 87

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with the requirements of Section 657 of the Department of Energy Organization Act (P.L. 95-91), I hereby transmit the Fifth Annual Report of the Department of Energy.

RONALD REAGAN.

THE WHITE HOUSE, *November 4, 1983.*

CONTINUATION OF EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 88

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying document; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination on the anniversary date of a declaration of emergency, unless prior to the anniversary date the President publishes in the *Federal Register* and transmits to Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent to the *Federal Register* for publication the enclosed notice stating that the Iran emergency is to continue in effect beyond the November 14, 1983 anniversary date. Similar notices were sent to the Congress and the *Federal Register* on November 12, 1980, November 12, 1981, and November 8, 1982.

The crisis between the United States and Iran which began in 1979 has eased, but it has not been fully resolved. The internal situation in Iran remains uncertain; the war between Iran and Iraq continues. The international arbitral tribunal established for the adjudication of claims of U.S. nationals against Iran and by Iranian nationals against the United States continues to function; however, full normalization of commercial and diplomatic relations between the U.S. and Iran will require more time. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed to respond to the process of implementation of the January 1981 agreements

with Iran and the eventual normalization of relations.

RONALD REAGAN.

THE WHITE HOUSE, *November 4, 1983.*

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 89

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to Section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. Section 1703(c), I hereby report to the Congress with respect to developments between my last report on May 2, 1983, and mid-October 1983, concerning the national emergency with respect to Iran that was declared in Executive Order No. 12170 of November 14, 1979.

1. The Iran-United States Claims Tribunal, established at The Hague pursuant to the Claims Settlement Agreement of January 19, 1981, continues to make progress in arbitrating the claims of U.S. nationals against Iran. Since my last report, the Tribunal has rendered 42 more decisions for a total of 82 final decisions. Sixty-two of these decisions have been in favor of American claimants. Forty-two were awards on agreed terms, authorizing and approving payment of settlements negotiated by the parties and 20 were adjudicated. Total payments to successful American claimants from the Security Account stood at just under $88 million, as of October 1. Of the remaining 20 decisions, 12 dismissed claims for lack of jurisdiction, seven dismissed claims on the merits and one approved withdrawal of a claim. As of October 1, the Tribunal had held 111 prehearing conferences and 68 hearings on the merits and scheduled another eight prehearings and nine hearings through mid-November. In addition, two full Tribunal sessions of five days each were scheduled for October and early November.

2. The Department of State continues to coordinate the efforts of the concerned government agencies in presenting U.S. claims against Iran, as well as U.S. responses to claims brought by Iran. The Department has devoted a great deal of time to responding to cases brought by Iran under Articles II(3) and VI(4) of the Claims Settlement Agreement, which establish Tribunal jurisdiction over questions of interpretation and implementation of the Algiers Accords. In the last six months, the United States has replied to all of the allegations raised by Iran in a major interpretive dispute concerning the United States' implementation of the Algiers Accords. The Tribunal has scheduled eight prehearing conferences or hearings on these issues. In addition, Iran has filed three more interpretive disputes, requesting clarification of: the Tribunal's jurisdiction over dual national claims; its authority to grant interest on awards; and the criteria for determining corporate nationality. Each of these questions had previously been decided by the Tribunal or a chamber thereof. The United States has filed replies in these three cases.

3. Since my last report, there has been further activity in resolving the government-to-government claims based on contracts for the provision of goods or services. Of the 64 claims filed by Iran against the United States, nine have been withdrawn or terminated and one has resulted in an award on agreed terms. The Tribunal has received pleadings from both sides in the remaining cases and in almost all of the 18 claims which the United States filed against Iran. Since, in many instances, the Tribunal has announced its intention to decide the official claims on the pleadings, only one prehearing conference and one hearing have been scheduled.

4. Since my last report, the Tribunal has rendered a number of significant decisions. In at least six instances, Iran has filed suit in Iranian courts against claimants at the Tribunal on issues similar to those before the Tribunal. In each case, the Tribunal has requested Iran to stay the Iranian court proceedings in Iran until the Tribunal has had a chance to determine its jurisdiction over the claims. Iran, however, has yet to comply with any of these requests. On other matters, the Tribunal has found a contract to exist between a United States claimant and Iran in the absence of a formal written document, and it continues to award successful claimants interest on their awards. The Tribunal has begun to enforce more vigorously its filing deadlines, rejecting a number of Iranian counterclaims on the grounds that they were filed too late and refusing to consider pleadings filed after the established deadline.

5. In the last six months, the United States has proposed to the Tribunal that it adopt a test case approach in arbitrating the 2,742 remaining claims for less than $250,000 each. The United States has categorized all these claims according to the type of loss involved. Under this approach, the Tribunal would select a few cases in each category for a full hearing. Based on the decisions in each category, claims experts would then arbitrate the remaining cases in each category, subject to Tribunal ratification of their decisions.

6. In the period since my last report, there have been several changes in the Tribunal's composition. The resignation of Judge Pierre Bellet, one of the three third-party arbitrators, became effective on August 1. Because the six party-appointed arbitrators were not able to agree on a successor, the Appointing Authority, previously designated by the Secretary General of the Permanent Court of Arbitration in The Hague, appointed Professor Willem Riphagen of the Netherlands to replace Judge Bellet. Professor Riphagen, a former legal adviser to the Netherlands Ministry of Foreign Affairs, was a professor of international law at the University of Rotterdam. He has served as an ad hoc judge on the International Court of Justice, has presided over an arbitration between the United States and France, and has acted as Special Rapporteur for the International Law Commission.

7. On September 5, the Tribunal accepted the resignation of M. Jahangir Sani, one of the Iranian-appointed arbitrators, effective upon the availability of a successor. On September 14, Iran announced that it was appointing Parviz Ansari Moin to replace Mr. Sani. Mr. Ansari has worked in the Iranian Ministry of Justice for approximately 10 years.

8. The Algiers Accords also provided for direct negotiations between U.S. banks and Bank Markazi Iran concerning the payment of nonsyndicated debt claims of U.S. banks against Iran from the escrow account established at the Bank of England in January 1981 with the deposit of $1.418 billion. Significant progress has been made in the past six months in settling these claims. As of mid-October, 24 settlements, totaling approximately $919 million, had been reached. From the $919 million paid to U.S. banks, the banks paid $327 million to Iran in settlement of Iran's claims against them, primarily for interest on domestic deposits. The Export-Import Bank received $419 million. About 25 bank claims remain outstanding.

9. During the past six months, the Department of State has begun to renovate and prepare for rental diplomatic and consular properties of Iran in the United States. In the absence of diplomatic relations between the United States and Iran, these properties have remained vacant and in many instances have deteriorated. To preserve them and to generate income for their upkeep, the Department of State, pursuant to a license granted in September by the Department of the Treasury, will sell moveable property left in or around Iranian premises following the break in diplomatic relations with Iran on April 7, 1980.

10. The Treasury Department's Office of Foreign Assets Control has established procedures authorizing the sale of blocked Iranian property in the United States and the eventual disposition of the proceeds of such sales. Much of this property is tangible

property, including property which has not been authorized to be exported from the United States because of its potential military applications. In the six-month period preceding this report, three sales of such tangible property have been licensed. No sales had taken place as of mid-October. Several direct settlements of disputes between holders of such tangible property and Iran have occurred recently.

11. Despite the progress made by the Tribunal in the past six months, significant American interests remain unresolved. Iran has challenged five of the Tribunal's awards in the District Court of The Hague, seeking to invalidate them. Thus, financial and diplomatic aspects of the relationship with Iran continue to present an unusual challenge to the national security and foreign policy of the United States. By separate action of this date, I am extending the emergency with respect to Iran beyond the November 14, 1983 anniversary. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

RONALD REAGAN.

THE WHITE HOUSE, *November 4, 1983.*

MESSAGES FROM THE HOUSE

At 12:41, a message from the House of Representatives was delivered by Ms. Goetz, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 2077) entitled "An Act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes" with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 139. Joint resolution to commemorate the centennial of Eleanor Roosevelt's birth.

At 1:09 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3959) making supplemental appropriations for the fiscal year ending September 30, 1984, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. WHITTEN, Mr. BOLAND, Mr. NATCHER, Mr. SMITH of Iowa, Mr. ADDABBO, Mr. YATES, Mr. BEVILL, Mr. LEHMAN of Florida, Mr. FAZIO, Mr. CONTE, Mr. MCDADE, Mr. MYERS, Mr. COUGHLIN, and Mr. O'BRIEN as managers of the conference on the part of the House.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 122. Joint resolution to designate the week of November 27, 1983, through December 3, 1983, as "National Home Care Week"; and

S.J. Res. 188. Joint resolution to designate the month of November 1983 as "National Christmas Seal Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1947. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistic transmitting, pursuant to law, notification of a decision made to convert the custodial services function at the Naval Hospital, Jacksonville, Fla., to performance under contract; to the Committee on Armed Services.

EC-1948. A communication from the Chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, the annual report on purchases of net worth certificates; to the Committee on Banking, Housing, and Urban Affairs.

EC-1949. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, a summary of the conclusions of the SEC's 1982 Major Issues Conference; to the Committee on Banking, Housing, and Urban Affairs.

EC-1950. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1951. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Review of the Audit of the Disabled American Veterans National Headquarters' Financial Statements for the year Ended December 31, 1982"; to the Committee on Veterans' Affairs.

EC-1952. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report on proposals for 20 deferrals of budget authority totaling a $1,924,778,000; jointly, pursuant to the order of January 30, 1975, to the Committees on Agriculture, Nutrition, and Forestry, Appropriations, Armed Services, the Budget, Commerce, Science, and Transportation, Energy and Natural Resources, Environment and Public Works, Finance, Foreign Relations, Governmental Affairs, and Labor and Human Resources.

EC-1953. A communication from the Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, 19 confidential selected acquisition reports for certain weapons systems; to the Committee on Armed Services.

EC-1954. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale to Saudi Arabia; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. Res. 269. An original resolution relating to a day care center for children of Senate employees (Rept. No. 98-298).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 1090. A bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for Government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes (with additional views) (Rept. No. 98-299).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. TOWER, from the Committee on Armed Services:

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Maj. Gen. Paul W. Myers, 097-16-9174FR, United States Air Force (Exec. Rept. 98-19).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2051. A bill entitled "The Health Care Cost Containment Act of 1983"; to the Committee on the Judiciary.

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mrs. HAWKINS, Mr. WILSON, and Mr. SYMMS):

S. 2052. A bill to amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on perishable agricultural commodities and sales proceeds of such commodities for the benefit of the unpaid seller, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CHAFEE:

S. 2053. A bill to promote the full participation of severely disabled individuals in community and family life; to the Committee on Finance.

By Mr. SYMMS:

S. 2054. A bill to suspend for a 3-year period the duty on hydrazone, 3-(4-methylpiperazinyliminomethyl) rifamycin SV; to the Committee on Finance.

S. 2055. A bill to suspend for a 3-year period the duty on 5H-Dibenz (b,f,) azepine-5-propanamine, 10, 11-dihydro-N-methyl-, monohydrochloride; to the Committee on Finance.

S. 2056. A bill to suspend for a 3-year period the duty on a 3-((Hydroxydiphenylacetyl)oxy)-1, 1-dimethylpiperidinium bromide; to the Committee on Finance.

By Mr. BUMPERS:

S. 2057. A bill to amend the Consolidated Farm and Rural Development Act to improve and streamline the provision of farm

credit assistance through the consolidation of the real estate, operating, economic emergency, soil and water, limited resource, recreation and rural youth loan programs into one Agricultural Adjustment Loan; to reduce paperwork and make the FmHA loan process more responsive to farmers' needs; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN:

S. 2058. A bill to require the disposal of certain lands at Montauk Air Force Station, East Hampton Township, N.Y., for park and recreation purposes; to the Committee on Governmental Affairs.

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

S. 2059. A bill to provide revised reimbursement criteria for small rural health clinics utilizing National Health Service Corps personnel; to the Committee on Labor and Human Resources.

By Mr. JEPSEN:

S. 2060. A bill to provide that, in the case of any individual who dies while in active service as a member of the Armed Services as a result of disease, wounds, or injury incurred as a result of a hostile action outside the United States, any Federal income tax liability of such person with respect to the year of such persons death shall not apply; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2061. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York; to the Select Committee on Indian Affairs.

By Mr. HEINZ:

S.J. Res. 192. Joint resolution to extend the term of the Presidential Commission for the German-American Tricentennial, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAWKINS:

S.J. Res. 193. Joint resolution designating March 6, 1984, as "Frozen Food Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MATHIAS from the Committee on Rules and Administration:

S. Res. 269. An original resolution relating to a day care center for children of Senate employees; placed on the calendar.

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

S. Res. 270. Resolution expressing the sense of the Senate with respect to the North Korean bombing in Rangoon; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself, Mr. BYRD, Mr. TSONGAS, Mr. MATTINGLY, Mrs. KASSEBAUM, and Mr. HATFIELD):

S. Res. 271. Resolution deploring the loss of life in the earthquake in Turkey; submitted and placed on the calendar.

By Mr. DURENBERGER (for himself and Mr. BOREN):

S. Con. Res. 84. Concurrent resolution to encourage State and local governments to focus on the problems of child custody, child support, and related domestic issues; to the Committee on Governmental Affairs.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2051. A bill entitled the "Health Care Cost Containment Act of 1983"; to the Committee on the Judiciary.

HEALTH CARE COST CONTAINMENT ACT OF 1983

Mr. SPECTER. Mr. President, today I am introducing the "Health Care Cost Containment Act of 1983." This legislation is designed to confront what has become a national crisis—the disappearance of affordable health care in the United States.

By any statistical measure, health care costs are sharply on the rise, far outstripping the ability of most Americans to pay for it. Last year the health care component of the Consumer Price Index rose by 12.1 percent, more than twice the national inflation rate. A semiprivate hospital room in a big city now costs an average of almost $300 a day, an increase of 160 percent since 1976.

Unchecked by market forces or regulation, escalating health care costs burden consumers in several punishing guises. There are higher taxes for medicare and medicaid. Health insurance premiums steadily rise with annual increases of 30 percent or more. And aggregate higher health care costs ultimately fuel inflation at the expense of the quality of life of all Americans.

Health care is not a luxury. It is a basic necessity of life that cannot be allowed to slip inexorably out of the financial reach of American families. The Health Care Cost Containment Act of 1983 offers a useful step in controlling these costs.

Essentially, the legislation provides a limited antitrust exemption to accomplish two results. First, it would allow health care insurers to collaborate in collecting health care data on the costs and quality of care rendered by health care providers such as hospitals and clinics. This information base would promote better informed consumer choices on health care while spurring competition among the providers of such care. Second, it would allow insurers to enter into agreements with providers clearly stipulating the level and cost of health care, thereby promoting competition with the health care industry and giving further clarity to consumer decisions on how to choose health care most efficiently.

This legislation recognizes that it is the health care insurers, or so-called third-party payors of health care costs, that are in a good position to restrain costs. Consumers lack enough information under the present system. A limited antitrust exemption will give insurers a mechanism to more accurately assess costs so that they may intelligently deal with health care providers to the benefit of all consumers.

In order to insure that this exemption only promotes joint activities which help contain costs, the bill authorizes the Attorney General to investigate all the joint conduct provided hereunder. If the Attorney General determines that the joint activity fails to contain costs or unduly restricts competition, the bill provides that the Attorney General shall order the cessation of such activities. This investigatory and remedial power would effectively deter potential abuses of the limited antitrust exemption the bill provides.

The exemption is designed to override any conflicting State law which would prevent health care payors from performing the bill's designated activities. It is not intended to supersede State hospital cost control statutes or insurance laws which do not conflict with the bill's purpose, but which may impose additional duties or responsibilities on payors or providers.

The magnitude of the health care cost control problem compels Government and private business to take unusual steps to reach solutions. Antitrust exemptions are not suggested lightly. But in order to control costs and to promote competition, this narrow exemption appears to be warranted.

Since the Federal antitrust laws have been enacted, they have been of enormous benefit to our Nation in promoting competition. As a variety of economic problems have arisen, it has been appropriate to restructure the application of these antitrust laws in the interest of clarifying those laws to promote the national interest.

This legislation will provide a starting point to consider the wisdom of these proposed modifications. It may be that hearings and further consideration will prove these proposals unwise or subject to modification, but the problems are so serious that we shall consider the manner of dealing with these problems.

This legislation is not a panacea to the problem of exploding health care costs, but it offers a suggestion toward cost containment, a problem deserving our urgent attention. I ask unanimous consent that the bill be reprinted in the RECORD.

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

S. 2051

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

SEC. 2. The Congress finds:

The spiraling costs of the United States health care system requires cooperation among various private sectors to control those costs;

The public interest requires that health insurers and other payors who reimburse recipients for the expense of health care, or pay providers directly on behalf of such re-

cipients, be encouraged to work together to contain the cost to recipients; and

The health care cost spiral appears not only to be part of the national inflation in the cost of living, but also to exceed other inflation rates; and

Insurers and others have cooperated in the limited collection, exchange, interpretation and use of data on the delivery of and charges for health care services, with a salutary effect on health care costs; and

It is desirable that such cooperation continue and that the right to engage in further cooperative efforts to contain health care costs be clarified.

SEC. 3. As used in this chapter—

(a) "Health care provider" means an individual, group of individuals, hospital, clinic, partnership, corporation, association, company, firm or any other form of business enterprise which provides medical and other health services, or any association of such health care providers.

(b) "Insurer" means any individual, group of individuals, partnership, corporation, association, company, firm or any other form of business enterprise authorized to do the business of insurance or administer insurance under the laws of the United States or of a State, territory, district, or possession thereof, or any association of such insurers.

(c) "Health care services" means any item or service defined in 42 U.S.C. section 1395x (b), (c), (d), (f), (g), (h), (i), (j), (m), (n), (p), (q), and (s), all as amended.

(d) "Person" means an individual, group of individuals, partnership, corporation, association, company, firm or any other form of business enterprise.

SEC. 4. The antitrust laws, as defined in section 1 of the Clayton Act, and the Federal Trade Commission Act, shall not apply to any activity undertaken (either directly or through a third party or parties) individually by an insurer or other person engaged in making payments with respect to charges for health care services or jointly among such insurers or such persons for the purpose of

(a) acquiring, processing, reporting or analyzing information relating to the quality, cost or utilization of health care services, including reasonable and customary levels of charges for such services, or collecting, distributing, publishing or using analyses or interpretations of such information;

(b) collecting and distributing insurance claims for health care services; or

(c) negotiating, entering into or acting upon agreements with health care providers with respect to the utilization of health care services or the levels of charges or reimbursement for health care services.

SEC. 5. (a) Activities permitted by this Act may be investigated at any time by the Attorney General for the purpose of—

(1) determining whether the activities under investigation are subject to the Act; or

(2) determining whether such activities have had the effect or will have the effect of increasing the cost of health care services or unduly restricting competition in the delivery or financing of health care services.

(b) In the event the Attorney General undertakes an investigation, all persons engaged in the particular activity that is the subject of the investigation shall be given notice thereof in writing. The Attorney General shall conduct his investigation in conformance with procedures to be established by him pursuant to section 553 of title 5, United States Code. If the Attorney General determines after the conclusion of such investigation that an activity does not comply with the requirements of this Act, he shall give written notice of such determination, which notice shall—

(1) include a statement of the circumstances underlying, and the reasons in support of, the determination; and

(2) state with specificity any actions required in order for the activity to come into compliance.

(c) If persons engaged in the activity under investigation fail to take the actions specified by the Attorney General within sixty days, he shall commence an action in the United States District Court for the District of Columbia to restrain and prevent the offending activity.

(d) In the event the district court finds that the venture or program is in violation of the requirements of section 4 or 5 of this Act, such court shall order the cessation of such activity.

(e) Any party aggrieved by the determination of the district court may, within thirty days of such determination, seek review by the court of appeals on the grounds that such determination is erroneous.

(f) Information generated in the course of any investigation or court action, or submitted by any person in connection therewith, shall be exempt from disclosure under section 552 of title 5, United States Code.

(g) Neither a determination by the Attorney General pursuant to subsections (a) and (b), or by the district court or court of appeals pursuant to subsections (d) and (e), nor any statements, opinions, or recommendations issued in connection therewith, shall be admissible in evidence in any administrative or judicial proceedings in support of any claim under the antitrust laws.

SEC. 6. This Act shall supersede any law of any of the several states that might otherwise prohibit the actions authorized within, the intent of Congress being to encourage payors or health care services to assist in containing health care costs.

By Mr. HELMS (for himself, Mr. HUDDLESTON, Mrs. HAWKINS, Mr. WILSON, and Mr. SYMMS):

S. 2052. A bill to amend the Perishable Agricultural Commodities Act, 1930, by impressing a trust on perishable agricultural commodities and sales proceeds of such commodities for the benefit of the unpaid seller, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PERISHABLE AGRICULTURAL COMMODITIES ACT TRUST PROTECTION PLAN

● Mr. HELMS. Mr. President, today I am introducing a bill to amend the Perishable Agricultural Commodities Act (PACA) to provide sellers and suppliers of fresh fruits and vegetables with a statutory trust plan. Modeled after a 1976 amendment to the Packers and Stockyards Act, this legislation would require that commodities, or products derived from commodities, or the proceeds from sales of commodities, be held in trust until the buyer pays the seller.

This proposal addresses certain problems which have become increasingly troublesome for the industry and does so in a time tested fashion, requiring a minimum of Government intervention. There is widespread support throughout the industry for a trust protection plan, and companion legislation has been introduced in the House by the chairman and ranking member of the Agriculture Committee, Mr. DE LA GARZA and Mr. MADIGAN, respectively.

In dealing with agriculture on a national level, there is often a tendency for Congress to concentrate on the high volume bulk commodities. However, we must not neglect the importance of our more specialized agricultural products.

While not always very big, producers of products such as fresh fruits and vegetables are nonetheless just as important to American agriculture and to their communities. When these producers are threatened by worsening problems which are within the purview of Government to address, Congress should not hesitate to take action.

Maintaining a plentiful supply of quality fresh fruits and vegetables is in the interest of all Americans. These products are not only in great demand, but are also essential to the maintenance of adequate and balanced diets by Americans.

PROBLEMS FACING THE FRESH FRUIT AND VEGETABLE INDUSTRY

The fresh fruit and vegetable industry operates in a market which is anything but normal. The perishability of the commodities necessarily requires that business be done on a more or less informal basis. Sales transactions must be made quickly, or they are not made at all. In fact, many sales are consumated while the commodities are en route to a particular destination.

The production of many commodities is often geographically concentrated, while the market for the products is frequently nationwide. As a result, sales are often made over thousands of miles, compounding the need for quick transactions and for confidence by growers and suppliers that these distant purchasers will make payment for the commodities they purchase. The fact that growers in the industry outnumber the buyers by about 15 to 1 further weakens the farmer's position is these transactions.

Faced with these conditions, it is impractical, if not impossible, for a grower who is holding quantities of highly perishable goods to make credit checks, formulate conditional sales agreements, and take other traditional safeguard measures to assure that he will be paid for his product.

Unfortunately, with increasing frequency some buyers are taking advantage of the irregularities of this market and have been using the value of unpaid commodities to finance their own businesses. When such a buyer encounters severe financial problems or declares bankruptcy, the banks

along with other secured creditors, often holding hidden interests, usually have first claim against the buyer's assets, including any commodities in inventory and any accounts receivable. Standing in line with the other unsecured creditors, farmers are sometimes fortunate if they obtain a few cents on the dollar for their products.

Recently, losses to growers and suppliers of perishable commodities have increased dramatically. According to the U.S. Department of Agriculture, losses to sellers due to buyer bankruptcies increased 60 percent during last year alone. This translates into what is conservatively estimated to be a $65 million loss during the year.

Closely related to the nonpayment problem is something called slow pay. Few businesses can operate for extended periods of time with their customers paying for the goods and services they provide in a slow and untimely fashion. In part because of high interest rates, and in part as a result of the unique fruit and vegetable market, producers have experienced a dramatic growth in slow pay.

Unless other arrangements are made, the Perishable Agricultural Commodities Act requires that a buyer settle his or her account within 10 days. However, last year, only 35 percent of all accounts owed to sellers were settled within 10 days, while more than 50 percent took 30 days or longer to be settled. Only 6 years ago, 55 percent of all bills were paid within 10 days, while 26 percent were settled in 30 or more days.

The legislation that I am introducing today will help protect producers and suppliers of perishable agricultural commodities in case buyers go out of business, and will also encourage prompt payment for such commodities, as was intended with passage of the Perishable Agricultural Commodities Act.

THE PERISHABLE AGRICULTURAL COMMODITIES ACT OF 1930—BACKGROUND

PACA encourages fair trading practices in the trade of fresh fruits and vegetables. It recognizes that these products—being highly perishable—need to be harvested, packed, and distributed quickly. People in the fast-moving, financially hazardous produce business have little choice but to rely on the honesty and good faith of those with whom they trade. With this in mind, PACA prohibits unfair and fraudulent practices in the marketing of fresh fruits and vegetables, sets penalties for violations, and provides a mechanism for sellers and buyers to collect damages from anyone who fails to live up to his contractual obligations in connection with the purchase and sale of these commodities.

PACA was enacted in 1930 in response to escalating deceptive trade practices in the industry. Dealers were, with increasing frequency, refusing to pay for purchases or arbitrarily rejecting shipments when the market declined, while growers and shippers were refusing to honor contracts when markets climbed. The PACA legislation, as well as its enforcement, have remained industry sponsored and financed over the years. Administered by the Agricultural Marketing Service of the USDA, PACA has been amended by Congress a number of times since its enactment to keep it in step with changing trade practices.

While PACA does not specify the terms of marketing contracts, it does require that persons subject to the act must carry out the contracts that they make. Sellers must ship their produce as specified, while buyers must accept shipments that meet specifications, and pay promptly after acceptance. Prompt payment means within 10 days unless there is a prior agreement to extend the payment period. Misbranding and misrepresentation are prohibited, and receivers must issue accurate accountings and pay net proceeds promptly for consigned shipments.

Licenses are the key to enforcing PACA. The act requires commission merchants, dealers, and brokers handling fresh fruits and vegetables in interstate or foreign commerce to be licensed. Dealers include shippers, wholesalers, certain retailers, truckers, and, in some instances, processors. License fees are collected annually and used to pay the expenses of administering PACA, except for the cost of legal services.

A retailer is subject to licensing when the invoice cost of all his purchases of fresh and frozen fruits and vegetables during a calendar year exceed $230,000. On the other hand, truckers do not need a license if they merely haul produce for freight charges, but they do if they buy and sell fruits and vegetables in interstate or foreign commerce.

One of the most important aspects of PACA is that although growers who sell their own fruit and vegetables do not need a license, they receive the full benefit of the protections that PACA provides. However, a grower who sells produce grown by other farmers in interstate or foreign commerce would need a license.

A person or firm that violates PACA can, in some cases, have his license suspended, or even revoked. The penalty for operating without a license is up to $500 for each offense and up to $25 for each day the offense continues.

Over the years, the Perishable Agricultural Commodities Act has successfully fulfilled its goal of providing an open and free market for the sale of fresh fruits and vegetables while keeping unfair and fraudulent trade practices to a minimum. In this way, the legislation has helped assure a reliable supply of fresh fruits and vegetables for Americans consumers. However, from time to time, adjustments are needed in the act to keep pace with changing trade practices.

PROPOSED AMENDMENT TO PACA

The legislation I am introducing today would amend the Perishable Agricultural Commodities Act to squarely address the problems that growers are having not only in getting their accounts settled in a timely fashion, but in protecting themselves when buyers go out of business without paying for received commodities.

Specifically, a statutory trust would be set up in the case of each PACA licensee equal in value to the perishable agricultural commodities sold to the licensee. If a seller is not paid within 10 days of the transaction—or if an express written agreement establishing a different payment period has been made by the contracting parties within the specified time period—then the seller must provide written notice to the buyer and the Secretary of Agriculture within 30 days after the scheduled payment date in order to preserve the benefits of the trust.

Once the notice to preserve trust benefits is received, the USDA will check with the buyer to determine the reasons for the delay in making payment. If it is deemed necessary, the Department can resort to disciplinary action under PACA to prevent further violations and the seller can initiate a reparation proceeding to facilitate payment. If the buyer goes out of business, the statutory trust will give the seller a priority with respect to the buyer's assets.

Few would argue against a growers right to expect payment for the basic product upon which all related businesses depend and use for their own profit. By setting up a statutory trust, this proposal will assure that growers will be paid. The famous Food Fair supermarket bankruptcy of 1978 is a classic example of what trust protection can do for the fresh fruit and vegetable industry.

Food Fair owned two meatpacking subsidiaries and, as a result of the bankruptcy, received claims of approximately $2.6 million for livestock. Under the terms of the Packers and Stockyards Act trust provision, livestock producers were paid 100 percent on their claims within the first year.

Sellers and suppliers of fresh fruits and vegetables, however, did not have the benefit of a trust recovery program. Their claims amounted to approximately $4 million, of which only $325,000, or 8 percent, was paid during the first year. I understand that the court now anticipates that these claimants will receive a total of about 45 percent over the period of years ending in January 1985. With current interest rates, the value of that settle-

ment is greatly diminished by the virtue of the time involved.

With the high cost of money, it is important that producers be paid in a timely manner as is currently mandated by law. By requiring that unpaid sellers notify the Secretary within 30 days to preserve their trust benefits, the statutory trust will provide the Department with the information it needs to promptly identify habitual slow payers. Once the slow payers are identified, the Department can use its current authority to bring these firms in line with the law. Furthermore, even occasional late payers, fearing the consequences of being tagged in the community as a slow payer, should be more likely to honor their payment commitments.

This legislation is one of those unique proposals that provides benefits for all involved in the trade of fresh fruits and vegetables. Bankers, who have been consulted throughout the formulation of this proposal, will be able to receive indications of the credit worthiness of their customers. Through the notice requirement of the bill and the current authority to investigate unfair conduct such as slow payment by receivers, the Department will be able to identify posible bad credit risks and help keep them sensitive to their obligations. Furthermore, if a firm is performing in a repeated and flagrant manner, the lending institution may be warned of the problems through prompt disciplinary activities by the USDA. This proposal will also help preserve the health of the perishable agricultural commodities industry, allowing it to remain strong and to expand. This in turn will provide bankers with confidence that loans made to members of the industry are sound investments and will generate increased lending opportunities to the benefit of the banking industry generally.

Although grocers are the only part of the fresh fruit and vegetable marketing chain who are not paid by PACA licensees, the proposal does provide them with distinct benefits. Grocers, being the last in the chain, receive their money from the public, usually through cash transactions. Thus, they generally do not need the protection of a statutory trust in connection with perishable agricultural commodities transactions.

However, it is very much in the interest of the retailer to have a reliable and continuous supply of high-quality fresh fruits and vegetables. These items are high-profit items for the grocer, and on the average account for 8 percent of a retail store's gross profit. Grocers realize that only by keeping the industry healthy, and farmers in business, can they be assured of a continuous supply of these products. The retailer's interest in this legislation is indicated by the fact that the proposal's main sponsor is the United Fresh Fruit and Vegetable Association, a large proportion of whose membership is made up of retailers.

The American public has much to gain by enactment of this legislation, as well. This proposal will help assure that fruit and vegetable producers are not put out of business because of improper payment practices on the part of buyers. In so doing, the bill will help assure that the ability of farmers to profitably produce these commodities will be determined by the demands of the consuming public, and not by the financial policies of middlemen. As a result, consumers, will continue to have at their disposal the high quality fresh fruits and vegetables to which they have become accustomed, and at little additional cost to the Government.

The concept of setting up a statutory trust for sellers of perishable fresh fruits and vegetables is both proven and fair, and is supported by a wide range of agricultural groups from across the country.

I ask unanimous consent that a listing of these organizations be printed at this point in the RECORD:

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

ORGANIZATIONS SUPPORTING AMENDING THE PERISHABLE AGRICULTURAL COMMODITIES ACT TO CREATE A TRUST PROTECTION PLAN

United Fresh Fruit and Vegetable Association.
American Farm Bureau Federation.
Western Growers Association.
California Grape and Tree Fruit League.
Northwest Horticultural Council.
Idaho Grower Shippers Association.
Idaho-Oregon Fruit and Vegetable Association.
Texas Citrus and Vegetable Association.
West Mexico Vegetables Distributors Association.
National Potato Council.
California Citrus Mutual.
Florida Fruit and Vegetable Association.
Yakima Valley Growers-Shippers Association.
National Peach Council.
American Mushroom Institute.
International Apple Institute.
Michigan Apple Committee.
Market Service Association of Chicago.
Michigan State Horticultural Society.
Grower-Shipper Vegetable Association of Central California.
The Greater Chicagoland Produce Wholesalers.
North Carolina Yam Commission.
Wenatchee Valley Traffic Association.
Maine Potato Council.
Maine Potato Sales Association.
National Watermelon Association.
Virginia State Horticultural Society.
Florida Citrus Packers.

Mr. HELMS. Mr. President, this proposal will involve a minimum of Government interference in the marketplace, and will better allow the Government to fulfill its obligations under the Perishable Agricultural Commodities Act. This is a bipartisan measure, fully supported by the administration. It will help assure fairness and stability in an industry of importance to all American consumers. I urge my colleagues to support the early enactment of this proposal.

I ask unanimous consent that the text of the bill, a short summary of its provisions, and a section-by-section analysis be printed in the RECORD.

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

S. 2052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499e) is amended by adding at the end thereof a new subsection to read as follows:

"(c)(1) It is hereby found that a burden on commerce in perishable agricultural commodities is caused by financing arrangements under which commission merchants, dealers, or brokers, who have not made payment for perishable agricultural commodities purchased, contracted to be purchased, or otherwise handled by them on behalf of another person, encumber or give lenders a security interest in such commodities, or on inventories of or receivables or proceeds from food or other products derived from such commodities, and that such arrangements are contrary to the public interest. This subsection is intended to remedy such burden on commerce in perishable agricultural commodities and to protect the public interest.

"(2) Perishable agricultural commodities received by a commission merchant, dealer, or broker in all transactions, and all inventories of or receivables or proceeds from food or other products derived from perishable agricultural commodities, shall be held by such commission merchant, dealer, or broker in trust for the benefit of all unpaid suppliers or sellers of such commodities or agents involved in the transactions until full payment of the sums owing in connection with such transactions has been received by such unpaid suppliers, sellers, or agents. Payment shall not be considered to have been made if the supplier, seller or agent receives a payment instrument which is dishonored. The provisions of this subsection shall not apply to transactions between a cooperative association (as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) and its members.

"(3) The unpaid supplier, seller, or agent shall lose the benefits of such trust unless such person has given written notice of intent to preserve the benefits of the trust to the commission merchant, dealer, or broker and has filed such notice with the Secretary within thirty calendar days (i) after expiration of the time by which payment must be made, as prescribed under regulations issued by the Secretary, (ii) after expiration of such other time by which payment must be made, as the parties have expressly agreed to in writing before entering into the transaction, or (iii) after the time the supplier, seller, or agent has received notice that the payment instrument promptly presented for payment has been dishonored. When the parties expressly agree to a payment time period different from that established by the Secretary, a copy of such agreement shall be filed in the

records of each party to the transaction and the terms of payment shall be disclosed on invoices, accountings, and other documents relating to the transaction.

"(4) The several district courts of the United States are vested with jurisdiction specifically to entertain (i) actions by trust beneficiaries to enforce payment from the trust and (ii) actions by the Secretary to prevent and restrain dissipation of the trust.".

SEC. 2. Section 2(4) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(4)) is amended by adding after the semicolon at the end of the paragraph "or to fail to maintain the trust as required under section 5(c);".

SUMMARY OF PACA BILL

The bill would amend the Perishable Agricultural Commodities Act, 1930, to establish statutory trusts in connection with transactions involving perishable agricultural commodities. The principal features of the bill are as follows:

(1) The bill requires commission merchants, dealers, and brokers (handlers) who receive perishable agricultural commodities, to hold the commodities, and any products derived therefrom, or any accounts receivable or proceeds from the sale of such commodities or products, in trust for the benefit of the supplier or seller (or agent thereof) of the commodities until full payment is made.

(2) The bill exempts from the trust provisions transactions between an agricultural cooperative and its members.

(3) In order to preserve the trust benefits, the bill requires the supplier or seller of commodities to provide written notice to the handler and the Secretary of Agriculture, within 30 days after—

Expiration of the time for payment specified in the regulations;

Expiration of the time for payment agreed to in writing by the parties to the transaction if different than the time specified by regulation; or

Receipt by the seller or supplier of notice that the payment instrument was dishonored.

(4) The bill provides for enforcement of the trust by the trust beneficiaries or the Secretary in the Federal courts.

(5) The bill makes the failure of a handler to maintain the trust unlawful for purposes of the PACA.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would amend section 5 of the Perishable Agricultural Commodities Act, 1930 by adding to it a new subsection (c). The references below are to the paragraphs of the new subsection (c).

Paragraph (1) declares as a finding by Congress that a burden on commerce is caused by financing arrangements under which commission merchants, dealers, or brokers, who have not made payment for perishable agricultural commodities purchased or handled by them on behalf of another person, encumber or give lenders a security interest in such commodities, or on inventories of or accounts receivable or proceeds from products derived from such commodities, and that such arrangements are contrary to the public interest.

Paragraph (2) provides that perishable agricultural commodities received by a commission merchant, dealer, or broker (handlers) in all transactions, and all inventories of our receivables or proceeds from products derived from such perishable agricultural commodities, shall be held by such handlers in trust for the benefit of all unpaid sellers or suppliers of such commodities, or their agents, until full payment for the commodities is made. Payment shall not be considered to have been made if the supplier, seller, or agent receives a payment instrument which is dishonored. Transactions between an agricultural cooperative association and its members are exempted from the provisions of this subsection.

Paragraph (3) provides that the unpaid supplier, seller, or agent will lose the benefits of such trust unless such person gives written notice of intent to preserve the benefits of the trust to the commission merchant, dealer, or broker and has filed such notice with the Secretary of Agriculture within 30 calendar days: (i) after expiration of the time by which payment must be made as prescribed in regulations issued by the Secretary, (ii) after expiration of such other time for payment as the parties have expressly agreed to in writing before entering into the transaction, or (iii) after the time the supplier, seller, or agent has received notice that the payment instrument promptly presented for payment has been dishonored. Whenever the parties expressly agree to a time period different than that prescribed in the regulations, a copy of the written agreement establishing such payment period must be filed in the records of each party to the transaction and the terms of the agreement must be disclosed on invoices and other documents relating to the transaction.

Paragraph (4) vests the United States district courts within jurisdiction to hear (i) actions by trust beneficiaries to enforce payment from the trust, and (ii) actions by the Secretary to prevent and restrain dissipation of the trust.

Section 2 of the bill amends section 2(4) of the Act by adding to the specified list of unlawful acts under the Act, the failure of any commission merchant, dealer, or broker to maintain the trust that would be established under the bill for the benefit of the supplier, seller, or agent in connection with a transaction involving perishable agricultural commodities.

A violation of the provisions of section 2 of the Act by any commission merchant, dealer, or broker may subject the offending person to the issuance by the Secretary of a reparations order for damages or to an order suspending or revoking such person's license in accordance with the provisions of the Act.●

● Mr. HUDDLESTON. Mr. President, I am pleased to be a sponsor of this bill, which will strengthen the fair trading provisions of the Perishable Agricultural Commodities Act. Under the bill, sellers of perishable farm commodities will be provided increased legal protection in cases where buyers fail to pay.

The bill is needed because of the increased incidence of cases in which payments to sellers of perishable commodities have been unreasonably delayed or payment has not been made at all. The U.S. Department of Agriculture estimates that, during the past year, sellers of fresh fruits and vegetables have lost about $65 million because of unpaid bills.

These losses can occur because of the nature of the industry. The fruit and vegetable trade involves shipping products long distances and trading must be done quickly. This means that thorough credit checks and other safeguards that are normal business practices for other industries are simply not practical for sellers of perishable agricultural products.

Under current law, sellers who are not paid for their commodities are treated as unsecured creditors. This treatment gives sellers little real protection against nonpayment.

Under the bill, sellers will be given new safeguards against nonpayment. The bill will require buyers of commodities to hold inventories of the commodity purchased, or any proceeds the buyer realizes by reselling the commodities, in trust for the benefit of the seller until payment is made.

To preserve his trust rights, the seller would have to give notice of his claim to the Secretary of Agriculture within designated time periods. The Agriculture Department would be given authority to take steps—including revocation of dealer licenses—against persons who violate their trust duties. Similar trust provisions are already included in laws dealing with livestock trade.

Mr. President, the bill will lead to more equitable treatment under the law for sellers of perishable agricultural commodities. It will reduce a burden on commerce in such commodities and lead to improved trading that will benefit producers and assure consumers of the integrity of fresh produce markets. I urge my colleagues to support the bill.●

By Mr. CHAFEE:

S. 2053. A bill to promote the full participation of severely disabled individuals in community and family life; to the Committee on Finance.

COMMUNITY AND FAMILY LIVING AMENDMENTS ACT OF 1983

Mr. CHAFEE. Mr. President, I am pleased today to introduce legislation which provides Congress with an opportunity to reexamine the current system of care provided for the severely disabled in our country. The Community and Family Living Amendments Act will gradually shift the Federal share of medicaid funds from institutions to community-based integrated settings. While this legislation would not propose to close institutions, it is designed to encourage States to reduce the number of persons living in institutions by providing community living arrangements. Services funded through the Federal medicaid program to the severely disabled gradually would have to be provided in a community environment.

Under this act, services to the disabled would be more individualized, providing for the special needs of each person. Those individuals needing highly structured 24-hour care, includ-

ing medical attention, would be provided with this care in facilities within communities. Those needing fewer services, whether living at home, in foster care, in a group home, or in an apartment would also be provided with appropriate medical attention.

Federal medicaid dollars would be phased out from some institutions over a 10-year period according to a plan developed for each institution. The plan would identify a specific amount of Federal medicaid funds to be phased out of the institution for each 6-month period during the 10 years. Facilities with 16 to 75 residents that opened after January 1, 1979, would have 15 years rather than 10 years before their medicaid funding would end. All medicaid-funded facilities for 15 or fewer residents that were in operation as of January 1, 1983, would not be affected by the requirement for phasing out Federal medicaid funds. The 6-month phaseout target figures would be based on the unique situations facing each institution and nursing home and would take into account such factors as the size of the institution's population, the severity of its residents' disabilities, and the availability of community services.

Following the phaseout, the Federal medicaid program could only continue to fund temporary institutionalization—up to two years per person—when such institutionalization is considered unavoidable. The Federal medicaid match would be increased by 5 percent for each disabled person who is removed from an institution and placed into a community living facility. The increment would continue for each of the first 5 years following a person's return to the community.

Not only will the bill provide a new way of caring for those in our society who have disabilities, it will also provide protections for those people. For instance, the proposal will require systematic and independently contracted evaluations of all care provided in all institutional and community settings. Another provision would require that a written plan be developed for all of the services required by each individual. This plan, which must be revised at least once a year, would be developed with the individual's participation and with participation of his or her parents, guardians, or next-of-kin.

I have outlined today only a few elements of this bill. There are other important areas which the bill addresses. There will be those who will oppose this idea, at least in the outset. And I believe it is important for a very complete discussion to take place between those who support and oppose this concept of care.

It is my hope that after debate, research, and discussion, my colleagues will support this bill. I hope that this process will improve it. But I am convinced that the need for an examination of the care provided to the severely disabled is desperately needed, and I strongly believe that this bill is an appropriate starting place.

By Mr. SYMMS:

S. 2054. A bill to suspend for a 3-year period the duty on hydrazone, 3-(4-methylpiperazinyliminomethyl)rifamycin SV; to the Committee on Finance.

SUSPENSION OF DUTY ON RIFAMPIN

● Mr. SYMMS. Mr. President, I am introducing legislation today to suspend for 3 years the duty on Rifampin.

