EXTENSIONS OF REMARKS

FREEDOM OF INFORMATION REFORM ACT

HON. CHARLES McC. MATHIAS, JR.
OF MARYLAND
IN THE SENATE OF THE UNITED STATES

Tuesday, February 28, 1984

● Mr. MATHIAS. Mr. President, the fact that the Senate addresses the Freedom of Information Reform Act, S. 774, is a tribute to the energy and persistence of my colleague from Utah, Senator HATCH. He has guided this highly controversial bill through troubled waters for nearly 3 years. With the active cooperation of several of his colleagues, most notably the junior Senator from Vermont, Mr. LEAHY, he has forged a compromise bill which I am pleased to support. I know that most of my colleagues share my view of this legislation.

However, Mr. President, there is one provision of this bill which troubles me. It is a provision which hardly created a stir in the early period of consideration of Freedom of Information Act (FOIA) reform. But in recent months, I have received expressions of concern about this provision from many quarters. I refer to proposed paragraph (4)(A)(i)(c) of section 552(a) of title 5, United States Code. This proposal would authorize the United States to charge "a fair value fee, or royalties, or both, in addition to or in lieu of any processing fees otherwise chargeable" under the Freedom of Information Act, for the release of certain commercially valuable technological information.

I understand that Senator HATCH is prepared to modify the language of this section somewhat, in order to delete some of its confusing terminology, such as the reference to "royalties." I know that the report on S. 774 includes some language intended to limit the applicability of the fair value fee provisions. These are improvements, and I applaud the Senator from Utah for including them. But after some reflection on the matter, I have concluded that this bill would be even further improved if this section were deleted altogether.

Mr. President, this provision troubles me for several reasons. I do not think that a case has been made that it is needed to prevent the improper free disclosure of information which may have some commercial value. I do not think that it is sufficiently clear to what information this provision ought to apply. I am concerned that neither in the language of the bill itself, nor in the legislative history, are there sufficient safeguards to insure against agency abuse of discretion in administering this provision. I question whether we have adequately considered the economic effect of this proposal on legitimate business enterprises which depend upon access to Government data bases.

One concern in particular is of importance to me in my capacity as chairman of the Subcommittee on Patents, Copyrights and Trademarks of the Committee on the Judiciary. That is the friction between the fair value fee provision of this bill, and the historic policy against copyrights on Government information. That policy was reaffirmed in 1976, when we passed the revision of the Copyright Act, which included title 17, United States Code, section 105. This section declares that "copyright protection under this title is not available for any work of the U.S. Government." Yet the fair value fee provision of S. 774 would seem to give the Government one attribute of copyright: The ability to condition the dissemination of information upon payment of a fee determined by the market value of the information.

I should point out, Mr. President, that this policy would mark a sharp departure from familiar principles of Government information policy, as embodied in the Freedom of Information Act. The fundamental idea underlying that act is that the Government's information ought to be freely available to the people, subject only to narrowly drawn exceptions. By making information "freely available," the policy underlying FOIA calls for the elimination, not only of legal barriers to access to public information, but also of excessive economic barriers. As a rule, a requester under FOIA may be charged only reasonable search and duplication fees. That is the long-established policy from which the fair value fee provisions of this bill would dramatically depart. In terms of the Freedom of Information Act alone, this provision is a substantial change.

But what about the impact of the change on copyright policy? After this apparent inconsistency between the proposed fair value fee provisions of S. 774, and section 105 of the Copyright Act, was brought to my attention, I decided to pose the question to someone far more learned in the intricacies of copyright law than I am. I asked David Ladd, the Register of Copyrights in the Library of Congress. Mr. Ladd is not only charged with administering the Copyright Act through the Office of the Register; he is also widely recognized as an experienced and perceptive expert in intellectual property law matters generally. I could hardly turn to a more authoritative source.

On October 11, Mr. Ladd answered my request. Let me hasten to say that the Register of Copyrights does not oppose the fair value fee provisions of S. 774. He does not take any position on it. But he does think that enactment of this bill, in its present form, may have some indirect implications for the policy against Government copyrights embodied in section 105 of the Copyright Act.

Mr. President, I will ask that the full text of Register Ladd's letter be printed in the RECORD at the conclusion of my remarks. But for now I would like to call the Senate's attention to the following paragraphs of his letter:

> The Copyright Office sees questions and uncertainties in the policies embodied in section (4)(A)(i)(c) of S. 774 which may indirectly conflict with the policies expressed in section 105 of the copyright law. Conditioning public access pursuant to section (4)(A)(i)(c) of S. 774 upon the payment of fees (beyond reproduction and search charges) is a form of control over the methods and terms of redissemination FOIA requestors may engage in. These fees may be keyed to particular uses a requestor may contemplate. The fees themselves, and the process for establishing them, either for a class of work or class of users, could operate as a restraint on dissemination.
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> If, as the Committee Report states, a purpose of section (4)(A)(i)(c) of S. 774 is to avoid depriving the government of the "commercial value" of information sought under FOIA, how does this purpose modify the statutory decision embodied in section 105 of the copyright law that limits the government's right to exploit "commercial value" by placing U.S. Government works in the public domain? If FOIA fees are based upon anticipated uses by a requestor, what are the consequences of the requestor violating the understanding with a federal agency under which the FOIA request was originally filled? If a use involves the creation of a new copyrighted work, is the agency entitled to share in the proceeds from this mixed use of federal and private creative authorship?
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> The equitable pricing of government information services to avoid unfairness to taxpayers who pay for the generation of such information is an important administrative issue, particularly with the growth of new information services and changes in the kinds of information available through FOIA procedures. However, the principle of no copyright protection for U.S. Government works has been so broadly accepted for so long that care should be taken to

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

avoid modifying its practical effects without confronting the question of modifying section 105 itself.

Mr. President, I believe that the views expressed by the Register of Copyrights deserve our careful consideration. Beyond the specific issues that he raises in his letter, I think it is significant that when I wrote to the Register for an answer to this problem, I got back a letter filled with questions. That by itself should tell us something. It should tell us that a Freedom of Information Act bill is not the appropriate context for making such a consequential change in longstanding Government information policies.

Before we authorize the Government to charge a royalty for the release of information that the public has a right to know, we should hear the considered views of the Register of Copyrights. We should examine carefully the impact of this shift upon a sector of our economy that is of ever growing importance to our prosperity: the information industry. We should ponder whether conditions have changed so dramatically in the past few years that we should abandon our policy that generally keeps the Government out of the commercial market for information, leaving it to the private sector. But as this bill comes before us for final passage, we have done none of these things. That is why I am troubled by the inclusion of this provision in S. 774.

Mr. President, I must emphasize that I do not know the answers to the questions posed by the Register of Copyrights, or to the more general questions about Government policy toward intellectual property which are raised by the fair value fee provision. The Senator from Utah has demonstrated, over the past 3 years, his remarkable mastery of the issues surrounding the Freedom of Information Act; but I suspect that even he does not have clear answers to these tough questions. That is why we ought to look at this provision in a context which focuses our attention on the intellectual property issues involved.

We may well conclude, at the end of that process, that some deviation from the traditional policy is needed. We may well decide that in certain narrowly circumscribed cases the Government ought to seek to extract commercial market values from information that is otherwise within the public domain and subject to the people's right to know. Certainly, when ever-widening budget deficits loom before us, we ought to give serious consideration to any legitimate way to make government services—including information services—pay their own way. But when we have given the issue that consideration, when we reach that conclusion and make that decision at the end of the investigation I have described, we will have before us a far better answer to these new questions than we have today.

The letter follows:

LIBRARY OF CONGRESS,
Washington, D.C., October 11, 1983.

Hon. CHARLES McC. MATHIAS, Jr.,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR SENATOR MATHIAS: Thank you for your letter of September 21 requesting the views of the Copyright Office on Section (4)(A)(i)(c) of S. 774 and any implications of that provision upon the copyright law and its policies.

As you observed, this legislation does not directly bear on the copyright law, and for that reason the Copyright Office has to date not expressed an opinion on it. The purpose of this letter is to respond to your request and thereby to provide the perspective of the Copyright Office as to whether and how charges might be imposed for information and publications by U.S. government agencies and the indirect implications of this legislation on policies expressed in Section 105 of the copyright statute.

Section 105 of the copyright law provides that "copyright protection under this title is not available for any work of the United States Government. . . ." Read with the definitions of section 101, this means that copyright cannot be claimed in works prepared by an officer or employee of the United States Government as part of that person's official duties. The federal government may in certain instances, however, receive and hold copyright's transferred to it by gift, purchase, or agreement with an author who creates a work under government contract or grant.

The statutory prohibition against copyright in works of the federal government is almost 75 years old. It was formerly embodied in section 8 of the 1909 Copyright Act. It represents a conclusion by Congress that the public interest is served by keeping governmentally created works as free as possible of potential restrictions on dissemination.

Although Congress has in the past provided copyright protection for U.S. Government works in two narrow instances—publication under the Standard Reference Data Act and works of the United States Postal Service—it generally has rejected other specific proposals for federal copyright offered between 1965 and 1975 during consideration of the copyright revision bills. The last of these proposals was made during the final days of consideration of S. 22; it sought a specific exemption so that a limited five-year copyright could be asserted in publications generated by the National Technical Information Service (NTIS) in the Department of Commerce. While the House of Representatives at one point adopted this exemption for NTIS, the Senate, without the opportunity to hold hearings on the issues, was unwilling to agree in conference. Subsequent Senate hearings on this issue were anticipated but never held.

The Copyright Office sees questions and uncertainties in the policies embodied in section (4)(A)(i)(c) of S. 774 which may indirectly conflict with the policies expressed in section 105 of the copyright law. Conditioning public access pursuant to section (4)(A)(i)(c) of S. 774 upon the payment of fees (beyond reproduction and search charges) is a form of control over the methods and terms of redissemination FOIA requestors may engage in. These fees may be keyed to particular uses a requestor may contemplate. The fees themselves, and the process for establishing them, either for a class of works or class of users, could operate as a restraint on dissemination.