Rifampin is an active ingredient used in the manufacture of the ethical pharmaceutical product—prescription drug—sold under the trademarks Rifadin and Rifamate. The product is an antibiotic. The chemical name for rifampin is hydrazone, 3-(-4-methylpiperazinyliminomethyl)rifamycin SV.

The current duty rate on rifampin from Italy is 4.4 percent, which will result in U.S. duties of approximately $792,000, if our total requirements in the United States are purchased from Italy. Rifampin can be imported from Argentina on a duty-free basis. Consequently, I believe that we should suspend the duty on the product imported from Italy.

Rifampin is not to the best of my knowledge manufactured anywhere in the United States. It is, however, sold in the United States by Ciba Geigy Corp. under the trademark Rimactane. The Rimactane active ingredient is imported from Europe.●

By Mr. SYMMS:

S. 2055. An act to suspend for a 3-year period the duty on 5H-Dibenz(b,f,)azepine-5-propanamine, 10, 11-dihydro-N-methyl-, monohydrochloride; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. SYMMS. Mr. President, I am introducing legislation today to suspend for 3 years the duty on desipramine hydrochloride.

Desipramine hydrochloride is an active ingredient used in the manufacture of the ethical pharmaceutical product, prescription drug, sold under the trademark Norpramin. The product is an antidepressant. The chemical name for desipramine hydrochloride is 5H-Dibenz(b,f)azepine-5-propanamine, 10, 11-dihydro-N-methyl-, monohydrochloride.

The current duty rate on desipramine hydrochloride is 10.4 percent, which will result in U.S. duties of approximately $468,000.

Desipramine hydrochloride is not, to the best of my knowledge, manufactured anywhere in the United States. It is, however, sold in the United States by USV Pharmaceutical, under the trademark Pertofrane. The Pertofrane active ingredient is imported from outside the United States.●

By Mr. SYMMS:

S. 2056. A bill to suspend for a 3 year period the duty on 3-((Hydroxydiphenylacetyl)oxy)-1, 1-dimethylpiperidinium bromide; to the Committee on Finance.

SUSPENSION OF DUTY

● Mr. SYMMS. Mr. President, I am introducing legislation today which will suspend the duty on Mepenzolate Bromide for a 3 year period.

Mepenzolate bromide is an active ingredient used in the manufacture of the ethical pharmaceutical product, prescription drug, sold under the trademark Cantil. The product is an anticholinergic. The chemical name for mepenzolate bromide is 3-((Hydroxydiphenylacetyl)oxy)-1, 1-dimethylpiperidinium bromide.

The current duty rate on mepenzolate bromide is 15.6 percent, which will result in U.S. duties of approximately $70,000.

Mepenzolate bromide is not, to the best of my knowledge, manufactured anywhere in the United States.●

By Mr. BUMPERS:

S. 2057. A bill to amend the Consolidated Farm and Rural Development Act to improve and streamline the provision of farm credit assistance through the consolidation of the real estate, operating, economic emergency, soil and water, limited resource, recreation, and rural youth loan programs into one agricultural adjustment loan, to reduce paperwork and make the FmHA loan process more responsive to farmers' needs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CONSOLIDATED AGRICULTURAL ADJUSTMENT LOAN ACT OF 1983

Mr. BUMPERS. Mr. President, I am today introducing a bill that will consolidate seven FmHA loans—farm ownership, operating, soil and water, limited resource, rural growth, recreation, and economic emergency loans—into a single loan program called a consolidated agricultural adjustment loan. Only the disaster loan program would remain separate. Under my bill, farmers will seek a single loan covering all their necessary loan purposes. The aggregate loan limit for a farmer-borrower, either with insured or guaranteed loans, will be $500,000. Rural youth loans will not exceed $10,000.

I imagine that few of my colleagues have ever tried to get a farm loan through the Farmers Home Administration, but all of us have heard loud complaints from many farmers who have gone through this confusing, time-consuming process. In Arkansas, most row crop FmHA borrowers begin to seek next year operating loans after the current harvest, with most of the applications being submitted between November 15 and January 1. If money is available, these farmers can expect to receive their loan funds in March,

although it is not uncommon for producers to wait until June or later to receive loan funds. According to FmHA statistics, as of August 31, 12,898 applications for 1983 crop year operating loans were still pending across the country. The situation for farm ownership loans is even worse with 17,963 applications from fiscal year 1983 still pending, which represent over 50 percent of all such applications. I do not have to explain the hardship to our farmers who have to wait many months before their next year operation is financed, even if there are no complications.

Farmers seeking operating loans (OL) must wait for money availability, and if funds are depleted in the OL account, these farmers must switch horses and attempt to qualify under another farmer's program loan. With FmHA handling the operating loan program, as well as several other loan programs such as farm ownership loans (FO), soil and water loans (SW), limited resource loans, recreation loans, rural youth loans, economic emergency loans, and both the physical and production loss disaster loans, it is easy to understand borrower confusion. It is difficult enough for a veteran farmer, let alone a new farmer, to comprehend the differing and complicated regulations of each program and to decide which program will better help him achieve his goals. If a farmer wishes to purchase additional land, establish good conservation practices on this land, and grow crops, he will have to seek three separate loans—FO, SW, and OL—with three sets of qualifications and regulations, which in turn will necessitate the creation of three loan dockets by FmHA offices with the accompanying auditing nightmares. What I have described is the average process during a normal year, but who can remember a normal year for our farmers? In years such as 1983-84 when emergency assistance will be available to farmers harmed by the drought, or in past years when disaster emergency (EM) or economic emergency (EE) programs were operational alongside the regular farmer's program loans, the confusion and waiting for our farmers multipled the hardships and caused even more sleepless nights.

Mr. President, I am not here to castigate FmHA or its personnel. The caseload in my State is very heavy—almost 6,000 farmers' program loans in fiscal year 1983, the fifth highest total in the country. And not only are the county FmHA offices responsible for administering the farmers' program loans, they also handle housing program loans, community facility loans, and business and industry loans. Most county offices are understaffed due to budget restrictions, and the pressure to administer these programs competently is overwhelming. Just developing a basic understanding of all the farmer's program loans is a Herculean task for FmHA personnel. For every separate loan program enacted by Congress, a new set of procedure manuals is given the FmHA personnel to digest.

The consolidation my bill calls for will greatly streamline loan regulations. It will simplify the application process. It will allow FmHA to be more responsive to farmers' needs. Farmers and FmHA personnel will be able to understand loan eligibility requirements and regulations. Instead of seven sets of forms, procedures and regulations, there will be only one set. Loan purpose juggling and unnecessary redtape will be eliminated. Supervisers and other county personnel will have the time and opportunity to be more knowledgeable on farmer's program loans. Training personnel will be easier and less time consuming, which is critical because of high FmHA employee turnover at the county level. Also, other lenders, especially those working cooperatively in the guaranteed loan program, will more readily understand FmHA loan procedure. In sum, FmHA procedures will be simpler, faster, fairer, and more responsive to farmers' needs.

Most importantly, if there is less redtape, FmHA personnel can spend more time servicing loans and working more closely with farmers. As of August 31, in the first 11 months of fiscal year 1983, about 19,500 FmHA farmer-borrowers had been forced or were about to be forced out of farming. If county personnel were not buried in regulation research, more time could be spent in loan servicing, and I think it is safe to say that many of these farmers would still be farming. Of course, today, there remain over 80,000 farmers, or 29 percent of all FmHA borrowers, who are delinquent on their farmer's program loans and who are in desperate need of assistance in loan servicing.

My bill will give the Farmer's Home Administration greater authority to aid farmers who get into financial stress. After approval of a revised plan of operation, the FmHA would consolidate, reschedule, reamortize, or defer loans made under my bill or under current law. Under my bill, farmer-borrowers must only show repayment ability on these loans being serviced to be eligible for loan servicing aid, and FmHA would be prohibited from requiring additional security as a condition for loan, consolidation, rescheduling, reamortization or deferral. And most importantly, the interest rate on loans being rescheduled or rearmortized would be required to be the rate in the note, or the current market rate at the time, whichever is lower. FmHA admits that this one regulation change will result in significant positive adjustment in the delinquency rates of FmHA farmer's program borrowers.

Our farmers need help. Those who borrow from FmHA need help—they need the timely receipt of loan funds and the creation of a single loan program better suited to farmers' needs. My bill will attain these goals, and I urge its quick enactment into law.

I ask unanimous consent that the bill, and a section-by-section analysis, be printed in the RECORD immediately following my remarks.

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

S. 2057

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 "Consolidated Agricultural Adjustment Loan Act of 1983".

REFERENCES TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT

SEC. 2. Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).

CONSOLIDATED AGRICULTURAL ADJUSTMENT LOANS

SEC. 3. The Act (7 U.S.C. 1921 et seq.) is amended—

(1) by striking out subtitle A (except for sections 306 through 310C), subtitle B (except for section 314), and subtitle C and redesignating subtitle D as subtitle C;

(2) by redesignating sections 308, 309, 309B, and 310 (7 U.S.C. 1928, 1929, 1929b, and 1930) as sections 311, 312, 313, and 314, respectively;

(3) by inserting after section 314 (as redesignated by clause (2)) the following new heading:

"SUBTITLE B—RURAL DEVELOPMENT ASSISTANCE";

(4) by redesignating sections 306, 307, 309A, 310A, 310B, 310C, and 314 (7 U.S.C. 1926, 1927, 1929a, 1931, 1932, 1933, and 1944) as sections 321, 322, 323, 324, 325, 326, and 327, respectively; and

(5) by inserting after section 301 the following:

"SUBTITLE A—CONSOLIDATED AGRICULTURAL ADJUSTMENT LOANS

"SEC. 302. As used in this subtitle—

"(1) the term 'agricultural conservation program' means the program authorized by sections 7 through 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g through 590o, 590p(a), 590p(f), and 590q) and sections 1001 through 1008 and 1010 of the Agricultural Act of 1970 (16 U.S.C. 1501 through 1508 and 1510);

"(2) the term 'applicant' means a person who is engaged in a farming operation and who has made an application for loan assistance under this subtitle;

"(3) the term 'aquaculture' means the husbandry of an aquatic organism (including any species of finfish, mollusk, crustacean, invertebrate, amphibian, reptile, or aquatic plant) under a controlled or selected environment by an applicant or borrower;

"(4) the term 'borrower' means a person who is liable for a loan made or insured under this subtitle;

"(5) the term 'consolidate' means to combine and reschedule a loan made or insured under this subtitle with—

"(A) one or more other loans made or insured under this subtitle;

"(B) one or more loans made or insured under this Act as in effect before the date of the enactment of the Consolidated Farm and Rural Development Act Amendments of 1983; or

"(C) any combination of loans referred to in subparagraphs (A) and (B);

"(6) the term 'cooperative' means an entity which—

"(A) is engaged in farming in a State as its principal business;

"(B) shares profits produced by the entity among members of the entity;

"(C) is recognized as a farm cooperative under the laws of such State; and

"(D) is authorized to engage in farming under such laws;

"(7) the term 'corporation' means a private domestic corporation which is created, organized, and authorized to engage in farming under the laws of a State;

"(8) the term 'defer' means to postpone the payment of interest or principal, or both, on a loan made or insured under this subtitle;

"(9) the term 'family farm' means a farm which—

"(A) produces agricultural commodities for sale in sufficient quantities such that it is recognized in the surrounding community as a farm rather than as a rural residence;

"(B) provides a sufficient amount of income from farming operations and nonfarm enterprises (including the rental of land) to enable an applicant for a loan made or insured under this subtitle to—

"(i) pay necessary family and operating expenses;

"(ii) maintain essential chattel and real property; and

"(iii) pay debts;

"(C) is managed, and has a substantial amount of the labor for the farm and related nonfarm enterprises provided, by—

"(i) the individual applicant for a loan made or insured under this subtitle; or

"(ii) the members, stockholders, or partners responsible for operating the farm of a cooperative, corporation, or partnership which has received a loan made or insured under this subtitle; and

"(D) may require a reasonable amount of full-time hired labor and seasonal labor during certain times of the year;

"(10) the term 'farm' means—

"(A) land, improvements, and other appurtenances which are considered farm property in the surrounding community and are used in the production of crops, livestock, or aquaculture; and

"(B) a dwelling house that is ordinarily considered as part of the farm in the surrounding community notwithstanding that the dwelling house may be physically separate from the farm acreage;

"(11) the term 'farmer' means an individual, cooperative, corporation, or partnership that operates a farm, ranch, or aquaculture operation;

"(12) the term 'fish' means—

"(A) any aquatic gilled animal commonly considered fish; and

"(B) any mollusk, crustacean, or other invertebrate produced under controlled conditions in a pond, lake, stream, or similar holding area;

"(13) the term 'Great Plains conservation program' means the program authorized by section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b));

"(14) the term 'limited resource applicant' means an applicant for a loan made or insured under this subtitle who—

"(A) is a farmer who operates a family farm;

"(B) meets the eligibility requirements for such loan but, due to the low income of the applicant, cannot make interest payments on such loan at rates prescribed for borrowers of such loans who are not limited resource applicants; and

"(C) because of underdeveloped managerial ability, limited education, relatively low farm productivity (due to lack of development or improved production practices), or related problems of the applicant, the applicant requires a low-interest loan or special loan assistance, or both, to assure a reasonable prospect for success and a reasonable standard of living in comparison to other residents of the surrounding community;

"(15) the term 'mortgage' means any form of security interest or lien upon any rights or interest in any real property or, in the case of property owned by a resident of Louisiana or Puerto Rico, any chattel property;

"(16) the term 'nonfarm enterprise' means any business enterprise which produces income to supplement farm income by providing goods or services for which there is a need and a reasonably reliable market;

"(17) the term 'partnership' means an entity which—

"(A) consists of individuals who are engaged in farming in a State;

"(B) is recognized as a partnership by the laws of such State; and

"(C) is authorized to engage in farming under such laws;

"(18) the term 'production loan' means a loan made or insured under section 306(b);

"(19) the term 'real estate loan' means a loan made or insured under section 306(a);

"(20) the term 'reamortize' means—

"(A) to modify the order of payments on a loan made or insured under this subtitle within the original term for the repayment of the loan; or

"(B) to extend such term to the maximum term permitted under this subtitle for the repayment of the loan;

"(21) the term 'reschedule' means to modify the rates or terms, or both, of a loan made or insured under this subtitle;

"(22) the term 'rural youth' means a person who—

"(A) has reached ten years of age but has not reached twenty-one years of age; and

"(B) resides in an area which is not part of a local subdivision that has a population greater than ten thousand inhabitants; and

"(23) the term 'security' means any property subject to a real or personal property lien.

"SEC. 303. (a) To be eligible to obtain a loan under this subtitle, an applicant must file with the Secretary an application for such loan which contains—

"(1) certification by the applicant that the applicant is unable to obtain sufficient credit elsewhere to finance actual needs of the applicant at reasonable rates and terms (as prescribed by the Secretary), taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similiar purposes and periods of time;

"(2) a plan of operation for using such loan; and

"(3) such other information as may be required by the Secretary.

"(b) The Secretary shall encourage applicants for, and borrowers of, loans made or insured under this subtitle to supplement such loans with credit made available from other sources to the extent economically feasible and in accordance with sound management practices.

"SEC. 304. If the Secretary determines that adequate funds are not available to approve fully all applications on file for loans under this subtitle, the Secretary shall give preference in approving such applications to applications filed by veterans (as defined by the Secretary) over applications filed by nonveterans.

"SEC. 305. (a) Subject to the conditions prescribed in this section, the Secretary may make or insure loans under this subtitle—

"(1) to farmers in the United States who are individuals; or

"(2) to cooperatives, corporations, or partnerships that are controlled by individual farmers and are engaged primarily and directly in farm, ranch, or aquaculture operations in the United States.

"(b) To be eligible for such loans, applicants who are individuals, or in the case of cooperatives, corporations, and partnerships, members, stockholders, or partners, as applicable, holding a majority interest in such entity, must—

"(1) be citizens of the United States;

"(2) have either training or farming experience that the Secretary determines is sufficient to assure reasonable prospects of success in the proposed farming operations;

"(3) be or will become operators of not larger than family farms (or in the case of cooperatives, corporations, and partnerships in which a majority interest is held by members, stockholders, or partners, as applicable, who are related by blood or marriage, as defined by the Secretary, such individuals must be or will become either owners or operators of not larger than a family farm);

"(4) be unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similiar purposes and periods of time; and

"(5) have the application and plan of operation filed by the applicant under section 303(a) approved by the Secretary.

"(c) In addition to the requirements prescribed in subsections (a) and (b)—

"(A) in the case of corporations and partnerships, the family farm requirement of subsection (b)(3) shall apply as well to the farm or farms in which the entity has an operator interest; and

"(B) in the case of cooperatives, corporations, and partnerships, the requirement of subsection (b)(4) shall apply as well to the entity.

"(d)(1) The Secretary may make loans under this subtitle, without regard to the requirements of clauses (2) or (3) of subsection (b), to rural youths to enable the youths to operate enterprises in connection with their participation in 4-H Clubs, Future Farmers of America, and similiar organizations and for the purposes specified in section 306.

"(2) A person receiving a loan under this subsection who executes a promissory note therefor shall thereby incur full personal liability for the indebtedness evidenced by

such note in accordance with its terms free of any liability of minority.

"(3) For loans made under this subsection, the Secretary may accept the personal liability of a cosignor of the promissory note in addition to the personal liability of the borrower.

"SEC. 306. (a) Subject to subsection (c), the Secretary may make or insure a loan under this subtitle in order to assist an applicant in the payment of real estate costs incurred in operating a farm during a crop or lease year, including assistance for—

"(1) purchasing or enlarging the farm, including—

"(A) the purchase of land for recreational or other nonfarm enterprises, of subdivided land, and of easements and rights-of-way needed to operate the farm or nonfarm enterprise; and

"(B) the making of a downpayment on the purchase of land if the applicant—

"(i) signs a purchase contract for the land which—

"(I) obligates the applicant to pay the purchase price of the land;

"(II) gives the applicant the right to present possession, control, and beneficial use of the property; and

"(III) entitles the applicant to receive a deed upon paying all or part of the purchase price of the land;

"(ii) secures the unpaid balance of the loan by a note and mortgage, a land purchase contract, or a similar instrument;

"(iii) is able to purchase the land without any prior first lien on the land; and

"(iv) is able under normal farm conditions to carry out the terms and conditions of the loan;

"(2) constructing, purchasing, or improving buildings and facilities that are necessary to conduct farm operations and are on or near the farm, including—

"(A) the construction, purchase, or improvement of a farm dwelling or service buildings that are essential to conduct farming operations or nonfarm enterprises and have a modest design and cost, including buildings and facilities that are necessary—

"(i) to engage in nonfarm enterprises or fish farming (including the construction, purchase, or improvement of a dock, fish hatchery, or such other nonfarm enterprises as are approved by the Secretary and are consistent with this Act); or

"(ii) to expand facilities used for food preparation and storage, vehicle storage, or laundry or office space, except that the size and cost of such facilities may not exceed the size and cost of such facilities owned by typical family farmers in the surrounding community;

"(B) the improvement, alteration, repair, replacement, relocation, or purchase and transfer of dwellings, service buildings, facilities, structures and fixtures (including pollution control and energy saving devices) that are essential for farming operations and are part of the real estate, or are transferred to a purchaser, upon the sale of the farm; and

"(C) the construction of methane and gas facilities and equipment essential to such facilities;

"(3)(A) developing land and water resources which are owned by the applicant and which the applicant needs to conduct farming operations or nonfarm enterprises, including—

"(i) the institution of pollution control and energy saving measures;

"(ii) the acquisition of water supplies and rights;

"(iii) the implementation of essential conservation measures;

"(iv) the development of fencing, drainage, and irrigation facilities, basic applications of lime and fertilizer, and facilities for land clearing;

"(v) the establishment of forestry practices, fish ponds, trails, and lakes approved by the Secretary;

"(vi) the improvement of orchards;

"(vii) the establishment and improvement of permanent hay or pasture;

"(viii) the installation of water, power, gas, and other utility lines on land owned by the applicant or, if the applicant obtains rights or easements for such lines that ensure that such rights will be transferred if the farm is sold, on land not owned by the applicant;

"(ix) the purchase or rental of machinery or equipment necessary to develop such resources, except that the total cost of such purchase or rental may not exceed the cost of hiring a person to develop such resources; and

"(x) the payment of the costs of facilities, improvements, and practices for which the applicant will be reimbursed under a conservation program (including the agricultural conservation program or the Great Plains conservation program) if—

"(I) the applicant cannot pay such costs through purchase orders or assignments to material suppliers or contractors; and

"(II) in any case in which loan funds are advanced and the amount of such payment exceeds an amount determined by the Secretary, but in no case less than $1,000, the applicant assigns such payment to the Secretary;

"(B) developing land and water resources for which the applicant has defective title or owns an undivided interest and which the applicant needs to conduct farming operations or nonfarm enterprises, including the purposes referred to in subparagraph (A), if—

"(i) the amount of the loan used to develop such resources does not exceed an amount determined by the Secretary, but in no case less than $25,000;

"(ii) the loan is adequately secured; and

"(iii) such resources are not used by the Secretary to determine the eligibility of the applicant for the loan;

"(C) developing land and water resources which the applicant leases and which the applicant needs to conduct farming operations or nonfarm enterprises, including the purposes referred to in subparagraph (A), if—

"(i) the amount of the loan used to develop such resources does not exceed an amount determined by the Secretary, but in no case less than $10,000;

"(ii) the loan is adequately secured;

"(iii) the terms of the lease are such that there is a reasonable assurance the applicant will enjoy the value of the improvement over its useful life; and

"(iv) the lease provides that the lessor will reimburse the lessee upon termination of the lease for any unexhausted value of the developed resources;

"(4) refinancing debts of the applicant if—

"(A) the current creditors of the applicant will not furnish to the applicant credit at rates and terms which the applicant can meet;

"(B) the Secretary verifies the need to refinance all secured, and major unsecured, debts of the applicant and verifies the unpaid balance of each debt to be refinanced; and

"(C) in the case of the refinancing of loans made or insured under this subtitle, such refinancing is necessary to enable the applicant to continue farming operations;

"(5) paying reasonable expenses incurred in obtaining, planning, closing, and making the loan, including the costs of legal, architectural, and other technical services and, during the year following the closing of the loan, real estate insurance; and

"(6) financing nonfarm enterprises if the income from such enterprises is necessary and the applicant earns the major portion of the gross income of the applicant from farming operations notwithstanding that the acreage purchased for nonfarm enterprises may be physically separate from the farm acreage.

"(b) Subject to subsection (c), the Secretary may make or insure a loan under this subtitle in order to assist an applicant in the payment of production costs incurred in operating a farm during a crop or lease year, including assistance for—

"(1) purchasing essential livestock, poultry, fur bearing and other farm animals, aquatic organisms, bees, and farm equipment;

"(2) paying costs incurred in converting a farm into a viable operation;

"(3) consolidating, restructuring, or refinancing (including making installment payments on principal and interest due on) secured or unsecured real estate indebtedness incurred by the applicant (including real estate loans) if assistance under this subsection is necessary to enable the applicant to repay such indebtedness or continue the farm operation of the applicant;

"(4) purchasing milk base (with or without cows) if such purchase is necessary to provide the applicant with a satisfactory market for the dairy products of the applicant;

"(5) purchasing a grazing license or permit right of a private party that can be validly sold and transferred;

"(6) augmenting or improving water supplies;

"(7) paying costs incurred for fuel, seed, fertilizer, insecticide, farm supplies, labor, and other production expenses if such costs are essential to the continuation of farm production;

"(8) paying customary cash rent or charges for the use during such year of essential buildings, pasture, crops, hay, land, or grazing permits if the applicant—

"(A) is obligated under a written lease or other agreement to pay such rent or charges before the income will be available from the operation of the farm to make such payments, except that an invoice or, in the case of a small amount of fees, a recorded explanation of an agreement may be used to demonstrate an obligation to pay grazing fees;

"(B) cannot arrange to have such rent or charges become due when income will be available from the operation of the farm to make such payments;

"(C) will have satsifactory tenure during such year under such lease or agreement; and

"(D) uses a loan made or insured under this paragraph in the current year to pay for such rent or charges incurred only in the current year, except that the Secretary may include funds in a loan made or insured under this paragraph near the end of the current year for such rent or charges which will be incurred in the suceeding year and the applicant may use such funds for such rent or charges;

"(9) paying real or personal property taxes due or about to become due on water or drainage charges or assessments;

"(10) paying income taxes imposed under Federal or State law, or Social Security taxes imposed under the Federal Insurance Contributions Act (26 U.S.C. 3101 et seq.), for the operation of the farm if the applicant is unable to pay such taxes from personal or other funds;

"(11) paying premiums for insurance on real and personal property, including premiums for insurance for liability from, and property damage to, farm and other essential equipment (including farm trucks);

"(12) paying costs required to meet family subsistence needs, including expenses for medical care and premiums for a reasonable amount of health and life insurance;

"(13) purchasing stock in a cooperative lending agency if such purchase is necessary to obtain the loan; and

"(14) paying costs incurred for improvements or repairs to real property owned or leased by the applicant, or refinancing unsecured debts clearly incurred for such costs, if—

"(A) the total amount of loans made to an applicant in a year under this paragraph does not exceed an amount determined by the Secretary, but in no case less than $25,000;

"(B) such property is not used to secure a loan made or insured under this subtitle;

"(C) the loan is not used to improve or repair the living quarters of the applicant;

"(D) the applicant will not require a loan made or insured under this paragraph repeatedly in subsequent years;

"(E) the applicant owns the land or leases the land under an agreement with the lessor under which the lessor will reimburse the lessee upon termination of the lease for any unexhausted value of such improvements or repairs; and

"(F) the loan is clearly necessary for the successful operation of the farm.

"(c) The Secretary may make or insure a loan under this subtitle only if such loan will be used for a purpose which is consistent with applicable environmental quality standards established under Federal, State, and local law.

"SEC. 307. (a) The outstanding principal balance on all loans made or insured to or for a borrower, other than a rural youth, under this subtitle (as of the time the loan is made) may not exceed $500,000.

"(b) The outstanding principal balance on all loans made or insured to or for a rural youth under this subtitle (as of the time the loan is made) may not exceed $10,000.

"SEC. 308. (a)(1) Except as provided in paragraph (2), the interest rate on a loan made or insured under this subtitle shall be determined by the Secretary.

"(2) The interest rate on a loan made or insured to or for a limited resource applicant under this subtitle shall be the greater of 5 per centum or a rate which is 5 per centum less than the rate established for loans made or insured in the case of applicants who are not limited resource applicants.

"(b)(1) Except as provided in paragraphs (2) through (4), the schedule of repayments on a loan made or insured under this subtitle shall be established by the Secretary in a manner consistent with the purpose of and need for the loan, the useful life of the security pledged for the loan, and the reasonable repayment ability of the borrower as determined in accordance with the plan of operation of the borrower approved under section 305.

"(2) Such loan repayment schedule shall require such borrower to make at least one annual installment payment on such loan during the period of the loan unless the Secretary defers repayment of the loan under section 309.

"(3) The period for the repayment of a real estate loan may not exceed forty years.

"(4)(A) Except as provided in subparagraph (B), the period for the repayment of a production loan may not exceed seven years.

"(B) The period for the repayment of a production loan used for the annnal production of crops may not exceed one year.

"SEC. 309. (a) To be eligible for the consolidation, rescheduling, reamortization, or deferral of a loan made or insured under this subtitle, the borrower of the loan must file with the Secretary a revised plan of operation for using such loan or insured loan which justifies such action and demonstrates that such action will enable the borrower to carry out the terms and conditions of the loan.

"(b) The Secretary shall consolidate, reschedule, reamortize, or defer a loan made or insured under this subtitle if—

"(1) the Secretary—

"(A) approves the revised plan of operation referred to in subsection (a); and

"(B) determines that such action will assist in the orderly collection of the loan;

"(2) the borrower of the loan—

"(A) is unable to make payments on the loan in accordance with the original payment schedule established for the loan—

"(i) due to circumstances beyond the control of the borrower; or

"(ii) due to circumstances within the control of the borrower which the borrower agrees to correct in accordance with the revised plan of operation;

"(B) meets the eligibility criteria established for the loan under section 305, except that the Secretary may not require, as a condition of eligibility for such action, that the borrower be able to repay a loan other than the loan subject to such action; and

"(C) is cooperating with the Secretary in servicing the loan;

"(3) such action—

"(A) will enable the borrower to continue farming operations; and

"(B) is not taken solely to remove a delinquency in making payments on the loan or to delay liquidation of the loan; and

"(4) in the case of the consolidation of such loans, the Secretary consolidates—

"(A) real estate loans only if such loans have a period of repayment of less than forty years; and

"(B) production loans only if—

"(i) the loans to be consolidated were made to a borrower under section 306(b) for the same purpose; and

"(ii) the Secretary assures that only one note must be serviced for each such loan.

"(c)(1) The interest rate on a loan consolidated, rescheduled, or reamortized under this section shall be the lower of—

"(A) the rate required under section 308(a) to be paid on a loan made or insured under this subtitle on the date the loan was consolidated, rescheduled, or reamortized; or

"(B) the rate prescribed in the original note made for the loan.

"(2) If the borower of a loan consolidated, rescheduled, or reamortized under this section qualified as a limited resource applicant at the time such action was taken and subsequently does not qualify as a limited resource applicant, the Secretary shall reschedule the loan in accordance with this section.

"(d)(1) Except as provided in paragraphs (2) through (4), the schedule of repayments on a loan consolidated, rescheduled, reamortized, or deferred under this section shall be established by the Secretary in a manner consistent with the purpose of and need for the loan, the useful life of the security pledged for the loan, and the reasonable repayment ability of the borrower as determined in accordance with the revised plan of operation referred to in subsection (a).

"(2) The period for the repayment of a real estate loan reamortized under this section may not exceed forty years from the date of such action.

"(3) The period for the repayment of a production loan consolidated or reamortized under this section may not exceed seven years from the date of such action.

"(4) If the Secretary elects to defer the payment of installments on principal or interest, or both, due on a loan made or insured under this subtitle, or consolidated, rescheduled, or reamortized under this section, the Secretary shall—

"(A) defer no more than three such installments;

"(B) require the borrower in each installment payment made on the loan to repay—

"(i) at least part of the interest payment due in such installment; and

"(ii) at the earliest possible date permitted under the revised plan of operation of the borrower, all of such payment due in such installment;

"(C) defer such payments for no longer than the period ending on the final due date on the loan;

"(D) encourage the borrower to make such payments as soon as the borrower is able to make such payments notwithstanding the fact the repayment period for the loan has not expired; and

"(E) give preference in deferring such loans to beginning farmers, limited resource applicants, and borrowers who have suffered production and economic losses due to natural or economic conditions.

"(e) If the Secretary modifies the terms of a loan under this section and determines that a new mortgage on property used to secure the loan is necessary to protect the loan priority of the Secretary, the Secretary may require that a new mortgage on such property be executed.

"(f)(1) If the Office of the General Counsel of the Department of Agriculture or a United States Attorney is taking servicing actions with respect to a loan made or insured under this subtitle or are planning to take such actions in the near future, the Administrator of the Farmers Home Administration may not take servicing actions under this subtitle with respect to such loan.

"(2) The Secretary may not take servicing actions with respect to a loan made or insured under this subtitle in order to circumvent any agreement to permit a graduated loan repayment schedule.

"SEC. 310. (a) Except as provided in subsection (b), to be eligible to obtain a loan under this subtitle, a borrower of the loan shall—

"(1) provide such security for the loan as the Secretary determines appropriate, including real estate, buildings, machinery, equipment, crops, crop insurance, crop assignments, livestock product assignments, livestock, furniture, fixtures, inventory, accounts receivable, cash, stocks, bonds, personal and corporate guarantees, marketable

securities, the cash surrender value of life insurance, or any combination thereof;

"(2) dispose of all real property which the Secretary determines is not essential to the operation of farm and nonfarm enterprises by the borrower;

"(3) in the case of a loan used for the annual production of crops or livestock, pledge such crops or livestock and any other property which the Secretary determines is necessary to secure the loan;

"(4) in the case of a real estate loan, pledge real estate to secure such loan; and

"(5) in the case of a loan secured by chattels whose loss would jeopardize the interests of the Federal Government, insure such chattels against hazards customarily covered by insurance in the surrounding community.

"(b) If a borrower provides security for a loan in accordance with subsection (a), the Secretary may not require as a condition of eligibility for the consolidation, rescheduling, reamortization, or deferral of the loan under section 309 that the borrower provide additional security for the loan.".

CONFORMING AMENDMENTS

SEC. 4. (a)(1) Section 312 (as redesignated by section 3(2) of this Act) is amended—

(A) by inserting "or subtitle B" after "this subtitle" each place it appears in the second sentence of subsection (a), the third sentence of subsection (c), the first sentence of subsection (d), and subsection (f)(1);

(B) by striking out "section 309A" in subsection (f)(6) and inserting in lieu thereof "section 323"; and

(C) by striking out "section 308, the last sentence of section 306(a)(1), and the last sentence of section 307" in the second sentence of subsection (g)(1) and inserting in lieu thereof "section 311, the last sentence of section 321(a)(1), and the last sentence of section 322".

(2) The second sentence of section 313 (as redesignated by section 3(2) of this Act) is amended by striking out "section 309A(a)" and inserting in lieu thereof "section 323(a)".

(3) Section 321(a)(7) (as redesignated by section 3(4) of this Act) is amended by striking out "sections 304(b), 310B, and 312(b), (c), and (d)" and inserting in lieu thereof "section 325".

(4) Section 322 (as redesignated by section 3(4) of this Act) is amended—

(A) in subsection (a)—

(i) by striking out "(A)" in paragraph (3)(A);

(ii) by striking out subparagraph (B) of paragraph (3);

(iii) by striking out "sections 304(b), 306(a)(1), and 310B" in paragraph (4) and inserting in lieu thereof "sections 321(a)(1) and 325"; and

(iv) by striking out subparagraph (B) of paragraph (6) and inserting in lieu thereof the following new subparagraph:

"(B) The authorities referred to in subparagraph (A) are—

"(i) the provisions of section 321(a)(1) relating to loans for recreational developments and essential community facilities;

"(ii) section 321(a)(15);

"(iii) clause (1) of section 325(a); and

"(iv) subsections (d) and (e) of section 325."; and

(B) by striking out "section 306" in the first sentence of subsection (c) and inserting in lieu thereof "section 321".

(5) Section 323 (as redesignated by section 3(4) of this Act) is amended—

(A) by striking out "sections 304(b), 306(a)(1), 306(a)(14), 310B, and 312(b)" in the second sentence of subsection (a) and inserting in lieu thereof "sections 321(a)(1), 321(a)(14), and 325";

(B) in subsection (b)—

(i) by striking out "section 309(a)" in the first sentence and inserting in lieu thereof "section 312(a)";

(ii) by striking out "section 306(a)(1)" in the first sentence and inserting in lieu thereof "section 321(a)(1)"; and

(iii) by striking out "section 308" in the second sentence and inserting in lieu thereof "section 311"; and

(C) by striking out "sections 306(a) and 310B" in subsection (g)(8) and inserting in lieu thereof "sections 321(a) and 325".

(6) Section 324 (as redesignated by section 3(4) of this Act) is amended by striking out "sections 308 and 309, the last sentence of section 306(a)(1), and the last sentence of section 307" and inserting in lieu thereof "sections 311 and 312, the last sentence of section 321(a)(1), and the last sentence of section 322".

(7) Section 325(d) (as redesignated by section 3(4) of this Act) is amended—

(A) by striking out "sections 304(b), 310B, and 312(b)" each place it appears in paragraphs (1), (2), and (3) and inserting in lieu thereof "this section"; and

(B) by striking out ", section 304, or section 312" in paragraph (5).

(8) Section 333 (7 U.S.C. 1983) is amended—

(A) by striking out "this title" in the matter preceding subsection (a) and inserting in lieu thereof "subtitle B";

(B) in subsection (b)—

(i) by striking out "sections 306, 310B, 314, and 321(a)(2)" and inserting in lieu thereof "sections 321, 325, and 327"; and

(ii) by striking out "; and for loans under section 321(a)(2), the Secretary shall require the recommendation of the county committee as to the making or insuring of the loan";

(C) by striking out "(or, in the case of a borrower under section 310D of this title, the borrower may be able to obtain a loan under section 302 of this title)" in subsection (c); and

(D) by striking out "subtitle A or B" in subsection (e) and inserting in lieu thereof "subtitle B".

(9) Section 338(e) (7 U.S.C. 1988) is amended by inserting "or B" after "subtitle A".

(10) The first sentence of section 344 (7 U.S.C. 1992) is amended by striking out "section 304(b), 306(a)(1), 310B, 312(b), or 312(c)" and inserting in lieu thereof "section 321(a)(1) or 325".

(11) Section 346 (7 U.S.C. 1994) is amended by striking out subsections (b) and (d) and redesignating subsection (c) as subsection (b).

(b)(1) The second sentence of section 607(c)(6) of the Rural Development Act of 1972 (7 U.S.C. 2204b(c)(6)) is amended by striking out "section 306(a)(12) of the Consolidated Farm and Rural Development Act" and inserting in lieu thereof "section 321(a)(12) of the Consolidated Farm and Rural Development Act".

(2) Section 9 of the Act entitled "An Act to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes", approved April 20, 1973 (15 U.S.C. 636 note), is amended to read as follows:

"SEC. 9. No portion of any loan made by the Small Business Administration in connection with any disaster occurring on or after April 20, 1973 under sections 7(b) (1), (2), or (4) of the Small Business Act (15 U.S.C. 636(b) (1), (2), or (4)) shall be subject to cancellation under the provisions of any law.".

(3) The first sentence of section 18(a) of the Small Business Act (15 U.S.C. 647(a)) is amended by striking out "prior" and all that follows through "Act, and".

(4) The last sentence of section 7(b)(3) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106(b)(3)) is amended by striking out "section 306(a)(7) of the Consolidated Farm and Rural Development Act" and inserting in lieu thereof "section "321(a)(7) of the Consolidated Farm and Rural Development Act".

(5)(A) The first sentence of the first section of the Act entitled "An Act to provide for loans to Indian tribes and tribal organizations, and for other purposes", approved April 11, 1970 (25 U.S.C. 488), is amended by striking out "sections 308 and 309, of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1988(c), 1928, 1929)," and inserting in lieu thereof "sections 311 and 312, of the Consolidated Farm and Rural Development Act".

(B) Section 5 of such Act (25 U.S.C. 492) is amended by striking out "section 307(a) of the Consolidated Farmers Home Administration Act of 1961, as amended," and inserting in lieu thereof "section 322(a) of the Consolidated Farm and Rural Development Act".

(6)(A) Section 515(b)(4) of the Housing Act of 1949 (42 U.S.C. 1485(b)(4)) is amended by striking out "section 309 and the second and third sentences of section 308 of the Consolidated Farmers Home Administration Act of 1961, including the authority in section 309(f)(1) of that Act" and inserting in lieu thereof "section 312 and the second and third sentences of section 311 of the Consolidated Farm and Rural Development Act, including the authority in section 312(f)(1) of such Act".

(B) The third sentence of section 517(b) of such Act (42 U.S.C. 1487(b)) is amended by striking out "(7 U.S.C. 1929)" and inserting in lieu thereof "(section 312 of the Consolidated Farm and Rural Development Act)".

(7) Section 901(b) of the Agricultural Act of 1970 (42 U.S.C. 3122(b)) is amended by striking out "section 306(a)(7) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926)" and inserting in lieu thereof "section 321(a)(7) of the Consolidated Farm and Rural Development Act".

(8) Section 415(c) of the New Communities Act of 1968 (42 U.S.C. 3914(c)) is amended by striking out "section 306(a)(2) of the Consolidated Farmers' Home Administration Act" and inserting in lieu thereof "section 321(a)(2) of the Consolidated Farm and Rural Development Act".

(9) Section 718(c) of the Urban Growth and New Community Development Act of 1970 (42 U.S.C. 4519(c)) is amended by striking out "section 306(a)(2) of the Consolidated Farmers Home Administration Act" and inserting in lieu thereof "section 321(a)(12) of the Consolidated Farm and Rural Development Act".

(10) Paragraph (5) of section 313(a) of the Disaster Relief Act of 1974 (42 U.S.C. 5153(a)(5)) is amended to read as follows:

"(5) section 321 of the Consolidated Farm and Rural Development Act;".

(11) The first sentence of section 213(c)(1) of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8813(c)(1)) is amended—

(A) by striking out "section 309 of the Consolidated Farm and Rural Development Act" and inserting in lieu thereof "section 312 of the Consolidated Farm and Rural Development Act"; and

(B) by striking out "section 309A of such Act" and inserting in lieu thereof "section 323 of such Act".

BRIEF SECTION-BY-SECTION ANALYSIS—CONSOLIDATED AGRICULTURAL ADJUSTMENT LOAN ACT OF 1983

Section 302. Includes the definitions to be used in the act establishing the Agricultural Adjustment Loan program. The section maintains definitions found in current law.

Section 303. Establishes application requirements for applicants, maintaining the credit elsewhere test. To maintain continuity and avoid confusion, the changes that the bill makes in application requirements are only those necessary to carry out the overall purpose of the Act, which is to consolidate seven loan programs into one.

Section 304. Establishes a veterans preference in approving applications.

Section 305. Establishes eligibility requirements for applicants, maintaining most requirements found in current law. Eligibility requirements for corporations are left to the discretion of the Secretary. The same eligibility process and the same set of regulations will apply, regardless of the purpose for which a producer seeks a loan (except rural youth loans), thus greatly streamlining the loan operation.

Section 306. This section sets out the purposes of the consolidated loan, and is the heart of the bill. The purposes for the new Agricultural Adjustment loan include the purposes found currently in the operating, farm ownership, soil and water, economic emergency, limited resource, recreation, and rural youth loan programs. (The emergency loan [EM] program is not included.) The accumulated loan purposes expand loan flexibility within a single loan program. Rigid divisions between loan programs will be eliminated, which in turn will: accelerate the loan process, reduce paperwork, minimize borrower confusion, and improve FmHA efficiency.

Section 307. Establishes a total loan limit of $500,000 for Agricultural Adjustment loans, for both insured and guaranteed loans. No division is required among the several loan purposes. Under the bill, rural youth loans may not exceed $10,000. A single loan limit will emphasize a consolidation of these aforementioned farm loan programs. Currently, insured operating loans have a $100,000 limit, guaranteed at $200,000. Insured farm ownership loans have a limit of $200,000, guaranteed at $300,000.

Section 308. Allows Secretary discretion in setting loan interest rates. Limited resource interest rates would be the greater of 5% or a rate 5% below the regular established rate set by the Secretary. Authority for limited resource graduation is included. Loan repayment requirements are similar to those in current law.

Section 309. Establishes conditions for loan consolidation, rescheduling, reamortization and deferral. Once the plan is approved, the Secretary will be required to accept loan servicing if financial stress is due to circumstances beyond the borrower's control. The Secretary would be prohibited from requiring repayment ability as a condition for loan servicing for any loan other than the loan or loans being serviced. Loans which are rescheduled, reamortized, or consolidated will retain the interest rate in the original note or the current rate, whichever is lower.

Section 310. Establishes the security requirements for an Agricultural Adjustment loan, maintaining requirements found in current law. However, the Secretary would be prohibited from requiring additional security as a condition for loan consolidation, rescheduling, reamortization, or deferral.

By Mr. MOYNIHAN:

S. 2058. A bill to require the disposal of certain lands at Montauk Air Force Station, East Hampton Township, N.Y., for park and recreation purposes; to the Committee on Governmental Affairs.

TRANSFER OF SURPLUS FEDERAL PROPERTY AT MONTAUK AIR FORCE STATION TO THE TOWN OF EAST HAMPTON, N.Y.

● Mr. MOYNIHAN. Mr. President, I am introducing a bill to direct the transfer of a piece of surplus U.S. property at Montauk Air Force Station, N.Y., to the town of East Hampton, N.Y., and so to put an end to Government vacillation over what is to be done with the property.

In 1981, the Federal Government deemed excess to its needs some 278 acres at Montauk Air Force Station, a base that was closed in 1980. Citizens and elected officials in the vicinity began making plans to use the surplus property as a park and recreation area.

They had good reason to think the land might be transferred to the town free of charge. Since 1949, when the GSA was established, Federal law has authorized the free transfer of surplus Federal property to State and local governments for park and recreation uses. Under this authority, hundreds of vacant Federal lots and buildings have been transferred and put to good public use. Some Federal land has been turned into public parks; Federal buildings have been turned into museums and other civic buildings.

Somehow it got in the minds of those in the Reagan administration that these transfers of surplus Federal property should end and that the properties could be sold, instead, to help retire the national debt. The program has been a failure. In September of last year, the National Journal summed it up by titling an article about the program, "What if the Government Held a Land Sale and Hardly Anybody Showed Up?"

In their frustration, the managers of the administration's program are now attempting to sell properties the Government still needs, to renege on surplus property transfers arranged years ago, and generally to ignore the plans and sentiments of local citizens and officials. The most recent maneuver in the administration's land rush involves the proposed sale of the 278 acre former Montauk Air Force Base, at the eastern tip of Long Island.

As the respected Long Island newspaper Newsday said in an editorial, "It was injury enough 3 years ago when the Air Force Base was closed, depriving the town of East Hampton of the $1 million the base payroll meant to the local economy. Now the Government adds insult." Ignoring a unanimity of opinion among local elected officials and citizens that the land should be preserved for park use, the GSA proposes to sell it to the highest bidder.

This is not a matter of landowners simply not wanting to see development on the neighboring property. There does not exist sufficient water supply to sustain a new development in this area. It is as simple as that.

The legislation I propose today would simply direct the Government to do that which a 35-year-old statute would authorize and encourage it to do. I could not forgive—nor could the citizens of Long Island forgive the Government were it to sell this land at Montauk to a private developer.

I ask that a copy of the bill be printed in the RECORD following my remarks, along with an editorial from the newspaper Newsday.

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

S. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services shall assign to the Secretary of the Interior for use as a public park or recreation area, portions of the Montauk Air Force Station in East Hampton Township, Suffolk County, New York, totaling two hundred seventy-eight acres that were declared surplus to the needs of the United States Government on December 21, 1981.

SEC. 2. The Administrator of General Services shall assign the land identified in the first section of this Act to the Secretary of the Interior within thirty days of enactment of this Act. Within thirty days of said assignment, the Secretary of the Interior shall, without monetary consideration, convey the property to the Town of East Hampton, New York, for public park or recreation uses in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).

[From Newsday, Sept. 22, 1983]

WHAT DOES THE GSA KNOW ABOUT MONTAUK?

Three years ago, when the Air Force closed its base in Montauk, the Town of East Hampton lost a payroll that annually pumped about $1 million into the local economy. But that was only the first part of a federal one-two punch.

The second part is being delivered by the federal General Services Administration, which has decided to ignore the opinions of state, county and town officials and sell the former base to a developer. According to a Boston-based GSA bureaucrat, "The highest and best use of the 278-acre base land is residential development."

That's wrong, but only to be expected from the Reagan administration. Its policy is to sell off surplus federal property at market value, so GSA officials tend to overlook such niceties as local opinion and environmental considerations.

Suffolk County planners have done extensive water-resource inventories in the East End, and they advised against residential development of the property because water is in short supply. Even before the base closed, the state had acquired about 137 acres of surplus federal land adjoining it for park use. State, county and town officials wanted to preserve most of the remaining acreage for parks. The town proposed to acquire the existing base housing and sell it to local low- and middle-income families.

But over the past three years the GSA has rebuffed local efforts to work out a way to save the land from development, and it now plans to sell to the highest bidder. The federal agency is running roughshod over informed local opinion, and the Long Island congressional delegation should head it off.●

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

S. 2059. A bill to provide revised reimbursement criteria for small rural health clinics utilizing National Health Service Corps personnel; to the Committee on Labor and Human Resources.

RURAL HEALTH CLINICS ACT OF 1983

Mr. DOMENICI. Mr. President, since May of this year, I have been working with board members of La Clinica del Pueblo in Tierra Amarilla, Hatch Area Health Clinic and La Clinica del Norte in New Mexico. They told me that, unless the Congress acted, they would have to close their clinic. They are very concerned about the impact of a change in the regulations governing payback provisions for National Health Service Corps personnel. The result of these changes will be to greatly increase the actual amount these small clinics will be paying the Federal Government. Statewide, the average increase will be 74 percent.

Every small business knows that such a vast increase in the cost of its supplies would be devastating. The same is true in the rural areas of New Mexico and the country as a whole. The money they are able to raise is already very tightly budgeted for such essentials as medical supplies and equipment, laboratory services, personnel, site costs, and telephone services. To change the rules in such a drastic way at this point will lead to the closing of many of the 21 free-standing clinic sites in New Mexico before the Public Health Service can collect any additional funds. In short, at least 50,000 New Mexicans will lose health services in the near future and the Public Health Service will have failed the mission we gave it to serve needy Americans in pockets lacking adequate medical services.

The reason we are putting Federal resources into these areas is simple. They do not have the resources to attract and retain primary health-care providers. We created a Federal-local partnership, and the new regulations are saying that the Federal side of this partnership will make it impossible for these trained health providers to continue the valuable and needed service. I had hoped that, since the problem was created by a change in regulations, we could find an administration solution. Since this has not been forthcoming, we must resort to legislation to correct this urgent problem.

While early legislative attempts to resolve the problem ignored the partnership aspects of the relationship by allowing the local providers to control the generated income, I believe that the bill that Senator HATCH and I are introducing today is a balanced approach that recognizes the mutual responsibilities and capabilities of the local clinic and the Public Health Service. We were not trying to create an open-ended subsidy to local providers. We want them to develop good management practices.

We carefully define small clinics so that large urban medical centers will not be tempted to escape their responsibilities to the Government, as they could have in early legislative drafts. By focusing on our goal of local self-sufficiency with proper Government support where it can be justified, I believe that we will be doing our rural constituents the right service. We want them to have available medical services, but we also expect them to pay their fair share. In cases where payment is impossible, we want to provide all the health care that we possibly can.

To illustrate the complexities that can arise, I am enclosing for the RECORD two pieces of information. The first is a June 17, 1983, letter to me from Assistant Secretary for Health, Edward N. Brandt, Jr., M.D. As you will note, after the formulas are explained, Dr. Brandt closes with the following conclusion which does little to reassure rural residents about their future outlook for medical help: "In the event the clinic refuses payment, no further NHSC assignments will be made and current assignees will be withdrawn."

I would also like my colleagues to see the testimony of Edward D. Martin, M.D. before a House subcommittee. Dr. Martin does an excellent job of explaining the purpose of the program and the need for a balanced approach to a Federal commitment. I now believe that the objections raised by Dr. Martin have been resolved and we can go forward with a legislative solution that is responsive to his and our concern.

In simple terms, our bill establishes a whole new system for determining the amounts that small clinics will have to pay back to the National Health Service Corps. These clinics will estimate their budget for the year. Payback will be initiated only if actual revenues exceed the budget. To keep with the spirit of the original law, we are offering incentives for the improvement of rural and small clinic health care delivery. For those clinics that are able to operate in the black, an additional waiver will be available at the discretion of the administration. This waiver may be granted if the local clinic can demonstrate feasible plans to improve services.

The final feature of our bill, Mr. President, is its careful definition of small clinics. We are simply trying to avoid the potential problem of open-ended waivers from clinics that are hospital based or whose primary source of support is a Federal grant. Our bill is focused on the needs of small clinics.

In summary, we are taking a legislative route to give our local clinic operators some much needed assurances that Government regulators will not arbitrarily change their payback structure. I believe that our proposed payback system is fair and balanced between local and Federal resources. We encourage sound management practices while offering incentives for improved medical care. I urge my colleagues to support this bill, and I ask unanimous consent that the material mentioned earlier and a letter from the Director of the Office of management and Budget, Mr. Stockman, printed in the RECORD.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., November 4, 1983.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR PETE: The Administration prefers the alternative proposed by Senators Domenici and Hatch which amends Section 334 of the Public Health Service Act. The alternative clarifies the conditions under which a facility staffed by National Health Service Corps (NHSC) physicians is eligible for waiver of the payback requirement. The proposal would restrict waiver eligibility to those vital rural health sites whose operating income is just sufficient to pay operating costs. Larger sites, which are able to generate sufficient income to repay the Federal Government for the cost of the NHSC physicians, would not need such waivers.

Senator Domenici and Hatch's alternative generously provides transitional relief to facilities which would be adversely affected by immediate enforcement of the stricter eligibility criteria.

Sincerely,

DAVID A. STOCKMAN,
Director.

PUBLIC HEALTH SERVICE,
Washington, D.C., June 17, 1983.

Hon. PETE V. DOMENICI,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMENICI: This is in response to the concerns raised at your meeting with my staff on May 20 regarding National Health Service Corps (NHSC) reimbursement by La Clinica del Pueblo de Rio Arriba. After receiving a report on this meeting, I requested that a complete review of our files concerning La Clinica be conducted to determine whether additional waivers should be granted. This letter provides a report of the findings of that review and a final determination by the Department on La Clinica's request.

I believe it may be useful to provide you with information concerning the manner in which the NHSC reimbursement procedure works, since I believe it to be a fair and equitable mechanism which gives full consideration to the needs of the patients served by the site and the interests of the Government. Also included is an analysis of La Clinica's debt and the basis of the original decision.

At the time a site first receives assignees from the NHSC, it contracts in a Memorandum of Agreement to reimburse the Government for the cost of the providers. Recognizing that there may be circumstances which inhibit a site's ability to reimburse the Government for the services provided by NHSC professionals, the statute makes provision for a waiver if reimbursement would work an undue hardship. Recognizing the intent of Congress, the payback procedures were designed to provide a liberal allowance for operating expenses even before a waiver question could arise. The mechanism works in the following manner. Each site is responsible for a charge referred to as the "allowable support cost" for assigned health care providers. The site is then permitted to retain 80 percent of the fees collected for services provided by the NHSC health professional, remitting to the NHSC only 20 percent of the initial collections, until the provider has earned in fees for the site the entire amount of the allowable support cost. After the provider has earned fees equal to the allowable support cost, the site may expend for its purposes 20 percent of all fees collected, remitting the remainder to the NHSC until the full cost of the provider has been reimbursed. The site may retain all fees earned above the cost of the provider. Conversely, if a site fails to generate in fees the cost of the provider, the amount billed is only 20 percent of collections.

For the billing period January 1981 to June 1981, the cost to the Government of the La Clinica assignees was $71,550. The site received a bill of $23,712 for this period resulting in a waiver of $47,838. For the next 6-month period, the cost of the assignees was $100,666, and the bill for the period was $19,441. The amount waived for this period was $81,225. Finally, for the period January to June 1982, the cost of the assignees was $104,817. The bill for the period was $24,999, and the total amount waived was $79,818. Overall for the period, the total cost of the NHSC assignees to the Government was $277,033. La Clinica was billed for $68,152, and $208,881 was waived. The issue is not that the site is requesting a waiver, but that it wishes relief from any obligation to the NHSC. This was corroborated by a letter dated April 13 in which Ms. Horowitz advised the regional office that "We have not yet submitted a payment plan for debt to the NHSC for we are awaiting to see what developed for pursuit of waiver through political channels."

We also analyzed an independent audit performed as of June 30, 1982. The financial statements showed that the clinic has a net worth of $226,640 which we feel is the direct result of the NHSC medical and dental provider support given to it during the last 10 years. The audit also showed that the clinic had an excess of current assets over liabilities of $80,607 including $33,728 in money market certificates and $7,761 in cash. This indicates that the clinic has liquid assets sufficient to repay the obligation, but it has not created the reserves necessary to fulfill its agreement with the NHSC. It should also be noted that the site was the recipient of a no-interest loan from the Government in the amount of $10,000. The NHSC has also waived $3,700 of this amount. The site has failed to repay the $6,300 balance on this loan, and it is now overdue as well.

Our review determined that the site first requested a waiver of its start-up loan on September 5, 1980. The clinic was advised on January 22, 1981, that the regulations governing the loan program do not permit us to grant a waiver of funds used for real estate purchases. The clinic was also notified at this time that our review of the site's Bureau Common Reporting Requirements (BCRR) statistical report for the period July 1, 1979, through July 30, 1980, indicated that the clinic had sufficient revenues after expenses to meet the reimbursement obligation. The site next requested waivers for the period July 1, 1980, to December 31, 1980, and from January 1, 1981, to December 31, 1981. These requests were rejected on August 10, 1982, for insufficient documentation and the lack of a CPA audit report. Following another inquiry from the clinic about the status of their waiver request, we informed the Director on November 15, 1982, that further consideration was pending receipt of a CPA report. After the requested documentation had been reviewed, La Clinica was advised on January 17, 1983, that sufficient funds were available in cash and money certificates to pay each billing as it came due and that the clinic expended funds for items such as equipment which were not included in the budget.

The January 17 letter also advised the clinic that the NHSC was suspending recruitment for the site because satisfactory responses had not been made to the issues raised. Two individuals who had been matched to the site were, however, allowed to report for duty pending resolution of the issues. In the absence of a response to this letter, the NHSC informed the site on May 9, 1983, that interest charges had commenced and that a request for approval of a repayment arrangement was expected. It was only after these steps had been taken that the current decision to terminate placements and withdraw the assignees was made.

It is important to point out that for the billing period July 1981—December 1981, there were 26 NHSC sites in New Mexico. Twenty-two have fully paid with only $4,874 in additional waivers against payments of $171,944. Three more sites are making payments against bills of $13,906. La Clinica del Pueblo de Rio Arriba, which has one of the highest income collection rates and a net worth of over $225,000, still owes $19,441 for this period which constitutes 58 percent of the delinquent accounts for all 26 NHSC sites, many of which do not receive other Federal support.

After all the facts are reviewed, I believe it is clear that La Clinica del Pueblo de Rio Arriba is a financially viable entity which is capable of fulfilling its agreement with the Government, and that it has not been the subject of harassment for debts which it cannot repay.

Accordingly, we have advised La Clinica that they should make arrangements with the regional office to repay the outstanding debt over the next 6 months so that the new NHSC assignee can report for duty. In the event the clinic refuses payment, no further NHSC assignments will be made and current assignees will be withdrawn.

Sincerely yours,

EDWARD N. BRANDT, JR., M.D.,
Assistant Secretary for Health.

STATEMENT BY EDWARD D. MARTIN, M.D., DIRECTOR, BUREAU OF HEALTH CARE DELIVERY AND ASSISTANCE HEALTH RESOURCES AND SERVICES ADMINISTRATION, AUGUST 1, 1983

Mr. Chairman and members of the committee: Good Morning. I am Dr. Edward D. Martin, Director of the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Public Health Service (PHS). I am pleased to be here today to discuss the policies for the repayment of the cost sharing obligations of the National Health Service Corps personnel assigned to communities and to present our views on H.R. 3649, legislation that would change these repayment requirements. The Administration opposes enactment of H.R. 3649.

The Bureau of Health Care Delivery and Assistance with the Health Resources and Services Administration (HRSA) and the Public Health Service is responsible for the operation and direction of the National Health Service Corps program, and, through the Public Health Service regional offices, assists the approximately 800 entities to which NHSC personnel are assigned (sometimes referred to as NHSC sites.). The HRSA responsibility includes implementing the law regarding National Health Service Corps cost sharing by communities.

The mission of the National Health Service Corps is to place physicians and other health professionals in areas which are unable to attract and retain primary health care providers without Federal assistance. The heart of this program is the establishment of a Federal-local partnership in which the Federal Government and the community assume mutual responsibilities for the development of independent practices which will remain viable as initial Federal support is decreased. We see our role in administering the cost sharing provisions of the NHSC statute as more than collecting funds to be returned to the Treasury.

Our experience over 10 years has shown that National Health Service Corps personnel placements are most successful when local resources and operations can be organized to assume greater responsibilities for independent operation and financing, with steadily decreasing Federal financial and management intervention. We do encourage NHSC sites to collect fees to recover the costs of the program, in order to assist and motivate sites to collect revenues which will enable them to operate as self sufficient, efficient providers who do not depend on Federal aid. There are adequate safeguards to assure that no one is denied services because of an inability to pay. As I will point out

shortly, the Department bills to and collects from NHSC sites only a small percentage of the cost of the program and only a small percentage of the fees collected by sites.

H.R. 3649 would substantially eliminate payback by requiring no reimbursement until all operating costs, as determined by the site, are met. Even in cases where there is a surplus of fee collections over operating costs, the site can request that it be allowed to spend the additional funds to expand services or facilities, to administer the site, or to increase financial reserves. This legislation would have the negative effect of reducing the site's incentive to budget, to manage carefully with attention to costs, to operate efficiently, and to seek self-sufficiency. There can be no development of self-sufficiency in a site if its largest operating cost, provider salaries, is ignored. By establishing what is, in effect, an open-ended Federal subsidy to activities which will generate fee income, the proposed changes will work against the development of good management practices and financial independence.

H.R. 3649 would also create an enormous amount of additional administrative work for BHCDA in reviewing and approving prospective site budgets. This review will not result in any benefit to the sites in terms of increased management capabilities or increased generation of income toward eventual independent status. We estimate that the prospective budget reviews alone would require additional man-years of effort each year. We feel it would be far better to expend this effort on working with sites to build capacity, to improve management, and to maximize collections, thereby working towards eventual independent operation, and to focus on review of waivers or exceptions for sites with special needs for whom repayment would be burdensome.

I do recognize, however, that there are exceptions to our approach in general, and there clearly are exceptions in the case of NHSC sites. It may be appropriate for the legislation to be more explicit regarding the situations in which waivers are permissible, such as sites with low third party reimbursements or sites which are characterized by unique circumstances as is the case with many free-standing NHSC sites. Even in these cases a prospective budget should be prepared and reviewed, and expenditures should be approved by the PHS. In these cases, as in larger sites, the objective remains to secure ultimate economic independence. Such exceptions are, however, totally unnecessary and duplicative for Community Health Centers, hospital-supported sites, and for activities sponsored by State and local government bodies.

If, however, the intent of Congess is that we not collect repayments and not carry out cost sharing efforts, then the Committee should consider removing the cost sharing section from the legislation and eliminating any expectations that there will be repayments under this program. We believe, however, that removal of the cost sharing provision would seriously diminish community perceptions that the assignment of NHSC personnel is a joint Federal-local effort to build the community's own health resource capability. Removal of cost sharing, or implementing a methodology which essentially does away with repayment, would be a clear signal to communities that they could expect to be continued indefinitely on Federal aid with little or no effort on their part to achieve self-sufficiency.

PRESENT REPAYMENT SUMMARY

In 1982, sites with National Health Service Corps assignees generated about $233,000,000 in fees and revenues. National Health Service Corps assignees earned approximately $86,700,000 of this amount, and other non-NHSC health care providers were responsible for about $146,300,000. In 1982 the Department billed sites for $15,250,000. This repayment from sites represents only 17.5 percent of fees attributable to NHSC providers and only an estimated 6.5 percent of all fees collected. The National Health Service Corps costs for providing site assignees for this period was $84,893,000. Similarly, the amount billed sites for 1982, $15,250,000, represents only 18 percent of the cost.

REPAYMENT POLICY

I believe it may also be useful for me to explain the current repayment policy. The repayment formula is specifically designed to meet the statutory requirements for cost sharing contained in section 334 of the PHS act in a manner that also allows a health delivery entity to meet its costs of operations. In the initial Memorandum of Agreement signed when the provider is assigned to a site, the site agrees to pay a charge referred to as the "allowable support cost" for its assigned health care providers. The site is permitted to retain 80 percent of all fees collected for services provided by the NHSC health professional until the provider's fees equal the allowable support cost. The remaining 20 percent is applied against the NHSC bill. After the provider has earned fees which equal the allowable support cost, the site may retain 20 percent of all additional fees collected. The remaining 80 percent of collections is remitted to the NHSC until the full cost of the provider has been reimbursed. Therefore, if a site fails to collect fees equal to the "allowable support cost", the amount billed by NHSC to the site is only 20 percent of collections, however small, and in this situation the site would be likely to be granted a waiver of part or all of the requirement to repay.

This methodology, which uses fee collections as the basis of bill computation, specifically addresses the financial condition of the population served by a facility. If the site has difficulty generating revenue because the population cannot pay for services, the amount which the site will be required to reimburse the Government will be small. As a result, the bills sent to such sites generally represent only a small portion of the cost to the Federal Government.

The NHSC also has a second step review which allows waiver of all or part of bills based on exceptional circumstances. Waiver requests are reviewed at the regional offices to determine if the site lacks sufficient funds to operate and to repay the Government, or if payment of the bill would unreasonably limit the ability of the entity to provide adequate care. Waivers are not automatically granted. Instead, each site is reviewed in terms of its financial status, its revenues, its budget, and its most recent audit. In addition, there is an appeal mechanism to the central office for denied waivers.

CURRENT POLICY CHANGES

Even in a well managed health service practice, as much as 80 percent of total costs are costs of operations over and above the costs of NHSC provider. The current 80 percent-20 percent repayment formula was designed to allow projects to repay the cost of the NHSC provider and, at the same time, support normal operating costs including those associated with support personnel.

The most recent changes in the repayment policy are based on an analysis of repayment patterns throughout all NHSC sites. This analysis demonstrated that health care centers with health personnel other than physicians, dentists, and mid-level practitioners were paying a smaller proportion of assignee costs than centers which employed only medical and dental providers. Because sites are already given credit for support personnel within the 80 percent of fees retained, sites which were allowed to prorate fees collected over all providers were being given double credit for support personnel to the prejudice of small sites with limited staff. The methodology for applying the formula was modified in order to assure that all centers would be required to pay back equitable portions of the assignee costs.

There has also been some concern expressed regarding recent modifications of the waiver policy. In fact, there has been no change concerning the repayment waivers granted for financial reasons, low income of community residents, impact on the delivery of services or other hardship reasons, and we will continue to give waivers for these reasons. Specific waiver requests from sites are also allowable based on two additional criteria: (1) acts of God, such as fire, flood or storm, requiring the expenditure of large sums, or (2) the site's inability to repay NHSC obligations due to the site's not meeting its budgeted income projection or not carrying out necessary expenditure reductions.

Let me again note that H.R. 3649 would all but eliminate payback from sites by requiring no payback until all operating costs, as determined by the site, were met. All costs and revenues would be submitted in a prospective budget by the site. The Secretary would then determine the projected cost and collection levels from this budget. This would require a great expenditure of administrative resources with little, if any, appreciable benefit to sites. Further, the message to sites would be clear, that they would be able to relax their collection efforts. We strongly oppose the repayment changes contained in this legislation because they run counter to the purpose of the program, romoving the cooperative and cost sharing aspects of the program and removing the incentives and motivation for collecting fees and reducing dependence on continual Federal funding.

In a limited number of cases involving small free-standing sites with low collections (for example, sites with $50,000 or less in fee collections) including such sites as are found in New Mexico, we may be willing to consider prospective budget reviews. However, in these cases, it should be understood that the Secretary will determine costs and repayment levels, that site budgets will contain an amount for the cost and repayment of National Health Service Corps providers and that the clear intent of this review will be to continue the process of eventual self-sufficient operation within the community.

This concludes my prepared statement. I would be happy to answer any questions you may have.

Mr. HATCH. Mr. President, I am today introducing along with Senator DOMENICI a bill entitled "The Rural Health Clinics Act of 1983" which I hope will correct a problem that has developed in regard to rural health

clinics and their relationships with the National Health Service Corps.

First of all let me give a brief history of the NHSC, originally created by the Emergency Health Personnel Act of 1970. This act established a program whereby Public Health Service members and other personnel could volunteer to practice their professions in areas of the country that were determined to be short of medical personnel.

In 1972, the act was actually implemented and a scholarship program established. These scholarship awards were granted to health professions students who agreed to serve 1 year in the Corps for every year of scholarship assistance.

The program grew and expanded through the 1970's. In 1980, a concerned Senator Richard Schweiker noted a growing expansion in the Corps that would increase its expenditures to $700 million by 1990. He voiced a concern that the original intent of the Corps, that of encouraging doctors to set up practice in rural underserved areas was being diminished. Various criteria for designating HMSA's were so broadly applied that many well served counties in the United States were being included. A program that was training doctors to practice in medically underserved areas had grown until it was in danger of becoming competitive with the private sector. Meanwhile, the numbers of medical students outside of the Corps was growing and an obvious glut of private physicians was looming.

All of these circumstances led to major revisions in the National Health Service Corps program enacted by the Omnibus Reconciliation Act of 1981. This legislation led to greater efficiency in the delivery of health care in designated manpower shortage areas. I believe firmly that the National Health Service Corps program is a good one.

Part of those 1981 changes included a site reimbursement policy. What this means simply is, that after a community has been designated as an NHSC site, they agree to share in the Federal Government's cost of paying for that corpsman's medical education. A site reimbursement procedure was developed by the Department of Health and Human Services to assist these sites in managing payback systems that allow a health delivery entity to meet its reasonable cost of operations as well as repay to the Corps a portion of that cost.

The amendments that Senator DOMENICI and I are introducing today will further assist sites in meeting this obligation without forcing them into a situation where they might need to curtail service or close completely. The relationship between these sites and the Corps has been the needed link in providing many rural areas in this country with adequate health care.

At this time, I would particularly like to thank my colleague Senator DOMENICI from New Mexico who is sponsoring this legislation with me. Senator DOMENICI has been at the forefront of this battle to improve rural health care, holding hearings through the Special Committee on Aging back in 1980 on the problems of rural health care. So it comes as no surprise that he is here today cosponsoring legislation that will change the payment system under which these health care clinics reimburse the Government for the work of National Health Corps Service personnel.

I commend Senator DOMENICI for his work on this timely legislation which changes the criteria for reimbursement, taking into consideration the clinic's ability to repay the Government, rather than using a strict and possibly insensitive formula, that could have caused closure of many rural health care clinics.

As chairman of the Senate Labor and Human Resources Committee, it is my view that this is vital legislation and am confident that this will pass the Senate quickly and be enacted into law very soon to give some relief to rural health care clinics not only in New Mexico and Utah, but across the Nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 2059

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 "Rural Health Clinics Act of 1983".

FINDINGS

SEC. 2. Congress finds and declares that—

(1) rural health clinics are an important part of America's health care delivery system;

(2) National Health Service Corps personnel assigned to rural health clinics located in health manpower shortage areas have provided valuable and needed staffing help for such clinics;

(3) rural health clinics receiving assistance from National Health Services Corps personnel should be expected to reimburse the Federal Government for a reasonable share of the costs of such personnel; and

(4) the criteria which should be applied to reimbursement by such clinics for use of such personnel should be a fair and equitable one which reflects the needs of such clinics and the populations served by such clinics, as well as the value of the services rendered by such personnel.

SEC. 2. (a)(1) Subsection (a) of section 334 of the Public Health Service Act (42 U.S.C. 254g) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (3), by inserting ", if not a small health center," after "the entity";

(B) by striking out "and" at the end of subparagraph (C) of such paragraph;

(C) by redesignating paragraph (4) as (5); and

(D) by inserting after paragraph (3) the following new paragraph:

"(4) the entity, if a small health center, shall pay to the United States an amount in each calendar quarter (or other period as may be specified in the agreement) during which any Corps member is assigned to such entity an amount determined by the Secretary in accordance with subsection (f).".

(b) Such section is amended by adding at the end thereof the following new subsection:

"(f)(1) An entity which is a small health center shall pay to the United States, as prescribed by the secretary in each calendar quarter (or other period as may be specified in the agreement) during which any Corps member is assigned to such entity, an amount equal to the amount (prorated for a calendar quarter or other period) by which the revenues that the center may reasonably expect to receive during an annual period for the provision of health services exceeds the costs that the center may reasonably expect to incur in the provision of such services, except that the amount that an entity shall pay to the United States under this paragraph shall not exceed the amount such entity would pay to the United States under paragraph (3) of subsection (a) if such paragraph applied to such entity.

"(2)(A) To determine for purposes of paragraph (1) the revenue and costs which an entity that is a small health center may reasonably be expected to receive and incur in an annual period for the provision of health services, the entity shall submit to the Secretary before the beginning of such period a proposed budget which—

"(i) describes the health services which are needed by the area the entity serves in such period; and

"(ii) states the revenues and costs which the entity expects to receive and incur in providing such health services in such period.

"(B) From the submission under subparagraph (A) and other information available to the Secretary, the Secretary shall determine—

"(i) the health services needed in the area the entity serves;

"(ii) the fees, premiums, third party reimbursements, and other revenues the entity making the submission may reasonably expect to receive from the provision of such services; and

"(iii) the costs which the entity may reasonably expect to incur in providing such services.

The revenues and costs determined by the Secretary shall be the revenues and costs determined by the secretary shall be the revenues and costs used in making the determination under paragrpah (1).

"(3) The Secretary may waive in whole or in part, on a prospective or retrospective basis, the application of paragraph (1) for an entity which is a small health center if the Secretary determines that the entity needs amounts otherwise payable under such paragraph to—

"(A) expand or improve its provision of health services;

"(B) increase the number of individuals served;

"(C) modernize facilities for its provision of health services;

"(D) improve the administration of its health service programs; or

"(E) establish a financial reserve to assure its ability to continue providing health services.

"(4) The excess (if any) of the amount of funds collected by an entity which is small health center in accordance with subsection (a)(2) over the amount paid to the United States in accordance with paragraph (1) of this subsection shall be used by the center for the purposes set out in subparagraphs (A) through (E) of paragraph (3) of this subsection or to recruit and retain health manpower to provide health services to the individuals in the health manpower shortage area for which the entity submitted an application.

"(5) For purposes of this section, the term 'small health center' means an entity other than—

"(A) a hospital (or part of a hospital);

"(B) a public entity; or

"(C) an entity that is receiving a grant under section 329 or section 330, except that such term includes an entity whose grant is less than the total of the amounts, calculated on an annual basis, specified in subparagraphs (A) and (B) of subsection (a)(3).".

(c) Subsection (c) of such section is amended by inserting "which is not a small health center" after "an entity".

SEC. 3. The amendments made by section 2 shall apply with respect to agreements entered into under section 334 of the Public Health Service Act after the date of the enactment of this Act, but, to the extent feasible, the Secretary of Health and Human Services shall revise agreements entered into under such section 334 before such date to reflect the amendments made by section 2.

By Mr. JEPSEN:

S. 2060. A bill to provide that, in the case of any individual who dies while in active service as a member of the Armed Forces as a result of disease, wounds, or injury incurred as a result of a hostile action outside the United States, any Federal income tax liability of such person with respect to the year of such persons death shall not apply; to the Committee on Finance.

TAX LIABILITY OF DECEASED MEMBERS OF THE ARMED FORCES

● Mr. JEPSEN. Mr. President I rise for the purpose of introducing legislation on behalf of our service men and women.

Mr. President, my legislation will forgive any income tax liability of a member of our Armed Forces who is killed or dies as the result of a hostile action outside the United States. This bill would simply say that there shall be no income tax liability for the taxable year during which that military member is killed or dies and that if there is any outstanding tax liability from previous years which is unpaid, it will be forgiven.

Mr. President, existing law provides similar tax relief for military members who are killed or die as a result of active service in a combat zone. However, we find with increasing frequency that our military people are called upon to serve in parts of the world in which they are subject to hostile action but which do not qualify as combat zones—Beirut, Lebanon is a prime example.

Our valiant and courageous marines who gave their lives in that horrible and dispicable attack upon our peacekeeping force have paid this Nation the supreme price for citizenship.

My amendment represents but one small step we can take to show our recognition of the debt we all owe to these young men. It cannot and is not intended to repay the debt—that debt cannot be repaid. We can ask no more than the loyal and brave service which these young men have already given.

Mr. President, I believe that this legislation is both proper and necessary. I understand that Secretary of the Treasury Regan yesterday indorsed a proposal similar to this one. Mr. President, I urge my colleagues to support this bill.●

Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 2061. A bill to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York; to the Select Committee on Indian Affairs.

ALLEGANY RESERVATION OF THE SENECA NATION OF INDIANS

● Mr. MOYNIHAN. Mr. President, my colleague Mr. D'AMATO and I introduce a bill today to declare certain lands held by the Seneca Nation of Indians to be part of the Allegany Reservation in the State of New York. This bill is technical in nature and it is not controversial.

The New York State Legislature passed a statute last year authorizing the commissioner of transporation to convey certain parcels of land to the Seneca Nation in exchange for a highway easement across the reservation that was needed for the Southern Tier Expressway. The State conveyed roughly 800 acres of replacement land adjacent to the reservation and granted it official recognition as reservation land.

The legislation that my colleague and I introduce today formally designates the 800 acres as part of the Allegany Reservation and gives the acreage the status of tribal land for purposes of Federal law.

Mr. President, I might add that an identical bill (H.R. 3555) was introduced in the House of Representatives by New York Congressmen STAN LUNDINE and JACK KEMP on July 13, 1983. The bill was reported out of the House Committee on Interior and Insular Affairs and ordered to be printed on October 19. I urge that Senate consideration of this legislation proceed expeditiously, as well.●

By Mrs. HAWKINS:

S.J. Res. 193. Joint resolution designating March 6, 1984, as "Frozen Food Day"; to the Committee on the Judiciary.

FROZEN FOOD DAY

● Mrs. HAWKINS. Mr. President, today I am introducing a resolution to acknowledge the contribution of the American frozen food industry by designating March 6, 1984, as "Frozen Food Day." While the frozen food industry began in America and plays a vital role in our lives, it is the entire world that has benefited from the preservation of perishable foods. Not since the European spice trade in the 1400's has there been such an important and innovative development in keeping food fresh and nutritious.

Without the frozen food industry, we would be unable to enjoy all the many delicious fruits, vegetables, seafood, and other products out of their harvest season. Until the advent of the frozen food industry, out-of-season foods were often restricted only to the wealthy. The frozen food industry has helped make many more foods affordable to all Americans, in addition to aiding producers in marketing the food they produce.

On March 6, 1984, the frozen food industry will celebrate its 54th anniversary. Beginning in the 1930's with Clarence Birdseye, the industry sold its frozen products primarily to food service companies. With new technologies and market development efforts, however, the industry grew, being spurred on by World War II, which limited the availability of canned foods to American consumers.

And, of particular interest to Florida, over 30 years ago, frozen foods became even more popularly accepted, with the beginning of the marketing of frozen orange juice concentrate. Frozen orange juice concentrate became the single postwar product most instrumental in the increased acceptance of frozen foods. At the time of its introduction, only about 25 percent of Florida's orange crop was processed into frozen orange juice concentrate, but through the years this percentage increased so that now the vast majority of Florida's citrus crop goes into concentrate. This major development has aided the Florida citrus industry and the entire frozen food industry by opening up the market for frozen foods in many new food service outlets, luncheonettes, and cafeterias.

With new technologies and ever-expanding product lines, the frozen food industry is tailor made for the lifestyles of today. With more single- and two-person households, more women in the marketplace, and with the increasing popularity of the microwave oven, frozen foods add to the convenience, versatility, and efficiency necessary for our busy lives. I can't imagine our lives without the benefits of the frozen food industry.

I therefore urge my colleagues to support a small part of what has made America great—the frozen food industry.●

ADDITIONAL COSPONSORS

S. 52

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 52, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 120

At the request of Mr. DOLE, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 120, a bill to extend for 2 years the allowance of the deduction for eliminating architectural and transportation barriers to the handicapped and elderly.

S. 149

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 149, a bill for the relief of Adel Shervin.

S. 617

At the request of Mr. GOLDWATER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 617, a bill to promote the use of energy-conserving equipment and biofuels by the Department of Defense, and for other purposes.

S. 625

At the request of Mr. PELL, the name of the Senator from Mississippi (Mr. COCHRAN), was added as a cosponsor of S. 625, a bill to authorize the Secretary of Education to provide financial assistance to States for use in expanding educational programs in juvenile and adult correctional institutions to assist in the rehabilitation of criminal offenders, and for other purposes.

S. 1441

At the request of Mr. TRIBLE, the name of the Senator from Washington (Mr. GORTON), was added as a cosponsor of S. 1441, a bill to require certain safety equipment on vessels and mobile offshore drilling units, and for other purposes.

S. 1734

At the request of Mr. ZORINSKY, the name of the Senator from South Carolina (Mr. HOLLINGS), was added as a cosponsor of S. 1734, a bill to amend title 17 of the United States Code with respect to public performances of nondramatic musicial works by means of coin-operated phonorecord players, and for other purposes.

S. 1785

At the request of Mr. SASSER, the name of the Senator from Pennsylvania (Mr. SPECTER), 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. 1806

At the request of Mr. BRADLEY, the names of the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 1806, a bill to recognize the organization known as the Jewish War Veterans of the United States of America, Incorporated.

S. 1913

At the request of Mr. HUDDLESTON, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Oregon (Mr. HATFIELD), the Senator from Maine (Mr. COHEN), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1939

At the request of Mr. WALLOP, the names of the Senator from Massachusetts (Mr. TSONGAS), the Senator from Virginia (Mr. WARNER), the Senator from Rhode Island (Mr. PELL), and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 2014

At the request of Mr. SPECTER, the names of the Senator from Iowa (Mr. JEPSEN), the Senator from Maryland (Mr. SARBANES), and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the names of the Senator from New York (Mr. MOYNIHAN), and the Senator from Utah (Mr. HATCH) 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 179

At the request of Mr. HELMS, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor of Senate Joint Resolution 179, a joint resolution to provide for a White House Chapel.

SENATE JOINT RESOLUTION 183

At the request of Mr. GLENN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 183, a joint resolution to recognize the second week of November 1983, as "National Meals-on-Wheels and Congregate Meal Week."

SENATE JOINT RESOLUTION 184

At the request of Mr. HOLLINGS, the name of the Senator from Rhode Island (Mr. CHAFEE) 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 CONCURRENT RESOLUTION 70

At the request of Mr. DOMENICI, the name of the Senator from Nevada (Mr. LAXALT) was added as a cosponsor 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 North Dakota (Mr. BURDICK) and the Senator from North Carolina (Mr. HELMS) 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 RESOLUTION 74

At the request of Mr. PELL, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Senate Resolution 74, a resolution expressing the sense of the Senate concerning the future of the people of Taiwan.

SENATE RESOLUTION 268

At the request of Mr. CHILES, the names of the Senator from Missouri (Mr. EAGLETON), the Senator from Idaho (Mr. SYMMS), the Senator from Washington (Mr. GORTON), the Senator from Kentucky (Mr. FORD), the Senator from Alabama (Mr. HEFLIN), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Resolution 268, a resolution to express the thanks of the Senate to America's educators.

AMENDMENT NO. 2378

At the request of Mr. MATHIAS, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from Montana (Mr. MELCHER), the Senator from Michigan (Mr. LEVIN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2378 proposed to S. 1342, an original bill authorizing appropriations for fiscal years 1984

and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes.

AMENDMENT NO. 2378—COSPONSORS

Mr. MATHIAS. Mr. President, on October 20 the Senate voted to add amendment No. 2378, on the subject of prepublication review, to the State Department authorization bill. This was a technical amendment to amendment No. 2256. Through inadvertance, some of the cosponsors of amendment No. 2256 were not listed as cosponsors of amendment No. 2378. I would therefore like the record to reflect that the Senators from Minnesota (Mr. DURENBERGER), Wisconsin (Mr. PROXMIRE), Massachusetts (Mr. KENNEDY), California (Mr. CRANSTON), Arkansas (Mr. BUMPERS), Colorado (Mr. HART), Montana (Mr. MELCHER), Michigan (Mr. LEVIN), and New Mexico (Mr. BINGAMAN) were sponsors of both of these amendments.

SENATE CONCURRENT RESOLUTION 84—RELATING TO CUSTODY AND DOMESTIC ISSUES

Mr. DURENBERGER (for himself and Mr. BOREN) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 84

Whereas the divorce rate in the United States has reached alarming proportions and the number of children being raised in single parent families has grown accordingly;

Whereas there is a critical lack of child support enforcement which Congress has undertaken to address through its Child Support Enforcement program;

Whereas Congress is currently attempting to strengthen that program to recognize the needs of *all* children;

Whereas related domestic issues, such as visitation rights and child custody, are often intricately intertwined with the child support problem and have received inadequate consideration;

Whereas these related issues remain within the jurisdiction of State and local governments, but impact critically on the health and welfare of the children of the Nation: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) State and local governments must focus on the vital issues of child support, child custody, visitation rights, and other related domestic issues that are properly within the jurisdictions of such governments;

(2) all individuals involved in the domestic relations process should recognize the seriousness of these matters to the health and welfare of our nation's children and assign them the highest priority;

(3) it is imperative that Congress act to strengthen the existing child support enforcement system and make it available for all children; and

(4) a mutual recognition of the needs of all parties involved in divorce actions will greatly enhance the health and welfare of America's children and families.

● Mr. DURENBERGER. Mr. President, divorce has radically altered the composition of the American family. In 1981, there were 8.4 million women with children under 21 whose fathers were absent, an increase of over 100 percent since 1970. So serious is this problem that the Census Bureau predicts that only half of all children born this year will spend their entire childhood living with both natural parents.

The impact these changes have on the health and welfare of America's children is tremendous. The children of divorce frequently find themselves intricately woven into a web of acrimony and financial cat and mouse. During the course of a divorce many youngsters become emotionally troubled by feelings of guilt and responsibility for the fragmentation of the family. These sentiments are compounded when parents attempt to utilize the children as pawns in their own personal struggles with one another. These disputes may manifest themselves in battles over custody, support, and visitation.

Dissolution frequently is complicated by lengthy and combative divorce proceedings which deprive the family of needed financial resources. In the course of these proceedings little effort is ever made to help resolve the personal differences of the parties.

The trauma of divorce does not end with the signing of the divorce decree, however. In most cases, failure to pay child support quickly arises as a source of conflict between the parties. In fact, of the $9.9 billion due from absent parents, only $6.1 billion was ever paid. Between a quarter and a third of parents never make a single court-ordered payment. According to a 1973 Michigan survey, patterns of delinquency have no relation to the parents' income. In many cases the economic circumstances of single fathers is better than while they were married. A recent California study revealed that 1 year after divorce, the wife's income dropped by 73 percent while the husband's rose by 42 percent.

This situation should shock the conscience of a reponsible society. It has directly contributed to the frequently mentioned "feminization of poverty," as well as the growing incidence of childhood poverty.

Failure to pay child support is often part only of a vicious cycle of domestic conflict. In many instances, when child support is not paid the custodial parent may prevent the absent parent from exercising visitation rights—in the hope that such action will spur resumption of child support. The converse of this action is also often true. Similarly, disputes over child custody may lead absent parents to withhold child support. In other cases, absent parents may feel the custodial parent is not properly managing child support payment and may attempt to furnish support through alternative means.

Finally, individual hardships may also create financial tension between the parties—resulting in defaults in child support payments.

All of these issues adversely affect the innocent children involved. It is they who often suffer the most from the financial and emotional repercussions of the trauma that takes place.

Although Congress has undertaken the responsibility to collect past due child support payments through the child support enforcement program, related issues remain subject to the jurisdiction of State and local governments. I am encouraged by the action we are taking on the Federal level, but believe it is important that we remember that divorce and family disputes are rarely one sided. Far too frequently, these additional factual matters have been discounted or ignored. While a parent's obligation to support his or her children must be paramount, it is crucial that we do not neglect the needs of all concerned parties.

I believe it is vitally important that the State and local governments with direct authority over domestic matters keep in mind the significance of harmonious and equitable family relations and consider the concerns of all parties. Dissolution of marriage is not just a woman's issue, or a man's issue, but is an issue of national significance.