If, as the Committee Report states, a purpose of section (4)(A)(i)(c) of S. 774 is to avoid depriving the government of the "commercial value" of information sought under FOIA, how does this purpose modify the statutory decision embodied in section 105 of the copyright law that limits the government's right to exploit "commercial value" by placing U.S. Government works in the public domain? If FOIA fees are based upon anticipated uses by a requestor, what are the consequences of the requestor violating the understanding with a federal agency under which the FOIA request was originally filled? If a use involves the creation of a new copyrighted work, is the agency entitled to share in the proceeds from this mixed use of federal and private creative authorship?

The equitable pricing of government information services to avoid unfairness to taxpayers who pay for the generation of such information is an important administration issue, particularly with the growth of new information services and changes in the kinds of information available through FOIA procedures. However, the principle of no copyright protection for U.S Government works has been so broadly accepted for so long that care should be taken to avoid modifying its practical effects without confronting the question of modifying section 105 itself.

Should you wish to consider the matter further, the Copyright Office is prepared to provide you and your staff with detailed background material identifying past proposals regarding protection for works of the U.S. Government, positions taken by interested groups, and the practices of foreign governments with respect to copyright in governmentally created or acquired works.

Sincerely,

DAVID LADD,
Register of Copyrights.●

ANTHONY GAGLIOTI "MAN OF THE YEAR" BY UNICO CHAPTER

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. RODINO. Mr. Speaker, I am very proud to recognize the achievements of Mr. Anthony Gaglioti, who will be honored this Saturday as man of the year by the Palisades Park chapter of UNICO.

In addition, Mr. Gaglioti is to be installed as the national president of UNICO this August for the 1984-85 term. UNICO, the largest Italian-American national service organization, has made important contributions to community activities all over the country, and as a longtime member, I am especially pleased to offer my congratulations to Mr. Gaglioti today.

The spirit and dedication of this fine organization are personified by Mr. Gaglioti, who has given so generously of his time and energy for charitable

activities. His tireless efforts and many years of volunteer work are most deserving of this recognition by UNICO.

I am certain that my colleagues will join me in offering best wishes and congratulations to Mr. Gaglioti and to all the members of UNICO on this very special occasion.●

GRANDPARENTS RIGHTS: CONGRESSIONAL ACTION STILL NEEDED

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. LANTOS. Mr. Speaker, I would like to share with my colleagues a recent New York Times article describing the plight of two New York grandparents who were not allowed to see their 6-year-old grandchild for over 2 years. As a grandparent, I understand the feelings of this couple.

House Concurrent Resolution 45, which was unanimously approved by the House of Representatives, urges the States to adopt uniform acts permitting grandparents to petition State courts for privileges to visit their grandchildren following the death or separation of the natural parents.

I am pleased to report that the Senate Subcommittee on the Separation of Powers of the Judiciary Committee has reported that bill out of committee and we hope to see Senate action soon.

When the Senate acts on this legislation, grandparents rights will be protected and they will be better able to to help provide responsible, stable family relationships for the grandchildren of a broken home. More important, the rights, needs, and wants of the child, the one who often suffers the most, are now also given consideration. Broken homes in the United States have left many children devoid of the proper upbringing that will contribute to future stability. The grandparent is often in a unique position to provide the child with a sense of continuity as well as an emotional nuturing that most likely is missing in the chaos and upheaval which follows the breakup of a nuclear family.

One-third of a child's biological inheritance comes from one set of grandparents. A child needs to have an opportunity to know his living ancestors and to receive the love and security which they can give through a vital relationship with his or her grandparents.

The following article indicates the dilemma facing many grandparents and the sense of rejection experienced by the child when such a vital relationship is artificially broken up by the custodial parents:

COUPLE WINS COURT BATTLE TO SEE GRANDSON, 6

(By David Margolick)

BINGHAMTON, N.Y., Jan. 26—On Sunday, George and Catherine Layton plan to pick up their 6-year-old grandson, Mark Foster, and take him to the nearby Oakdale Mall. They want to visit a toy store, watch the fountain, then cap off the afternoon at Burger King or the Friendly Ice Cream Shop.

For Mr. and Mrs. Layton, however, this is not just an ordinary weekend outing. It is the first time they have been allowed to see their grandson in more than two years, and it marks the culmination of a bitter court battle that began shortly after Mark's parents were divorced.

Last week, the state's highest court ruled, over the objections of the boy's mother and adoptive father, that the Laytons had a right under state law to visit their grandson. In effect, the court granted the Laytons visiting rights no longer enjoyed by their son, Mark's natural father. The Layton case is the most recent example of how, as the divorce rate and human longevity have increased, courts in New York State and elsewhere have had to grapple with the special bond between grandparent and grandchild.