Today, Mr. BOREN and I are submitting a concurrent resolution which expresses the sense of Congress that State and local governments should focus on the important issues of child support, child custody, visitation rights, and other related domestic issues. We also stress the importance of continued congressional action on the issue of child support enforcement and the need for mutual recognition of all parties' concerns.

It is our hope that this resolution will convey to State and local governments our belief that these issues are of paramount importance to the health and welfare of America's children and families.●

SENATE RESOLUTION 270—RELATING TO THE NORTH KOREAN BOMBING IN RANGOON

Mr. MURKOWSKI (for himself, Mr. PERCY, Mr. PELL, and Mr. GLENN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

SENATE RESOLUTION 270

Whereas the Government of Burma has announced the results of its investigation into the October 9 assassination in Rangoon of high-level Republic of Korea officials;

Whereas the investigation has found that members of the North Korean army were responsible for the attack which resulted in the deaths of 17 Koreans and at least 3 Burmese;

Whereas this North Korean barbarism is not only a national and personal tragedy for the people of Korea, and Burma but also an assault on the entire international community;

Whereas the brutal massacre has demonstrated once again the total disregard of the North Korean government for human life as well as the norms and laws governing the international community of nations; Now, therefore, be it Resolved, That it is the sense of the Senate that it—

(1) finds that the Government of Burma has courageously conducted a thorough and complete investigation of this heinous act perpetrated by a foreign power within its sovereign territory;

(2) condemns the North Korean government for having carried out an act of terrorism and cold-blooded murder; and

(3) calls upon the international community to unite in condemnation of this act, to censure North Korea for its part in the criminal attack, and to punish North Korea through economic and diplomatic means.

● Mr. MURKOWSKI. Mr. President, I am saddened, but not surprised, at the Burmese announcement this morning that its investigation panel has firmly established that the terrorist bombing which killed 17 South Korean Government officials last month was the work of North Korea.

For several weeks, U.S. intelligence has pointed to North Korea as the perpetrator of this atrocity. I discussed this fact with the Assistant Secretary of State for East Asian Affairs, Paul Wolfowitz, in a briefing last night. This morning I held a nomination hearing for Mr. Tom Shoesmith, nominee to be U.S. Ambassador to Malaysia and Mr. Dan O'Donohue, nominee to be U.S. Ambassador to Burma. I questioned Mr. O'Donohue extensively about the Rangoon bombing.

Ambassador-designate O'Donohue noted that he expected the United States would push for an international condemnation of the second barbarous act against the Republic of South Korea in less than 9 weeks.

I asked Ambassador O'Donohue if there was any evidence of Soviet complicity in this attack or if the Russians might have known about it in advance. I am pleased that he said there was no such evidence. After the KAL incident, another Soviet assault on Korean lives would hardly be bearable.

Mr. President, this is a time for calm, firm action. An attack by one nation aimed at killing the chief of state of another nation is a very serious matter, particularly when it involves the volatile Korean peninsula. The international response must be quick and resolute, but we must also urge careful thought and prudent action upon those nations directly affected by this atrocity.

Mr. President, I am sending to the desk a resolution to condemn the North Korean act of terrorism in Rangoon on October 9, 1983. Early this morning the Government of Burma announced the results of its investigation into the October assassination in Rangoon of high-level Republic of Korea officials. After the bombing, which resulted in the deaths of 17 Koreans and at least 3 Burmese citizens, 2 Korean suspects were captured and 1 Korean suspect was killed. The Burmese Government has now established that those suspects were the perpetrators of the crime and hold the ranks of major and captain in the North Korean Army. According to the Burmese statement, "It is concretely found that the confession of the captured Korean nationals together with the captured equipment and evidence point out firmly that the explosion that occurred on October 9, 1983, at the Martyr's Mausoleum was firmly established to be the work of saboteurs sent by the Democratic People's Republic of Korea." Burma has severed diplomatic relations with North Korea and has given their diplomats 48 hours to leave the country. Much credit must go to the Burmese Government for their thorough investigation and decisive action.

Mr. President, in all likelihood, North Korea will deny responsibility for this act. We would expect no more from an international renegade. But the facts remain clear. The Burmese Government has found that the assassins were officers in the North Korean Army.

I urge that we pass this resolution swiftly.

It calls upon the international community to condemn this crime, to censure North Korea for its terrorist act, and to punish North Korea through economic and diplomatic means. The United States does not have either diplomatic relations or economic ties to North Korea. But we must urge other nations which do have such relations to act appropriately. The depth of world revulsion to its cowardly act must be felt by North Korea.●

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATION, 1984

STEVENS AMENDMENT NO. 2493

Mr. STEVENS proposed an amendment to the bill (H.R. 4185) making appropriations for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 7, line 17, delete "$1,260,200,000" (Roman linetype) and insert "$1,247,000,000" (Roman linetype), and on line 18, delete "$1,247,000,000" and insert in italics "$1,260,200,000".

HUDDLESTON (AND OTHERS) AMENDMENT NO. 2494

Mr. HUDDLESTON (for himself, Mr. FORD, Mr. BOREN, Mr. PRYOR, and Mr. STEVENS) proposed an amendment to the bill H.R. 4185, supra; as follows:

At the appropriate place in the bill, insert the following:

Sec. . Within funds available under Title III of this Act, Department of Defense shall provide free mailing privileges to members of the Armed Forces of the United States assigned to duty as part of the multinational peacekeeping force in Lebanon and to members of the Armed Forces of the United States assigned to duty in Grenada in the same manner and to the same extent such privileges would be accorded under section 3401 of title 39, United States Code, to members of the Armed Forces of the United States serving on active duty in an overseas area, as designated by the President, when the Armed Forces of the United States are engaged in military operations involving armed conflict with a hostile foreign force.

TSONGAS (AND OTHERS) AMENDMENT NO. 2495

Mr. TSONGAS (for himself, Mr. PRESSLER, Mr. KENNEDY, Mr. CRANSTON, Mr. PELL, Mr. LEVIN, Mr. GLENN, and Mr. BINGAMAN) proposed an amendment (which was subsequently modified), to the bill H.R. 4185, supra; as follows:

At the end of Title VII, add a new section as follows:

Sec. . Presidential Report on Strategic Defenses, Including Ballistic Missile Defense Systems, Their Components, and Related Technologies.

(A) The President shall submit to the Congress by May 15, 1984 in unclassified form with classified addenda as necessary a report addressing the national security implications of the research, development, testing and eventual deployment of strategic defenses, including ballistic missile defense systems, their components, and related technologies (hereafter referred to as "strategic defense programs"). The report shall draw upon the studies of the Defense Technologies Study Team headed by James C. Fletcher and the Future Security Strategy Study headed by Fred S. Hoffman as well as other relevant materials.

(B) The report shall address specifically the following issues:

(1) the impact of strategic defense programs on existing arms control agreements and on current and prospective arms control negotiations and agreements;

(2) the impact of strategic defense programs on likely Soviet efforts in offensive and defensive military programs; and the impact of Soviet strategic defense efforts on United States strategic doctrine and strategic force structure;

(3) the impact of strategic defense programs on the viability of NATO nuclear forces and on the future of the independent nuclear deterrent forces of France and the United Kingdom;

(4) the projected costs of strategic defense programs, including an assessment of research, development, testing, development and maintenance costs on a year-by-year basis of the various technologies currently under study;

(5) the impact of strategic defense programs on other current and projected defense budget priorities and on the anticipated availability of technical and manpower resources necessary to support strategic defense programs.

MATTINGLY AMENDMENT NO. 2496

Mr. MATTINGLY proposed an amendment to the bill H.R. 4185, supra; as follows:

SEC. . None of the funds appropriated or otherwise made available under this Act may be available for any country during any three-month period beginning on or after November 1, 1983, immediately following a certification by the President to the Congress that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse and Prevention Control Act of 1971 (21 U.S.C. 812)) which are cultivated, produced, or processed illicitly, in whole or in part, in such country, or transported through such country from being sold illegally within the jurisdiction of such country to United States Government personnel of their dependents or from entering the United States unlawfully.

METZENBAUM (AND PRYOR) AMENDMENT NO. 2497

Mr. METZENBAUM (for himself, Mr. PRYOR, and Mr. SASSER) proposed an amendment to the bill H.R. 4185, supra; as follows:

Page 11, line 16, strike "6,584,744,000" and insert "$6,594,744,000," of which $10,000,000 shall be available for the hiring of 400 auditors in the Defense Contract Audit Agency.

METZENBAUM (AND LEAHY) AMENDMENT NO. 2498

Mr. METZENBAUM (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 4185, supra; as follows:

At the appropriate place in the bill insert the following:

SEC. . Within funds available under title I of this Act, but not to exceed $100,000, and under such regulations as the Secretary of Defense may prescribe, the Department of Defense shall, in addition to allowances currently available, make payments for travel and transportation expenses of the surviving spouse, children, parents, and brothers and sisters of any member of the Armed Forces of the United States who dies as the result of an injury or disease incurred in line of duty to attend the funeral of such member in any case in which the funeral of such member is more than 200 miles from the residence of the surviving spouse, children, parents or brothers and sisters, if such spouse, children, parents, or brothers and sisters as the case may be are financially unable to pay their own travel and transportation expenses to attend the funeral of such member.

BINGAMAN AMENDMENT NO. 2499

Mr. BINGAMAN proposed an amendment to the bill H.R. 4185; supra; as follows:

On page 36, line 23, strike out "$4,169,939,000" and insert in lieu thereof "$4,174,939,000".

On page 37, line 5, strike out "$7,487,544,000" and insert in lieu thereof "$7,491,544,000".

On page 37, line 17, strike out "$12,323,026,000" and insert in lieu thereof "$12,327,914,000".

On page 38, line 9, strike out "$2,736,728,000" and insert in lieu thereof "$2,740,328,000".

JEPSEN AMENDMENT NO. 2500

Mr. JEPSEN proposed an amendment to the bill H.R. 4185, supra; as follows:

On page 78, strike out lines 8 through 18.

HELMS AMENDMENT NO. 2501

Mr. HELMS proposed an amendment to the bill H.R. 4185, supra; as follows:

SEC. . (a) The Senate finds—

(1) that the Committee on Armed Services of the Senate has determined that the SALT II Treaty is unequal, unbalanced, destabilizing, and not in the national security interest of the United States;

(2) that the United States (a) has deactivated 292 Inter-Continental Ballistic Missiles, Submarine-Launched Ballistic Missiles, and B-52 bomber aircraft, all of which are counted in the SALT II Data Exchange, (b) has cancelled deployment of stockpiled Minuteman III Inter-Continental Ballistic Missiles with Multiple-Independently targetable Re-entry Vehicles, (c) has modified B-52 bomber aircraft equipped to carry Air-Launched Cruise Missiles with "strakelets", and (d) has reduced the potential payload and throw-weight of the MX Inter-Continental Ballistic Missile;

(3) that the Department of Defense memorandum issued on March 24, 1980 entitled "United States Programmatic Actions Relative to the SALT II Treaty", which is still in effect, directed the US military services to take no programmatic actions which were inconsistent with the provisions of the unratified SALT II Treaty;

(4) that by prolonged inaction on the SALT II Treaty by the Senate and the initiation of Strategic Arms Reduction Talks, the United States Government has given constructive notice to the Soviet Union that it does not intend to ratify such treaty.

(b)(1) It is the sense of the Senate that no national defense program involving the national security of the United States shall be terminated, impeded, delayed, or affected in any way in order to comply with the terms of the SALT II Treaty unless and until the Senate has given its advice and consent for the President to ratify the Treaty in accordance with the treaty-making provision of the Constitution of the United States.

(2) It is furthermore the sense of the Senate that the United States compliance with the SALT II Treaty should cease until and unless the President certifies to the Senate in writing that the Soviet Union has been in full compliance with all the provisions of the SALT II Treaty, the SALT I Anti-Ballistic Missile Treaty, the 1962 Kennedy-Khrushchev Agreement, the 1925 Chemical Warfare Protocol, and the 1972 Biological Warfare Convention.

BYRD (AND OTHERS) AMENDMENT NO. 2502

Mr. BYRD (for himself, Mr. SASSER, Mr. HOLLINGS, Mr. BOREN, Mr. ARMSTRONG, Mrs. KASSEBAUM, Mr. ANDREWS, Mr. PRYOR, Mr. PRESSLER, Mr. COHEN, Mr. LEVIN, Mr. MATSUNAGA, and Mr. FORD) proposed an amendment to the bill H.R. 4185, supra; as follows:

At the end of the bill, add the following:

STUDY OF WEAPON SYSTEMS SPARE PARTS PROCUREMENT BY THE DEPARTMENT OF DEFENSE

SEC. . (a) Not later than June 1, 1984, the Office of Federal Procurement Policy (hereinafter in this section referred to as the "Office") shall review the procurement practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems and shall transmit to the Congress a report on the findings, conclusions, and recommendations of the Office relating to such matters. The report shall include (1) an evaluation of the adequacy of the reform proposals and programs to promote practices and the development of directives which will achieve control of costs, economy, and efficiency in the procurement of such spare parts and (2) such recommendations for legislation with respect to the procurement of such spare parts as the Office considers appropriate.

(b)(1) The Secretary of Defense shall furnish to the Office such information on the practices, regulations, and reform proposals and programs of the Department of Defense relating to the procurement of spare parts for weapon systems as the Office considers necessary to carry out subsection (a).

(2) The Inspector General of the Department of Defense shall furnish to the Office such information on the practices of the Department of Defense in procuring spare parts for weapon systems as the Inspector General acquires during his audits of such practices and the Office considers necessary to carry out subsection (a).

(c) The Inspector General of the Department of Defense shall have reasonable opportunity to review and comment on the report required by subsection (a) before the report is transmitted to the Congress. The comments of the Inspector General shall be included in such report.

GRASSLEY AMENDMENT NO. 2503

Mr. GRASSLEY proposed an amendment to the bill H.R. 4185, supra; as follows:

At the appropriate place in the bill insert the following:

It is the sense of the Senate that competition, which is necessary to enhance innovation, effectiveness, and efficiency, and which has served our nation so well in other spheres of political and economic endeavor, should be expanded and increased in the provision of our national defense.

BUMPERS (AND OTHERS) AMENDMENT NO. 2505

Mr. BUMPERS (for himself, Mr. LEAHY, Mr. HATFIELD, Mr. HOLLINGS,

Mr. HART, Mr. KENNEDY, Mr. CRANSTON, Mr. RIEGLE, Mr. SASSER, Mr. LEVIN, Mr. FORD, Mr. PROXMIRE, Mr. TSONGAS, Mr. BRADLEY, Mr. SARBANES, and Mr. GLENN) proposed an amendment to the bill H.R. 4185, supra; as follows:

On page 33, strike out line 25 through line 8 on page 34, and insert in lieu thereof the following: "$5,451,217,000, of which $81,600,000 shall be available for the purchase of the phase III defense Satellite Communication System (DSCS III) under a multiyear contract: *Provided*, That this authority shall be available only after the Secretary of the Air Force certifies to Congress that at least 10 per centum savings is available under multiyear contracting; and in addition, $55,000,000, to be derived by transfer from 'Missile Procurement, Air Force, 1983/1985', to remain available for obligation until September 30, 1986. None of the funds appropriated by this Act shall be available for the procurement of the MX missile."

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978

STEVENS AND BINGAMAN AMENDMENT NO. 2504

Mr. STEVENS (for himself and Mr. BINGAMAN) proposed an amendment to the bill (H.R. 2077), an Act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes, as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, on page 1 insert the following:

TITLE I—PHYSICIANS COMPARABILITY ALLOWANCE

SHORT TITLE

SEC. 101. This title may be cited as the "Federal Physicians Comparability Allowance Amendments of 1983".

EXTENSION OF AUTHORITY

SEC. 102. (a) The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1987, nor shall any agreement cover a period of service extending beyond September 30, 1989.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1989".

PAY OF CERTAIN FEDERAL PHYSICIANS FOR FISCAL YEAR 1982

SEC. 104. (a) Notwithstanding section 5383(b) of title 5, United States Code, the aggregate amount paid for fiscal year 1982 under sections 4507, 5382, 5384, and 5948 of such title to an individual specified under column I below may exceed the amount of the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year by not more than the amount specified under column II below opposite the name of such individual:

Column I:	Column II:
Dr. Larry Silver	$1,988.66
Dr. Louis Sokoloff	$5,988.66
Dr. Ichiji Tasaki	$1,488.66
Dr. Paul D. Parkman	$1,455.46
Dr. Allan Forbes	$1,680.91
Dr. Roscoe Brady	$1,488.66
Dr. Martin Cummings	$3,988.66
Dr. Manning Feinleib	$1,488.66
Dr. D. C. Gajdusek	$1,488.66
Dr. Carl Kupfer	$1,988.66
Dr. Toichiro Kuwabara	$1,488.66
Dr. Lester Salans	$1,488.66
Dr. Henry Webster	$1,488.66

(b) Subject to the limitation on the aggregate amounts computed under subsection (a), the amount of any overpayment paid for fiscal year 1982 (as determined under section 5383(b) of title 5, United States Code) and collected during fiscal years 1982 and 1983 from any individual specified in subsection (a) shall be paid no such individual.

(c) For the purposes of the Internal Revenue Code of 1954, any amounts paid for fiscal year 1982 under subsections (a) and (b) of this Act shall be deemed to have been paid on the date such amounts would have been paid but for the limitation set forth in section 5383(b) of title 5, United States Code.

TITLE II—FEDERAL EMPLOYEES RETIREMENT ADJUSTMENT

SHORT TITLE

SEC. 201. This title may be cited as the "Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983".

STATEMENT OF POLICY

SEC. 202. It is the policy of the Government—

(1) that the amount required to be contributed by employees and officers of the Government who are also required to pay employment taxes relating to benefits under title II of the Social Security Act for service performed after December 31, 1983, be modified until the date on which such employees and officers are covered by a new Government retirement system (the design, structure, and provisions of which have not been determined on the date of enactment of this Act) or January 1, 1986, whichever is earlier;

(2) that the Treasury be required to pay into such retirement systems the remainder of the amount such employees and officers would have contributed during such period but for the temporary modification;

(3) that the employing agencies make contributions to the retirement systems with respect to such service in amounts required by law in effect before January 1, 1984, without reduction in such amounts;

(4) that such employees and officers accrue credit for service for the purposes of the public retirement systems in effect on the date of enactment of this Act until a new Government retirement system covering such employees and officers is established;

(5) that any annuity payable under any present public retirement system based in any part on service which is performed after December 31, 1983, and before January 1, 1986, and for which employment taxes relating to benefits under title II of the Social Security Act are paid be offset by the amount of any benefits payable under such title with respect to such service;

(6) that such employees and officers who are first employed in civilian service by the Government or first take office in civilian service in the Government on or after January 1, 1984, be transferred to such new Government retirement system as may be established for employees and officers of the Government on or after January 1, 1984, and before January 1, 1986; and

(7) that credit for service performed after December 31, 1983, by such employees and officers be transferred to such new Government retirement system.

DEFINITIONS

SEC. 203. (a) For the purposes of this title—

(1) the term "covered employee" means any individual whose service is covered service;

(2) the term "covered retirement system" means—

(A) the Civil Service Retirement and Disability System under subchapter III of chapter 83 of title 5, United States Code;

(B) the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.);

(C) the Central Intelligence Agency Retirement and Disability System under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); and

(D) any other retirement system (other than a new Government retirement system) under which a covered employee who is a participant in the system is required to make contributions to the system in an amount equal to a portion of the participant's basic pay for covered service, as determined by the President;

(3) the term "covered service" means service which is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 by reason of the amendments made by section 101 of the Social Security Amendments of 1983 (97 Stat. 67); and

(4) the term "new Government retirement system" means any retirement system which (A) is established for officers or employees of the Government by or pursuant to a law enacted after December 31, 1983, and before January 1, 1986, and (B) takes effect on or before January 1, 1986.

(b) The President shall publish the determinations made for the purpose of subsection (a)(2)(D) in an Executive order.

CONTRIBUTION ADJUSTMENTS

SEC. 204. (a) An employing agency shall deduct and withhold only 1.3 percent of the basic pay of a covered employee under—

(1) section 8334 of title 5, United States Code;

(2) section 805 of the Foreign Service Act of 1980 (22 U.S.C. 4045);

(3) section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); or

(4) any provision of any other covered retirement system which requires a participant in the system to make contributions of a portion of the basic pay of the participant,

for covered service which is performed after December 31, 1983, and before January 1, 1986. Deductions shall be made and withheld as provided by such provisions in the case of covered service which is performed on or after January 1, 1986, and is not subject to a new Government retirement system.

(b) Employing agencies of the Government shall make contributions with respect to service to which subsection (a) of this section applies under the second sentence of section 8334(a)(1) of title 5, United States Code, the second sentence of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), the second sentence of section

211(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note), and any provision of any other covered retirement system requiring a contribution by the employing agency, as if subsection (a) of this section had not been enacted.

AMORTIZATION OF CONTRIBUTION DEFICIENCY

SEC. 205. (a) For the purposes of this section, the term "contribution deficiency", when used with respect to a covered retirement system, means—

(1) the excess of the total amount which, but for section 204(a), would have been deducted and withheld under a provision referred to in section 204(a) from the basic pay of covered employees who are subject to such retirement system for service to which section 204(a) applies, over

(2) the total amount deducted and withheld from the basic pay of covered employees for such service as provided in section 204(a).

(b) At the end of each of fiscal years 1984, 1985, and 1986, the head of each agency administering a covered retirement system—

(1) shall determine the amount of the contribution deficiency incurred during such fiscal year in the case of such covered retirement system; and

(2) shall notify the Secretary of the Treasury of the amount of such contribution deficiency.

(c) An amount equal to the amount of the contribution deficiency incurred with respect to a covered retirement system in any fiscal year shall be credited to the fund established for the payment of benefits under such covered retirement system in thirty equal annual installments beginning at the end of such fiscal year, as provided in subsection (d).

(d) Before closing the accounts for each of fiscal years 1984 through 2015, the Secretary of the Treasury shall credit to each fund to which subsection (c) applies, as a Government contribution, out of any money in the Treasury not otherwise appropriated, an amount equal to the total of the amounts of the annual installments of the contribution deficiencies required by subsection (c) to be credited to such fund in such fiscal year.

(e) Amounts credited to a fund pursuant to subsection (c) shall be accounted for separately from amounts credited to such fund pursuant to any other provision of law.

OFFSET OF SOCIAL SECURITY BENEFITS

SEC. 206. (a)(1) Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(o)(1) Any annuity of a retired employee or Member which is computed under subsection (a), (b), (c), (d), (e), (g), or (n) of this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such retired employee and is attributable to such service.

"(2) For the purpose of paragraph (1) of this subsection, the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) of this paragraph from the amount computed under clause (A) of this paragraph.".

(2) Section 8341 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The annuity of any individual which is provided by and computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service, computed as provided in section 8339(o)(2) of this title.".

(b)(1) Section 806 of the Foreign Service Act of 1980 (22 U.S.C. 4046) is amended by adding at the end thereof the following new subsection:

"(m)(1) The annuity of any individual which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. The reduction under this subsection shall be calculated before any reduction under section 814(a)(5).

"(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).".

(2) Section 814 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The annuity of a former spouse which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such former spouse and is attributable to such service, computed as provided in section 806(m)(2).".

(c) Part C of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"SEC. 223. (a) The annuity of any individual which is computed under this part and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity computed under section 221, the reduction under this subsection shall be calculated before any reduction under section 222(a)(4).

"(b) For the purpose of subsection (a), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(1) computing the amount of such benefits including credit for such service;

"(2) computing the amount of such benefits, if any, without including credit for such service; and

"(3) subtracting the amount computed under clause (2) from the amount computed under clause (1).".

(d)(1) Notwithstanding any other provision of law, for the purposes of any covered retirement system to which an amendment made by subsection (a), (b), or (c) does not apply, the annuity of any individual which is computed uder such system and is based, in any part, on service to which section 204(a) applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity of a participant or former participant, of a surviving spouse or child of a participant or former participant, or of any other person designated by a participant or former participant to receive an annuity under the covered retirement system (other than a former spouse) the reduction under this subsection shall be calculated before any reduction in such annuity provided under such system for the purpose of paying an annuity under such system to any former spouse of the participant or former participant based on the service of such participant or former participant.

(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) applies shall be determined by—

(A) computing the amount of such benefits including credit for such service;

(B) computing the amount of such benefits, if any, without including credit for such service; and

(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).

TRANSFER OF CREDIT TO NEW RETIREMENT SYSTEM

SEC. 207. (a) Any covered employee who first becomes employed in civilian service by the Government or first takes office in civilian service in the Government on or after January 1, 1984, shall be transferred to such new Government retirement system as may be established.

(b) In the case of any covered employee who is subject to a covered retirement system on or after January 1, 1984, and thereafter becomes subject to a new Government retirement system—

(1) credit for the service of such employee to which section 204 (a) applies shall be transferred from such covered retirement system to the new Government retirement system for the purposes of the new Government retirement system; and

(2) such service shall be considered not to be creditable service for the purposes of such covered retirement system,

effective on the date on which such employee becomes subject to such new Government retirement system.

DEPOSIT REQUIREMENTS

SEC. 208. (a)(1)(A) Notwithstanding any other provision of law, the covered service of any covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) entitled to an annuity under a covered retirement system after such date and before the earlier of the date on which a new Government retirement system takes effect on January 1, 1986, shall be considered in computing the amount of such annuity only if such covered employee makes a deposit for such covered service as provided in subparagraph (B).

(B) For the purposes of subparagraph (A), a covered employee to whom such subparagraph applies shall make a deposit (for the covered service to which such subparagraph applies) to the credit of the applicable covered retirement system in an amount equal to the excess of the amount required by law (without regard to section 204(a)) over the amount which was deducted and withheld from the basic pay of such covered employee for such service pursuant to section 204(a) and was not refunded to such covered employee.

(2) Paragraph (1) does not require a deposit to the credit of a covered retirement system for the purpose of considering covered service in computing the amount of a survivor annuity under such system in the case of a covered employee who dies during a period of continuous service in the employment of the Government beginning on or before December 31, 1983.

(b)(1) If a new Government retirement system is not established, the covered service of a covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the amount of an annuity under a covered retirement system based on the service of such covered employee only as provided in paragraph (3).

(2) If a new Government retirement system is inapplicable to a covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) subject to a covered retirement system after the date on which such new Government retirement system takes effect the covered service of such covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the amount of an annuity under a covered retirement system only as provided in paragraph (3).

(3) The covered service of a covered employee to whom paragraph (1) or (2) applies shall be considered for the purposes of such paragraph only if such covered employee deposits to the credit of the applicable covered retirement system an amount equal to the excess of—

(A) the total amount which would have been deducted and withheld from the basic pay of such covered employee for such covered service under such covered retirement system but for the application of section 204(a), over

(B) the amount which was deducted and withheld from such basic pay for such covered service pursuant to section 204(a) and was not refunded to such covered employee.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding a hearing on November 17, 1983, beginning at 10 a.m., in Senate Dirksen 124, on S. 885, a bill to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to certain lands, and for other purposes.

Those wishing additional information should contact Paul Alexander or Peter Taylor of the committee at 224-2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, November 7, at 2 p.m., to consider the following nominations:

Diego Asencio of Florida, to be Ambassador to Brazil;

Frank Ortiz of New Mexico, to be Ambassador to Argentina; and

Clayton McManaway of Washington, D.C. to be Ambassador to Haiti.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, November 7, at 10 a.m., to consider the following nominations:

Robert E. Lamb of Georgia, to be Assistant Secretary of State for Administration; and

Frank Donatelli of Virginia, to be Assistant Administrator of AID.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, November 7, in order to receive testimony concerning the following nominations:

Mr. W. Eugene Davis, of Louisiana to be U.S. circuit judge for the fifth circuit.

Lenore Carrero Nesbitt, of Florida, to be U.S. district judge for the Southern District of Florida;

Stanley S. Harris, of Maryland, to be U.S. district judge for the District of Columbia;

G. Kendall Sharp, of Florida, to be U.S. district judge for the Middle District of Florida;

George E. Woods, of Michigan, to be U.S. district judge for the Eastern District of Michigan; and

Jane A. Restani, of Virginia, to be a judge of the U.S. Court of International Trade.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, November 7, in order to receive testimony concerning S. 1680, Malt Beverage Interbrand Competition Act.

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science and Transportation be authorized to meet during the session of the Senate on Monday, November 7, to hold a hearing on the nominations of James T. Hackett to be a member of the Board of Directors of the Corporation for Public Broadcasting; William Lee Hanley to be a member of the Board of Directors of the Corporation for Public Broadcasting; and Neal B. Freeman to be a member of the Board of Directors of the Communications Satellite Corporation (COMSAT).

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

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, November 7, to hold a hearing in regard to the Perishable Agriculture Commodities Act, 1930.

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

ADDITIONAL STATEMENTS

THE MEDIA

● Mr. GOLDWATER. Mr. President, it was my misfortune to have been out of the country when the President decided to defend the liberties of people living on Grenada, Americans and Grenadians alike.

The reaction of the European people that I visited with after the news reached overseas was: "Thank God, you are finally beginning to act like a world power."

Arriving home, though, I found that the American press, or we should say the media, were terribly unhappy because they were not taken into the battle planning, the logistics planning, the maneuver planning, in fact, they were not allowed to tell the Pentagon who and how this operation should have been conducted.

I should think that the American media should realize by now that the

American people have little trust in what they say or show. Their handling of the Vietnam war was, at best, atrocious. Of course, not all of the media fall into this class, but unfortunately, those people who dominate the media seem to take a particular delight in distorting the news of America's misfortunes, whether they be on the battlefield, in the economic field, or any place you can name. If you doubt this, pick a newspaper or look at any television news show since the unfortunate happening in Lebanon and the start of things in Grenada.

What do you see? Grief-stricken mothers and fathers and sweethearts and wives shown in their living rooms, shown around the gravesite. Do these newsmen and media dictators really believe that the American people do not know what sorrow is? Do they believe that they have to flaunt the misfortunes of other people in order to get their distorted views of the situation across to people who probably know more than they do about the subject they are trying to cover? I think it is time that the American media realize that freedom of the press carries a grave responsibility and, down through the years of my life, the truly great newsmen that I have known have been the most responsible people I have ever met.

On the other hand, the worst of the average newsmen that I have known, show absolutely no respect for the privacy, the personal lives, the situation of our own country, or the condition of freedom in our country and the world. They seem to be entranced with the idea that through their mouths and their typewriters and their pencils, they can somehow remake the world into the image they themselves picture that world to be.

Two good articles on this subject appeared in the morning Washington Times of November 3. One entitled, "When Mounting an Invasion, Why Take Along Enemy Troops," by Joseph Sobran. The other, in the same issue, "Egregious Military Reporting," by Damian Housman, are worthy of the attention of my colleagues and those who read the CONGRESSIONAL RECORD.

I ask that these articles be printed in the RECORD and I announce my intentions that this is not the last that will be heard from me on the subject of distortion. It has reached the point where somebody has to speak about it.

The articles follow:

WHEN MOUNTING AN INVASION, WHY TAKE ALONG ENEMY TROOPS?

(By Joseph Sorban)

The American press establishment is furious with the Reagan administration for failing to include the press in the planning and execution of the Grenada invasion. Henry Grunwald of Time magazine takes a full page to fulminate against this "unprecedented exclusion," which he calls "an outrage to press freedom." Others say the exclusion violated the First Amendment—proving only that they have never read the First Amendment.

Come now, ladies and gentlemen: Surely the explanation is obvious. When you are mounting an invasion, you do not take along enemy troops.

The prestige press has for years prided itself on its " adversary" role. This, mind you, is something more than a merely critical role toward government as such. The press has not been particularly hostile, or even vigilant, in relation to the centralization of power in the federal government. It does not regard itself as the adversary of the Democratic Party, the bureaucracies or the courts. Nor is it the adversary of communist regimes.

On the contrary. Toward any socialist power formation, foreign or domestic, the prestige press has been notable friendly. It welcomed the Great Society. It hailed detente and the recognition of communist China. It opposed the American war effort in Southeast Asia. It failed to predict that most predictable phenomenon, the flood of refugees from communist Vietnam. It assured us that the Sandinistas were not really Marxists. All of which adds up to what in other contexts is called a clear "pattern of discrimination."

It all goes beyond a mere matter-of-fact attitude toward socialism and communism. The press has an ideological weakness for these regimes. It is an "adversary" toward anti-socialist and anti-communist tendencies in American government. It is now screaming against the Grenada invasion not because it differs with the administration on the power of the communist threat, but because it differs in its evaluation of communism's merits.

If I were Yuri Andropov or Fidel Castro, I would surely want the American press to be present whenever an American military action was launched against my own military formations. Whatever the subjective motivations of The New York Times, The Washington Post, and CBS, I would, as a Marxist-Leninist connoisseur of power relations, regard all of them as "objectively progressive." I would welcome the subsequent commentary of such reliable anti-anti-communist sneerers as Anthony Lewis, Tom Wicker, Mary McGrory and Philip Geyelin.

By the same token, American military planners are right in seeking to limit the damage these people can do to any American effort. Yes, of course they say they have the public interest of America at heart. What's good for General Motors is good for the country, and all that. Such selfserving equating of one's own interests with the general welfare should always be taken with a large grain of salt. Let these people do their damage on the home front.

Grant that they are not, at heart, pro-Soviet. But how would they behave differently if they were? At what point do they stop getting the benefit of every possible doubt? When was the last time, in any major difference between the United States and the Soviet Bloc, that they were solidly pro-American? Shouldn't it happen once in a while that Andropov takes more heat then Reagan?

Mortifying as it must be to the Washington-New York media axis, the United States has clearly won a victory. Now their effort will be to turn a short-term triumph into a long-term defeat. Watch closely.

EGREGIOUS MILITARY REPORTING

(By Damian Housman)

I will never become a big-time military-affairs reporter. I used to think there was a chance, but now I see it's hopeless. The events of the past week or so brought journalistic reality crashing through.

The bombing in Beirut gave the first warning that I was unprepared for the big time. The true professionals brought their cameras to bear in ways I would never have dreamed. They showed us dead Marines, lined up on the ground outside their demolished headquarters. Back in World War II, it was 1944 before a photo of a dead GI appeared in the American press. Vietnam apparently made these gruesome and profoundly emotive pictures a staple of U.S. television and newspaper cameras.

All these years, too, I've been wasting my time learning about planes, ships, tanks, orders of battle, electronic warfare, the relative turning ability of the MiG-23 and the F-16, and how the British lost the second battle of Maiwand. But I would have failed if asked to interview relatives of dead Marines before a television camera. I would have assumed everyone knew how relatives feel at the loss of loved ones. I am also not sharp enough to ask them how they felt about the Reagan policy of keeping Marines in Lebanon, now that their own Marine has been blown to smithereens.

As if the Beirut tragedy were not enough to reveal the gaps in my training, along came Grenada. You have to take your hat off to *The Washington Post.* Its reporters are on top of everything. They put my tiny powers of observation to shame.

One *Post*-ian eagle eye spotted an AE-130 gunship, which must be a supersecret follow-on to the Air Force's AC-130. Another reporter took a close look at the gunship, and found it to be shooting a rapid-fire 100mm howitzer. This is undoubtably a great advance over the 105mm howitzer fired by the AC-130H. The same reporter found a group of Army Rangers protecting themselves with 80mm mortars. Must be a replacement for the 81mm mortars they've used up to now.

The *Post* reporters also caught the United States in a massive effort to deceive the American people about the arms caches on the island. They discovered that among the thousands of tons of modern weapons of war were 1870 vintage Marlin .30-30 rifles and some Saturday Night Specials, proving that Grenada had not become the bastion of terrorism the administration says it had.

My research indicated that Marlin did not produce its first rifle until 1881, that the Marlin .30-30 cartridge was first made in 1895, and that the number 1870 stamped on the barrel is probably the serial number of that gun in the series it was produced. In other words, it could have been produced last month. Just shows how little I know.

And those Saturday Night Specials—how could anyone believe that a terrorist would use a small, concealable handgun to assassinate people, as happened to a U.S. Navy officer a few months ago in El Salvador?

The Pentagon, I am now sure, made a mistake in keeping reporters out of Grenada for several days. At first I supported the move, on grounds of operational secrecy, the danger to the reporters themselves in the early fighting, etc. I should have known from the start that the public's need to know outweighs such considerations.

If I could advise the Pentagon now, I would tell them how to handle this sort of

thing in the future: Have the reporters go in aboard the first helicopter. That way, you can be sure there will be no leaks.

COLUMBUS DAY FESTIVAL

● Mr. JOHNSTON. Mr. President, on October 12, 1983, the first annual Columbus Day Festival was celebrated in Bossier City, La., at the initiative of the Columbus Day Festival Committee and the Bossier Arts Council. This was the beginning of what I hope will become an annual tradition.

The keynote speaker at this event, J. B. Cordaro, outlined the contemporary nature of Columbus' discovery of America and I ask that these remarks be printed in full at the end of my statement. I congratulate Mr. Cordaro on his thoughtful speech and hope this will mark the first of many stirring addresses commemorating this important day in the future.

The remarks follow:

Paisani! Io Sono Italiano! My fellow countrymen! I am Italian!

Today all of us are Italian—either by birth or by the desire to join in the celebration of the first annual Columbus Day Festival in Bossier City, Louisiana.

So, we are all sons and daughters of Christopher Columbus.

Columbus Day is the most noteworthy National American Holiday to honor an Italian. For discovering our great land, almost 500 years ago, Americans pause for a special day to recall the heroic deed of this great Italian sailor.

It is a great honor for me to be here today. My deep thanks to the "Columbus Day Festival" Committee and the Bossier Arts Council for inviting me. A personal thanks to my brother Patrick, who is the Committee Chairman, and to the other members of the Committee: Anthony Provenza (Uncle Anthony), who has just been elected President of the Bossier City Council, John Bonanno, Mark La Rocca, and Pete Terracina. I know that many more people deserve to be personally signaled out and mentioned by name: public officials such as Bossier City Mayor Blackburn, merchants, and Bossier City citizens. To each of you that I have not called by name, a special congratulations for an outstanding job.

It is fitting for us to recall the achievements of Columbus. His adventure to a new land mirrors similar adventures for millions of Italian immigrants and their ancestors. Each of us that followed Columbus is re-enacting that journey. Whether we began our adventure from a small village in Sicily or whether we began in the U.S. as the second, third, or fourth generation of Italian parents, the voyage has been the same: uncertainty at the outset, struggle, perseverance, and success. Today's Festival emphasizes a deep desire to maintain that heritage that we sought to have others respect and honor.

Italians, like other immigrants who came to this country in the great migrations of the late nineteenth and early twentieth centuries, entered a new world that regarded their language, dress and customs as something alien and inferior. Such an attitude presented understandable difficulties for the newly arrived immigrants. It often led them both to accept wholeheartedly the popular melting pot mystique and to attempt to blend anonymously into the larger society.

The immigrant parents actively encouraged their children to embark on yet another journey of emigration. This time not to the shores of America, but into the promised land of its mainstream. In the span of one generation, the children of these immigrants left behind the language and customs of their parents and—sadly in some cases their ethnic identity and pride.

Despite the melting pot imperative, the ethnic groups were not as readily homogenized as milk. Some traditions and customs have not only endured, but have also prevailed. One of the most important survivors is the celebration of traditional religious feasts and festivals.

Italian-American festivals in the United States have roots that stretch deeply into the folklore and traditions of Italian villages. Most of the celebrations honor the Patron Saints of the towns from which the immigrants came.

Certain feasts days are extraordinarily popular and widely observed. In New York City, for example, the Feasts of San Gandolfo, the Madonna Del Carmine and San Gennaro are celebrated with great and enthusiastic festivity.

In Boston, the Feasts of Santa Rosalia and St. Anthony of Padua are full of color and pagentry. In certain areas of Pennsylvania, the Feast of San Rocco calls for major celebration. Indeed, the chapel of the family of Christopher Columbus has been brought to Boalsburg, Pennsylvania and is now a tourist attraction.

Santa Rosalia and San Rocco enjoy great respect in the City of New Orleans. The Saint most especially venerated is St. Joseph. The Feast of St. Joseph, which is also celebrated in several other parts of the United States, has a significance for New Orleans that goes far beyond its survival as an ethnic and religious antifact. To many Italian-Americans this celebration has become a unique symbol of ethnicity, pride and unity. To non-Italians it is a portal through which they can come to understand Italian-American food, Italian-American traditions and the Italian-Americans themselves.

Now Bossier City joins other great cities in establishing a focal point for Italians and non-Italians to join together to celebrate life! It is significant that those who are spearheading this Festival are second and third generation Italian-Americans. These generations of Italians, of which I am one, can be characterized as American citizens, born in the United States, educated in the American school system, and speaking English and only a little Italian.

Yet despite these outward characteristics we have been shaped by discreet influences from our ethnic roots. These roots intertwine a tightly woven system that nudges and pushes from outside and keeps us aware of being America, and also something more. That something more is the Italian-American culture. This culture has been forged from a recipe of four essential ingredients.

First, the importance that we attach to groups closest to us: Our family, neighborhood, and the community;

Second, the significance we give to the quality of our domestic life: The importance of our home, the dinner table, holidays, and special family events such as weddings and christenings;

Third, our values relating to interpersonal support: Religious faith, feeling for group ties and relations, hospitality, and the primary importance of personal relationship and integrity;

Fourth, our cool, realistic view of title: Anti-dogmatic skepticism, political realism and the use of education for practical ends.

These threads are woven together into the fabric of our Italian-American culture. Just as the first generation Italian immigrant is no longer "just Italian"; likewise the following generations of children and their children are not "just American."

A grandfather once explained to his grandson that being "Italian-American" was as though a chain had been lifted across the ocean between Italy and America and that the chain held the best of the Old World—history, culture, strength of the family, belief in God, and locked those together with the best of the New World—freedom and opportunity for ourselves and our children.

Now, unfortunately as the number of first generation Italians dwindle, it is the next generations that must reach out to keep the chain unbroken, to continue to see that it spans the ocean and ties the generations of families together. The keepers of the chain must uphold a sacred obligation. It is a debt that we owe to our grandparents and parents. It is part of our blood!

Today, we repay part of that debt by honoring Columbus. But after the festivities, the challenge continues to keep the Italian heritage alive while we live as Americans in our modern society. In this area of North Louisiana we see constant reminders of the Italian heritage as Mr. Charlie Maggio's produce trucks pass around with murals that reflect an immigrants patriotic spirit. Today, his grandchildren, the Gloriosos, maintain his love of America and remembrance of Italy. These trucks here well express an inscription on the National Archives Building in Washington, D.C.:

"The heritage of the past is the seed that brings forth the harvest of the future."

Each of us here today should take note that this event underscores the desire of a generation of Italian-Americans to maintain their past heritage and to build a better future. Italian-Americans represent 7 per cent of the population in America. In the New York Times Magazine, in a recent cover story entitled "Italian-Americans: Coming Into Their Own" it is written:

". . . In recent years they (Italian-Americans) have attained a kind of critical mass in terms of affluence, education, aspiration, and self-acceptance." Indeed, the political analyst Theodore H. White, in his 1982 book "American In Search of Itself" identified Italian-Americans as the "most important among the rising ethnic groups."

Surely the man that we honor today, the great adventurer Christopher Columbus, and all the Italians who followed, must hear this statement with pride, and can know that the steps that they took were the first of our long journey. As we continue our individual adventures, we give spirit to the meaning "Contemporary Columbus."

Thank you!●

DEDICATION OF HERITAGE FOUNDATION

● Mr. WARNER. Mr. President, recently, I had the privilege of joining the Vice President in dedicating the new headquarters of the Heritage Foundation in Washington.

The Heritage Foundation, of course, has done much to advance the cause of conservatism in the United States.

Mr. President, I ask that my remarks and those of the Vice President be printed in the RECORD.

The remarks follow:

REMARKS OF SENATOR JOHN W. WARNER—DEDICATION CEREMONIES, HERITAGE FOUNDATION

It is a particular pleasure for me to be here today to help dedicate the Heritage Foundation's magnificent new headquarters.

Three years ago, I helped dedicate the Foundation's other "new" headquarters in Stanton Park.

And the way this organization keeps growing, I may have to come back in another three years to do this again.

The Heritage Foundation began ten years ago in modest quarters on a budget as spare as a whippet.

It was conceived at a time when conservatism was not very popular in our country.

But that was before the buying power of our citizens began to steadily erode because of double digit inflation.

And that was before interest rates soared to over 20 percent.

And those were the days when those well intentioned entitlement programs roared out of control.

And who was asked to foot the bill?

An American public that had already been asked time and time again to dig deeper and deeper into their wallets.

And as interest and inflation rates rose and rose, the hopes and dreams of the people of our country sank lower and lower.

Suddenly the tongues that had wagged incessantly for so long in the liberal controlled Congress were strangely silent.

In large measure, what the public thinks depends on what the public hears.

For too long the American public heard the steady drumbeat of only one voice.

And that voice was from those who engineered our country into an economic holocaust of 20 percent interest rates from which we are only now recovering.

As disenchantment spread across the nation, the American public began hearing the faint sounds of another voice.

It was the voice of conservatism that was saying "Wake up America."

It was the voice of conservatism that was saying "You've been deceived."

And one of the loudest and most credible voices of the conservative movment for the past decade has been the Heritage Foundation.

It has established itself as an institution that does its homework.

In its brief history, the Foundation has earned a reputation for being reliable, articulate, and an indispensable institution in Washington.

Despite its considerable influence on Capitol Hill, the Heritage Foundation alone could not turn things around oversight.

America still had some lessons to learn.

Some very painful lessons.

Today, much has changed in Washington since the Heritage Foundation began ten years ago.

Today, the voice of conservatism speaks from the White House.

Today, the two houses of Congress are no longer the exclusive domains of only liberal voices.

And, today, throughout our country where once despair hung in the air, there is a general feeling of optimism.

There is a strong sense that we are on the road back.

It has been said that history is the rear view mirror on the road of life.

And I hope that every American will take a long, long look in that rear view mirror before deciding to exit off that road.

Each story of this new building reflects the growth of the conservative movement in this country.

Where once its voice was frail and tentative, the voice of conservatism today is strong and forceful.

The Heritage Foundation is a major reason why our country is making such progress.

And it's a hope I share with many millions of Americans that the voice of conservatism will ring on and on and on.

For, as Lincoln said: "With public sentiment, nothing can fail; without it, nothing can succeed."

Thank you.

REMARKS OF VICE PRESIDENT GEORGE BUSH AT DEDICATION OF HERITAGE FOUNDATION BUILDING

Thank you. It's a great pleasure and honor to be here at the dedication of the Heritage Foundation's new building.

I think what we see here is an illustration of the fact that ideas do have consequences. Ten years ago when Heritage was formed, conservatives were an embattled minority. In no small part due to the efforts of this Foundation, we've now turned that around. 1980 was simply the most dramatic manifestation of the growing conservative tide in this country.

And it was ideas that did it—many of them originating in the Foundation or first finding a wide audience through its "Backgrounders" and "Issue Bulletins" and the Foundation's excellent magazine, *Policy Review*—it was *ideas* that effected the change in America's political climate.

You won't find any alienated intellectuals at Heritage, because they know how important their work is—that Heritage provides an essential voice in the political dialogue. I can say that for my own purposes, I often rely on the Heritage Foundation to provide the kind of quality research and analysis one finds in few other places.

To paraphrase Archimedes, give me a place to stand and a lever strong enough and I can move the world. Well, the Heritage Foundation has been that place, and their lever has been the truth. And so far, you have been real world movers.

With the election in 1980, we brought to a stop a serious decline in this country brought on by over-taxing for dubious ends and fuzzy thinking on foreign policy. We've arrested the decline, but as you all well know, we have much left to do in implementing the Reagan program. Together, I'm confident that we will succeed—and for this reason; as I said earlier, ideas do count. In fact, they're essential. And when I look around me these days, it just becomes so apparent that conservatives today have all the bright, optimistic, forward-looking ideas.

Well, congratulations on your new digs. All I can say is that if this new building is an indication of the growing conservatism in this country, I can only hope that in another ten years you'll be moving out to Rosslyn and building a skyscraper.

Thank you and, again, congratulations.●

PRESTON FAMILY BOASTS 10 EAGLES

● Mr. McCLURE. Mr. President, the award of Eagle Scout is an honor that few Boy Scouts achieve. According to the Boy Scouts of America, only 2½ percent of all Boy Scouts reach the high standards required for the award. To earn the designation of Eagle Scout, a Scout must prove his proficiency in citizenship, first aid, camping, and cooking, as well as in areas as family living, physical fitness, environment, community living, communications, and conservation.

On October 16 an event took place in Preston, Idaho, which may very well be unique in the history of Boy Scouting. On this day, Chris Abrams of Preston became the 10th member of his family to attain the rank of Eagle Scout. Along with his father, Dean Abrams, Chris joins his brothers Tom, Marty, Bruce, Scott, Phillip, Tony, Jon, and Conrad in receiving the highest award Scouting has to offer.

Many of the Members who sit in this Chamber, I am sure, know well the feelings of pride, honor, and achievement that come with this award. My good friend Senator LUGAR of Indiana holds the rank of Eagle Scout, as do Senator BRADLEY of New Jersey and Senator BENTSEN of Texas.

Mr. President, I ask that an article that appeared in the October 26 edition of the Idaho State Journal highlighting the accomplishment of the Abrams family be reprinted in the RECORD. And I ask that my colleagues join with me in congratulating Chris and all members of the Abrams family for their outstanding achievements and contributions to Scouting, to their community and the Nation.

The article follows:

PRESTON FAMILY BOASTS 10 EAGLES

PRESTON.—In what is believed to be an unprecedented event in Boy Scouting, the youngest son in the Dean Abrams family was awarded his Eagle scout award, bringing to 10 the number of Eagles in the family.

When young Chris Abrams was presented his award in a special Court of Honor through Troop 243 sponsored by the Preston Ninth LDS Ward Oct. 16, he became the ninth son of Dean and June Abrams to be so honored.

Since Dean also has his Eagle, it makes 10 in the family.

Neil Butterfield of Logan, Utah, a scout executive of the Cache Valley Council, confirmed it is a record for the council for one family. However, he does not know and says it would be difficult to find out if it is a national Boy Scout record.

"I will say this," Butterfield said, "it's a very, very rare occurrence. I personally don't know of any others."

Butterfield said he will submit the information on the Abrams family to the National Boy Scout Council.

Abrams, Franklin County assessor, says he has always been interested in Scouting. He says they have encouraged their boys in every effort dealing with scouting.

"We are very pleased and very proud," Abrams said. He gave most of the credit to his wife who he says "has the push and personality," to help the boys.

"When Tom (eldest son) got his Eagle, we decided it would be a nice goal for our

family. It made it easier for the next one and has put pressure on them to do it."

Abrams says he hopes the family tradition will now continue with his 11 grandsons.

All but the two youngest are graduates of Preston High School where they have all been active in student government, clubs, athletics and LDS Seminary.

Six of the nine have served LDS church missions and Abrams hopes his two youngest will make it eight of nine.

Oldest, Tom, received his Eagle in 1964 and sons following in order are: Marty, 1966; Bruce, 1971; Scott (now deceased) in 1971; Phillip, 1973; Tony and Jon in 1976; Conrad in 1980; and Chris in 1983.●

JEWISH WAR VETERANS OF THE UNITED STATES

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1806, a bill to grant a Federal charter to Jewish War Veterans of the United States of America, introduced by my distinguished colleague the senior Senator from New Jersey, Mr. BRADLEY.

Jewish War Veterans is an organization dedicated to maintaining the rights and privileges of those who have selflessly defended our Nation. This organization works tirelessly in pursuit of patriotic goals.

Founded in 1896 by Jewish veterans of the Civil War, Jewish War Veterans is the oldest active veterans organization in America with a current membership of approximately 100,000. Today, Jewish War Veterans is involved in many aspects of our Nation's life. Its volunteers support and supplement the work of professional staff in Veterans' Administration hospitals, nursing homes, and clinics. Between April 1980, and March 1981, JWV members worked a total of 106,134 hours in Veterans Administration Voluntary Service programs.

In addition to their impressive community service record, JWV works vigorously for the elimination of anti-Semitism, bigotry, and all forms of discrimination in America and for the rights of Soviet Jews in their struggle for freedom. As an essential part of its work, JWV works to promote greater understanding between the United States and Israel.

Mr. President, Jewish War Veterans of the United States recognizes the necessity of aiding men and women in need, especially those who have answered our country's call. I find it entirely appropriate that we recognize such meritorious service. I wholeheartedly support this bill to honor and pay tribute to Jewish War Veterans of the United States, whose deeds unquestionably deserve a national charter.●

IMF'S COMPENSATORY FINANCING FACILITY

● Mr. McCLURE. Mr. President, I rise today to bring to the attention of my colleagues an interesting and timely article written by my good friend, Mr. Charles F. Barber, of ASARCO, Inc. Mr. Barber's concerns recently appeared in the American Banker and relate to the operation of the International Monetary Fund's compensatory financing facility.

As many of us know, the compensatory financing facility was originally established in 1963. It was intended to provide balance-of-payments assistance expeditiously to members adversely affected by temporary export-revenue shortfalls largely attributable to circumstances beyond their control. On paper, this design appears to make a great deal of sense. Unfortunately, as Mr. Barber points out, recent uses of this facility have not been as responsive to prevailing conditions in the market for the commodity concerned. His example in the copper market indicates that the IMF action may have aided Codelco—the Chilean Government-owned copper company—as it was designed. However, it also had an adverse effect on the price of copper. Not only did this depressed price have an adverse effect on domestic producers but it also seriously affected other lesser developed, LDC's, producers. The IMF was then called upon to bail out other LDC's producers as well. If the IMF's initial action mitigated further action would not the copper market have been better off if the IMF had not taken any action at all?

Mr. Barber is not suggesting anything drastic. However, his suggestion is the same as mine. The rules of compensatory financing should be reviewed and access to the facility should be more responsive to prevailing conditions in the market for the commodity concerned.

I ask that the article by Mr. Barber be printed in the RECORD.

The article follows:

[From the American Banker, Sept. 27, 1983]

COMPENSATORY FINANCING RULES CAN BE COUNTERPRODUCTIVE

(By Charles F. Barber)

Under existing rules, the IMF's compensatory financing facility may operate in a perversely counterproductive manner. The availability of compensatory finance—by underwriting export revenues—may encourage unneeded production of a commodity during periods of reduced demand and low prices.

The IMF resources committed to the compensatory financing facility are substantial. If these same resources were available to compensate for the reduction of uneconomic supply in appropriate cases, the result would benefit foreign exchange earnings of all producing countries and assist rather than impede the restoration of market balance.

The compensatory financing facility was originally established in 1963. It was intended to provide balance of payments assistance expeditiously to members adversely affected by temporary export revenue shortfalls largely attributable to circumstances beyond their control. It has been expanded and liberalized over the years and now provides exporters of primary commodities up to 100% of quota when export earnings fall.

According to an IMF study, this was equivalent to about 7% of 1979 export earnings for a sample of 74 countries. The amounts available under the compensatory financing facility are additional to the amounts of balance-of-payments assistance under the regular credit tranches and other facilities of the IMF. The funds are intended to be made available quickly and with low conditionality. The IMF staff must be satisfied only that export earnings from primary commodities have fallen temporarily and that the circumstances are beyond the control of the exporter.

THE CASE OF COPPER

The perverse consequences of the compensatory financing facility under the existing rules have been dramatically demonstrated over the last several years in the case of copper. Copper is a strongly cyclical commodity. Consumption tends to have a functional relation to the durables component of free world gross national product (GNP).

Recession in the industrialized countries is translated directly to reduced demand for copper and lower prices. Copper is traded on terminal exchanges in London and New York and in dealer markets throughout the world. History teaches that a small shortage creates a disproportionate increase in price and, conversely, modest surplus creates a disproportionate decrease in price.

The period since the last quarter of 1981 and continuing to date has, without question, been the most difficult of times for the copper industry since the worst of the Depression years. In 1982, copper sold at prices, in real terms, not seen since 1933. The average price of copper for the year was below the costs of production of all but a handful of the world's producing mines.

It was a time for restraint-in-production decisions and called for severe adjustments in the interest of corporate survival. A private sector company can continue to operate at a loss only so long as it has access to cash to meet its payroll. In fact, adjustments by private sector producers have been substantial. It was a period of cutting costs, reducing staff, and, in the case of marginal and unprofitable mines, admitting failure and shutting them to stem continuing losses. Also some major producers curtailed output to conserve reserves and avoid accumulation of stocks.

In the United States alone, these actions resulted in 1982 in a 25% reduction of mine production of copper from the 1981 level.

By contrast, the production policy of less-developed countries (LDC) copper producers was to maintain or increase production. Under the existing IMF rules, the revenues of the government-owned producers from the export of copper for which there were no industrial customers were, in effect, underwritten buy the IMF compensatory financing facility.

One example will illustrate the point. In 1982, Codelco, the Chilean government-owned company and the largest copper producer in the world, increased production by more than 15%, or 139,000 tons, to a level well above the previous peak in 1979. Then, Chile went to the IMF and arranged a loan under the compensatory financing facility in the amount of $327,000,000 to compensate it for loss of export revenues primarily because of the low price of copper. That is equal to the value of 221,000 tons of copper, or about 3% of Free World production at

the 1982 average London Metal Exchange (LME) price of 67.1 cents per pound.

If Codelco had more sensitively adjusted its production policy to the needs of the market, or if its eligibility for an IMF credit had depended on a responsive business plan, the market price of copper would have been higher and substantial losses of revenues would have been avoided not only for Chile but for all other producers of copper as well, among them some of the most needy LDCs. Anyone familiar with the copper market would confirm that Chile's production decision was an important cause of the extremely low price of copper in 1982.

As a result of the extremely low price of copper, the IMF was called on to bail out the other LDC producers of copper as well. Zambia, Zaire, Peru, and Papua-New Guinea (Bougainville) together have drawn $586,000,000 under the IMF's compensatory financing facility, their right to do so being based primarily on the low price of copper and its by-products, to which their own production decisions have contributed significantly.

In the case of Chile, Codelco and government officials explained Chile's production decision on the ground that Codelco's operations as a whole were profitable. They also stated that Chile had substantial ore reserves and that the depressed markets provided an opportunity to force higher-cost mines elsewhere in the world to shut down. Many did, particularly in North America. Should this form of predatory economic behavior be financed by the IMF? In this instance, it was.

Stabilization of commodity prices has been a main objective of various initiatives under the United Nations Conference on Trade and Development (UNCTAD). Over the last 10 years, more that a dozen international meetings have been held by the UNCTAD copper group to examine various schemes designed to moderate price fluctuations in the case of copper. To date, there have been no visible results. Meanwhile, the IMF compensatory finance facility has operated at cross-purposes.

Experience suggests that effective price stabilization schemes for the major metals are unlikely to be seen or, if attempted, to endure for very long. Thus, it appears that the responsibility for constructive response to market realities will continue to rest on individual producers acting in their own self-interest.

If the strongest producers of any metal ignore market realities in times of reduced demand, they ensure a prolongation of market imbalance and continuing loss of revenues for themselves and all other producers. If financing available from the IMF relieves such producers from the necessity of dealing with market realities, the result is a destabilizing rather than a stabilizing influence on the markets.

WHAT TO DO

The rules of the compensatory financing facility should be reviewed and access to the facility be conditioned on the submission by the member of a business plan responsive to prevailing conditions in the market for the commodity concerned.

For example, the IMF could be authorized to permit members to draw from the compensatory financing facility an amount equivalent to the revenues foregone by not producing (or not exporting) an agreed amount of copper. Such agreements would be formulated on a case-by-case basis. This would be in contrast to the present rules which penalize a member when production is curtailed or stocks are withheld from the market because such action is intentional and not beyond the control of the member.

Something like the foregoing was done by the IMF in the case of sugar. Under the 1977 International Sugar Agreement, exporting members are required to hold a prescribed minimum amount of stocks so long as prices are below an agreed level. Under the IMF buffer stock facility, members are permitted to draw an amount corresponding to the export earnings foregone by constituting such stocks.

For copper, the counterproductive consequences of financing uneconomic production during periods of severe recession in demand are great. The same may be true as to other eligible commodities during comparable periods. A thorough study of the possible use of the compensatory financing facility as an instrument to assist in the management of supply in appropriate cases would be timely and in the interest of all member countries.

An initiative by the IMF to undertake such a study would be especially timely right now. The financing by the IMF of uneconomic production of copper by its member countries has had the effect of shifting to U.S. producers and U.S. workers a disproportionate share of the burden of adjustment to the fall in aggregate demand for copper.

The debates and the restrictive amendments offered and approved in the authorization bills of both the Senate and House of Representatives prove that this consequence has been a significant impediment to the approval by the Congress of the $8.9 billion U.S. share of the proposed $43.3 billion increase in the capital base of the IMF.●

ORDER TO PLACE H.R. 2785 ON THE CALENDAR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 2785, the Insecticide, Fungicide, and Rodenticide Act, and that it be placed on the calendar.

Mr. BYRD. Mr. President, there is no objection to the first request regarding the discharging of the committee and there is no objection to the second request.

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

EXTENSION OF FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE ACT OF 1978

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2077.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2077) entitled "An Act to amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes", with the following amendment:

In lieu of the matter inserted by said Senate amendment, insert: That (a) section 5948(d) of title 5, United States Code, is amended—

(1) by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985"; and

(2) by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1987".

SEC. 2. (a) The Office of Personnel Management shall study and, within 12 months after the date of enactment of this Act, submit to each House of the Congress a report on the effect which section 5383(b) of title 5, United States Code (relating to the maximum aggregate amount payable to a member of the Senior Executive Service in a fiscal year) has had with respect to recruitment, retention, and morale of career appointees in the Senior Executive Service.

(b) Section 3135(a)(7) of title 5, United States Code, is amended to read as follows:

"(7) for the preceding fiscal year, by agency—

"(A) the number of performance awards, and the number of ranks, conferred, as well as the respective aggregate amounts paid for such awards and ranks;

"(B) the percentage of career appointees in such agency who received any such award, and the percentage who received any such rank; and

"(C) the name of each individual who received any such award or rank, the award or rank received, and a brief summary of the reasons why such individual was selected;".

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment with a further amendment of the Senate. I send that amendment to the desk in behalf of myself and the distinguished junior Senator from New Mexico (Mr. BINGAMAN).

AMENDMENT NO 2504

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself and Mr. BINGAMAN, proposes an amendment numbered 2504.

Mr. STEVENS. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

In lieu of the matter proposed to be inserted by the amendment of the House of Representatives, on page 1 insert the following:

TITLE I—PHYSICIANS COMPARABILITY ALLOWANCE

SHORT TITLE

SEC. 101. This title may be cited as the "Federal Physicians Comparability Allowance Amendments of 1983".

EXTENSION OF AUTHORITY

SEC. 102. (a) The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 1987, nor shall any

agreement cover a period of service extending beyond September 30, 1989.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking out "September 30, 1985" and inserting in lieu thereof "September 30, 1989".

PAY OF CERTAIN FEDERAL PHYSICIANS FOR FISCAL YEAR 1982

SEC. 104. (a) Notwithstanding section 5383(b) of title 5, United States Code, the aggregate amount paid for fiscal year 1982 under sections 4507, 5302, 5384, and 5948 of such title to an individual specified under column I below may exceed the amount of the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year by not more than the amount specified under column II below opposite the name of such individual:

Column I:	Column II:
Dr. Larry Silver	$1,988.66
Dr. Louis Sokoloff	$5,988.66
Dr. Ichiji Tasaki	$1,488.66
Dr. Paul D. Parkman	$1,455.46
Dr. Allan Forbes	$1,680.91
Dr. Roscoe Brady	$1,488.66
Dr. Martin Cummings	$3,988.66
Dr. Manning Feinleib	$1,488.66
Dr. D. C. Gajdusek	$1,488.66
Dr. Carl Kupfer	$1,988.66
Dr. Toichiro Kuwabara	$1,488.66
Dr. Lester Salans	$1,488.66
Dr. Henry Webster	$1,488.66

(b) Subject to the limitation on the aggregate amounts computed under subsection (a), the amount of any overpayment paid for fiscal year 1982 (as determined under section 5383(b) of title 5, United States Code) and collected during fiscal years 1982 and 1983 from any individual specified in subsection (a) shall be paid to such individual.

(c) For the purposes of the Internal Revenue Code of 1954, any amounts paid for fiscal year 1982 under subsections (a) and (b) of this Act shall be deemed to have been paid on the date such amounts would have been paid but for the limitation set forth in section 5383(b) of title 5, United States Code.

TITLE II—FEDERAL EMPLOYEES RETIREMENT ADJUSTMENT

SHORT TITLE

SEC. 201. This title may be cited as the "Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983".

STATEMENT OF POLICY

SEC. 202. It is the policy of the Government—

(1) that the amount required to be contributed by employees and officers of the Government who are also required to pay employment taxes relating to benefits under title II of the Social Security Act for service performed after December 31, 1983, be modified until the date on which such employees and officers are covered by a new Government retirement system (the design, structure, and provisions of which have not been determined on the date of enactment of this Act) or January 1, 1986, whichever is earlier;

(2) that the Treasury be required to pay into such retirement systems the remainder of the amount such employees and officers would have contributed during such period but for the temporary modification;

(3) that the employing agencies make contributions to the retirement systems with respect to such service in amounts required by law in effect before January 1, 1984, without reduction in such amounts;

(4) that such employees and officers accrue credit for service for the purposes of the public retirement systems in effect on the date of enactment of this Act until a new Government retirement system covering such employees and officers is established;

(5) that any annuity payable under any present public retirement system based in any part on service which is performed after December 31, 1983, and before January 1, 1986, and for which employment taxes relating to benefits under title II of the Social Security Act are paid be offset by the amount of any benefits payable under such title with respect to such service;

(6) that such employees and officers who are first employed in civilian service by the Government or first take office in civilian service in the Government on or after January 1, 1984, be transferred to such new Government retirement system as may be established for employees and officers of the Government on or after January 1, 1984, and before January 1, 1986; and

(7) that credit for service performed after December 31, 1983, by such employees and officers be transferred to such new Government retirement system.

DEFINITIONS

SEC. 203. (a) For the purposes of this title—

(1) the term "covered employee" means any individual whose service is covered service;

(2) the term "covered retirement system" means—

(A) the Civil Service Retirement and Disability System under subchapter III of chapter 83 of title 5, United States Code;

(B) the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.);

(C) the Central Intelligence Agency Retirement and Disability System under the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); and

(D) any other retirement system (other than a new Government retirement system) under which a covered employee who is a participant in the system is required to make contributions to the system in an amount equal to a portion of the participant's basic pay for covered service, as determined by the President;

(3) the term "covered service" means service which is employment for the purposes of title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 by reason of the amendments made by section 101 of the Social Security Amendments of 1983 (97 Stat. 67); and

(4) the term "new Government retirement system" means any retirement system which (A) is established for officers or employees of the Government by or pursuant to a law enacted after December 31, 1983, and before January 1, 1986, and (B) takes effect on or before January 1, 1986.

(b) The President shall publish the determinations made for the purpose of subsection (a)(2)(D) in an Executive order.

CONTRIBUTION ADJUSTMENTS

SEC. 204. (a) An employing agency shall deduct and withhold only 1.3 percent of the basic pay of a covered employee under—

(1) section 8334 of title 5, United States Code;

(2) section 805 of the Foreign Service Act of 1980 (22 U.S.C. 4045);

(3) section 211 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note); or

(4) any provision of any other covered retirement system which requires a participant in the system to make contributions of a portion of the basic pay of the participant, for covered service which is performed after December 31, 1983, and before January 1, 1986. Deductions shall be made and withheld as provided by such provisions in the case of covered service which is performed on or after January 1, 1986, and is not subject to a new Government retirement system.

(b) Employing agencies of the Government shall make contributions with respect to service to which subsection (a) of this section applies under the second sentence of section 8334(a)(1) of title 5, United States Code, the second sentence of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), the second sentence of section 211(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note), and any provision of any other covered retirement system requiring a contribution by the employing agency, as if subsection (a) of this section had not been enacted.

AMORTIZATION OF CONTRIBUTION DEFICIENCY

SEC. 205. (a) For the purposes of this section, the term "contribution deficiency", when used with respect to a covered retirement system, means—

(1) the excess of the total amount which, but for section 204(a), would have been deducted and withheld under a provision referred to in section 204(a) from the basic pay of covered employees who are subject to such retirement system for service to which section 204(a) applies, over

(2) the total amount deducted and withheld from the basic pay of covered employees for such service as provided in section 204(a).

(b) At the end of each of fiscal years 1984, 1985, and 1986, the head of each agency administering a covered retirement system—

(1) shall determine the amount of the contribution deficiency incurred during such fiscal year in the case of such covered retirement system; and

(2) shall notify the Secretary of the Treasury of the amount of such contribution deficiency.

(c) An amount equal to the amount of the contribution deficiency incurred with respect to a covered retirement system in any fiscal year shall be credited to the fund established for the payment of benefits under such covered retirement system in thirty equal annual installments beginning at the end of such fiscal year, as provided in subsection (d).

(d) Before closing the accounts for each of fiscal years 1984 through 2015, the Secretary of the Treasury shall credit to each fund to which subsection (c) applies, as a Government contribution, out of any money in the Treasury not otherwise appropriated, an amount equal to the total of the amounts of the annual installments of the contribution deficiencies required by subsection (c) to be credited to such fund in such fiscal year.

(e) Amounts credited to a fund pursuant to subsection (c) shall be accounted for separately from amounts credited to such fund pursuant to any other provision of law.

OFFSET OF SOCIAL SECURITY BENEFITS

SEC. 206. (a)(1) Section 8339 of title 5, United States Code, is amended by adding

at the end thereof the following new subsection:

"(o)(1) Any annuity of a retired employee or Member which is computed under subsection (a), (b), (c), (d), (e), (g), or (n) of this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such retired employee and is attributable to such service.

"(2) For the purpose of paragraph (1) of this subsection, the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits, including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) of this paragraph from the amount computed under clause (A) of this paragraph.".

"(2) Section 8341 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) The annuity of any individual which is provided by and computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service, computed as provided in section 8339(o)(2) of this title.".

(b)(1) Section 806 of the Foreign Service Act of 1980 (22 U.S.C. 4046) is amended by adding at the end thereof the following new subsection:

"(m)(1) The annuity of any individual which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. The reduction under this subsection shall be calculated before any reduction under section 814(a)(5).

"(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(A) computing the amount of such benefits including credit for such service;

"(B) computing the amount of such benefits, if any, without including credit for such service; and

"(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).".

(2) Section 814 of such Act is amended by adding at the end thereof the following new subsection:

"(e) The annuity of a former spouse which is computed under this section and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such former spouse and is attributable to such service, computed as provided in section 806(m)(2).".

(c) Part C of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended by adding at the end thereof the following new subsection:

"SEC. 223. (a) The annuity of any individual which is computed under this part and is based, in any part, on service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity computed under section 221, the reduction under this subsection shall be calculated before any reduction under section 222(a)(4).

"(b) For the purpose of subsection (a), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) of the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 applies shall be determined by—

"(1) computing the amount of such benefits including credit for such service;

"(2) computing the amount of such benefits, if any, without including credit for such service; and

"(3) subtracting the amount computed under clause (2) from the amount computed under clause (1).".

(d)(1) Notwithstanding any other provision of law, for the purposes of any covered retirement system to which an amendment made by subsection (a), (b), or (c) does not apply, the annuity of any individual which is computed under such system and is based, in any part, on service to which section 204(a) applies shall be reduced by the portion of the amount of any benefits which is payable under title II of the Social Security Act to such individual and is attributable to such service. In the case of an annuity of a participant or former participant, of a surviving spouse or child of a participant or former participant, or of any other person designated by a participant of former participant to receive an annuity under the covered retirement system (other than a former spouse) the reduction under this subsection shall be calculated before any reduction in such annuity provided under such system for the purpose of paying an annuity under such system to any former spouse of the participant or former participant based on the service of such participant or former participant.

(2) For the purpose of paragraph (1), the portion of the amount of the benefits which is payable under title II of the Social Security Act to an individual and is attributable to service to which section 204(a) applies shall be determined by—

(A) computing the amount of such benefits including credit for such service;

(B) computing the amount of such benefits, if any, without including credit for such service; and

(C) subtracting the amount computed under clause (B) from the amount computed under clause (A).

TRANSFER OF CREDIT TO NEW RETIREMENT SYSTEM

SEC. 207. (a) Any covered employee who first becomes employed in civilian service by the Government or first takes office in civilian service in the Government on or after January 1, 1984, shall be transferred to such new Government retirement system as may be established.

(b) In the case of any covered employee who is subject to a covered retirement system on or after January 1, 1984, and thereafter becomes subject to a new Government retirement system—

(1) credit for the service of such employee to which section 204(a) applies shall be transferred from such covered retirement system to the new government retirement system for the purposes of the new Government retirement system; and

(2) such service shall be considered not to be creditable service for the purposes of such covered retirement system,

effective on the date on which such employee becomes subject to such new Government retirement system.

DEPOSIT REQUIREMENTS

SEC. 208. (a)(1)(A) Notwithstanding any other provision of law, the covered service of any covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) entitled to an annuity under a covered retirement system after such date and before the earlier of the date on which a new Government retirement system takes effect or January 1, 1986, shall be considered in computing the amount of such annuity only if such covered employee makes a deposit for such covered service as provided in subparagraph (B).

(B) For the purposes of subparagraph (A), a covered employee to whom such subparagraph applies shall make a deposit (for the covered service to which such subparagraph applies) to the credit of the applicable covered retirement system in an amount equal to the excess of the amount required by law (without regard to section 204(a)) over the amount which was deducted and withheld from the basic pay of such covered employee for such service pursuant to section 204(a) and was not refunded to such covered employee.

(2) Paragraph (1) does not require a deposit to the credit of a covered retirement system for the purpose of considering covered service in computing the amount of a survivor annuity under such system in the case of a covered employee who dies during a period of continuous service in the employment of the Government beginning on or before December 31, 1983.

(b)(1) If a new Government retirement system is not established, the covered service of a covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the amount of an annuity under a covered retirement system based on the service of such covered employee only as provided in paragraph (3).

(2) If a new Government retirement system is inapplicable to a covered employee who is employed by the Government on December 31, 1983, and retires (other than by reason of a disability) subject to a covered retirement system after the date on which such new government retirement system takes effect the covered service of such covered employee shall be considered, notwithstanding any other provision of law, in determining entitlement to and computing the

amount of an annuity under a covered retirement system only as provided in paragraph (3).

(3) The covered service of a covered employee to whom paragraph (1) or (2) applies shall be considered for the purposes of such paragraph only if such covered employee deposits to the credit of the applicable covered retirement system an amount equal to the excess of—

(A) the total amount which would have been deducted and withheld from the basic pay of such covered employee for such covered service under such covered retirement system but for the application of section 204 (a), over

(B) the amount which was deducted and withheld from such basic pay for such covered service pursuant to section 204(a) and was not refunded to such covered employee.

Mr. STEVENS. Mr. President, my amendment has two major sections to it. One, it reauthorizes the Federal physicians comparability allowance program for 4 more years. This provision already passed the Senate. The House language currently authorizes the program for 2 years. The second section will establish an interim retirement solution for the new Federal hires who will be required to pay both the social security and civil service retirement contributions beginning in January 1984. As many Members recall during the social security debate earlier this year, Federal employees hired after January 1984, will be required to pay the social security tax. This situation leaves these individuals in an unenviable position of being required to pay both social security and civil service retirement which will amount to approximately 14 percent of payroll. I think that most people would agree that this is an exorbitant amount of money to pay for a retirement plan.

The General Accounting Office studied this problem and reported to our committee 2 months ago describing the serious problems the Federal Government would face in recruitment of Federal employees under this dual contribution arrangement. GAO highlighted a few agencies such as the National Institutes of Health, NASA, and other agencies requiring technical expertise and the difficulties that these agencies would find in recruiting the needed personnel. GAO also pointed out that most agencies would find it very difficult to recruit clerical personnel who cannot afford the extra deductions from their paycheck. GAO recommended four options to resolve this situation. This amendment incorporates a variation on one of those recommendations.

The amendment temporarily reduces the new hires contributions to the civil service retirement program to give us time to design and establish a new retirement program for these individuals. The general idea is to reduce the new hires' contribution to the civil service program to 1.3 percent salary. Since these individuals will be paying the full social security contribution, which will amount to 6.7 percent of salary next year, the additional 1.3 percent toward civil service retirement will make them generally comparable with current employees who are required to pay the full civil service contribution plus the medicare tax which is 1.3 percent of salary. This reduction in contributions will last only until January 1986, or the establishment of a new program, whichever is earlier. If no new plan is established before January 1986, these new hires will be required to pay the full civil service retirement contribution, and to receive credit for their prior years under this interim solution, they will have to pay the full amount back into the retirement fund.

It is my intention, however, to introduce major retirement legislation establishing a new retirement program for these new hires in early 1985. It is hoped to see a plan established by late 1985. I want to make it absolutely clear that the provisions of this interim solution will in no way prejudge the eventual design and provisions of the final plan. We are currently involved in a very extensive study of private and public retirement programs utilizing the services of all of the congressional support agencies plus a number of private sector firms. Once that study is completed, it is my intention to draft legislation that would establish a new retirement program. However, I again want to state that we do not yet have any particular idea as to what this retirement program will look like.

I ask unanimous consent to have printed in the RECORD a sectional analysis of this amendment as well as a CBO estimate of the cost of this legislation. I want to point out that the only cost of the legislation is the loss of revenues to the Government in that these new employees will not be contributing the full retirement contribution during this period.

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

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., November 4, 1983.

To: Jamie Cowen.
From: Sherri Kaplan.
Subject: Temporary Reduction in CSR Contributions for Newly Hired Federal Employees—Preliminary Estimate.

As you requested, the following table shows the net effect on the deficit of reducing contributions to CSR from newly hired federal employees, from 7 percent of pay to 1.3 percent of pay. The estimate, consistent with your telephone request, assumes newly hired employees who terminate their federal employment over the three-year period would not be allowed to receive a refund of their contributions. Further, the provisions are expected to expire January 1986.

[By fiscal years, in millions of dollars]

	1984	1985	1986
Revenues	−70	−230	−115
Outlays	[1]	−15	−15
Net effect on the deficit	+70	+215	+100

[1] Less than $5,000,000.

The intrabudgetary transactions, although affected by this temporary measure, would not have any net impact on the deficit and, as you requested, are not included in this estimate. It should be noted that the numbers are subject to change depending on specific bill language.

As always, I am available to answer any questions you might have.

SECTIONAL ANALYSIS OF THE FEDERAL EMPLOYEES' RETIREMENT CONTRIBUTION TEMPORARY ADJUSTMENT ACT OF 1983

Section 1 states that the Act may be cited as the "Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983".

Section 2 is a statement of the policy of this legislation. It generally provides that employees of the federal government who for the first time will be covered under the Social Security Act beginning in January of 1984 will temporarily be relieved of the full contribution amount to the various federal retirement systems. Instead, they will contribute, in addition to the social security amount, 1.3 percent to the retirement system covering them. This provision will terminate at the earlier of enactment of a new retirement plan or January 1, 1986.

It also provides that the government will assure continuing contributions be made into the retirement funds to keep the funds solvent. It also states that once a new plan is established covering employees hired after January of 1984, such employees will be transferred to the new program. Finally, any benefits received during the interim period will be offset by any social security benefits received.

Section 3 is a list of definitions. The two important definitions are "covered retirement system" and "covered service".

Covered retirement system means the Civil Service Retirement Program, the Foreign Service Retirement Program, the Central Intelligence Agency Retirement Program, and any other federal retirement program which includes employees who will for the first time be required to make social security payments beginning in January of 1984 and who also are currently required to make contributions to a retirement program.

Covered service means service which beginning in January of 1984 is considered employment for the purposes of the Social Security Act.

Section 4 calls for reducing employees' required contributions to their retirement programs to 1.3% of basic pay. It also requires that agencies continue to contribute the full employee contribution to the retirement programs as they do under current law.

Section 5 provides that the Treasury will directly appropriate to the retirement funds the remainder of the employee's contribution which the employees are not paying. Those amounts will be amortized over a 30-year period.

Section 6 provides that any benefit received under the retirement programs during this interim period such as survivor

and disability benefits will be offset dollar-for-dollar by any social security benefits received for the same purpose attributable to the interim period.

Section 7 provides that any federal employee hired after January of 1984 and who becomes covered under the Social Security System shall be transferred to the new government retirement system when that system is established. All credit accrued under the current retirement programs shall be transferred to the new program and such credit shall be terminated for benefit purposes under the current retirement programs.

Section 8 provides that those employees who are currently employed in the federal government but who also will be covered under the social security program shall only be entitled to a benefit based upon service during this interim period if they make the full deposit under the program as required by law. The two exceptions are for an employee who becomes entitled to a disability benefit or who dies during service and whose survivor becomes entitled to a benefit. In these cases, a redeposit is not necessary.

It also provides that if a new retirement program is not enacted by January 1, 1986, those employees hired during the interim period will be required to redeposit full contributions to the respective retirement funds to gain credit under the current retirement programs for the interim period.

Mr. DOMENICI. Mr. President, I support the amendment offered by the senior Senator from Alaska, Senator STEVENS. The amendment provides an equitable solution to the problem of new Federal employees who, under current law, must make full contributions to both social security and civil service retirement.

As my colleagues know, the bipartisan social security reform compromise mandated social security coverage for all new Federal employees. It did not, however, relieve these employees of the responsibility of contributing to civil service retirement. Many Members of the Senate, including myself, feel this is unjust.

Beginning January 1, 1984, new Federal employees will be required to pay 6.7 percent of salary for social security and medicare and 7 percent for civil service retirement. This situation is clearly unfair. New Federal employees should not be asked to pay 13.7 percent of salary—about double what everyone else pays—for retirement protection. Further, such dual contributions would seriously impede the ability of the Federal Government to compete with other employers for talented and capable people. This has been well documented by a General Accounting Office study.

When the Senate debated the social security reform package, Senator LONG offered an amendment to correct this defect in the legislation. This amendment provided that new Federal employees would not be required to join the social security system until a supplemental pension plan was put into place. Governmental employees would thus have pension benefits comparable to workers in the private sector; they would have a company retirement plan in addition to social security benefits.

The Senate accepted this amendment. Unfortunately, the House of Representatives did not accept it, and it was dropped from the bill during conference. I think this was a mistake. If we want to correct this mistake, we must do something immediately. In 8 weeks, this law takes effect unless we act. In only 2 weeks we are scheduled to adjourn sine die. This gives us only 9 working days.

Congress and the President need to correct this inequity now. Senator STEVENS' amendment represents a compromise that is fair to present and future Federal employees.

Under this amendment, new Federal employees, who will be covered under social security beginning in January 1984, would be temporarily relieved of contributing the full amount to the Federal retirement system. They would contribute the full amount to social security and 1.3 percent to the Federal retirement system. This provision would terminate at the enactment of a new retirement plan or January 1, 1986, whichever comes first.

The Government would continue to make contributions to the Federal retirement fund to keep it solvent. Once a new plan was established for employees hired after January 1984, such employees would be transferred to the new program. No one would receive any unearned, windfall benefits. Any benefits received by new retirees during the interim period would be offset by any social security benefits received for the same period.

There are several elements in this proposal that this Senator commends.

First, it relieves new Federal employees of the burden of contributing in full to both retirement systems. This also helps the Federal Government recruit and retain high-caliber employees.

Second, it assures current and future retirees that the current civil service retirement trust fund will remain whole, despite the reduction in the contribution rate for new employees.

Third, it provides consistency in the amount of retirement contributions made by current employees and new employees.

Mr. President, the distinguished Senator from Alaska has developed a compromise package that improves a very unfair situation. The compromise is acceptable to Federal workers and retiree groups and to the administration.

I urge my colleagues to support this amendment.

Mr. BINGAMAN. Mr. President, I fully support the amendment offered by the Senator from Alaska (Mr. STEVENS). I commend the Senator for his efforts in addressing a most serious problem which faces the Federal Government at this time. The amendment provides for temporary retirement coverage for those Federal employees hired after January 1, 1984. Newly hired Federal employees hired on or after January 1, 1984, will be temporarily covered by both social security and the civil service retirement system. This will result from the passage of the Social Security Amendments of 1983 (Public Law 98-27) which provided social security coverage for all newly hired Federal employees, including former employees who are rehired after a break in service of 1 year or more.

The Stevens amendment provides that employees of the Federal Government who for the first time will be covered under social security, beginning on January 1, 1984, will be temporarily relieved of the full contribution amount to the various Federal retirement systems. Such employees would be required, under the amendment, to contribute 1.3 percent of salary to the retirement system, in addition to contributing to social security. This provision, under the amendment, would terminate at the earlier of enactment of a new supplemental civil service retirement system or on January 1, 1986. These employees would be fully covered under the retirement system for this temporary period.

The amendment also provides that the Government will assure continuing contributions be made into the retirement trust funds to keep the funds solvent. The amendment also provides that once a permanent plan is established covering new employees hired after January 1, 1984, such employees will automatically be covered under such plan and receive credit for their prior service under such plan. Another provision of the amendment would require that any retirement benefits received during the interim period will be offset by any social security benefits received.

An analysis of the effect of requiring new Federal employees to be temporarily covered by both social security and civil service retirement was completed by the General Accounting Office on August 31, 1983. According to GAO:

(T)he extra contributions to be required of new employees would place the Government at a competitive disadvantage because of the substantial reduction in take-home pay thus adversely affecting recruitment and retention efforts.

As a result, GAO recommends resolution of this problem prior to January 1, 1984, in order to relieve new employees of the unnecessary burden of contributing to both systems.

These sentiments were echoed during the September 14, 1983, hearing held by the Subcommittee on Civil

Service, Post Office and General Services by the witnesses, which included representatives of the Office of Personnel Management, and various Federal employee organizations. Without objection, I ask unanimous consent that the testimony of the fund for assuring an independent retirement (FAIR) on this subject be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

[See Exhibit 1.]

Mr. BINGAMAN. Through the deligent work of Senator STEVENS and his staff, a solution to this dual coverage problem, which is embodied in the Senator's amendment has been reached and is supported by all parties involved. I believe this is an equitable solution to this very complex problem, created by the Social Security Amendments of 1983. Newly hired employees will be relieved of the burden of having to pay into both systems. Such new employees will receive retirement survivor and disability protection as members of the retirement system. Further, the civil service and other Federal retirement systems which provide primary retirement protection to an estimated 2.7 million civil servants and millions more of their family members will be maintained financially.

I support this amendment and I urge its adoption.

EXHIBIT 1

TESTIMONY OF FUND FOR ASSURING AN INDEPENDENT RETIREMENT (FAIR)

Mr. Chairman. On behalf of the President and Chairman of the Board, Vincent Sombrotto, we appear here today as representatives of FAIR—Fund for Assuring an Independent Retirement. Recently, the 26 member organizations voted unanimously to continue FAIR as a voluntary coalition of unions and employee organizations concerned with legislative issues affecting all active and retired federal and postal employees. At its June 7, 1983 Board of Directors meeting, new officers were elected: Vincent Sombrotto, Chairman of the Board and President; Kimberly C. Parker, Secretary; and Jerry Klepner, Treasurer. My name is Jerry Klepner. With me this morning are Kimberly C. Parker, Secretary of FAIR, and George Gould, Chairman of FAIR's Legislative Committee.

We are here today at your invitation to discuss FAIR's position on the situation facing new federal and postal employees hired on or after January 1, 1984. Under the present law, they will be required to pay 7% into Civil Service Retirement and an additional 7% into Social Security.