It is a bond that, while relatively new to the law, was captured long ago in an Italian adage the Laytons quoted in court papers.

"Si niente va bene, chiama nonno e honna," it states. "If nothing else is going well, call your grandfather and grandmother."

According to Harry D. Krause, a family law expert at the University of Illinois Law School, at least 42 states, including New York, now have laws that protect the rights of grandparents in the event of a parent's death or divorce.

Under these statutes, family law authorities say, courts have held that the rights of grandparents and grandchildren can limit the autonomy traditionally given to parents in the rearing of children.

Put another way, the laws mark the legal system's growing commitment to the preservation of the extended family where it is in child's best interests.

"We've had men's lib, women's lib, and now we have kid's lib," said Doris Jonas Freed, a New York lawyer and an authority on family law. "Even little children have rights that cannot be abrogated. They're not chattels anymore."

For the Laytons, who live here in Binghamton, only a few miles from their grandson, the decision means the end of years of anguish spent looking for "Marky" wherever they went and sending birthday cards that were never acknowledged. It is also a second chance of sorts.

"I worked my whole life to get where I am, and I didn't have very much time with my children," said Mr. Layton, 64, who will retire this year after 34 years at a nearby General Electric Company plant. "We got time on our hands now."

The Laytons' son, also named Mark, married Cheri-Gay LaFrance in March 1975. He was 18 at the time: she was 20. Two years later, their son, Mark Layton Jr., was born. The couple divorced in May 1978, with the mother retaining custody of the child. A year later, she married another Binghamton man, Roger Foster.

Even after the divorce, George and Catherine Layton continued to see their grandson every other weekend. The visits abruptly stopped, however, in September 1981, when Mr. and Mrs. Foster adopted the child, renamed him Mark Foster and forbade the grandparents from seeing him. The boy's natural father approved the move; Mr. and Mrs. Layton did not learn of it until afterward.

"It hit me like a bolt of lightning," Mrs. Layton said.

In the last three years, the Laytons have seen their grandson for only a few seconds. In December 1981, Mr. Layton saw him briefly when he tried, without success, to take him to the General Electric Christmas party. Several months later, Mrs. Layton ran into the boy, with the Fosters, at the meat counter of a local supermarket. She says he waved to her before the Fosters whisked him out to the car.

Mr. and Mrs. Foster have declined to be interviewed.

In late 1981, the Laytons sued for visiting rights in Broome County Family Court. The Fosters resisted, arguing that the grandparents' relationship with Mark was too tenuous to justify the disruptive effect the visits would have, particularly since the Fosters did not want Mark to know that he had been adopted.

Early last year, Judge Daniel S. Dickinson Jr. ruled in favor of the Fosters. He called the proposed visits "an invasion of privacy and embarrassment to the natural as well as the adoptive parent."

The Laytons appealed, and the Appellate Division of State Supreme Court reversed the ruling. Last week, Court of Appeals, the state's highest court, unanimously upheld the appellate ruling, saying that the state's Domestic Relations Law intended "to continue the familial relationship between grandparents of an adopted child and the child, provided that doing so is not contrary to the best interests of the child."

The Laytons are now preparing themselves for Mark's visit, retrieving all of his favorite pictures and toys.

"If he reaches for my hand, that will be great," said Mr. Layton. "But if I ask him to go with us and he says 'no', I'm going to have a broken heart. Why should I make a little boy suffer?"●

WELCOME TO OUR NEWLY NATURALIZED AMERICANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. GILMAN. Mr. Speaker, it is with sincere pleasure that I congratulate the residents of New York's 22d Congressional District who have recently chosen to become citizens of the United States, with all of the privileges, freedoms, and responsibilities that American citizenship entails.

Our Hudson Valley region in New York State is proud of its newest citizens, and I invite my colleagues to join in welcoming the following newly naturalized Americans and extending to them our best wishes for a happy and prosperous life in their new homeland:

Mr. Mohammed Abdul-Quader, Ms. Rashmi Anne Aggarwala, Ms. Nahyr Alba, Ms. Chantal Alexander, Mrs. Neela Anam, Mr. Angel George Angelov, Ms. Olga Valerie Angelov, Mr. Julio Ceasar Arla, Ms. Gladys Aure-

lien, Mr. Alexander Samuel Berg, Ms. Myrlande Moussignac Boursiquot, Ms. Dulcelina Verdeflor Breithaupt, Mr. Pedro Bueno, Mr. Stefan Buschbacher, Ms. Amalfi Antonia Cabrera, Ms. Irene Campos, Ms. Ethna Philomena Carty.

Mr. Carl Henry Charles, Ms. Marie Therese Chatelain, Mr. Michael Chatelain, Jiin Long Chen, Mr. Joseph Chery, Ms. Merian M.A. Clemente, Mr. Roger Darbouze, Ms. Ninie Charlotte Dazulma, Mr. Pierre Victor Hector Dazulma.

Ms. Iluminada Diato DeCastro, Annette and Denise Dillon, Mr. Kulbir Singh Dodd, Mrs. Mira Kulbir Dodd, Ms. Elizabeth Valenzuela Domingo, Mr. Jocelin Domond, Mr. Jack Hagop Douzjian, Ms. Mary Elizabeth Douzjian, Mr. Igor Drapkin, Ms. Consuelo Teano Fajardo, Ms. Chrisopii Farcas, Ms. Wela Cajuelan Fernando, Ms. Piangchai Ferstand.

Ms. Moucile Fils, Marian Fleischer, Mrs. Maria Fortunato, Ms. Ase-Lill Frivoll, Ms. Bergliot Frivoll, Mr. Normann Randemar Frivoll, Ms. Valerie Marie Fuentes, Ms. Francesca Abordo Geronimo, Kimberly & Andrew Gregory, Ms. Anjali Pradeep Gupte, Ms. Amarilis Acosta Guzman, Mrs. Margarete Hachigian, Jean and Thomas Hanley, Ms. Poori Francine Hemmati.

Mr. Michael Anthony Hendriks, Mrs. Eribeta Calingo Ignacio, Mrs. Jaishree Sudhir Jagirdar, Haider Jala, Daulat Jalal, Ms. Ghislaine Jean-Pierre, Mrs. Chandrika Prasad Katragadda, Ms. Anjum Muzaffar Khan, Mr. Jae Nam Kim, Ms. Jeong Yeon Kim, Joel & Jaimie Kornreich, Miss Melodie Youn-Hee Ksoman, Mr. Jack Sung Kwan Lee, Mr. Mohamed Lamarti, Giancarlo Landi & Son, Mr. Schubert Lartigue, Henry & Samantha Levy, Ms. Remedios So Licup, Mr. Oswald Louis, Ms. Marie Maude Lubin, Mr. Vito Luongo, Mr. Zdenek Machacek, Ms. Catherine Bernadette Magee, Ms. Hosneara Malik, Mr. Muhammed Enamul Malik, Mr. Abraham Mathew.

Ms. Yvette Solange Maurice, Mr. Canio Mauro, Ms. Giuseppina Mauro, Mr. Paul Bernard McGovern, Mr. Morris Glaster McLean, Ms. Varda Mei-Tal, Mrs. Vera Josephine Mendoza.

Miss Stephena Louise Mitchell, Mr. Jose Montenegro, Mr. James Joseph Murray, Mr. Ashok Nagrath, Mr. Jose Andre Olivo, Mrs. Evelyn Paul, Mr. Felix Ramos, Carmen Altagracia Rijo, Mr. Radhames D. Rodriguez, Sherry & Amy Rothberg, Miss Fiona Michelle Joye Rowe, Mr. Sergio Manuel Saiz, Ms. Ann-Marie Sakal, Mr. Alexander Sanchez, Ms. Surinder Pal Kaur Sandhu, Mr Cheddie Sarju, Mr. Khemraj Sarju, Ms. Mildred Sarju, Ms. Sonita Bhaarati Sarju.

Ms. Evelyne Savaria, Ms. Alfonsa Scandura, Mr. Henri Daniel Schnurmann, Ms. Rhoda Flora Schoenberger, Mr. Francesco Scianna, Ms. Juana Alicia Garcia Segura, Linda & Daniel Shaw, Mr. James Franklin Kwok Sheung Wong, Ms. Rivka Aorelia Stern, Ms. Thelma Mariano Talusan, Mr. Mohamed Bassem Tolba, Ms. Nadia Mahmoud Tolba, Mr. Chiapang Steve Tsang, Ms. Jospehine Maricela Vargas, Ms. Kay Elaine Murray Vernon, Mr. Leon Duen-Liang Wang, Patricia & Mervinie Wellington, Mr. Cyril Augustine Wyse, Ms. Clara Carbonell Yabes, Mr. Eligio Fabonan Yabes, Ms. Seema Shabnam Zakiullah, Ms. Emma Zayas, Mr. German Zhitlovsky.●

THE JOINT RESEARCH AND DEVELOPMENT ACT OF 1984

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. RODINO. Mr. Speaker, I am pleased to join with several of my colleagues in introducing the Joint Research and Development Act of 1984.

The bill is a bipartisan product of the hard work and analysis that have gone on in this area beginning in the 97th Congress, when Mr. EDWARDS introduced the first joint research and development bill. It borrows heavily from the bill introduced earlier this session by the ranking minority member of the committee, Mr. FISH, and from the administration proposal introduced by Congressman MOORHEAD.

The concerns underlying this legislation have been detailed by others. It is sufficient here simply to reaffirm the conviction that joint research and development can be an important tool for maintaining or reasserting our technological leadership in many industries. Rightly or wrongly, the antitrust laws are perceived by many businesses as a threat to legitimate joint research and development activity. We can address this problem through a strong affirmation of the social and economic worth of joint research activity.

The bill has two operative features. It will codify the application of the rule of reason in all antitrust cases involving a joint research and development program as described in the definitions. And it will limit the potential damage exposure of such a joint venture to actual damages if the venture has been properly reported to the antitrust agencies.