As usual, Mr. Chairman, it is a pleasure to appear before you and your Subcommittee. We appreciate the interest you have always shown and continue to show in the welfare of all government employees and retirees. We realize the Chairman's time constraint, therefore, our statement is as short as possible. With your permission, if necessary, we request the opportunity to submit additional testimony for the record.

Mr. Chairman, as a coalition representing federal and postal employees, we anticipated problems that could arise if Social Security coverage was extended to new government employees. During the debate on the Social Security bill this year, on many occasions we took the opportunity to express our concerns that there would be a dichotomy between new and present employees. That situation becomes a reality on January 1, 1984.

If a solution can be developed to resolve this dichotomy, we as a coalition of 26 federal and postal unions and employee organizations believe that any such solution must meet certain tests to be viable, workable and acceptable.

And, if a solution is indeed going to be enacted into law, it is essential it is agreed to by all interested parties.

Mr. Chairman, there are few, if any, Members of Congress more knowedgeable in the legislative process than you. In dealing with issues as sensitive as this one, it necessitates a consensus. To reach that consensus it is necessary to thoroughly communicate among the involved parties. That is why we appreciate these hearings which give us the opportunity today to work with you and your staff on this issue.

Given that opportunity, we would like to discuss briefly some tests that must be met if a solution is to be achieved. These tests are consistent with FAIR's position since its inception; any variation from this runs contrary to that historical perspective.

First, contributory funding for the Federal retirement trust funds must continue. It is essential that there be no interruption and no reduction in those contribution levels. Continuing contributions insure that all options remain available, and insure the financial solvency and integrity of the Federal retirement trust funds.

Second, there must be equity between new employees and present employees. Inequities in contribution levels could result in personnel problems, declining morale, and drops in productivity. To have two employees at the same pay level, doing the same job and yet one contributing 7% toward Civil Service Retirement, and the other contributing 7% to Civil Service Retirement and 7% to Social Security, is inherently inequitable.

For the government to work effectively, it must be able to attract and retain qualified employees. As employee and retiree organizations, we are concerned with the welfare of current employees and retirees whom we represent.

As organizations dealing with the business of government, we are also concerned that post-1983 hires be treated fairly. And, that there be no fragmentation of the federal workforce.

Mr. Chairman, we welcome the opportunity to work with you and your staff to develop a solution to the dichotomy between new and current federal and postal employees.

I will be more than happy to answer any questions you may have.

The PRESIDING OFFICER. Is there further discussion on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2504) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

THE EXECUTIVE CALENDAR

Mr. STEVENS. Mr. President, may I inquire of my good friend whether he would be able to concur in a motion I would like to make to ask unanimous consent that the Senate go into executive session in order to consider nominations on pages 2 and 3, of the Executive Calendar and those on the Secretary's desk, page 4.

Mr. BYRD. There is no objection on this side of proceeding with the nominations on page 2, page 3, and page 4 as requested by the distinguished majority leader.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed into executive session to consider the nominations on pages 2 and 3, and those placed on the Secretary's desk, on page 4.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

Mr. STEVENS. Mr. President, I ask unanimous consent that the nominations on pages 2 and 3 and those placed on the Secretary's desk listed on page 4 be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Thomas J. Curran, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Raphael D. Tice, [redacted], U.S. Army (retired).

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard A. Miller, U.S. Navy.

The following-named officer to be placed on the retired list in the grade of commodore, in accordance with article II, section 2, clause 2 of the Constitution:

To be commodore

Capt. Grace Hopper, U.S. Naval Reserve (retired).

NATIONAL MEDIATION BOARD

Robert Oberndoerfer Harris, of the District of Columbia, to be a member of the National Mediation Board.

Helen M. Witt, of Pennsylvania, to be a member of the National Mediation Board.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, NAVY

Air Force nominations beginning Thomas E. Cedel, and ending Mark D. Williams, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 1983.

Air Force nomination of Robert S. Williams, which was received by the Senate and appeared in the Congressional Record of October 27, 1983.

Air Force nominations beginning John B. Kenney, and ending Mary A. Blaubach, which nominations were received by the Senate and appeared in the Congressional Record of October 27, 1983.

Navy nominations beginning Scott A. Rudowski, and ending Steven A. Fertig, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 1983.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

Mr. BYRD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the President be notified of the confirmation of these nominees.

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

LEGISLATIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER FOR THE COMMITTEE ON THE BUDGET TO HAVE UNTIL MIDNIGHT SUNDAY, NOVEMBER 6, 1983, TO FILE A REPORT ON THE OMNIBUS RECONCILIATION ACT OF 1983

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on the Budget be given authority to file the bill entitled "The Omnibus Reconciliation Act of 1983," and the report to accompany the bill, until 12 midnight on Sunday, November 6, 1983.

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

ORDERS FOR MONDAY

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, November 7, 1983, the reading of the Journal be dispensed with, that no resolutions come over under the rule, that the call of the calendar be dispensed with, and, following the recognition of the two leaders under the standing order, with their time being limited to 5 minutes each, that there be a special order in favor of the Senator from Alaska (Mr. MURKOWSKI) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to exceed 5 minutes in length with Senators permitted to speak therein for not more than 2 minutes each, provided further that the morning hour shall be deemed to have expired.

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

ADJOURNMENT TO 10 A.M. MONDAY, NOVEMBER 7, 1983

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move that the Senate adjourn in accordance with the previous order.

The motion was agreed to; and, at 6:14 p.m., the Senate adjourned until Monday, November 7, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 4, 1983:

DEPARTMENT OF STATE

Joan M. Clark, of New York, a career member of the Senior Foreign Service, class of Career Minister, to be Assistant Secretary of State for Consular Affairs, vice Diego C. Asencio.

AMBASSADOR

James E. Goodby, of New Hampshire, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during the tenure of his service as U.S. Representative to the Conference on Confidence on Security Building Measures and Disarmament in Europe.

DEPARTMENT OF STATE

Sol Polansky, of the District of Columbia, a career member of the Senior Foreign Service, class of Minister-Counselor, for the rank of Ambassador during his tenure of service as vice chairman of the U.S. delegation to the Strategic Arms Reductions Talks (START) and Department of State Representative.

AFRICAN DEVELOPMENT FOUNDATION

A. C. Arterbery, of California, to be a member of the Board of Directors of the African Development Foundation for a term of 6 years (new position).

DEPARTMENT OF LABOR

Francis X. Lilly, of Maryland, to be Solicitor for the Department of Labor, vice T. Timothy Ryan, Jr., resigned.

ENVIRONMENTAL PROTECTION AGENCY

Joseph A. Cannon, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, vice Kathleen M. Bennett, resigned.

COMMODITY FUTURES TRADING COMMISSION

Willian E. Seale, of Virginia, to be a Commissioner of the Commodity Futures Trading Commission for the term expiring April 13, 1988, vice James M. Stone, term expired.

INTERNATIONAL MONETARY FUND

Mary Kate Bush, of New York, to be U.S. Alternate Executive Director of the International Monetary Fund for a term of 2 years, vice Charles H. Dallara, resigned.,

FEDERAL EMERGENCY MANAGEMENT AGENCY

Samuel W. Speck, Jr., of Ohio, to be an Associate Director of the Federal Emergency Management Agency, vice Lee M. Thomas.

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as career members of the Senior Foreign Service of the classes stated, and also for any other appointments indicated:

For appointment as a career member of the Senior Foreign Service of the United States of America, class of career minister:

DEPARTMENT OF STATE

Paul H. Boeker, of Ohio.

For reappointment in the Foreign Service as a career member of the Senior Foreign Service, class of minister-counselor, a consular officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

C. William Kontos, of Illinois.

For appointment in the Foreign Service as a career member of the Senior Foreign Service of the United States of America, class of minister-counselor:

DEPARTMENT OF STATE

Allan M. Labowitz, of Virginia.

For reappointment in the Foreign Service as a career member of the Senior Foreign Service, class of counselor, a consular officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

William R. Brown, of Ohio.

For appointment as career members of the Senior Foreign Service, class of counselor, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Dempsey B. Mizelle, of Maryland.

James E. Young, of Tennessee.

The following-named persons of the agencies indicated for appointment as Foreign Service officers or Foreign Service Information officers of the classes stated, and also for the other appointments indicated herewith:

For reappointment as a Foreign Service officer of class 2, a consular officer, and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

James Thomas Schollaert, of Virginia.

For appointment as Foreign Service officers of class 2, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Raymond J. Gonzales, of California.

DEPARTMENT OF COMMERCE

Stephen C. Arlinghaus, of New Jersey.

For appointment as Foreign Service Information officers of class 2, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

William F. Brent III, of Virginia.

Herman W. Henning, Jr., of California.

Willie Holmes, of the District of Columbia.

For reappointment as Foreign Service officer of class 3, a consular officer, and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Larry M. Senger, of Washington.

For appointment as Foreign Service officers of class 3, consular officers, and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Jacquelyn Owens Briggs, of Michigan.
Nicholas MacNeil, of Virginia.
Barbro A. Owens, of the District of Columbia.

For appointment as Foreign Service information officers of class 3, consular officers, and secretaries in the diplomatic service of the United States of America:

Miriam Ruth Caravella, of Maryland.
Cynthia Jean Farrell, of New York.
Gail Milissa Grant, of Missouri.
Susan C. Kirkby, of Maryland.
Kiki Skagen Munshi, of California.

For reappointment in the Foreign Service as a Foreign Service officer of class 4, a consular officer, and a secretary in the diplomatic service of the United States of America:

DEPARTMENT OF STATE

Louis Anthony McCall, of Ohio.

For appointment as Foreign Service officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

DEPARTMENT OF STATE

Pamela E. Bridgewater, of Maryland.
Karen S. Brown, of Indiana.
Harlan K. Cohen, of Connecticut.
William Craig Davidson, of Texas.
Glyn Townsend Davies, of Wyoming.
John Joseph Foarde III, of Virginia.
Roger M. Freeman, Jr., of California.
Douglas C. Greene, of Florida.
William James Haugh, of California.
Carol C. Heineck, of Alabama.
David Milton Hess, of Texas.
Ravic Rolf Huso, of Virginia.
Cherie J. Jackson, of Colorado.
Clyde L. Jardine, Jr., of Georgia.
Frances Thornton Jones, of North Carolina.
Jerrold I. Keilson, of the District of Columbia.
J. Christian Kennedy, of Indiana.
Mark Raymond Kennon, of New York.
Robert G. Loftis, of Colorado.
Scott R. Loney, of Michigan.
Lili Ming, of New Jersey.
David Daniel Nelson, of South Dakota.
Deborah Mary Odell, of the District of Columbia.
Steven S. Olson, of California.
Jacqueline Ratner, of New York.
Ronald Sinclair Robinson, of Virginia.
Gail Aragon Thompson, of New York.
Linda Carol Turner, of Washington.
Lawrence Arthur Walker, of California.
Stephen Duffus Weiss, of Texas.
Mark Franklin Wong, of Maryland.
Stephen Markley Young, of New Hampshire.

For appointment as Foreign Service information officers of class 4, consular officers, and secretaries in the diplomatic service of the United States of America:

Amelia Fitzjohn Broderick, of Wisconsin.
Christian Filostrat, of New York.
Salomé Hernández, of California.
Patricia D. Norman, of California.

The following-named members of the Foreign Service of the Departments of State and Commerce, to be consular officers and/or secretaries in the diplomatic service of the United States of America, as indicated:

Consular officers and secretaries in the diplomatic service of the United States of America:

Pendleton Agnew, of Virginia.
Susan E. Alexander, of Washington.
Robert Allena, of New Jersey.
Karen S. Amelang, of Nebraska.
Ralph D. Anske, of Texas.
Lauren Alisa Austin, of Virginia
Dorothy H. Baird, of Texas.
Robert D. Banks, of Massachusetts.
Shirley Elizabeth Barnes, of New York.
John H. Bauman, of South Carolina.
James A. Becker, of Connecticut.
Russel A. Bikoff, of New York.
Eric Christopher Botts, of Texas.
Thurmond H. Borden, of Texas.
Leo J. Bourne, of Florida.
Robert E. Brill, Jr., of Florida.
Samuel Vincent Brock, of Florida.
Benjamin N. Brown, Jr., of Delaware.
Bruce B. Brown, of Illinois.
Jane Burt-Lynn, of the District of Columbia.
David A. Bustamante, of Virginia,
Beatrice A. Camp, of Virginia.
Michele C. Campbell, of Ohio.
Lynn L. Cassel, of Alaska.
Jorge I. Casteleiro, of Virginia.
Vivian A. Casteleiro, of Virginia.
Howard D. Clark, of Virginia.
Peter R. Claussen, of South Dakota.
Cheryl A. Conradis, of Florida.
Joanne M. Cotter, of Virginia.
Loretta De Wald De Busk, of Maryland.
Paul Denig, of Iowa
Velia M. De Pirro, of Connecticut.
Donna Marie DiPaolo, of Virginia.
Bruce E. Donahue, of Wisconsin.
James P. Doran, of New Jersey.
Jon Peter Dorschner, of Arizona.
Thomas J. Dowling, of Michigan.
Gregory B. Elftmann, of the District of Columbia.
Hilbert C. Engelhardt, of Maryland.
Henry S. Ensher, of California.
Luis Espada-Platet, of Virginia
George L. Evans, of Ohio.
Trevor J. Evans, of Washington.
Alberto M. Fernandez, of Arizona.
James Brendan Foley, of New York.
Mark Foulon, of Washington.
D. Jean Gardner, of the District of Columbia.
Gregory L. Garland, of North Carolina.
Jose Gustavo Garriga, of New York.
Mark A. Gedansky, of California.
Elizabeth Cobb Gelderloos, of New Jersey.
Sabre Gilmartin, of Calfornia.
Mary Ellen T. Gilroy, of New York.
Anne J. Greer, of Pennsylvania.
Gene R. Harris, of Texas.
Nancy M. Hedin, of California.
Joseph Ernest Howard, of Colorado.
Jerry Wayne Jacobs, of Missouri.
Keith N. Jacobson, of New York.
Richard E. Jaworski, of Michigan.
Bradley C. Johnson, of Oregon.
Stephen K. Keat, of New York.
Margaret Ellen Keeton, of Iowa.
Martha Novick Kelley, of Virginia.
Charles S. King, of California.
Diana M. Kitt, of Washington.
Steven F. Koenig, of California.
Philip Scott Kosnett, of California.
Andrew C. Koss, of Maine.
Merrill Marie Krainess, of California.
Craig Kuehl, of New York.
John W. Kunstadter, Jr., of the District of Columbia.
Jerry Powell Lanier, of North Carolina.
John J. LeClair, of Vermont.
Hon K. Lee, of New York.
Vicki Y. Lee, of California.
Sally L. Lindover, of Massachusetts.
Margaret L. Long, of Massachusetts.
Laura R. Luftig, of California.
James Patrick McAnulty, of Virginia.
Alexander MacPherson, of Virginia.
Candace H. Mathewson, of Oregon.
John A. Merante, of New York.
Gary R. Meyer, of California.
Michael J. Montgomery, of Michigan.
James Daniel Moore, Jr., of California.
Luis Guillermo Moreno, Jr., of New York.
Hilary Olsin-Windecker, of California.
Adrienne S. O'Neal, of Minnesota.
William Henry Owne, of New York.
Phillip T. Parkerson, of Georgia.
Anne Ware Patchell, of Florida.
Charlotte R. Peterson, of Maryland.
Delia C. Pitts, of the District of Columbia.
Cristina Mary Poulter, of Virginia.
Elizabeth Pryor, of the District of Columbia.
Martin Quinn, of Pennsylvania.
Marguerita Dianne Ragsdale, of Virginia.
Philip N. Remler, of New Jersey.
Christopher R. Riche, of Washington.
Thomas Lee Roberts, of Massachusetts.
Jack D. Robinson, of Washington.
Daniel A. Russell, of Maine.
Donald G. Ryan, of Ohio.
Kendall S. Schaefer, of North Carolina.
John K. Scholsser, of California.
Ellen M. Schubert, of the District of Columbia.
Larry Schwartz, of Washington.
Claudia H. Serwer, of New York.
Lisa J. Shapiro, of Minnesota.
Adnan A. Siddiqi, of New York.
Hampton David Smith III, of Virginia.
Robert H. Smith, of Washington.
Timothy Smith, of Florida.
Janet Gail Speck, of the District of Columbia.
Anthony J. Spicer, of California.
Laurel Steele, of California.
William Robert Steigelmann, of New Jersey.
Anne V. Stenzel, of Ohio.
Paul M. Stombaugh, Jr., of New Jersey.
Roy F. Sullivan, of Texas.
Donald Terpstra, of Texas.
James B. Thomas, of Wisconsin.
Robert D. Thomas, of Maryland.
Earl R. Tomlinson, of Texas.
Kathleen Tormey, of Georgia.
Mary Mitchell Tracy, of Virginia.
Charles D. Trotter, of Texas.
Gary L. Vanderheiden, of Illinois.
Robert Earl Whitehead, of Michigan.
Mary A. Whitten, of California.
James H. Williams, of Virginia.
Dennis S. Wolf, of Ohio.
Paul D. Womer, of Massachusetts.
Meredith W. Woodruff, of Oklahoma.
Allen William Yale, of Connecticut.
Robert T. Yamate, of California.
Paul R. Zalucky, of Illinois.

Consular Officer of the United States of America:

Stanley M. McGeehan, Jr., of Maine.
David A. Peterson, Jr., of Arizona.
Anthony Psaromatis, of Illinois.

Secretaries in the Diplomatic Service of the United States of America:

John J. Bodson, of Florida.
Laron Lee Jensen, of Virginia.

IN THE ARMY

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3353:

MEDICAL CORPS

to be colonel

Balboni, Filippo A., [redacted]
Begtrup, Robert O., [redacted]
Fardal, Richard W., [redacted]
Gottesfeld, Stuart, [redacted]
Hughes, John R., [redacted]
Kurke, Lewis, [redacted]
Loeb, Richard, [redacted]
Moore, John G., [redacted]
Morgan, James O., [redacted]
Newman, James C., [redacted]
Riley, Richard F., [redacted]
Tew, John M., Jr., [redacted]
Wilkie, Louis J., [redacted]

MEDICAL CORPS

To be lieutenant colonel

Bescos, Jess F., [redacted]
Blanchard, Bernard, [redacted]
Cahill, Charles A., [redacted]
Chi, Sun Hwan, [redacted]
Chopra, Joginder G., [redacted]
D'Agostino, V., [redacted]
Dank, Gerald M., [redacted]
Donahoo, Stanley, [redacted]
Dutt, Nihar, [redacted]
Farrell, Kevin J., [redacted]
Gonnella, Gino R., [redacted]
Gryczko, Gerald A., [redacted]
Henwood, Wesley C., [redacted]
Hilbun, Glyn R., [redacted]
Hoffman, Dalton, [redacted]
Jenkins, Michael H., [redacted]
Karshner, Paul H., [redacted]
Law, Milton, [redacted]
Manalac, Fernando J., [redacted]
Meyer, John F., [redacted]
Oliver, David A., [redacted]
Rodriquez, Francisco, [redacted]
Sakuri, Hideki, [redacted]
Singer, Irwin, [redacted]
Stein, Martin G., [redacted]
Teng, Pin Kie, [redacted]
Williams, Charles, [redacted]
Yang, Hong-Yi, [redacted]

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in promotion grade major, under the provisions of section 531, 532, and 533, title 10, United States Code:

Clark, Tommy A., [redacted]
Hatch, Larry G., [redacted]
Lach, Michael S., [redacted]

The following-named officers for appointment in the Regular Army of the United States under the Defense Officer Personnel Management Act (DOPMA), in their active duty grades, under the provisions of section 531, 532, and 533, title 10, United States Code:

To be lieutenant colonel

Anderson, Donald, [redacted]
Crotty, Richard E., [redacted]
Friend, Peter K., [redacted]

To be major

Deal, Buck, [redacted]
Fredo, John W., [redacted]
Hamilton, Richard A., [redacted]

The following-named cadets, graduating class of 1983, U.S. Military Academy, for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 531 and 4353, title 10, United States Code:

Allen, Clinton, [redacted]
Cox, Daniel A., [redacted]
Hopson, Mark J., [redacted]
Klein, Richard F., [redacted]
Myers, Mary B., [redacted]
Neason, Clarance, [redacted]
Richey, Stephen W., [redacted]
Stephany, Jeffrey, [redacted]
Sullivan, Michael T., [redacted]
Williams, Darryl A., [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate November 4, 1983:

NATIONAL MEDIATION BOARD

Robert Oberndoerfer Harris, of the District of Columbia, to be a member of the National Mediation Board for the term expiring July 1, 1986.

Helen M. Witt, of Pennsylvania, to be a member of the National Mediation Board for the term expiring July 1, 1985.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Thomas J. Curran, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Raphael D. Tice, [redacted] U.S. Army (retired).

IN THE NAVY

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard A. Miller, [redacted]/1310, U.S. Navy.

The following-named officer to be placed on the retired list in the grade of commodore, in accordance with article II, section 2, clause 2 of the Constitution:

To be commodore

Capt. Grace Hopper, U.S. Naval Reserve (retired), [redacted] 1509.

AIR FORCE

Air Force nominations beginning Thomas E. Cedel, and ending Mark D. Williams, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 18, 1983.

Air Force nomination of Robert S. Williams, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1983.

Air Force nominations beginning John B. Kenney, and ending Mary A. Blaubach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 27, 1983.

IN THE NAVY

Navy nominations beginning Scott A. Rudowski, and ending Steven A. Fertig, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 18, 1983.

EXTENSIONS OF REMARKS

GREAT LAKES STRATEGY NEEDED

HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. DINGELL. Mr. Speaker, as one who has been and continues to be vitally concerned about the economic, social, and environmental health of my district and my State, I also am concerned about the well-being and vitality of the entire Great Lakes region. Even a cursory examination of the entire severe problems facing Michigan, Ohio, Indiana, Illinois, Wisconsin, and Minnesota—the six westernmost Great Lakes States—clearly demonstrates how closely allied they are in many ways. Recently, to his great credit, a Michigan business leader reached the same conclusion.

In a speech presented before his Minneapolis Downtown Kiwanis Club last June 7, Walter J. McCarthy, Jr., chairman of the board and chief executive officer of the Detroit Edison Co., called for the creation of a combined effort by midwestern industrial, labor, agricultural, social and governmental communities, designed to alleviate some of the socioeconomic problems existing within the region. Unlike other industries, utilities cannot migrate out of those areas which they serve. Accordingly, Mr. McCarthy attempts to utilize the expertise he has gained from years of managing a major business enterprise in Michigan during its recent most severe recession to solve some of the similar problems facing the region.

We realize in Michigan that our economic stability and growth are inexorably tied to the economic welfare of the region and to the economic climate within our neighboring sister States. As Mr. McCarthy correctly observes, "If Michigan doesn't sell cars, Minnesota doesn't sell iron ore." And neither, for that matter, do Ohio, Indiana, Illinois, and Wisconsin process that ore into iron, steel cars and trucks.

New and dramatic strategies must be developed collectively for the mutual benefit of our vital Great Lakes region. We can no longer afford segmented, State-by-State approaches to regional problems and opportunities. We must actively strive for workable solutions of short- and long-term benefit to the entire region.

I recommend Mr. McCarthy's remarks to my colleagues who share my concern for the viability of the Great Lakes States and other areas of the country with common problems and interests. Further, I commend and strongly endorse plans by Mr. McCarthy and Detroit Edison—along with other leaders from business, labor, education, agriculture, and government—to convene the Congress, on the Economic Future of the Great Lakes States in Detroit, Michigan on November 21 and 22, 1983.

This is clearly an idea whose time has come and one which developed as a direct result of the remarks which follows:

EXCERPTS FROM "A GREAT LAKES STRATEGY—CAN WE MAKE IT WORK?" PRESENTED BY WALTER J. MCCARTHY, JR., CHAIRMAN AND CHIEF EXECUTIVE OFFICER DETROIT EDISON TO THE MINNEAPOLIS DOWNTOWN KIWANIS CLUB, JUNE 7, 1983

The Great Lakes region competes with other areas of the country. Not just for industry and talent, but for federal funds as well . . . and we're coming out far behind our rivals in the sunbelt and the west in that regard.

Current analysis shows that the sunbelt . . . gets back one dollar and ten cents in federal spending for every tax dollar it sends to Washington.

The west . . . which has received huge amounts in federal funds for its water reclamation projects . . . gets back one dollar and six cents.

In the Great Lakes region . . . where we sorely need the help . . . we get back just seventy-nine cents in federal spending for each tax dollar we generate. That shortage of 21 cents on the dollar figures out to a net deficit for our states of 33 billion dollars a year, according to the latest available data.

I might add that my own State of Michigan is the biggest loser of all the 50 states. We get back the munificent sum of 68 cents on the dollar!

Should we contiue to accept such second-class treatment?

Our manufacturing industries are greatly under-utilized. Unemployment is running at more than 14 percent—although Minnesota fares better than its sister states, with unemployment of only about 10 percent. But the end result is that our economic fates are tied together. If Michigan doesn't sell cars, Minnesota doesn't sell iron ore!

I honestly believe that if the Great Lakes region as a whole does not develop some standard, workable plan to improve its present socio-economic climate . . . and chart a long-range course for its collective future . . . then no single state within our region will flourish at its former high level.

Many of us . . . as we plan for the orderly development of our businesses . . . our cities . . . our schools . . . look continually to Washington for clues about national policy, and how that policy will impact our various undertakings.

We see the results of planning deficiencies in virtually every area of government involvement that affects our lives . . . although defense planning may be an exception. I am told that in defense, the various departments and agencies have projections and contingencies to the nth degree. Even there, though, I suspect much of the planning is undermined by the obvious absence of planning in most non-defense areas.

We see this lack of planning—and certainly a striking lack of success—in trade policy, which fluctuates widely and often . . . in corporate and individual tax policies . . . in education . . . in environmental matters . . . in the social security system. And I see it especially in energy, where . . . in my view . . . no kind of reasonable policy has ever existed. . . .

We're all familiar with one example of our overall planning malaise.

Our nation's steel industry is not on a par with those of Japan and some other countries. Not because we are less technologically capable, or less prudent, or less forward-thinking than our foreign counterparts. But because in some nations . . . like Japan . . . the steel-makers, the financial community and steel's end-use customers all work and plan together . . . and besides that they can count on consistent policies from their governments.

The result is that . . . with reasonable certainly . . . they can make the enormous capital commitments required to bring new, highly productive plants on line. They have the advantage of knowing where their nation wants to go!

In our country, a new steel mill requires roughly half a decade from conception to production . . . and the cost can run as high as five billion dollars. Imagine the dilemma our steel executives face in trying to determine the impact of government policies and regulations on that plant five or more years out . . . or what the impact of other policies and regulations will be on the economy in which the plant will be operating.

In my own industry, a new fossil-fueled plant involves a decade or more of planning, complying, designing, financing, construction and start-up. A nuclear plant takes even longer. Again, the expenditures we must make to increase capacity and attain higher productivity are measured in billions of dollars . . . and the lack of certainty as to the future course of government can make that investment a risky one indeed! . . .

I said earlier that there are two things we see when we look at Washington today.

The first is an almost total lack of long-range planning.

The second is much different. It's evidence of a very great opportunity. In my mind, we dare not overlook it . . . despite our frenzy over current economic woes . . . because it has not presented itself to us in a long time.

There is undeniable evidence that our federal government is loosening its regulatory grip in many areas . . . backing off on some of its well-meaning but constricting controls. In the process, it is offering the private sector an opportunity to step in and correct many of society's problems through its own initiatives.

I believe . . . as some of you probably do, too . . . that business' stepping aside on issues too often in the past, is the very reason government has so deeply and pervasively immersed itself in our lives.

I also believe that many of the economic and social problems rampant in our region

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

today . . . stem largely from the inharmonious ways in which the various segments of our society function. I think we have grown too segmented in our many areas of special interest, and need to re-shape our thinking in that regard. The historic divisions between business and labor, church and state, government and the courts, have become convenient shields for us to hide behind.

Let's consider our own Great Lakes, which comprise ninety-five percent of this nation's surface water. They provide us with water to drink . . . to use in our manufacturing and energy processes . . . in Maritime Commerce.

They offer an abundant fishery . . . a wealth in tourism . . . recreation for our families.

If these lakes become contaminated . . . should we lease that problem solely to a government? Should we shrug it off to a single-interest environmental group, with which we have no affiliations or input? Or should we, ourselves, volunteer our minds and our energies to examine the facts and help find a remedy based on responsible thinking . . . a remedy which considers all groups and all people . . . which can be accomplished without distressing parts of our economy, or doing selective disservice to some of our citizens . . . which, in short, is consistent—rather than in conflict—with other objectives of society.

Shouldn't we in business . . . labor . . . education . . . the clergy . . . local government . . . band together to examine causes and find ways to make our urban areas once again viable, attractive and productive? Can't we form conclusions based on regional analysis and develop uniform policies which can benefit all of our cities in the Great Lakes region?

I think we can . . . if we act cooperatively and commit ourselves to participating in the necessary dialogue and action.

I'm thinking more of ways to examine various economic and social problems within our region . . . to develop ways to remove them . . . and to ensure that they stay away in the future.

I'm thinking of the niche problems in our industries . . . of the related and pervasive spectre of unemployment . . . of educational institutions which seem to be missing the mark in training those who will take our places.

I'm thinking of problems with air and water quality . . . with housing . . . with transportation . . . with things that can be measured in dollars, and with things we must measure instead on some kind of intangible scale that gauges the quality of life.

I'm thinking of a long-range plan, which will give us guidance in charting our own destinies . . . which will help our region reindustrialize . . . recommercialize . . . and pursue economic growth and social development along the lines we deem mutually beneficial.

I know that many groups already exist in the Great Lakes area to address particular elements of the convoluted problems facing us. As far as I can determine, though, they work quite independently of each other, with little in the way of a united approach. And, as I suggested before, we are well behind other regions of the country in even this rudimentary effort at collaboration.

The structures and processes for developing a regional strategic planning mechanism would result from the dynamic interchange of ideas within our exploratory framework. Yet, I can already speculate on some of the ways in which we might proceed.

As mentioned, I can envision our institutions of higher learning becoming involved . . . perhaps specializing in areas where they have particular strengths.

I can see the teaming of efforts between labor and business representatives in the areas of compensation . . . job displacement . . . worker retraining . . . worker compensation insurance . . . productivity . . . and many others.

I see these and other developments as constructive and logical ways to correct many of the underlying elements which have cast a pall of insecurity over much of our region.

Together, I believe, we could pinpoint the many problems which impede us . . . which make our futures unclear. Our minds could collectively develop ways to overcome those problems . . . not just to cosmetize, or apply splints, or poke fingers into dikes . . . but to ensure sound development and improvement of the entire Great Lakes region for the long term.

Let's prove to our rivals in the South and West . . . and to our Government in Washington . . . that the Great Lakes states can develop an important strategy for growth and progress . . . and yes . . . we can make it work.●

REAGAN AND GRENADA

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. KASICH. Mr. Speaker, even as our troops are being withdrawn from Grenada, we continue to learn more about the circumstances that prompted President Reagan to send troops to that tiny Caribbean island. And as we hear the facts about the dangerous situation that American medical students faced, and the extent to which Grenada had become a Cuban military base, the more justifiable our actions become.

In an editorial this week, the Columbus Citizen Journal presents a forceful case in support of the President's decision. I commend it to my colleagues for their attention.

[From the Columbus Citizen-Journal, Nov. 2, 1983]

REAGAN AND GRENADA

President Reagan has been bolstered by the facts in defending his military intervention in Grenada.

Immediately after he sent armed forces to the island, the president cited three main reasons for his action: to protect endangered U.S. citizens, to restore law and order and to dismantle a Soviet-Cuban military base that was threatening Grenada's small, democratic neighbors.

Opponents of the invasion scoffed that Reagan's concern for the 1,000 Americans there was a cover for gunboat diplomacy. However, most of the medical students airlifted out said they had feared for their lives, were short of food and water under the shoot-on-sight curfew and had worried about being taken hostage.

In addition, U.S. officials say American forces found documents in a Cuban military installation that show the Grenadian junta and Cuban advisers were considering holding Americans hostage in the near future.

Unless those officials are lying, which we doubt, Reagan moved in time to prevent an Iran-style hostage crisis that could have embarrassed and weakened the United States.

The 1,100 armed Cubans found on the Island constituted a force large enough to dominate such a small country. And the enormous cache of anti-aircraft guns, AK-47 rifles, mortars, anti-tank guns, trucks and advanced communications gear—enough to equip 10,000 men—supports Reagan's charge that Cuba was about to use Grenada as a base for regional subversion.

The British Commonwealth is planning a multinational peacekeeping force to replace the Americans and to supervise free elections in which the 100,000 Grenadians can decide their future.

If things work out that way, Grenadians will enjoy rights they never would have had under the murderous thugs who terrorized them in recent weeks.

While politicans argue over Reagan's decision to send troops to Grenada, it is useful to ponder the views of a Grenadian journalist who watched events unfold on the island.

Alister Hughes is a former businessman who reports for the Caribbean News Agency and the Associated Press.

He was arrested Oct. 19, the day that ousted Grenadian Prime Minister Maurice Bishop was freed from house arrest by his followers. Later Bishop was killed by soldiers loyal to those who overturned his government.

Describing those events, Hughes said thousands of Bishop's supporters were fired on by the army. "They were defenseless—and at that stage we were back in the jungle," he said.

Speaking of the American-led takeover, he said: "I don't regard it as an invasion, but as a rescue operation. I haven't met any Grenadian who expressed any other view."●

PRESIDENT REAGAN AND MRS. KING ON MARTIN LUTHER KING'S BIRTHDAY: COMMEMORATING THE CIVIL RIGHTS REVOLUTION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. KEMP. Mr. Speaker, yesterday President Reagan signed into law a national holiday honoring Martin Luther King, Jr. I strongly supported this bill, which passed Congress overwhelmingly, and I proudly attended the signing ceremony.

Dr. King was not content with the abstract truth that all men are created equal. He believed that abridgements of the civil rights of Americans must be eliminated. His life was dedicated to the belief that the reality of daily life as well as our ideals should reflect the equality and brotherhood of all people.

Dr. King knew, and I agree with him, that we cannot complete the American Revolution until we complete and commemorate the civil rights revolution. We must guarantee basic human rights for all Americans

and remove the barriers that stand in the way of people being what God meant them to be. This national holiday is an important additional step towards realizing this goal, by insuring that we never forget the eternal truths that lie at the center of our political order.

I commend to my colleagues the following remarks by President Reagan and Coretta Scott King on this ocassion.

[From the New York Times, Nov. 3, 1983]

REMARKS BY REAGAN AND CORETTA SCOTT KING

MR. REAGAN

Martin Luther King was born in 1929, in an America where, because of the color of their skin, nearly one in 10 lived lives that were separate and unequal.

In a nation that proclaimed liberty and justice for all, too many black Americans were living with neither.

In one city, a rule required all blacks to sit in the rear of public buses.

But in 1955, when a brave woman named Rosa Parks was told to move to the back of the bus, she said "No."

A young minister in a local Baptist church, Martin Luther King, then organized a boycott of the bus company, a boycott that stunned the country.

Within six months the courts had ruled the segregation of public transportation unconstitutional.

In the years after the bus boycott, Dr. King made equality of rights his life's work. Across the country, he organized boycotts, rallies and marches.

Often, he was beaten, imprisoned, but he never stopped teaching nonviolence.

In 1964, Dr. King became the youngest man in history to win the Nobel Peace Prize.

Dr. King's work brought him to this city often. And in one sweltering August day in 1963, he addressed a quarter of a million people at the Lincoln Memorial.

If American history grows from two centuries to 20, his words that day will never be forgotten. "I have a dream that one day on the red hills of Georgia, the son of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood."

In 1968, Martin Luther King was gunned down by a brutal assassin, his life cut short at the age of 39.

But those 39 short years had changed America forever.

Now our nation has decided to honor Dr. Martin Luther King Jr. by setting aside a day each year to remember him and the just cause he stood for.

We've made historic strides since Rosa Parks refused to go to the back of the bus.

But traces of bigotry still mar America. So each year on Martin Luther King Day, let us not only recall Dr. King, but rededicate ourselves to the commandments he believed in and sought to live every day. "Thou shalt love thy God with all thy heart and thou shall love thy neighbor as thyself."

And I just have to believe that all of us, if all of us, young and old, Republicans and Democrats, do all we can to live up to those commandments, then we will see the day when Dr. King's dream comes trues, and in his words, "All of God's children will be able to sing with new meaning, 'Land where my fathers died, land of the pilgrims' pride, from every mountainside, let freedom ring.'"

Thank you, God bless you, and I will sign it.

MRS. KING

All right-thinking people, all right-thinking Americans are joined in spirit with us this day as the highest recognization which this nation gives is bestowed upon Martin Luther King Jr.

In his own life example, he symbolized what was right about America, what was noblest and best, what human beings have pursued since the beginning of history.

He was in constant pursuit of truth and when he discovered it, he embraced it. His nonviolent campaigns brought about redemption, reconciliation and justice.

May we make ourselves worthy to carry on his dream and create the love community.●

PAYMENT-IN-KIND PROGRAM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. JONES of Tennessee. Mr. Speaker, I take this opportunity to once again bring to the attention of my colleagues the serious nature of the administrative problems now being brought to light with regard to the Agriculture Department's payment-in-kind program.

The current issue of the Delta Farm Press carries a headline article which very well states in detail the seemingly endless number of foulups which have been committed by the USDA in its feeble attempt to carry out the PIK program.

In my opinion, the Reagan administration made a serious mistake in bypassing the Congress when it was formulating its policies and procedures for the PIK program. This is especially unforgivable now that we learn the PIK program is going to cost American taxpayers an unbelievable $11 to $12 billion. I hope we have all learned a lesson from the failures of PIK, and that is, that the Department of Agriculture and the Congress and the agricultural community must do a better job of coordinating our efforts as we begin to build a farm policy which will carry us through the remainder of the eighties. I applaud the Delta Farm Press for having the courage to examine the PIK program and speak out on just what a disaster it has been. I recommend the article to all my colleagues, and request that it be printed following my remarks.

[From the Delta Farm Press, Oct. 28, 1983]

PIK DELIVERY FOULED UP BY REAGAN PEOPLE

Nobody ever said that the "shoot from the hip" PIK program would be easy to carry out, but the monumental task of getting the commodities to farmers is obviously proving to be more than the Reagan Administration can handle.

Although Argriculture Department officials has more than six months to prepare for the distribution of payment-in-kind, this is the situation to date:

A large number of rice growers still have not received certificates of entitlement for "crop swap" that were due in August and September.

LONG DISTANCE STORAGE

Many of those who have been waiting for several weeks for payment on PIK rice that is stored hundreds of miles away—much of it in California—rather than in nearby elevators as promised.

Farmers in the Midwest and parts of the Southeast are being given corn of a substantially lower grade and quality than listed on their Commodity Credit Corporation Form 477-1, PIK entitlement.

Most of the producers in the mid-section of the Cotton Belt will be at least a month late in receiving their PIK because of difficulties stemming from the government's controversial Plant-for-PIK program.

The lengthy delays are costing farmers millions of dollars in interest and carrying charges on loans they had planned to pay off on their PIK delivery dates.

BANKERS QUESTIONING

"We had set up several of our notes to come due in August," said Larry LeJeune, a rice and soybean farmer in Elton, La.

"We even made them for August 15 rather than August 1 (the entitlement date for PIK rice in south Louisiana) in case of a slight for delay. Boy, that was a laugh."

LeJeune had farms with four Agricultural Stabilization and Conservation Service serial numbers signed up in the rice PIK.

The situation on the first was relatively simple. The rice was stored in a local elevator and he said the certificate of entitlement shortly after receiving it on September 18.

NO CERTIFICATE

On the last, the farmer knows he is due 1,107 barrels of rice that are stored in an elevator in California. (A barrel is 162 pounds.) But he had not received the certificate of entitlement for it as of October 21.

Part of the reason for the lengthy delays, for LeJeune and others has been the difficulty the Commodity Credit Corporation has had in getting a handle on rice supplies available for crop swap.

Although signup for the program was completed last March 11, it was obvious that as late as August USDA officials still did not know how much rice was due farmers or how much they had in investory.

In July, ASCS staff members were telling growers in Louisiana and Mississippi that shortages of PIK rice in their area would be made up with Arkansas long grain rice.

RICE SHUFFLE

(Texas producers already had been informed that much of their payment-in-kind would have to come from medium grain stocks in California.)

A few weeks later, however, ASCS officials learned they didn't have enough Arkansas rice for growers in other Mid-South states. They announced a drawing would be held to determine which farmers would be required to take medium grain rice from California.

That was the first drawing. Then ASCS discovered additional rice in transit and a second was held. And then a third.

"What gets me is that from April on, they knew they had to get their inventory in shape for distributing the payment-in-kind," said LeJeune. "But as best we can tell they didn't start doing anything about it until July."

PERSONNEL CUTBACKS

In the ASCS' defense, it should be said that some elevators didn't report the transfer of rice into the government inventory until late July.

Another problem was that the Reagan Administration cut thousands of jobs in the ASCS staff to help reduce their deficit in 1981 and 1982 and then saddled it with administering the largest government transfer of commodities in history.

Those facts are of little comfort to LeJeune and thousands of other farmers who have had to extend farm loans and pay interest penalties because their payment-in-kind wasn't available when they expected it.

"The most upsetting thing to me has been that I am supposed to fulfill my part of the contract to the letter," said LeJeune. "But the Administration can take its own sweet time on its part."

PRICE LOSS

The delays not only have caused farmers difficulties with their lenders, but they also are losing money on the price end as well.

The medium grain rice, lower grade yellow corn and short staple cotton many growers are being forced to accept simply are less desirable for marketers.

"The government is compensating farmers who have to take California rice by offering them more medium grain, but those who have been able to sell it are still coming out short," said Larry Fruge, a buyer for Farmers Rice Mill in Lake Charles, La.

"Many of our growers are feeling mistreated due to something that happened because of the luck of the draw."

NO OFFERS

He said that the various persons and organizations that are trying to help Louisiana farmers sell their California rice now are receiving offers for medium grain no. 1 rice only.

"Unfortunately, some of the Louisiana producers who have had delays in their entitlements are not getting no. 6 and sample grades of rice," Fruge said.

Growers and being given the option of putting their California PIK rice in the Commodity Credit Corporation loan.

"But many of the farmers in this area who have done that still haven't gotten their checks even though they received their certificates of entitlement on September 18," said a spokesman for Farmers Grain Terminal Inc., in Greenville, Miss.

"TIME IS MONEY"

"They feel that they will get them sooner or later, but time is money."

During the time that Louisiana farmers have been waiting for their PIK certificates, rice prices have declined from $16.50 a barrel to $14 on the Gulf Coast. The California rice is receiving offers ranging between $10.50 and $13 a barrel.

Some growers are finding like LeJeune that they can be assessed freight charges of more than $1 a barrel when they sell Louisiana rice.

Many corn producers in the Midwest and in Tennessee, meanwhile, are reportedly considering legal action against the Agriculture Department because of the delivery of poor quality grain for their PIK.

Commodity Credit Corporation inspectors have been sent to elevators in Dyersburg and Tiptonville, Tenn., to investigate complaints of substandard corn.

MOLDY CORN

Farmers have said the corn was "moldy, riddled with insects and generally below the expected quality" listed on their entitlement cards.

They also have reported that shipments of white corn were intermingled with yellow, accordidng to W.T. Hime, ASCS director in Union City, Tenn.

Carl Jones, manager of the York Storage Co. warehouse in Tiptonville, said he had sufficient quantities of white corn for PIK distribution but that its low quality was not the fault of his facility.

When the grain arrived at the elevator from another CCC warehouse, he told a reporter, "it was already old and in deteriorating condition."