This legislation will not be a panacea for the economic and trade problems the United States has encountered in the world marketplace. Despite setbacks, the record suggests that this Nation has continued its technological leadership in many areas. In some industries, the problems we have confronted have been less from outdated technology and more from competitive weaknesses in production and marketing. Nonetheless, I am pleased that we are able to move affirmatively in this area to clear away any unnecessary obstacles to jointly conducted research and development. And, most importantly, we are able to do so without damaging the protections provided by antitrust enforcement—a longstanding national policy that, over the years, has contributed substantially to maintaining the competitive fitness of American industry in international markets.

The Subcommittee on Monopolies and Commercial Law held 2 days of hearings on joint research and development proposals last fall, and received testimony on the subject on two other occasions in the first session. Now it is time to act. The subcommittee plans to mark up this legislation on March 1. I hope that this proposal can move promptly through the full committee and be enacted by the Congress before the end of the summer.●

CONGRESSMAN FISH SUGGESTS CONGRESSIONAL RESPONSE TO CHADHA

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. LOTT. Mr. Speaker, on February 23 our distinguished colleague from New York (Mr. FISH), who is the ranking Republican on the House Judiciary Committee, testified before the Rules Committee on the impact of the Supreme Court's decision in INS against Chadha holding the legislative veto unconstitutional. I found the gentleman's testimony especially useful both from the standpoint of historical background and insight into the growth of the legislative veto. While I differ with the gentleman's concurrence in the Supreme Court's reasoning in Chadha, I think his review of the options for the future is particularly helpful to the House and its committees as we decide what to do about the 200-plus now invalid legislative veto statutes.

I would especially call the attention of my colleagues to his discussion of H.R. 3939, the Regulatory Oversight and Control Act, which I have introduced with 78 cosponsors. The gentleman from New York is one of those cosponsors and urges close consideration of this approach because it would give Congress authority to approve major regulations by the enactment of joint resolutions, and to disapprove nonmajor regulations by the same form. As the gentleman points out, fewer than 100 rules a year are considered major, and therefore Congress would not be overburdened. At the same time, these represent important policy choices which the Congress should consider and agencies should be forced to justify.

Mr. Speaker, at this point I insert the statement of the gentleman from New York and commend it to the reading of my colleagues. The statement follows:

STATEMENT OF HON. HAMILTON FISH, JR., BEFORE THE HOUSE COMMITTEE ON RULES: "CONGRESSIONAL RESPONSE TO THE CHADHA DECISION"

Thank you, Mr. Chairman, I appreciate this opportunity to testify on the legislative veto concept and discuss the issue of how Congress ought properly respond to the recent *Chada* decision.

The "legislative veto," or "Congressional veto" as it has sometimes been called, is not a new idea. It has been the source of controversy and conflict between the legislative and executive branches dating back to the New Deal era. Its use can be traced to 1932—with enactment of the 1933 Fiscal Appropriation bill. Furthermore, the idea is not unique to the Federal level of government, nor even to the United States.

I am advised that some thirty-four State legislatures use some form of a regulations review procedure. Some, but not all of these, permit the repeal of regulations by the legislature or a committee of the legislature. Great Britain, Austrialia, and other countries have also utilized procedures analogous to the legislative veto. But, of course, in parliamentary systems of government the separations of powers principle is not present. Thus, the constitutional infirmities relied on by the Supreme Court in *Chadha* are not present in those countries.

Since 1932 some 210 different statutes, utilizing some form of Congressional review, have been enacted into law. For many years, the most notable Congressional review procedure was that contained in the Reorganization Act of 1935. It required the President to transmit to Congress any plans for the transfer, abolition, consolidation, or coordination of executive branch agencies or functions. Either House of Congress, then, had sixty days to disapprove the proposed reorganization plan.

The use of the legislative veto device by Congress has greatly intensified in recent years. Of the 210 provisions that existed prior to Chadha, more than one-half of these were adopted since 1970. Nearly one-half of these were adopted in the last five years. Some of the more prominent examples of recently enacted statutes containing a Congressional veto or Committee veto feature, include: (1) the Congressional Budget Impoundment Control Act of 1974 (Public Law 93-334); (2) the War Powers Act (Public Law 93-148); (3) the Natural Gas Policy Act of 1978 (Public Law 95-621); (4) the Federal Trade Commission Improvements Act of 1980 (Public Law 96-252); and (5) the Nuclear Waste Policy Act of 1982 (Public Law 97-425).

The veto, as we know, has manifested itself in different forms. The most common of these being a one-house veto, allowing for disapproval by passage of a simple resolution. Also frequently used was the two-house veto, requiring disapproval through a concurrent resolution. Variations included the committee veto approach and mechanisms requiring affirmative approval (as opposed to disapproval). The Chadha decision found all of the above forms to be constitutionally lacking, except approval requirements which utilize a joint resolution (which is "presented" to the President).

What are the reasons why the legislative veto became so popular in Congress? First, it reflected an institutional reaction to, and frustration with, the growing complexity of the Federal Government itself. Congress felt it was outmatched by the size, power and expertise of the executive branch. Here, I would also include the so-called "Fourth Branch"—the independent regulatory agencies. Second, the veto was used by Congress as a means of retaining a voice in important foreign policy questions (the War Powers Act and the Arms Export Control Act are good examples). Third, the veto was used as an adjunct of our Constitutional appropriations and budget responsibilities. Simply put, the veto has been used as a means of demonstrating the desire to arrest the growth of government spending. Finally, with those vetos focusing on final rules or regulations, it allowed Congress to re-claim a portion of the power it had too broadly delegated to agencies in organic statutes.

On this last point, allow me to elaborate. How often, as Members of Congress, have we heard the frustrated complaints of our constituents about unreasonable or unrealistic bureaucratic regulations? People in all walks of life—education, business, medicine, farmers, senior citizens—continuously express dissatisfaction with over-regulation in our society. Also, as legislators, we came to recognize that the intent of the laws which we had enacted was often altered, distorted, or ignored in the "implementing" regulations.

The legislative veto or Congressional veto represented an institutional effort by Congress to reverse this trend. While all the veto provisions that were enacted into law were issue specific, there also has been strong Congressional interest in legislation to establish a general veto procedure. This was done both in the context of omnibus regulatory reform legislation and in proposals such as that advocated by Congressman Elliott Levitas and others, taking the form of amendments to the Administrative Procedure Act. The broad support for a generally applicable veto procedure reflected and reflects a view, irrespective of politics or philosophy, that the growth of regulatory activity demands closer monitoring. Proponents of legislative veto have argued that administrative rulemaking—I.E., regulation writing—is in the nature of legislation. The legislative veto displayed a valid desire in Congress to recapture or recall a portion of the power delegated.

Perhaps the high-water mark of support for a generally applicable veto procedure in the House of Representatives came in 1976, during the 94th Congress. At that time, the Subcommittee on Administrative Law and Governmental Relations of the House Judiciary Committee gave the Congressional veto idea very thorough consideration. Extensive hearings were held over a two-month period. The Subcommittee heard from Congressional and Administration witnesses, Constitutional-legal scholars, interested private organizations, and members of two State legislative committees which conduct such a review of regulations.

The result of these deliberations was a clean bill—H.R. 12048. It would have applied the Congressional review procedure to all rules and regulations issued by agencies subject to the provisions of the Administrative Procedure Act, 5 U.S.C. Sections 551-559. Under the key procedure of the bill, either House could adopt a concurrent resolution disapproving a proposed rule or regulation within 60 calendar days after its promulgation and prior to its going into effect. Then, unless the second House acted in disagreement with the action of the first House within 30 days thereafter, the regulation was disapproved and did not go into effect.

This "Administrative Rule Making and Reform Act of 1976" was considered in the House, under suspension of the rules, on September 21, 1976. Two hundred sixty-five Members voted "aye" and 135 voted "no". The measure failed to get a two-thirds vote, by just *one* vote! This historic footnote demonstrates the broad, bipartisan support for the veto that had occurred.

As this example demonstrates, the House Judiciary Committee has been in the forefront on this issue for some years. Since our jurisdiction extends to the Administrative Procedure Act and the various regulatory reform proposals, we have spent extensive amounts of time analyzing this problem. At the same time, we are affected by the *Chadha* decision in a more specific way. Three of the vetoes invalidated by the *Chadha* ruling are contained in laws directly under our jurisdiction. These are the National Emergencies Act (Public Law 94-412) and two distinct provisions in the Immigration and Nationality Act (Public Laws 82-414 and 85-316).

The *Chadha* decision has called a halt to use of the veto as a legislative shortcut for reaching otherwise valid congressional goals. The precise issue in Chadha was the constitutionality of section 244(c)(2) of the Immigration and Nationality Act of 1952, providing for a one-House veto of agency suspensions of deportation. But while the case dealt with a particular form of the one-House veto, the opinion is clearly broad enough to negate the two-House veto as well.

The Constitution, the Court said, provided for only one legislative process—passage of legislation by both the House and Senate and "presentment" to the President for his approval or disapproval. The Court took note of the simple but inescapable fact that Article I of the constitution requires that bills must be passed by both Houses of Congress and presented to the President of the United States.

I cannot say that I was surprised by the Court's decision; nor can I fault the Court's reasoning. While the short-term consequences of this ruling have caused some discomfort, I do not see the dramatic alteration of the balance of power between the two branches that some in the media instantly proclaimed. Hearings such as this reflect a calm, responsible Congress—seeking to explore options, alternatives and new approaches. But, clearly, if Congress is to reclaim control over the bureaucracy it has created, and cut back on the vast delegations of authority that we have granted, then it must now do so through the normal legislative process.

Before leaving the Chadha holding itself, two other important aspects of the case should be noted. These are the severability question and the apparent constitutional validity of the "report and wait" approach.