ELEVATOR BINGO

Other Mid-South corn and milo growers have not experienced quality problems to that extent, but they have had surprises when they went to the elevator.

"The PIK grain sorghum for one of our producers was supposed to be assigned to an elevator in Harrisburg, Ark.," said Paul Hughes of Farmers Soybean Corp. of Blytheville, Ark. "When he went to get it he found out the milo actually was in Iowa."

Hughes said the elevator grapevine has been filled with stories of corn having problems with blue-eyed mold being shipped out of the Midwest in recent months.

His own experience with deliveries of PIK grain this year was almost like a Keystone Cops comedy.

COMPUTER MYSTERY

"We had about 100,000 bushels of government-owned wheat in our elevator here, but ASCS was sending wheat producers from this area to Memphis to get their payment-in-kind," he said.

"After they finally entered our grain in the computer, we started getting calls from farmers in Booneville, Mo., wanting to know how they could get their PIK."

Aside from the loss of time and money, however the biggest problem for PIK deliveries has been the uncertainty—particularly for farmers and landowners who have not been accustomed to dealing with government agencies.

One elderly cotton grower interviewed expressed some misgivings about whether he would ever receive the PIK entitlement the Agriculture Department promised him for idling his entire acreage this year.

HARD FEELINGS

Hard feelings also have arisen between tenants and landlords who were talked into entering the program and now haven't received payment for their portion.

"I wish I could get one of these ASCS officials from Washington to go with me to explain to my landlord—who happens to be an elderly widow—why it's been two months now since she was supposed to have received her portion of the PIK entitlement and she doesn't have anything," one Louisiana farmer said.●

ORGAN PROCUREMENT AND TRANSPLANTATION ACT

HON. EDWARD R. MADIGAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. MADIGAN. Mr. Speaker, today, I am pleased to join my distinguished colleague and chairman of the Senate Committee on Labor and Human Resources, Senator ORRIN HATCH, in introducing the Organ Procurement and Transplantation Act. This legislation, cosponsored by Representatives RITTER, NIELSON, and MARRIOTT, takes the necessary initial steps in determining the most appropriate and productive Federal role in organ procurement and transplantation activities.

The bill would establish a Task Force on Organ Procurement and Transplantation composed of health professionals, private insurers, organ procurement coordinators, and Government representatives. This group of organ transplantation experts would be called together to assess and make recommendations on public and private efforts in this area, including:

Organ availability;

Organ procurement activities;

Education of health professionals and the general public;

Identification of barriers to organ donation;

Current and continuing research on organ transplantation;

Reimbursement policies for transplant procedures and long-term immunosuppressive drug therapy; and

The need for additional medical centers capable of performing such surgeries.

This task force will not delay proper Federal action, but rather will assess the most appropriate roles for both the private sector and the Federal Government. Extensive organ procurement activities are ongoing and medicare currently provides full coverage for kidney procurement and transplantation under its end-stage renal disease program. By calling together the experts in this area, we, in Government, can build upon and complement existing programs, rather than supplant local and regional activities with an overbroad Federal system.

Also included in this legislation are steps which can be taken during the 7-month existence of the task force. First, the Secretary is authorized to establish in the private sector an Organ Procurement and Transportation Registry. The registry would provide a list of individuals in need of organs for transplantation as well as a national system to match organs and individuals, facilitated by a 24-hour telephone service. Second, the Secretary is required to publish annually a report on the scientific and clinical status of organ transplantation. The final provision of the legislation would prohibit the sale and purchase of human organs.

Transplantation of organs in many cases is technically feasible, but extremely expensive. Several uncertainties exist as to optimal use, ultimate benefits, and long-term risks. Problems in coordination among organ procurement organizations exist on local, regional, and national levels. The education of health professionals and the

general public is desperately needed to assure an increase in the number of available organs. These are only a few of the problems that this legislation recognizes and creates a structure to address.

The establishment of the Task Force on Organ Procurement and Transplantation will offer an opportunity to develop a better understanding of the social, ethical, legal, and economic policy questions posed by these procedures as well as other types of new treatments continually being developed. This bill does not provide all the answers, but enhances current private sector activities and provides a forum for planning a coordinated national effort to assure that individuals in need receive life-saving organ transplants.●

DR. WILLIAM G. ANLYAN

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. ROYBAL. Mr. Speaker, on November 11, Duke University will dedicate a portion of Duke Hospital North to Dr. William G. Anlyan. It is with great pleasure that I add my voice to those honoring this remarkable man.

Dr. Anlyan's vision, leadership, and dedication have contributed greatly to the growth and development of the facilities, programs, and reputation of Duke Medical Center.

During his more than 30 years of dedicated service, Dr. Anlyan demonstrated tireless commitment to his profession. Under his leadership, Duke Medical Center has placed unceasing emphasis on the care of the sick and distressed.

He served as dean of the school of medicine and vice president for health affairs before becoming chancellor for health affairs. He is also chairman of the medical school advisory committee and on the Steering Committee of the Council on Aging and Human Development.

Dr. Anlyan's service, however, extends beyond the university walls. He was chief of Duke University's delegation to the People's Republic of China to consult on health care in 1975, went to Cairo and Alexandria, Egypt in 1977 as a consultant on medical education, and attended the First International Symposium on Medical Education in Tokyo, Japan, in 1980.

Dr. Anlyan's has matched his service to the university with dedicated community service. He aided the Veterans Administration as a consultant at Durham VA Hospital from 1955 to 1973 and, in 1971, served as chairman of the VA/AAMC Liaison Committee. He is currently a member of the World Health Organization, working on a special program for research and training in tropical diseases.

The list of Dr. Anlyan's many achievements include chairman of the Board of Regents of the National Library of Medicine, chairman of the Task Force on Organization for Delivering Primary Health Services for the State of North Carolina, and membership in numerous professional societies. He is also the recipient of countless honors and awards.

I know you will all join with me in saluting this outstanding individual.●

HONORING MRS. JEAN JACOBS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. MILLER of California. Mr. Speaker, on November 16, 1983, Coleman Children and Youth Services in San Francisco is honoring Mrs. Jean Jacobs for her work on behalf of the children, youth, and families of San Francisco.

As chairman of the Select Committee on Children, Youth, and Families, I want to be counted among those recognizing the enormous contributions Jean Jacobs has made. Her work in foster care, juvenile justice, and youth and family services in particular stand out. The national media has noted her effectiveness, and for two decades policymakers at all levels have called upon her for counsel.

I have learned that no community can respond to the needs of its families, youth, and children without smart, dedicated, tireless volunteers. Jean Jacobs is such a person, and I am proud to join with others to say "thank you" on behalf of our community and the thousands she has reached out to help.●

GEORGE HALAS

HON. RICHARD J. DURBIN

OF ILLINIOS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. DURBIN. Mr. Speaker, George Halas, the guiding light in the formation of the Chicago Bears and professional football in the United States, died Monday and his death was announced—appropriately—during the nationally televised Monday night football game.

What everyone should be aware of is George Halas' Decatur, Ill., connection. It was in this town, in the 20th Illinois Congressional District which I represent, that Halas assembled a semipro football team that eventually relocated and became the Chicago Bears. Halas did this under the tutelage of Gene Staley, an avid sports fan and founder of the A. E. Staley Manufacturing Co.

Staley's was incorporated in Decatur in 1906 and today is one of the largest U.S. processors of corn and soybean products.

Besides making cornstarch, Gene Staley's other passion was the company's sports teams. He recruited the company players who worked in the plant by day and played games at night. The manager of the Staley baseball team was Joe "Iron Man" McGinnity, a Brooklyn and Baltimore star later enshrined in the Baseball Hall of Fame.

But Staley wanted a football team too and he needed a manager and driving force. The man who was recommended was Halas, a 1917 graduate of the University of Illinois, Navy ensign, most valuable player in the 1919 Rose Bowl, and right fielder for the New York Yankees for 1 year. In January 1920, Halas was a fidgety bridge engineer working 9 to 5 for the Chicago, Burlington & Quincy Railroad in Chicago, and moonlighting as a football player and coach at night.

Staley wooed Halas to Decatur to work for Staley's and recruit a football team. Halas soon had his football team, but no team of comparable talent to play. He and several other of his semipro football friends met in Canton, Ohio, in September 1920, and organized a professional football association.

During the 1920 football season, the Decatur Staleys won 10, tied 2 and lost only once—to the Chicago Cardinals. They were similarly successful in 1921, but things were not so rosy with the Staley Manufacturing Co. It was a bad year for cornstarch and Staley's was running heavily in the red. They could no longer afford the expense of a football team.

But Gene Staley refused to stand back and watch the football team die. Big-time footballl belonged in a big stadium in a big city. Staley had an idea it might survive in Chicago. So he made George Halas a deal he could not refuse. Gene Staley offered to keep the football team on the company payroll until they could make the transition. And, he gave the team a $5,000 bonus.

So, when the Staleys played next at Wrigley Field in Chicago, they stayed. Gene Staley had literally bribed them to leave town, hoping they would be a success in Chicago. Little did he realize that 60 years later, a professional football franchise would be worth $40 million, plus $5 million annually in television rights.

So, when we pay homage to George Halas and his legacy to professional sports, we should remember Gene Staley and the city of Decatur. They were a great team.

Papa Bear will be missed in Decatur.●

SUPPORT FOR THE PRESIDENT

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. DAUB. Mr. Speaker, in light of the criticism of some Members of this body over President Reagan's decision to send troops to the Caribbean island of Grenada to rescue American citizens, I take this opportunity to share with my colleagues two letters addressed to the President. One is from a junior medical student who studied on the island for 2 years, Mark S. Lea, and the other is from Ted and Jann Stathos, two students enrolled at St. George's Medical Center during the recent rescue effort. These students succinctly describe their experience in Grenada and express thanks to the President for his initiative in his efforts to rescue the Americans on the island. Their letters follow:

CREIGHTON UNIVERSITY,
Omaha, Nebr., October 27, 1983.

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

DEAR PRESIDENT REAGAN: I would like to express my approval of the actions you have taken in Grenada. As a medical student who spent two years in Grenada, I know what the Grenadian government stands for, how they treat their citizens, and what the intentions of the Cubans and Soviets have been. The courage and resolve you have demonstrated by taking a stand against the Grenadian extremists may not be understood or appreciated by many U.S. and world leaders, but I believe you have made it clear that Cuban and Soviet expansionism will not be allowed to continue unabated.

Few people understand Grenada like I do. I know, I've been there. I'm standing with you, Mr. President.

Sincerely yours,

MARK S. LEA,
Junior Medical Student.

OMAHA, NEBR.,
October 28, 1983.

DEAR MR. PRESIDENT: We hardly know how to begin to thank you. Both of us feel that without you we would not be alive today.

In August when we arrived on Grenada to attend St. George's Medical School we didn't realize what a volatile situation we were entering. We did, however, come to this realization as we met, and spoke with, many of the friendly Grenadian people. They spoke of the increasing numbers of Cubans on the island. They were very unhappy with the way the Cubans treated Grenada. Cuban ships began to arrive more frequently, and remain in St. George's harbor for several weeks at a time. We saw Cuban housing increasing in size and number. The work of Point Salines Airport increased to 24 hours a day. We now realize why. Grenada was a very important island to Cuba. After Prime Minister Bishop was shot and we had been brought back home, we found just how important it really was.

When we heard from the military government, after they had shot demonstrating school children and executed Prime Minister Bishop we realized what danger we were really in. We tried to get out of Grenada many times. The representatives of the U.S. embassy from Barbados gave us the impression that it was next to impossible to get out of the country using the commercial airport at Pearls. If the United States had not come to Grenada to get us off the island we never could have left. We have come to learn that the United States arrived just in time, beating the Cubans to the island by just days. It is a very unpleasant thought knowing what Cuba would have done had they arrived first, and you hadn't acted when you did.

When we were awakened Tuesday morning to the sounds of the United States paratroopers fighting, and we were told that they had come to get us off the island we were relieved and overjoyed. We thank God that you had the foresight and courage to send them in. While we waited for the Rangers to evacuate our campus at Grand Anse we experienced many chilling and sad moments. The most upsetting of these was the sight of an American helicopter being shot down by enemy fire. There were tears in everyones eyes as we scanned the ocean water for the sight of any survivors.

We know then how much our lives meant to the brave men fighting for our safety. After 35 hours, when the Rangers got us out in a very heroic operation, we were overjoyed. When we arrived home our excitement turned to disappointment as we witnessed demonstrations objecting to the United States actions. These people obviously are misinformed about the grave danger the American citizens and Grenada were really in. We are proud to say that as of today we have been asked to speak to schools, groups, the salvation army and leagues in defense of the actions that you and the United States took. Hopefully we can convey to them the true threat that was opposing us. Not only a future threat but the immediate threat of every one of the Americans' lives.

We thank God for protecting us, and we thank you and the Rangers for saving us.

With gratitude and love,

TED AND JANN STATHOS.●

JUST WHO ARE OUR NATION'S FRIENDS?

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. YOUNG of Florida. Mr. Speaker, once again some of our supposed friends and allies have run for cover at the United Nations.

NATO allies, neighboring countries in our hemisphere and the largest recipients of our foreign aid dollars all joined with the Communist-bloc nations of the world in supporting a U.N. resolution condemning our efforts in Grenada. Although some of our allies decided rather than oppose the United States they would take no position and abstain on the vote, our closest friends such as Britain, Japan, West Germany, and Canada did us no favor as they issued public statements during the debate critical of the United States. These closest of friends were not so critical the many times we came to their aid in a time of need.

As William Buckley stated so aptly in a column for the Washington Post Wednesday referring to a similar vote by the U.N. Security Council, "The vote of our allies calls into question the moral architecture of the Western alliance: Are we or are we not in the business of stopping Communist imperialism?"

The United Nations has failed miserably in its efforts to preserve peace in the world throughout its 38 years of existence.

Where was the United Nations in 1979 when the Soviets invaded Afghanistan? Where was the United Nations when the Soviet Union instituted marshal law in Poland? Where was the United Nations when the PLO launched terrorist attacks against Israel from Lebanon? And most recently, where has the United Nations been since the terrorist attack on our Marine compound in Beirut? The answer to all these questions is the United Nations has been nowhere to be found. Instead of sending advisers and peacekeeping forces to trouble spots in the world, such as Lebanon, the United Nations and its high-living delegates pass resolution after worthless resolution in New York while conflicts rage all over the world.

And what about nations like Taiwan who respect world peace and uphold the guidelines of the organization? The United Nations responds by kicking out Taiwan as they did in October 1971 and persistently threatens to do the same with Israel.

In addition to its ineffectiveness at protecting world peace, the United Nations has proven even more useless to the United States. Even though we continue to prop up this "international peace keeping organization" as its largest financial contributor, we are constantly the target of abuse by its member nations. Sadly enough, the member nations who are so critical of us one day are the same nations who come to us for help in their time of need.

As James J. Kilpatrick wrote in his column for November's issue of Nation's Business, the ridicule our Nation is subjected to conjures up an image of Uncle Sam walking through the halls of the United Nations with an invitational sign on the seat of his pants saying "Kick Me."

For many years, I have questioned the effectiveness of the United Nations. It serves little purpose but to waste American taxpayer's dollars while providing an international forum from which our Nation is subjected to unfounded and unnecessary harrassment. That is why many of us in Congress so loudly applauded our

alternate Ambassador to the United Nations Charles Lichenstein for his remark that the United Nations can pack its bags and move elsewhere.

While many Americans do not share my disdain for the United Nations, there is much broader support for Mr. Lichenstein's idea to move the United Nations elsewhere, at least for part of the year. There are many reasons it would be beneficial to hold U.N. sessions in other parts of the world, not the least of which it would eliminate the sanctuary it provides for Soviet KGB agents to conduct their spy business right here in the United States.

As Mr. Kilpatrick said in his column, "Getting the U.S. out of the U.N. may not be politically feasible. Getting the U.N. out of the U.S. is by no means an impossible goal."

[From the Nation's Business, November 1983]

MOVE THE UNITED NATION? WELL, WHY NOT?

(By James J. Kilpatrick)

Toward the end of September, Ambassador Charles Lichenstein, our No. 2 representative at the United Nations, performed a notable public service. He got our collective minds off such melancholy topics as the Korean airliner, the hostilities in Lebanon and the forensic offenses of Interior Secretary James Watt. Lichenstein gave everybody a good laugh. He suggested—ho, ho—that if the Soviets and their buddies in the U.N. didn't like American hospitality, they could move the whole of the U.N. somewhere else: "My government will put no impediment in your way."

Nobody took the ambassador seriously. After some preliminary eye-rolling, the White House announced stiffly that Lichenstein was voicing no more than a personal opinion. President Reagan had a livelier sense of humor; he suggested mildly that the example of Persephone might be considered—let th U.N. annually spend six months in Moscow, six months in New York. Lichenstein had told the Soviets they could sail "into the sunset." The New York Daily News huffily reminded the ambassador that when one is in Manhattan, the sun sets over New Jersey. Columnist Mary McGrory thought the President had a good idea, but she wondered how members of the U.N. General Assembly would survive the wretched dry cleaning services of Moscow: They all would reek of kerosene.

Sen. Nancy Landon Kassebaum (R-Kans.), striking a hot iron, won lopsided Senate approval of an amendment whacking half a billion dollars off the U.S. appropriations to the U.N. over the next four years. New York's Mayor Edward Koch termed the U.N. a cesspool. Across the whole broad land columnists and editorial writers whooped with delight at the thought of getting the United Nations out of the United States. But as I read the returns, none of these people really meant it.

Well, confound it, I mean it. Let us cut the comedy for a few minutes and inquire, in all seriousness, if it is not time to let the United Nations go the way of the old League of Nations. This is not to suggest that the U.N. has failed absolutely. Its working agencies have performed usefully in such fields as health, communications and postal services. From time to time, the General Assembly has provided a forum in which the United States could speak for at least a few minutes without interruption. President Reagan seized such as opportunity in his address of September 26 on arms control.

But surely it is clear by this time, after 38 years, that the United Nations has failed abysmally in its primary task, which is to "maintain" international peace" and to "suppress acts of aggression." Ralph Kinney Bennett, writing in Reader's Digest, counts 140 wars that have erupted around the globe during the life of the U.N. Willy-nilly, nations will act in what they perceive to be their national interest: Argentina will make a grab for the Falklands, the Soviet Union will invade Afghanistan, Iraq and Iran will war on each other, Israel and Syria will tangle over Lebanon. Resolutions of the U.N. are soap bubbles, pretty but empty, signifying nothing.

It is urged in the U.N.'s defense that it provides a place—the only place—where all nations may talk among themselves. But the General Assembly in recent years has been little more than tower of babble. There are 158 members now. Most of them are rabidly anti-American. Some of them are no larger than small cities; Vanuatu has a population of 113,000, St. Vincent and the Grenadines have 120,000 inhabitants, St. Lucia counts 125,000. The Assembly's rule of one nation, one vote, is a travesty upon the realities of population, wealth and power.

What sense does it make for the United States to keep pouring the taxpayers' dollars into dumbshow? The figure of Uncle Sam limps pathetically through these marble halls, a target of ridicule and contumely; on the seat of his pants is an invitational sign that says, Kick Me.

As a practical matter, there is no prospect that Congress will ever cut off funds entirely for the U.N. We will continue to be kicked around. But is there any good reason for us to be kicked around in New York? Nothing in the U.N. Charter requires that the organization make its headquarters along the East River. The city of New York may benefit marginally from the presence of the U.N. as a tourist attraction, but this is a flimsy consideration. Of far greater importance is the existence of the U.N. as a marvelously convenient center for Soviet espionage. The Soviet Union maintains a delegation of more than 250 persons; another 250 Soviet nationals are employed by the U.N. in secretarial and administrative positions. Why not, seriously, ship the whole shebang to Moscow? Or to Geneva? Or to Berlin?

Getting the U.S. out of the U.N. may not be politically feasible. Getting the U.N. out of the U.S. is by no means an impossible goal. Ambassador Lichenstein spoke in jest. We ought to consider his thought in earnest.

[From the Washington Post, Nov. 2, 1983]

AND THE U.N. CONSCIENCE

(By William F. Buckley)

The professional bemoaners were hit hard by the rapturous gratitude of the medical students who made it back from Grenada. And we have the word of the governor general that he was being held illegally in detention; and that indeed he had solicited American intervention. It remains to be explained how it is that Great Britain's representative in the United Nations, who serves the same queen as the governor general in Grenada, should have abstained when the United States was held up to censure for what we did in Grenada. France voted against us. France believes in armed intervention by America only when that intervention is in France to rescue France from occupation by other powers.

Jeane Kirkpatrick, as usual, performed in the United Nations with high style, defending the intervention by America and the Caribbean powers by reasoning at once traditional and compelling. It is difficult to recall the Augustan Age of Daniel Patrick Moynihan when he was in the United Nations, an institution about which he wrote and spoke so eloquently. In those days he sounded like Churchill. Today he sounds like Olaf Palme. If in 1975, back when Moynihan was ripping the veil off U.N. hypocrisy, someone had predicted that a few years later he would denounce a preemptive strike against a little communist satellite arming itself to agitate the eastern end of the Caribbean basin as Nicaragua does to the western end as "an act of war," Moynihan's supporters would have thought the accuser mad.

"I don't know," said Moynihan, "that you restore democracy at the point of a bayonet." One takes it our scholar-statesman has forgotten how we brought democracy back to Germany and Japan, notwithstanding that these were military enterprises in which he figured. Ah well, someone said the other day, "I guess Dorian Gray is running for national office." Perhaps so, but sensible advisers should tell him that the way to run against Walter Mondale isn't to occupy a position that makes Mondale sound like Barry Goldwater.

There will be much to reflect on in the next few days. The military expedition into Grenada was an act of resolution and high statesmanship. The vote by the Security Council of the United Nations is yet one more of those self-discrediting acts that serve to remind us how useless the body is. The vote of our allies calls into question the moral architecture of the Western alliance: Are we or are we not in the business of stopping communist imperialism? And we have evidence that whatever the complexion of the White House, it is capable of decisive action.●

GRENADA: RESTORING DEMOCRACY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. KEMP. Mr. Speaker, Carl T. Rowan, one of the most articulate and outspoken commentators writing today, has written a valuable column on the American intervention in Grenada. He puts himself in the shoes of an East Caribbean leader and focuses, as a liberal and a black, on the security and political problems swirling around recent events in that region. I commend him for his effort to put a broader perspective on this issue. Mr. Rowan's message is simple yet crucial: If Americans believe in the moral superiority of freedom and democracy, they must be willing to take prudent action to defeat tyranny and to protect our own and our friends security. We obviously cannot go everywhere in the world or bear all the burdens of defending freedom, but the idea of

paying the price, as taught by John Kennedy, is still alive in our hearts and manifests itself in what promises to be the restoration of democracy in Grenada. We should pray that no one ever forgets that while the price is high, the price of losing democracy is even higher. As Mr. Rowan says in his essay, "given the context of the crisis in the East Caribbean, the United States could not honorably refuse to respond."

GRENADA: BLACK CONSCIENCE . . .

The invasion of Grenada produced a lot of agony of conscience for liberals and democrats, and especially black Americans. The natural thing would have been for them to embrace Walter Mondale's statement that the invasion "undermines our ability to effectively criticize what the Soviets have done in their brutal intervention in Afghanistan, in Poland and elsewhere."

But many Democrats and liberals reject the Mondale line. Black Americans, viewing the invasion as a big "white" country crushing a tiny black one, might normally join the Rev. Jesse Jackson in crying that all Americans "should feel a sense of outrage and disgrace." But there was no outpouring of black denunciation—just a lot of black ambivalence. I heard some blacks express disgust over two leaders of small Caribbean countries sitting in "photo opportunities" where Reagan posed as their savior, even at the time Reagan was firing three members of the U.S. Civil Rights Commission. I heard allegations, made without evidence, that these Caribbean leaders never really wanted a U.S. invasion, but were "bought" into collaboration by Reagan's promises of U.S. aid.

But in deciding whether to support or condemn the invasion, I think a lot of liberals and blacks did what I did: we put ourselves in the place of these Caribbean leaders. Here is the chronology of events that I face as I sit in their shoes:

I see democratic government wiped out as Maurice Bishop takes over along with other leftists who call themselves the "revolutionary council."

In 1979 I see the beginning of a massive Cuban buildup on Grenada, including arms that could be given to dissidents in my country. I express my concern to Bishop, who says he is "in control of things" and will consider reverting to constitutional government.

My representatives in Grenada report to me that Bishop seems to be falling out of favor with his deputy prime minister, with Gen. Hudson Austin and other Marxist activists who are having more and more clandestine meetings with the Cubans and the incredibly large number of Russians on the island. My unease deepens . . . and climbs close to panic when on Oct. 12 Bishop is put under house arrest and supplanted by Austin, head of the Revolutionary Military Council.

When Bishop is executed on Oct. 19, I am telephoned by other Caribbean leaders about raising a multinational force to deal with what we all perceive to be a mushrooming menace within our midst.

We meet and face the reality that no combination of military and police forces in our Caribbean countries can hope to strike at Grenada and smash the communist forces we believe to be on the island. We know that only the United States has sufficient power to deal with this threat. But I ask myself whether I, a black leader in the Caribbean, can ask for U.S. military intervention without being branded a "traitor" for life.

Then my colleagues and I get a secret message requesting military help from Grenada's governor general, who is being held under house arrest. I conclude that I must join in a call for U.S. military intervention.

Given the context of crisis in the East Caribbean, the United States could not honorably refuse to respond. A remarkable number of liberals and blacks understand this.●

WINTER NAVIGATION CONSTITUENTS OBJECT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water-related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the Great Lakes and a 10-month extension on the St. Lawrence Seaway.

My Congressional District borders a major connecting channel of the upper Great Lakes. Across my district, constituents remember all too well the attempts in the 1970's to extend the navigation season. The corps demonstration program operated the waterway from 1971 through 1979 during the winter months to test the viability of winter navigation. While few companies could afford to operate their commercial vessels in the winter months during the demonstration program, those few that did made it more than apparent to the people living on the lakes that winter navigation must be stopped.

Since this past August, these people have almost literally taken to the streets in outrage at the current committee proposal. Letters from constituents and resolutions from organizations and local units of government have poured into my office. These people are angry because they have already experienced winter navigation. These people know the destruction of their waterfront property; the threat to wildlife populations; the murderous impact on fisheries and submerged flora and fauna; and the deterioration of their recreation resources—an integral component of their personal and economic livelihood. They are further baffled by the decision to proceed with a multihundred-million dollar project during a period of fiscal restraint.

I would like to share with my colleagues some of my constituent's recent correspondence on winter navigation:

MACOMB COUNTY
BOARD OF COMMISSIONERS,
Mount Clemens, Mich., September 6, 1983.

Hon. DAVID BONIOR,
U.S. House of Representatives, Washington, D.C.

Subject: Resolution opposing winter navigation on the Great Lakes.

DEAR CONGRESSMAN BONIOR: Please be advised that the Macomb County Board of Commissioners, at a meeting held August 25, 1983, formally adopted the attached resolution opposing proposed legislation to extend navigation of the Great Lakes and its connecting channels during the winter months.

It is the position of this Board of Commissioners that such action would create a devastating effect to the environment and animal life inhabiting all the Great Lakes and its connecting channels, which would not be compensated for by any supposed financial benefits which may be derived.

The Macomb County Board of Commissioners, therefore, respectfully requests and urges you to take necessary action to defeat this proposed legislation. Your favorable response to this request would be sincerely appreciated.

Sincerely,

PATRICK J. JOHNSON,
Chairperson, Macomb County Board of Commissioners.

Attachment.

OFFICIAL RESOLUTION OF THE BOARD OF COMMISSIONERS, MACOMB COUNTY, MACOMB

A RESOLUTION OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Commissioners Raymond H. Trombley, Hubert J. Vander Putten and Patrick J. Johnson, on behalf of the entire membership of the Board of Commissioners offers the following resolution:

Whereas, the Macomb County Board of Commissioners views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and,

Whereas, such action would be unwarranted and unjustified because of the cost and the devestating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and,

Whereas, the financial burden upon the taxpayers of this County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels. Now therefore,

Be it resolved by the Macomb County Board of Commissioners speaking on behalf of all county citizens as follows:

I

That By These Presents, the Macomb County Board of Commissioners hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months.

II

Be It Further Resolved, That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

OFFICIAL RESOLUTION OF THE BOARD OF TRUSTEES, CHARTER TOWNSHIP OF HARRISON

A RESOLUTION OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Whereas, the Board of the Charter Township of Harrison views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and,

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and,

Whereas, the financial burden upon the taxpayers of this Township/County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels, now therefore,

Be it resolved; that the Board of the Charter Township of Harrison speaking on behalf of all its citizens as follows:

That By These Present, the Board of the Charter Township of Harrison hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channel during the winter months.

Be it further resolved; That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

LAURA M. PALETTA,
Clerk, Charter Township of Harrison.

COTTRELLVILLE TOWNSHIP,
Marine City, Mich., October 17, 1983.

Hon. DAVID E. BONIER,
Member of Congress, Washington, D.C.

MY DEAR SIR: Received your letter of October 8, 1983, and since I will be unable to attend either of the hearings on extending the Great Lakes winter navigational season, this letter is being written to express our feelings.

We are in agreement with your views on terminating winter navigation.

The vessels plying the Great Lakes during the winter season break-up the ice causing it to damage docks and seawalls.

Winter navigation also makes the cost excessive for the Government, namely the Coast Guard, in freeing vessels held by the ice floes. Damage is also caused to the natural environment.

We wholeheartedly support your views.

Very truly yours,

GEORGE A. SOCHOWICZ
Supervisor, Cottrellville Township.

CHARTER TOWNSHIP OF EAST CHINA,
St. Clair, Mich., October 17, 1983.

Congressman DAVID E. BONIOR,
Washington, D.C.

DEAR CONGRESSMAN BONIOR: In reply to your letter of October 8 regarding winter navigation on the Great Lakes, our Township Board went on record supporting your position opposing such winter navigation.

We are well aware of the havoc caused by the movement of the ice in the St. Clair River which causes flooding in the low lying areas of our township. As a result of such flooding, families have had to move out of their homes—more than once in a winter. This is totally a heavy burden on these families and should be spared this extreme inconvenience and expense.

If it is so important to ship more cargo, it would seem more logical to have more vessels operating during the other seasons of the year. We have noted that there are very few vessels operating this year than in the past.

We strongly urge you to gain all the support you can to prohibit passage of a bill which would permit winter navigation on the Great Lakes.

Sincerely,

BETTY ANN CONLEY (Mrs.),
Township Clerk.●

CHANGES TO SAME-CONDITION DRAWBACK LAW INTRODUCED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. FRENZEL. Mr. Speaker, today I have introduced H.R. 4316, a revised version of H.R. 3157, relating to same-condition-duty drawbacks which deletes a section of that bill which has already been passed by the House earlier this year. That section added packaging materials used for packaging any materials eligible for same-condition drawback as also eligible for drawback.

The new bill contains language from H.R. 3157 providing for substitution under same-condition drawback law. Currently substitution is available for manufacturing drawback under our customs laws, but was omitted as a part of the same-condition drawback law passed a couple of years ago. My intention at the time the original law was passed was to conform the law to that of manufacturing drawback.

Same-condition drawback law enables companies to obtain drawback—or reimbursement of 99 percent of duty paid previously—on materials previously imported, if they are exported in the same condition, or if incidental operations are performed on the materials in this country, such as packaging, testing, and adjusting. Substitution would allow companies to comingle inventories to simplify their accounting systems and to realize cost efficiencies. Importers can obtain drawback on exports of the same number of items that are fungible or interchangeable. The items do not have to be the same items imported, but the exporter would have to prove that they are fungible goods. Drawback could only be obtained on the total number of items imported.

Several minor changes were made in the language as printed in H.R. 3157 to avoid any abuse of the law. First, the wording used to describe the substituted merchandise, "of the same kind and quality" was changed to "fungible." The former language was thought to be too broad and possibly could allow companies to obtain substitution drawback on items which would not be considered commercially identical under the law. The wording "fungible" should narrow the description properly.

The other substantive change made was to react to the Customs Service' concern that the wording of H.R. 3157 could be interpreted that companies could use import documents of other companies to obtain substitution drawback on their own merchandise or commodity. Since this was clearly not the intent of H.R. 3157, I have amended the language to require the import and export must be made by the same person.

With the introduction of the new version, I am hopeful that the bill can be considered promptly as a noncontroversial miscellaneous tariff bill.

The bill follows:

H.R. 4316

To amend the Tariff Act of 1930 regarding same condition drawbacks and same kind and quality drawbacks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

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

"(2) If merchandise which is fungible to (i) imported merchandise upon which was paid any duty, tax, or fee because of its importation; or (ii) an aggregate of such imported merchandise and fungible merchandise; either of which has been imported by a person prior to the subsequent exportation by the same person of such commercially identical merchandise;—

"(A) is, before the close of a three-year period beginning on the date of the importation—

"(i) exported from the United States; or

"(ii) destroyed under Customs supervision; and

"(B) is not used within the United States before such exportation or destruction;

then upon such exportation or destruction 99 per centum of the amount of each such duty, tax or fee so paid shall be refunded as drawback, notwithstanding the fact that none of the imported merchandise may actually have been exported." or destroyed under customs supervision.●

H.R. 4317

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. JONES of North Carolina. Mr. Speaker, I have today introduced legislation that relates to a very controversial proposed water pipeline project affecting the people of North Carolina and Virginia. I have been joined in this effort by Congressman DAN DANIEL of Virginia and Congressman TIM VALENTINE of North Carolina.

Mr. Speaker, the project in question is proposed by the city of Virginia Beach, Va. It would be comprised of an 84-mile-long, 60-inch water pipeline that would run from Lake Gaston, a lake within the States of North Carolina and Virginia, to the city of Virginia Beach, Va. The pipeline would have to cross 26 rivers and streams and would require construction within some wetland areas. It would be capable of withdrawing water from Lake Gaston at the rate of 60 million gallons per day. This water would be transported to the cities of Virginia Beach, Chesapeake, Isle of Wight and Franklin, Va.

Both the Wilmington and Norfolk district offices of the Army Corps of Engineers have made preliminary findings that the proposed pipeline project would have no significant impact on the human environment. If this finding stands, there will be no full-fledged environmental impact statement as required by the National Environmental Policy Act of 1969.

Mr. Speaker, my bill simply requires the Army Corps of Engineers to go through the process of obtaining the full environmental impact statement before any permits are granted for the construction of this project. Let me emphasize that I do not wish to unduly interfere with the normal operation of the Corps of Engineers in environmental permitting matters. Indeed, I believe that the corps does a very good job in fulfilling its responsibility under the law. Neither do I wish to appear unconcerned about the legitimate needs for fresh water in the Virginia Beach area. However, it is nearly the unanimous consensus of residents who live in the vicinity of Lake Gaston and the Roanoke River basin that the perfunctory environmental assessment of the project that has been done by the corps so far is inadequate. The corps has used this assessment to conclude that no significant environmental impact exists and that therefore no environmental impact statement is needed.

I feel certain that any project which would require construction and dredging activities over an 84-mile-long course and which would be capable of transferring 60 million gallons of water per day out of Lake Gaston and the Roanoke River basin would significantly affect the human environment. A full-fledged environmental impact statement would give the residents of the Roanoke River basin and the residents along the route of the pipeline as well as other qualified experts a chance to participate in a thorough evaluation of any changes in the environment that might result from the pipeline and its operation. Until such a full review process is completed, I do not feel that the project should go forward. I ask for the support of my colleagues for this bill.●

THE FASCINATING SURVIVAL OF THE UKRAINIAN CHURCH

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. GILMAN. Mr. Speaker, as 1984 approaches we will be encountering the 100th anniversary of the Ukrainian Catholic Church in the United States.

It was in 1884 that the first Ukrainian Catholic priest left the Ukraine to attend to the pastoral needs of Ukrainian immigrants. Arriving in the United States, Father Ivan Voliansky established the first Ukrainian Catholic parish in Shenandoah, Pa. Today, the Ukrainian Catholic Church in the United States has great vitality, with 300,000 faithful in 165 parishes.

In this 20th century, when the world speaks of peace, justice, and freedom, the Ukrainian Catholic Church is being truthlessly persecuted on its native territory—in its homeland in the Ukraine. The church there has been forced underground—as were the early Christians during the Roman persecution. Five million faithful of this church are awaiting defense of their human rights from the Holy See and all people of good will.

I have come to have a great understanding and a deep appreciation of the history of this church. In our House Post Office Subcommittee on Investigation's probe of the Soviet interruption of international mail, many Ukrainian American witnesses have shared the fascinating history of their church with me.

Mr. Speaker, I have reviewed some of the historical documents of the church and in an effort to share them with my colleagues, I am inserting a portion of the church history at this point in the RECORD:

The historical background follows:

HISTORICAL BACKGROUND

As Kievan Ruś, Ukraine was independent from the 9th to the 14th century and was a great European power. It was again independent during the Cossack era in the 17th century. In the 20th century, with the fall of the tsarist regime in the Russian Empire and the collapse of the Austro-Hungarian Empire, the Ukrainians again proclaimed independence and established the Ukrainian National Republic. On January 22, 1919, in front of the Sobor of St. Sophia in Kiev, the unification of the territories formerly under the occupation of Russia and Austro-Hungary in one Ukrainian Republic was proclaimed. In consequence of international peace agreements at the conclusion of World War I, Ukrainian territories were allocated to four states: the Union of Soviet Socialist Republics, Poland, Rumania, and Czechoslovakia. In 1941, the Ukrainians capitalized on the Soviet-German clash and on June 30, 1941 proclaimed independence. But, this was soon terminated by Nazi Germany. Following the Yalta agreements after the World War II, most of the Ukrainian territories were incorporated into Soviet Union as the Ukrainian Soviet Socialist Republic.

The tragedy of Ukraine is rooted in its strategic geographical position, the wealth of its natural resources, and the fertility of its soil which has made it "the bread basket of Europe."

The Origin of Christianity, in Ruś—Ukraine dates back to the 9th century. At that time the principality of Kiev maintained a close political and commercial relationship with Byzantium. These contacts exerted a great impact on Kievan Ruś and when its people accepted Christianity they became Byzantine Christians.

Princes Olah, wife of Prince Ihor, was the first member of the reigning family of Kievan Ruś to embrace the Christian religion. In 988 her son, Volodymyr the Great (972-1015), officially introduced Chistianity into his country. This was sixty-six years before the schism between Rome and Constantinople. The Metropolitan of Kiev was its Primate and he functioned as a Major-Archbishop. The Church enjoyed administrative autonomy from both Constantinople and Rome.

The schism between Rome and Constantinople came in 1054. Striving for complete administrative independence from both Constantinople and Rome while preserving unity in dogmatic matters with Rome—the Universal Church—the native Ukrainian clergy did not join their Byzantine brethren in the schism. The Mongolian invasions of the 13th century and the loss of the independence of Kievan Ruś finally led to a break with Rome. But, in 1596, in the Union of Brest, the Ukrainian hierarchs reestablished the union of their Church with Rome.

From Kiev, Christianity had spread to regions of the east and north where the Metropolitan of Kiev exercised ecclesiastical authority. The presence of Kievan Metropolitans in the principality of Muscovy, where they had come to escape the ravages of the Tartar invasion, strengthened this principality and was a factor in the establishment of a separate Metropolitan See in Moscow (1448) and finally its elevation to patriarchal rank in 1589.

In the 17th century the rulers of Muscovy embarked on a policy of conquest of its neighbors. Tsar Peter I (1682-1725) found it politically expedient to adopt the name "Rossiya" (Russia) for his empire. This led to the misconception existing to date that Kievan Ruś was part of Russian territory.

Today the Ukrainian Catholic Church falls into two classifications—the "Mother Church" in Ukraine which has been denied legal existence by the Soviet Union and has become the "Church of the Modern Catacombs" and the "Daughter Church" in the diaspora with its faithful scattered throughout the world.

THE CHURCH OF THE MODERN CATACOMBS

In the fall of 1939, the armies of Nazi Germany and the Soviet Union shattered the peace of the world by the invasion of Poland. The Red Army occupied the western provinces of Ukraine—the part of Ukraine which had been incorporated into Poland after World War I.

The elderly and ailing Metropolitan of Kiev-Halych, Andrij Sheptytsky, spoke of the danger of Communism in his 1936 pastoral letter. In it he presented an uncanny analysis of the possibility of a Communist penetration into western Ukraine and eastern Europe. He wrote: "Communists are

atheists. Communists are not honest. . . . Wherever Communist Bolsheviks appear churches burn and innocent blood flows. Their footsteps leave imprints of the sacrificial blood of innocent victims. . . . Our Church, together with the Universal Church, needs fearless priests, priests ready for the greatest sacrifice as were early Christians."

When Metropolitan Sheptytsky's prophesy of a Communist invasion came to pass, he acted to assure a successor to himself who would possess the traits of character of which he wrote in 1936. For his Auxiliary Bishop with the right to succession he chose Rev. Dr. Josyf Slipyj, rector of the Theological Academy of Lviv.

The first two years of Soviet occupation of western Ukraine was the period of Soviet-German cooperation. It was not politically expedient for the Communists to enter upon a full-scale persecution of the Ukrainian Catholic Church because they were not certain of the outcome of the shaky alliance. They conducted a policy of slow strangulation of the Ukrainian Catholic Church. The Communists stopped with the confiscation of church properties; imposition of high taxes on properties not confiscated; removal of religious objects from classrooms; banning the teaching of religion in schools; and the abolition of Sundays by making them working days. But, the faithful of the Ukrainian Catholic Church paid the taxes, supported the priests, supplied Metropolitan Sheptytsky and the monasteries with food and other necessities of life. They packed the open churches every day of the week as well as on Sundays. The Communists dared to arrest only a small number of the most outspoken priests and this just before their retreat from Ukraine upon the disintegration of the Soviet-German alliance. Two priests—the Rev. Dr. Konrad and Rev. Dr. Ishchak were executed and Bishop Josyf Slipyj narrowly escaped death. As he wrote: "Terrible, indeed, was the retreat of the Bolsheviks . . . A Bolshevik tank appeared before the Cathedral. The police forced us out of our homes and lines us up against the wall. The NKVD even tore off my cassock. We stood for two or three hours with machine guns, hand grenades, tanks, and cannons behind us. We made an act of contrition and awaited death. From time to time they would check on us. Finally, an officer appeared and set us free."

In the summer of 1944, the Soviet troops reoccupied western Ukraine. This time they were more sure of themselves. They were allies of the western Democracies in the effort to crush Nazism. With the Allied military power backing them, the Soviets no longer feared an uprising of the people.

On November 1, 1944, Metropolitan Sheptytsky died. He was succeeded by Bishop Josyf Slipyj. The Communist press began a vicious campaign to blacken the name of his predecessor. This signaled the beginning of open persecution of the Ukrainian Catholic Church. In an attempt to avert this, Metropolitan Slipyj sent a delegation of several priests to Moscow to explore the possibility of coexistence. As a token of good will they brought with them a donation of one hundred thousand rubles for the relief of the wounded in the war. The enmity of the authorities toward Metropolitan Josyf and the entire Ukrainian Catholic Church was obvious. They demanded complete subservience to Communism and put forth the requirement to the Ukrainian Catholic hierarchy to sever affiliation with the Apostolic See and consent to incorporation into the Moscow Patriarchate. Such conditions were unacceptable to the Primate of the Ukrainian Catholic Church.

On April 11, 1945, Metropolitan Slipyj and four bishops—Nykyta Budka, Auxiliary Bishop of Lviv; Gregory Khomyshyn, Bishop of Stanislaviv and his Auxiliary Bishop, Ivan Latyshevsky; and Mykola Charnetsky, Apostolic Visitator of Volhynia—were arrested. This was the entire episcopate of Halych. In Germany, Rt. Rev. Verhun, the Apostolic Visitator for Ukrainian Catholics, was also arrested.

The arrest of the bishops was followed by a mass arrest of priests, a draft of seminarians into the service of the Red Army, and confiscation of church properties. On March 8, 1946, a so-called "Synod of the Ukrainian Catholic Church" was convened at Lviv. Not a single Ukrainian Catholic bishop participated. The conclave had no canonical basis. Yet, it proclaimed a "voluntary union" of the Ukrainian Catholic Church with the Orthodox Patriarchate of Moscow.

The imprisoned bishops of the Ukrainian Catholic Church were asked to recognize and join the apostasy. They refused. Thereupon their Church was declared illegal and persecution of it was intensified. It was forbidden to conduct religious services. Arrests of priests were accelerated. The bishops arrested one year earlier were now given long sentences in Soviet labor camps. Metropolitan Slipyj was given an eight-year sentence and sent to Siberia. Then the Communists began the arrest of the remaining Ukrainian bishops: Josaphat Kocylovsky, Bishop of Peremyshl and his Auxiliary Bishop Gregory Lakota; Vasyl Hopko, the Auxiliary Bishop of Priashiv; Theodore Romza, Bishop of Mukachiv; and Pavlo Goydych, Apostolic Visitator and Bishop of Priashiv. They arrested a total of eleven bishops, two Apostolic Visitators, 2,951 priests, and hundreds of monks and nuns. Of the imprisoned hierarchs only two survived their sentences: Metropolitan Slipyj and Bishop Hopko. In the words of Metropolitan Slipyj: "Rivers of blood and mountains of bodies" was the price paid by Ukrainian Catholics for their loyalty to the Holy See.

In 1953 news began to trickle out of Siberia that Metropolitan Slipyj was alive and had completed his first sentence at hard labor in the camps. In 1958 he completed his second sentence but was not permitted to return to Lviv. In exile he was ordered not to engage in any pastoral work. But on the twentieth anniversary of his installation as bishop, Archbishop Slipyj wrote a pastoral letter to the faithful of the Ukrainian Catholic Church. In it he said: "Do not doubt but revive in your hearts an unshaken faith that our Church will rise again." Once again Metropolitan Slipyj was condemned. The faith to which the Confessor of the Ukrainian Catholic Church encouraged his flock enabled him to survive eighteen years of imprisonment—not merely under house arrest but at hard labor under the harshest conditions.

Upon the intercession of Pope John XXIII, Metropolitan Slipjy was released from imprisonment in February of 1963. Respecting the wishes of the Holy Father he went to the Vatican—but not before ordaining a bishop for the Church of Modern Catacombs. He left a living Church in the underground. No sooner is one secretly ordained bishop arrested, as was Bishop Vasyl Velychkowsky after Metropolitan Slipyj was at the Vatican, then the Soviet police begin their constant search for another. Not a single Ukrainian Catholic church is open for worship, yet Liturgies are celebrated secretly in forests, fields, and private homes, the dead are buried, the children are baptized, and the sick are comforted by Catholic priests. No monasteries or convents exist legally and openly—yet there are hundreds of religious working quietly as civilians, consoling the faithful of their Church.

In this twentieth century when the world is speaking of peace, justice, and freedom, the Ukrainian Catholic Church is being ruthlessly persecuted on its native territory. It has been forced to descend into catacombs as did early Christians during Roman persecution. Five million faithful of this Church are awaiting the defense of their human rights from the Holy See and all people of good will.

THE UKRAINIAN CATHOLIC CHURCH WORLDWIDE

The Ukrainian Catholic Church worldwide now has twenty-three bishops and two million faithful. Their Primate is Patriarch Josyf Cardinal Slipyj. This Church is one of great vitality. It was only in 1884 that the first Ukrainian Catholic priest left Ukraine to attend to the pastoral needs of Urainian immigrants. Arriving in the United States, Father Ivan Voliansky established the first Ukrainian Catholic parish in Shenandoah, Pa. It was not until August 1907 that the first Ukrainian Bishop—Soter Ortynsky—came to the United States. He died on March 24, 1916, and the Ukrainian Catholic Church in the United States was without a bishop until Bishop Constantine Bohachevsky arrived in 1924. Today, from his humble beginning the Ukrainians have a Metropolitan See which was established in 1958 in Philadelphia and three eparchies—Philadelphia, Stamford, and Chicago—with about 300,000 faithful, 206 secular and 41 religious priests with 165 parishes with resident pastors and 17 with non-resident pastors, 7 missions, 2 stations, 8 chapels with resident chaplains and 33 non-resident, 2 seminaries, 2 colleges, 4 high schools, 32 parochial schools, 177 nuns, 2 homes for children, 2 homes for the sick and aged.●

DECONTROL NATURAL GAS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. FIELDS. Mr. Speaker, as the legislative debate on natural gas begins to once again gain momentum, I would like to bring to the attention of the Members a recent editorial in the Houston Chronicle. This editorial which articulately advocates the merits and the need for total decontrol strikes at the very heart of this issue. That is, the future supply needs of our country. If we in Congress continued the morass of Federal regulation and control of natural gas under the guise of consumer protection, we will be destined and doomed to continue the confusion and adversity which directly results from Federal regulation. If we truly are concerned about securing future supplies of gas for our consumers then we will decontrol gas and allow the market to work, just as it has for oil since that commodity was

decontrolled in 1981. I believe that now, with the current surplus in the market and the price of gas continuing to fall, is the time to act on this critical issue. I have long supported the decontrol of all natural gas and will continue to pursue this economically sound goal. Toward this end, I commend the following editorial to my colleagues attention.

OIL DECONTROL WORKED—SO WILL GAS DECONTROL

In any sensible world the argument over decontrolling natural gas prices would have been settled two years ago when President Reagan removed price controls on crude oil.

There were the same doomsday predictions then as are now being heard about natural gas. The price of gasoline was going to go out of sight. In fact, the price of gasoline has dropped about 20 percent. So much for federal price controls being good for the consumer.

It is little short of insanity for the price of natural gas to be rising in a time of oversupply of gas. But that is the situation, caused solely by regulation, and only serves to further demonstrate that almost nothing about federal controls on gas prices makes any sense.

In an unrelenting attempt to keep gas out of the free market, the government over the years has devised what is probably the most complex and contradictory set of rules and regulations known to man. They have produced such ridiculous spectacles as people having to pay more than $7 per thousand cubic feet for imported gas while domestic gas goes begging for less than half that price.

That is a measure of where controls have brought the country. It is time, far past time, to end this nonsense. Natural gas prices should simply be decontrolled. Congress should heed the facts, the proven experience, of crude oil decontrol and let gas react to supply and demand and the forces of a competitive marketplace, where as other deregulation has vividly shown, the consumer benefits.

It is impossible to repeal the law of supply and demand, or to anticipate all the unforeseen circumstances that will work on the marketplace. The government has attempted to do both about natural gas. The result is the mess that prevals, which no one can untangle no matter how sincere the effort.

If anything, the present mess will get worse after the end of next year, when provisions of the Natural Gas Policy Act of 1978 expire and the nation will be suddenly thrust into the chaos of half-regulated and half-unregulated gas. It is far wiser to deregulate natural gas prices now, when surplus acts to prevent drastic shifts in price and availability.

If Congress ever had a clear guideline on what the results of a policy will be, it has one in this instance. Crude oil decontrol worked, so will natural gas decontrol.●

WINTER NAVIGATION—RESOLUTIONS AGAINST THE PROJECT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on August 3, the Committee on Public Works and Transportation ordered reported H.R. 3678, to provide for the conservation and development of water-related resources. In section 1123, the committee authorized the Corps of Engineers to implement a full year extension of the navigation season on the Great Lakes and a 10-month extension on the St. Lawrence Seaway.

My congressional district borders a major connecting channel of the Upper Great Lakes. Across my district, constituents remember all too well the attempts in the seventies to extend the navigation season. The corps' demonstration program operated the waterway from 1971 through 1979 during the winter months to test the viability of winter navigation. While few companies could afford to operate their commercial vessels in the winter months during the demonstration program, those few that did made it more than apparent to the people living on the lakes that winter navigation must be stopped.

Since this past August, these people have almost literally taken to the streets in outrage at the current committee proposal. Letters from constituents and resolutions from organizations and local units of government have poured into my office. These people are angry because they have already experienced winter navigation. These people know the destruction of their waterfront property; the threat to wildlife populations; the murderous impact on fisheries and submerged flora and fauna; and the deterioration of their recreation resources—an integral component of their personal and economic livelihood. They are further baffled by the decision to proceed with a multihundred-million-dollar project during a period of fiscal restraint.

I would like to share with my colleagues some of my constituents' recent correspondence on winter navigation.

The material follows:

RESOLUTION—OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

Whereas, the St. Clair County Board of Commissioners views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and

Whereas, the financial burden upon the taxpayers of this County, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels: Now, therefore, be it

Resolved, by the St. Clair County Board of Commissioners speaking on behalf of all county citizens as follows:

That by these presents, the St. Clair County Board of Commissioners hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months; and be it further

Resolved, That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

CITY OF ST. CLAIR,
St. Clair, Mich., October 14, 1983.

DAVID E. BONIOR,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN BONIOR: Enclosed is a copy of Resolution No. 83-24 adopted by the City Council of the City of St. Clair at their regular meeting held October 3, 1983, opposing year-round shipping on the Upper Great Lakes.

Thank you for communicating the City's concerns regarding winter navigation to the Members of Congress.

Sincerely,

JANICE B. DIGIUSTO,
City Clerk.

Enclosure.

RESOLUTION—CITY OF ST. CLAIR, COUNTY OF ST. CLAIR, MICH.—OPPOSING YEAR-ROUND SHIPPING ON UPPER GREAT LAKES

(Memorandum of a Resolution made and adopted at a regular meeting of the City Council of the City of St. Clair, County of St. Clair, Michigan, held in said City on October 3, 1983, at 7:30 o'clock p.m.)

Present: Mayor Cummings, Councilmembers Sawher, Wilde, Beaudua, Westrick, Mitchell, Emig.

Absent: None.

The following preamble and resolution were offered by Councilmember Emig and supported by Councilmember Sawher:

Whereas, the Congress of the United States has before it legislation to keep the Upper Great Lakes open for year-round shipping; and

Whereas, after a 1971-1979 winter shipping demonstration program, the Army Corps Board of Engineers for Rivers and Harbors determined that year-round shipping, at best, would have only marginal economic benefits; and

Whereas, wakes and propellar thrust trapped below the ice has caused shoreline erosion and damage to seawalls and docks; and

Whereas, year-round shipping would create an unreasonable risk of oil and/or chemical spills, endangering fish spawning and feeding areas and threatening the migratory wildlife of the region: Now, therefore, be it

Resolved, That the St. Clair City Council go on record as unanimously opposing year-round shipping on the Upper Great Lakes and that our legislators, both federal and state, the Governor of the State of Michigan and the President of the United states be so informed.

Ayes: Councilmembers Mitchell, Cummings, Emig, Sawher, Wilde, Beaudua, Westrick.

Nays: None.

Resolution declared adopted.

RESOLUTION—CITY OF MARINE CITY, MICH., COUNTY OF ST. CLAIR—A RESOLUTION OPPOSING WINTER NAVIGATION ON THE GREAT LAKES

By Commissioner Kleckner supported by Commissioner Bober:

Whereas, the Marine City City Commission views with serious concern and opposes the proposed Winter Navigation of the Great Lakes and its connecting channels, and,

Whereas, such action would be unwarranted and unjustified because of the cost and the devastating effect of such navigation on the environment to all of the Great Lakes and its connecting channels and especially Lake St. Clair, the St. Clair River, and the Detroit River, and,

Whereas, the financial burden upon the taxpayers of this City, the dangers to the environment in particular the fish, fowl, and mammals, are not offset by the supposed benefits to be derived from the proposed legislation to allow Winter Navigation of the Great Lakes and its connecting channels: Now, therefore, be it

Resolved, That by these presents the Marine City City Commission hereby urges the United States House of Representatives and the United States Senate, to defeat the proposed legislation to extend Navigation of the Great Lakes and its connecting channels during the winter months; and be it further

Resolved, That a suitable copy of this Resolution be presented to the Congressional Delegation representing the State of Michigan, President Ronald Reagan, and Governor James Blanchard.

Yeas: LaBuhn, Beauchamp, Beauvais, Bober, Kleckner.

Nays: None.

Absent: Bettinger and Nelson.

CITY OF PORT HURON,
Port Huron, Mich., October 21, 1983.

Re: H.R. 3678, Winter Navigation.

Representative DAVID E. BONIOR,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: On the subject of winter navigation for the Great Lakes, I am in complete agreement with your letter of October 8, 1983.

As City Engineer in Port Huron, on a daily basis, I am aware of the navigational traffic on the St. Clair River and Lower Lake Huron. The proposed winter navigation with its associated costs to construct and maintain the channels and control works simply does not make good sense.

The Corps of Engineers has become dedicated to pursue this enormous "civil works" project to add to its list of achievements. While the Corps has an impressive history, some of its projects have been directed at single purpose objectives without sensitivity to potential and resulting damages. I find it difficult to understand the collective thinking of the Corps of Engineers which does not allow itself the freedom to say "this project should not be built". When the Corps cannot, for whatever reason, view proposed projects with objectivity, the U.S. Congress must exercise its legislative prerogative to stop the expenditure of public funds on such a project so contrary to public interests.

Part of the plans mentioned in various newspaper articles include an ice boom which would be placed at the head of the St. Clair River. To my knowledge, no one from the Corps has discussed this with any local official of the City of Port Huron. I have serious questions as to shore damage at the anchoring points both on the Port Huron and Point Edward, Ontario, shores. A further consideration is the potential damage to shoreline residential property resulting from ice "stacking" caused by wind shifts.

The question of regulating gates to be placed in the bottom of the St. Clair River to adjust and control lake and river levels could have a severe effect on the water supply intake of the City of Port Huron and its 47,000 customers and industries. As City Engineer, I have not been advised, consulted or contacted by the Corps of Engineers regarding this proposal and its effects.

May I confirm, again, my total agreement with your position against this project. I urge you to work for its defeat.

G. T. HUMMEL,
City Engineer and
Director of Public Works.●

MICHIGAN AUDUBON SOCIETY,
Kalamazoo, Mich., October 10, 1983.

Hon. DAVID BONIOR,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: The Michigan Audubon Society is strongly opposed to winter navigation on the Great Lakes and the St. Lawrence River as proposed in Section 1123 of H.R. 3678, now before the House. We urge you to delete funding for this project on both environmental and economic grounds.

Serious environmental degradation of the Great Lakes and St. Lawrence River ecosystems would likely result from the manipulation involved in this project. Oil or chemical spills under the ice could devastate fisheries and wildlife. Construction of dikes and dredging would adversely effect fish habitat. Ice breaking would interrupt the migration of mammals crossing the ice to wintering areas, and could effect adjacent wetland habitats. Without a complete environmental impact assessment, the full effects are not even known.

Economically the project cannot be justified. There is no present need for extended shipping, and the cost could run into the billions. It would be another classic boondoggle project which would benefit very few at a great cost to many.

Please do not allow this project to procede at this time by deleting section 1123 from H.R. 3678. We have enough pork barrel projects underway already which will damage the environment and add to the national debt.

Thank you for your attention in this regard.

Very truly yours,

DONALD G. ROBINSON,
CHAIRMAN,
Environmental Action Committee.

LAKE ST. CLAIR
ADVISORY COMMITTEE, INC.,
Mt. Clemens, Mich., August 20, 1983.

Hon. DAVID E. BONIOR,
U.S. Representative,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: Reference is made to H.R. 3678, Section 1123 (Winter Navigation on the Great Lakes). The Lake St. Clair Advisory Committee was completely surprised and actually dumbfounded to hear about this proposal. The committee is very strongly opposed to such a move and would like to go on record that everything humanly possible will be done to promote this opposition. The committee also strongly urges you to do all in your power to defeat this proposal.

We are very surprised that the "Trial Run" of the winter navigation carried on in the late 1970's was not proof enough of the devastating results.

Shoreline Erosion, Broken Docks, Extremely High Water Levels, were just a few of the things experienced. Fish and Wildlife, as well as their habitats were also adversely affected.

Ice booms, dikes, and dams will not cure the problems mentioned above.

We would again urge you to do all possible to discourage this proposal.

By order of the Board of Directors.

Very truly yours,

HERB WISEMAN,
Correspondence Secretary,
Lake St. Clair Advisory Committee.

SOUTHEAST MICHIGAN COUNCIL
OF GOVERNMENTS,
October 12, 1983.

Hon. DAVID E. BONIOR,
U.S. Representative,
Washington, D.C.

DEAR REPRESENTATIVE BONIOR: SEMCOG urges the Michigan Congressional Delegation to oppose Section 1123 of H.R. 3678, which would authorize extended winter navigation on the Great Lakes.

SEMCOG's Regional Clearinghouse Review Committee (RC^2) which reviews plans and applications involving Federal funds, went on record opposing the Army Corps of Engineers' proposal for an extended winter navigation season on the Great Lakes. Specifically, the Committee determined that the "Final Environmental Impact Statement, Great Lakes—St. Lawrence Seaway Extension Study," prepared by the U.S. Army Corps of Engineers, was inconsistent with Southeast Michigan's adopted water quality goals and objectives. Potential negative environmental impacts simply have not been adequately identified or evaluated. We cannot subscribe to a strategy of an after-the-fact assessment of impacts to Michigan's priceless water resources and valuable shorelands. And although the negative environmental impacts that accrue would fall primarily to Michigan, the economic benefits realized by this state would be negligible. SEMCOG continues to oppose the proposal for extended winter navigation and urges you to seek the removal of Section 1123 from H.R. 3678.

Thank you for this opportunity to express our concern.

Sincerely,

DONALD E. SHELTON,
Chair, SEMCOG,
Mayor, City of Saline.●

GRENADA, AFTER THE YANKS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. HYDE. Mr. Speaker, as the ritualistic critics of the Reagan administration beat the drums of dissent concerning our rescue effort in Grenada, it seems useful to inquire how those people native to Grenada feel about what we have done. That freedom and democracy are the winners and tyranny the loser is borne out by Washington Post's reporter Phil McCombs' ar-

ticle in the November 3, 1983, Post, which I share with my colleagues:

[From the Washington Post, Thursday, Nov. 3, 1983]

GRENADA, AFTER THE YANKS

READY FOR BETTER TIMES AS LIFE UNDER THE GUNS RETURNS TO NORMAL

(By Phil McCombs)

ST. GEORGE'S, GRENADA, November 2—George Bernard drives his rusted-out wreck of a Vauxhall Cresta Deluxe around the compact horseshoe harbor here with its pastel-colored shops nestled along the water. Lush jungle hills spring up all around, the red tile roofs of stucco houses like gems in the deep, waxy greenery.

Bernard, 50, is a pleasant man, a taxi driver with a short, bristling beard and six children by three women, one of them now his wife. The only time he has ever been off this island was to attend a labor seminar in Moscow two years ago.

These haven't been good times. "In 1978, we had two, three, four, five cruise ships a day," Bernard said of prerevolutionary Grenada. "Last year we had one or two a week, and this year one a week." He called the American action "a joy to us, regardless of how other countries look at it." Under Marxist rule, he said, "Everything for the poor man has gone up [in price] * * * oh, they kill us. Cubans work on the airport. Grenadians don't get the work." Bernard said he has been lucky to get one fare job a week.

"I have to work in my garden to maintain my family. Right now I feel more confident. I feel more happy, and I have to say, Long live Reagan!"

CINNAMON HILL

Eight days after the United States launched a surprise attack on this tiny Caribbean island, the natives were picking up their lives, returning to their jobs and the streets. The electricity had come back on and the semblance of normalcy was interrupted mostly by the sound of planes overhead and the presence of American soldiers.

At the Cinnamon Hill and Beach Club Hotel, a spectacular sprawl of white stucco villas running up a jungle hillside from the sea, Richard Gray discussed the week's events. "I found three AK47s in my pump room this morning. They were not there yesterday," said Gray, a charming, craggy-faced Englishman with a deep theatrical voice, who gave up a New York playwriting career to come to this tropical paradise in 1967 and open a hotel.

Radio Free Grenada, the Marxist government station, was next door until last week, when American forces, some of them operating from Gray's patio, destroyed it while rooting out some Cuban troops holed up there.

The station is now a heap of blackened rubble.

"It was delightful," said Gray of the battle. "I watched them call off the coordinates and whoof! whoof! It was bloody marvelous. It needed to be bombed."

Although there was silence at the isolated hotel as dusk fell Tuesday, and while Gray is having trouble retrieving his frightened staff, he has no fears. Gray spent World War II as a paratrooper on what was then India's Northwest Frontier.

The hotel is not far from the Grand Anse campus of the St. George's University School of Medicine and the nearby barracks where American troops attacked Cuban forces Oct. 25. Gray said three Cubans were arrested on a nearby road Tuesday morning, and he figures they put the rifles in his pump house.

As a leading businessman here, Gray is deeply involved in the effort to rebuild the country. He had just returned from talks with Governor General Paul Scoon, the queen's representative in this former British colony. Scoon is leading the effort to establish an interim government and bring about a general election.

"We're trying to get together the government again," said Gray. "It's not often you get a second chance."

Gray said he is losing money because of the war, but it is "a small price to pay. We are delighted. Not just us but the little people all over the island.

"The process of rebuilding isn't going to be an easy one. We have elements in the country who would like to be extremely right wing and vindictive. This is not the way to go. We want to see a lot of the progress of the revolutionary government continued, [although] we deplored the reduction in freedom under Mr. Bishop." He said the regime of slain Marxist Prime Minister Maurice Bishop had made progress in health care and education and in promoting some industries.

Gray was out of the country just before the U.S. action and had learned from sources on another island that the attack was scheduled Oct. 25 before dawn.

From the other island, he placed a call at 5:30 a.m. that Sunday to Richard Menezes, a businessman here whom Gray had awakened at 5:30 a.m. once before—on March 13, 1979, to warn him that Bishop had just taken the radio station near the hotel and that a coup was in progress.

This time, Gray told his friend, "You remember you were very cross when I called you at 5:30 one morning? Well, 5:30 is coming again."

"Oh s---," replied the groggy Menezes, "that's great."

WITNESS

"Write the truth," said Martin Williams, 34, a strong, handsome, well-dressed man who runs a small farm outside St. George's. "The people in Grenada welcome [the U.S. action]. There are no two ways about it."

Williams, who was spending an hour flirting with women near the electricity company, was asked how he could have supported Bishop, who was assassinated by hardline Marxists Oct. 19, and now call Ronald Reagan "a good man."

Although Bishop was a popular Marxist leader, Williams said, he also was a "wolf in sheep's clothing" who gave in too often to the hardliners. "The communist people made you feel it's a crime to achieve, to sacrifice, to help yourself," Williams said. "They take your heart away."

Asked about former soldiers of Bishop's now disbanded People's Revolutionary Army, Williams said, "These people are sick in their hearts. They still have some hand grenades. Guns were so easy to get. A lot of the guys in the [revolutionary] army who were expecting something for nothing because Bishop and Coard [former deputy prime minister Bernard Coard, a hardline Marxist] promised them the world, they are dangerous. It may take two or three years to eliminate the danger, because grief is a thing that don't mend overnight."

After things have settled down, Williams warned, the former soldiers may become "terrorists, they may put bombs in your home."

For now, he said, "They go home. They wait."

Williams said he was a witness to the events of Oct. 19, when thousands of people gathered downtown and hundreds marched up the hill to free Bishop from house arrest.

He said he saw the armored personnel carrier of Gen. Hudson Austin's troops fire into the crowd, a sight too horrible to forget. Shortly after that, Bishop and some of his ministers were retaken and shot to death by Austin's troops.

"It was a day like today, very hot. The armored car came and blasted two shots boom! boom! at the crowd . . . a lot of people died. It was a massacre. I never thought in my life that I would see people shoot at their own people. I just can't believe that people would do that. It was savage, inhuman, wicked."

Nobody knows how many died that day. The official count was 17, but estimates based on eyewitness accounts are much higher.

CHILDREN

There is a sign scrawled in big black letters on a fading pink wall at the corner of Young and Church streets high above the harbor.

"It says 'God Bless America,'" explained Anne Brown, a young mother walking up the street with her 2-year-old daughter, Kerlin, to meet two other children.

They talked excitedly. Some U.S. troops passed by in a jeep.

"They let the people free," Brown said of the Americans. "They saved our lives," said Utilda Palmer, a bright-eyed 10-year-old.

Utilda and Hilerie Redhead, 12, said they wanted pen pals in the States.

MARKET

"God Bless America," said a woman sitting in a stairway, who said she worked in a photo studio.

"The Americans came to help us," she said.

"Use the word 'rescue,' sister," said an old man.

"Oh, we've needed that for a long time," said the woman. "I am sorry they didn't come sooner."

"We are liberated, but I am still having my fears for my personal safety," said the man.

Outside in the market, cars and trucks roared by. Heavily armed American troops went by in jeeps. No one seemed to pay any attention to them.

There were many youths, apparently school children. Music blared from a loud speaker. Suddenly the scratchy recorded voice of Scoon boomed out, saying, "We will continue as rapidly as possible to restore peace and order."

"We want Gairy," said a sign scrawled on the pink of Mike's Shoe Shop. The reference was to Eric Gairy, the Grenadian prime minister deposed by Bishop in 1979.

Junior James, 23, a government welder who returned to work Tuesday, was waiting for a bus. "I didn't like the scene before [the Americans came]," said James, who wore blue jeans and a white T-shirt. "But now it has changed. I am glad for the change. I hope it's for the better."

James said he "had friends in the [People's Revolutionary] Army, but most of them were forced in. Some of them were just there to make a living, and everybody has to live. The bigger guys were pressing them to go in."

He said he doesn't mind having armed American troops everywhere. "I don't think they came to shoot nobody," he said.

A street vendor wearing sandals and with a scraggly beard and a basket of greenish oranges stood in front of a shop called The Pastryman. He looked up and watched two U.S. warplanes streaking overhead. "Good enough," he said. "They came to us as the peace force."

At a small supermarket, owner Robert Douglas said there are shortages of chicken and tinned sardines "and stuff like that. Tinned milk. It's not a crisis. It's not that bad." Several shoppers were buying items and the shelves appeared to be mostly full.

Spencer Edwards, a lean, hawknosed man who is headmaster of Boca Junior Secondary School and who appeared to be the only white native Grenadian in the square Tuesday, said slightly less than half his children returned to classes Tuesday.

"They'll come back eventually," he said. "People are a little bit scared still, of the noise and activity in the area."

FRAGRANCES

At that now-famous airport at Point Salines, with the sweating, noisy bustle everywhere, you can smell that cool, damp odor of new cement and plaster still drying * * *

* * * In the rubble of the bombed hospital, the smell of the dead. A correspondent says at dinner that it can be determined from the smell that there are five bodies left in there. The remark passes for humor * * *

* * * And in many places here on "the spice isle," the smell of nutmeg. You can buy packets with three or four nuts of nutmeg with tiny, kitchen-style shredders included for reducing them to a fresh, sweet-smelling powder.

TOURIST CHIEF

Jane Belfon, director of the ministry of tourism, was sitting in her hot, harbor-front office trying to stay cool Tuesday when a man in a fancy white shirt bounded in and exclaimed, "Welcome, survivors of Grenada!"

He was Norberto J. Ambros, the Organization of American States' representative here. Belfon greeted him warmly, and he told her he was on his way to Washington to report to the OAS.

"I spent two-and-a-half days looking at the floor of my home," he said. "Bullets were flying everywhere. It was rough."

"So many people we haven't seen yet," Belfon said. "You don't know if they're alive or dead."

Ambros left and Belfon began talking about tourism, saying there are "zero, no tourists" here right now, but that as of the end of September, before all the turmoil, tourism was up 17 percent over last year.

"We had 25,000 tourists last year," she said. "This year we expected 33,000."

Belfon, an energetic woman with a broad smile, said that tourism will continue to be an important industry in the future, and that it "will depend on access into Grenada. An international airport is critical and should be completed. It's critically important, whether it becomes American or not."

She said the Bishop government (Belfon was appointed to her job by Bishop) was "the first government to take the [tourist] industry seriously and make progress," a view directly counter to that of the taxi driver and others.

Asked for her personal, unofficial view of the American action here, Belfon said, "As a human being, I do not support the invasion of any sovereign nation on this earth whether it's Afghanistan, Switzerland or Grenada. I think it's wrong, and * * * a violation of international law."

Suddenly the air conditioning came on with a roar at the back of the office, and Belfon exclaimed, "Ah, bravo, electricity!"

"This is a peaceful, beautiful country with warm, hospitable people," she said. "Even with an invasion, the country is peaceful and safe."

Just then there was a distant sound of explosions. "Well," laughed Belfon, "There are a few bombs dropping over there."

MANAGING

Pearl Paterson, a small efficient woman with angelic qualities, manages the splendidly crumbling St. James Hotel overlooking the harbor. There are no tourists here, but Paterson plays mother to 100 slightly crazed journalists.

Last night, friendly and unflappable, she bedded down a dozen in the lobby when the rooms overflowed. "It's not posh, but we try to keep it clean," she said. At dinner she leaned down and quietly warned, "You watch where you're going. Watch these local boys who want to lead you around."

Later, she drew laughter when she presented a dinner check to one grimy journalist, asking politely, "What plan are you on?"

TAXI DRIVER

George Bernard's most immediate concern is not the war, but his failing car battery. He can hardly get his old crate cranked up, and a new battery costs $300 Grenadian. He can't afford it.

"As soon as they [the Bishop government] came in, they said no six-cylinder vehicles. What happened was, all the Russians and Cubans had six-cylinder vehicles, but we, the poor man, could not have them * * *

"Oh, it was terrible. No taxi man could purchase a new car because the purchase tax was 100 percent. Regardless of what other countries say, I don't think it was an invasion. I think it was a help from [under] the yoke of Communism * * * if you said anything political, the government detained you. Now we are free. Now Bishop is gone. All his distressors are gone."

Distressors? "If anyone hears you say anything, they arrest you. I call them political bandits."

Driving past long rows of shot-up yellow barracks that once housed Cuban soldiers, Bernard said enthusiastically, "Yeah, mon, we get them out of this country!"

Bernard acknowledged that "the masses of the people" were behind Bishop, and confided that he himself had liked Bishop. "Now all we need to do is have a general election in the very near future and build back our country."

As Bernard spoke, he drove past a big roadside poster placed by the former government. It said, "1983—year of political and academic education."●

TRIBUTE TO DR. ALBERT B. SABIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Dr. Albert B. Sabin, the foremost virologist of our time. Dr. Sabin has been selected to receive the Life Achievement Award from the Honorable Eliezer Shostak, Minister of Health of the State of Israel, on the occasion of the 50th anniversary of the Kupat Holim Leumit, the National Sick Fund of Israel.

Dr. Sabin has been selected to receive this coveted award because he has given the gift of life to the world. He is best known for his studies on the nature of human poliomyelitis, and his development of the Sabin oral polio vaccine. His contributions to medicine have enabled us to eradicate polio from the United States and many other parts of the world.

His studies of viruses have led to new discoveries of the potentially causative agents of diseases such as meningitis and encephalitis, and he has studied the role which viruses may play in the cause of cancer.

Dr. Sabin's brilliant career has spanned over 50 years, only a few years longer than the National Sick Fund has been in existence. From a humble beginning before Israel had even become a state, the National Sick Fund now serves over 350,000 Israelis, regardless of race or religion, with efficient and up-to-date medical services. Among these is the Sabin oral polio vaccine.

Mr. Speaker, it is my pleasure to congratulate Dr. Sabin on this Life Achievement Award, and to ask that all the Members of the House of Representatives here today join me in recognizing Dr. Albert B. Sabin for a lifetime of achievement and for giving the world the gift of life. I would also like to extend my best wishes for continued success to the Kupat Holim Leumit, the National Sick Fund of Israel, on this, the occasion of its 50th anniversary.●

RESTITUTION TO ALEUT CITIZENS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today which will help to correct an injustice which was committed by the Federal Government against Alaska Native citizens during World War II. This bill will serve to provide restitution to Aleut citizens of the United States for personal property losses and physical hardship suffered while interned in temporary camps during the war. In addition, the legislation would provide compensation for certain community property losses and authorize the removal of hazardous debris and ammunition remaining in populated areas. It is identical in content to provisions of companion legislation to be introduced

in the other body by colleages, Senators STEVENS and MURKOWSKI.

Mr. Speaker, as the members of this Chamber well know, World War II marked a difficult and dangerous time in the history of our Nation. It was only through the valiant sacrifices of men and women throughout the country that we were able to prevail in wars on two fronts which we did not choose to begin. In no way is this legislation intended to diminish the contributions of American soldiers and sailors whose sacrifices allowed us to win the war.

At the same time, it should be the obligation of the Federal Government to repay citizens when the Government takes property or interns individuals who have not committed any violations of the law. To ignore this obligation is to allow a government to arbitrarily deprive individuals of their rights as citizens.

The circumstances surrounding the invasion of two islands on the Aleutian chain and the necessity to evacuate residents of a large number of villages on the islands are a matter of history for most Americans. However, for the individuals who were interned, as well as for those who lost family members who did not survive the long period in the camps, this time was one of permanent sorrow and loss. These losses were made even greater by the failure of the Government to return property after the war. It is our duty to live up to this obligation. For these reasons, I have introduced this legislation and urge my colleagues to support its enactment into law.●

PENSION EQUITY FOR WOMEN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. CLAY. Mr. Speaker, on September 29 and November 1, 1983, the Subcommittee on Labor-Management Relations held hearings on issues of pension equity for women.

The private pension system is intended to deliver benefits to supplement those provided by the social security system. Tragically, unforeseen faults in the fundamental design of both retirement systems stand in the way of meeting our national goal—to insure the well-being of our elderly.

The private pension system, like the social security system, generally rewards a certain kind of work behavior—that is, a lifetime of steady work and high earnings. Women's work patterns do not conform to this model. According to statistics, a woman is likely to work inside the home as well as outside it at different times in her lifetime. When in paid employment, she is likely to be in part-time work and segregated into low-paying service fields that are tolerant of departure and reentry. Given this trend, it is rare that women earn pension benefits in their own right. Only 19 percent do.

Older women are suffering dire economic hardships. In 1981, the median total money income of women over 65 was $4,757, a sum hardly adequate to meet their housing and long-term health-care needs; they are now 72 percent of the elderly who live in poverty.

For most women, the only hope of supplementing their social security dependent's benefit is in claiming a joint share of their husband's pension. These women face serious vulnerabilities as a result of current pension law.

Presently, a woman may be denied rights to pension benefits with the dissolution of a marriage by death or divorce regardless of how many years she served as an economic partner to a man covered by a plan. Her joint and survivor annuity could be signed away by her husband without her knowledge or consent.

Many witnesses testified as to these and other serious inadequacies of current law. On November 1, the subcommittee adopted a bipartisan substitute for H.R. 2100, a bill introduced by our colleague, GERALDINE FERRARO.

I want to commend her and our colleagues MARGE ROUKEMA, CARDISS COLLINS, OLYMPIA SNOWE, PAT SCHROEDER, CLAUDINE SCHNEIDER, and the many others who have initiated and skillfully advanced this bill.

On November 2, I joined with the ranking member of the subcommittee, MARGE ROUKEMA, JOHN ERLENBORN, the ranking member of the Education and Labor Committee, GERALDINE FERRARO, all the members of the Subcommittee on Labor-Management Relations and many others to introduce as a new bill, the bill the subcommittee adopted earlier this week. We anticipate speedy enactment of this legislation. A summary of the bill follows:

I. MINIMUM AGE OF PARTICIPATION

Will lower the minimum age of participation from age 25 to 21; in addition defined benefit plans would be permitted an option to continue to provide for "participation" at age 25, but benefit accrual and vesting would be required to be credited at age 25 for service as if actual plan participation had commenced at age 21.

II. VESTING

The minimum age for vesting would be lowered from age 22 to age 18. In addition non-top-heavy plans would be given greater certainty with respect to the adoption of vesting provided in connection with the "non-discrimination" provisions of the Internal Revenue Code by providing safe harbors under Section 411(d)(1)(B) (100% 5 year vesting, 10% graded vesting beginning at 30% after 3 years, and plans meeting certain present-value and cross-section tests). This latter provision, similar to that contained in legislation sponsored by Reps. Frenzel, Erlenborn and Perkins would be made inapplicable to top-heavy plans, but would provide greater certainty for all other plans with respect to tax qualifications.

III. NO BREAK IN SERVICE FOR MATERNITY/PATERNITY ABSENCES

1. The maternity/paternity break-in-service rules would provide credit for participation and vesting, but only for purposes of avoiding breaks-in-service.

2. The provision in S. 1978 eliminating the rule-of-parity for breaks-in-service of less than 5 years is included.

IV. JOINT AND SURVIVOR ANNUITIES FOR MARRIED PARTICIPANTS

1. An automatic joint and survivor annuity would have to be made available after 10 years of service rather than after age 45 and 10 years of service as under S. 1978.

2. Defined benefit pension plans (including money purchase plans) would be required to provide annuities, and therefore joint and survivor annuity for married participants; other individual account plans (e.g. profit sharing and stock bonus plans) would be exempt from annuity requirement if the participant's account balance is payable in full on the death of the participant.

3. Generally the provisions of S. 1978 are followed with respect to the spousal consent and "election out" requirements, except that the 1-year marriage rule and the 2-year non-accidental death rule would be deleted.

4. Since the present value of the spousal benefit in many instances will be small, and likely to be cashed out, a provision is included which would require the plan to make a lump sum payment directly to the IRA or pension plan of the employee's new employer (if allowed) as the participant may direct. The participant may also elect cash.

5. Similar to H.R. 2100, deferred vested participants would be given an option to elect a Joint and Survivor Annuity to the extent that benefit payments have not commenced.

V. DOMESTIC RELATIONS LAW ORDERS—EXCEPTION TO ERISA ANTIALIENATION PROVISIONS

1. Generally the procedures under S. 1978 are followed except that in the case of nonqualified domestic relations orders and cases in which former spouses cannot be located payments could be made to participant and alternate payee's benefits would be held by plan for up to 3 years (after which payments to alternate payee would be prospective only).

2. The amendment clarifies that the qualified domestic relations * * *

VI. TAX TREATMENT OF SURVIVOR DISTRIBUTION

In addition to the S. 1978 provision permitting the spouse to roll-over a distribution to an IRA, as under H.R. 4032 the spouse could claim ten-year forward averaging income tax treatment.

VII. CASH OUT LIMIT

As in S. 1978, the cash out limit is raise from $1,750 to $3,500, except that the present value is determined using the plans actuarial valuation rate of interest.●

NATURAL GAS LEGISLATION—HOW DO WE GET FROM HERE TO THERE?

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. GEPHARDT. Mr. Speaker, in the last several weeks, a plethora of information has been circulated in support of each of the various pieces of legislation seeking to make changes in the Natural Gas Policy Act of 1978 to address the current problems in the natural gas market. The problem with all of these studies is that they are based on differing assumptions which often do not reflect true market conditions and which seek to define the market of the future. As my colleagues who were here in Congress in 1978 know, we have already made the mistake of trying to predict the future natural gas market; in 1978, we assumed that the oil equivalent price of natural gas would be $15 per barrel in 1985.

The question with which we are faced in the current debate is how do we bridge the gap between the present market, which is in disarray, to one where market signals are effectively transmitted from the producer to the end user and back again. Each of the sponsors of legislation can point to information supporting their position; the current debate, however, centers around different interpretations of how the market currently operates, and how it should operate.

An orderly transition that corrects the present problems, provides necessary relief to consumers, and assures them of this relief is the course we must pursue. H.R. 2154, the Natural Gas Consumer Relief Act of 1983 provides this orderly transition by creating a framework that will allow us to find out whether a free market can exist. While different approaches such as immediate decontrol, ramp-up, ramp-down formulations may elicit more supply in the short run, they will not provide the price relief which H.R. 2154 affords. Additionally, if one examines the market over time, most of the approaches over time converge at some point on providing additional supply; it is a question of what point on the curve that supply becomes available—now, when there is a oversupply of natural gas, or after 1987, when the current oversupply should be depleted.

We are all seeking to solve our current problems and insure that we do not have to go through this exercise again. The one thing we must have this session, however, is action. All of the various sectors of the gas industry need to be relieved of the uncertainty of what is to come. H.R. 2154, the Natural Gas Consumer Relief Act of 1983, which has the support of more than 150 Members of the House provides the necessary relief while insuring long-term supplies.●

JENNIE FRISCH ADLER

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. SCHUMER. Mr. Speaker, on November 5, 1983, Jennie Frisch Adler celebrates her 100th birthday. Jennie Adler's century of life has been one that exemplifies the American experience, and I would like to congratulate her on the occasion of this joyous landmark.

A native of Vitke, Hungary, Jennie Frisch first came to the United States at the age of 27, and settled with her brother in Omaha, Nebr. Three years later, in 1913, she married Anton Adler, who was also born in Hungary, and became a citizen of the United States. Jennie and Anton were an industrious couple—she ran a grocery store, and he ran a tavern. They raised four children in their home behind the grocery store.

Her retirement in 1953 at the age of 70 did not slow Jennie down; she moved to California and spent much of her time knitting afghans, which she donated to charities for their fund raising. She has returned to live with her daughter in Omaha, where her 9 grandchildren and 10 great-grandchildren will be joining her to celebrate her birthday with a Thanksgiving Day reunion planned by her children. This is the first time the entire Adler family—all of Jennie's surviving children, grandchildren, and great-grandchildren will be together. This centennial birthday and the reunion of the entire family are truly reasons for the Adler family to give thanks.●

HONORING FELIX PERALTA, FIRST VICE PRESIDENT, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 11586, SANTA FE SPRINGS, CALIF.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 4, 1983

● Mr. TORRES. Mr. Speaker, Felix Peralta, first vice president of the Communications Workers of America, Local 11586 has served as a voice for the working men and women of our country for the past two decades. During this time I have had the pleasure to work with Felix and have come to admire his commitment to the union labor movement.

Felix was born on September 16, 1946, in East Los Angeles, Calif. He attended local schools in East Los Angeles. Following his graduation from Garfield High School, Felix began working for General Telephone of California in 1966. In that same year he enlisted in the U.S. Army. During his service in the Army, Felix was stationed in Vietnam for 11 months. While in Vietnam, Felix was awarded the Bronze Star for valor in combat. He also received a combat infantry badge, was awarded two Army commendations for valor and the Purple Heart. He was honorably discharged in 1968.

Following his service in the Army, Felix returned to the Greater Los Angeles area and again began working for General Telephone of California. In April 1970 he married his lovely wife, the former Inez Luna. They have four beautiful daughters, Vicky, Veronica, Valerie, and Yvonne. The Peralta's reside in La Puente, Calif.

Mr. Speaker, Felix has always served the members of the Communications Workers of America, Local 11586 during his tenure at General Telephone. Among his many positions at GTE over the past 17 years Felix has been: a cable splicer, lineman, special equipment installer, and field engineer. His involvement with the Communications Workers of America began as a steward and following his tenure, he was elected as a member of the executive board of Local 11586. He has also served his fellow brothers and sisters of the local as their third vice president, responsible for the relations between the union and management and their second vice president responsible for monitoring the Communications Workers of America legislative calendar both at the State and National level. Currently as the local's first vice president Felix serves as the community liaison and the political director for the members.

Felix has also served as the coordinator for the employee assistance program for alcohol, drugs, and social services, as an elected member of the California State Democratic Central Committee and as a member of the Los Angeles Citizen Advisory Commission. Former Gov. Edmund G. Brown, Jr., appointed Felix as one of California's representative to the White House Conference on Aging.

In addition to his work in the union Felix is involved in a number of community activities like the United Way's fundraising drives, numerous Red Cross blood drives and the La Puente Little League.

Mr. Speaker, Felix Peralta is the epitome of the union labor movement's strong leaders. He is committed to improving the welfare of his fellow brothers and sisters. I ask my fellow colleagues to join me in thanking Felix for a job well done.●