With the large number of laws containing veto provisions, the obvious question is what happens to the remaining provisions of these laws. If Congress does not act specifically to repeal the various veto provisions from these statutes, then the Federal courts will be left to decide which statutes stand and which will fall. Whether or not a particular statute contains a boilerplate severability clause, does not alone dispose of the question. On a case-by-case analysis, the courts will be left to determine whether or not Congress would have enacted the overall statute itself, with or without a legislative veto provision. *Buckley* v. *Valeo*, 424 U.S. 1, 108 (1976). As the Court states in the majority opinion this is, at best, an "elusive inquiry." This "elusive" chase after legislative history could result in confusing and

mixed results. In my view, each standing Committee of the House should undertake a formal review of those statutes within its jurisdiction and make a recommendation to the whole House regarding the remaining portion of those laws.

A footnote in the majority decision points to another alternative available to Congress, fully consistent with the bicameral action requirement. In footnote 9, the Court appears to look with favor on the so-called "Report and wait" approach upheld in *Sibbach* v. *Wilson*, 312 U.S. 1 (1941). Under this approach, Congress does not unilaterally veto rules. Rather, the effectiveness of administrative action is delayed so as to give Congress the opportunity to review the rules *before* they become effective. Congress can then pass legislation to bar (or further delay) the rules from going into effect if they are found objectionable. This is the exact approach taken in the so-called "Rules Enabling Acts"—28 U.S.C. 2072 (Federal Rules of Civil Procedure); 18 U.S.C. 3771 (Federal Rules of Criminal Procedure); and 28 U.S.C. 2076 (Federal Rules of Evidence).

Senator Levin has introduced legislation (S. 1650) that would institutionalize this report and wait procedure. However, some including the Justice Department caution that even the "report and wait" approach becomes constitutionally suspect if the bill contains procedures allowing a Committee, one or both Houses of Congress to delay the effective date of administrative action. An unencumbered report and wait provision is contained in H.R. 2327—an omnibus regulatory reform bill introduced by Congressman Sam Hall, which is now pending in the House Judiciary Committee.

Unlike some of my colleagues, I do not believe that the *Chadha* decision inevitably means a weaker Congress. What it should mean is that Congress will be much more cautious and explicit in enacting future legislation. Broad delegations of power to the agencies should no longer be the pattern. I feel confident that Congress will react to this decision by becoming a more precise legislative body, more attentive to the detail of legislative language than ever before.

What, specifically, are our options? Well, as with any ruling as to unconstitutionality, a logical first suggestion is a constitutional amendment. Proposed constitutional amendments authorizing one-House vetoes of regulations have been introduced both in the House (H.J. Res. 313—Congressman Jacobs) and in the Senate (S.J. Res. 135—Senator DeConcini). Constitutional amendments, of course, are referred to the Committee on the Judiciary. Frankly, however, I do not view this option as either advisable or politically practical. The constitutional amendment process is complicated and time consuming. We have other alternatives available to us that are preferable both in terms of time and temperate response.

I have already discussed two other such options—both of which I believe have substantial merit. I refer, first, to an organized review of existing statutes containing invalid veto provisions by the various committees of jurisdiction. This should be undertaken promptly and irrespective of whether other responsive options are explored. We should not, by inaction, leave the severability question on many important laws (such as War Powers and Impoundment Control) solely in the hands of the courts.

The other option, to which I have already alluded, is the "report and wait" approach advocated by Senator Levin and others. This mechanism is fully consistent with the bicameral mandate of the *Chadha* decision. Congress by law can delay the effective date of regulations or other forms of administrative action. Once the proposed regulation or action is made known and studied, we can then pass legislation to prevent or further delay its implementation. Such legislation would have to pass both Houses and be presented to the President. If we choose this route we must be careful not to grant powers solely to committees or solely to Congress that would be inconsistent with the full legislative process requirements of *Chadha*. So, for example, a particular committee could not be allowed to extend the review period. Final disapproval or extension could not occur but through bicameral action and presentment to the President.

Other options also come to mind. In the past, members of this House have urged that Congress set aside one session of Congress, or an entire Congress, to re-examine existing laws. No one argues that over-delegation has, in large part, contributed to the attractiveness of the legislative veto mechanism. Perhaps now is the time for a genuine "oversight Congress" that, aside from the essential budget and appropriations items, takes a critical look backward at what is already on the books. Most committees would have more than enough material to review, and, hopefully, needed revisions and repeals would result. What I am suggesting is analogous to the theory that prompted and continues to prompt support for sunset legislation. It is an idea even more worthwhile in light of *Chadha*.

Another idea deserving of consideration is contained in the "Regulatory Oversight and Control Act of 1983" (H.R. 3939), sponsored by our distinguished colleague, Trent Lott. I am a co-sponsor of this measure, which is currently pending in both the Rules Committee and the Judiciary Committee. H.R. 3939 contains variations on many of the concepts contained in previous regulatory reform bills. This includes: (1) requiring a cost-benefits analysis of "major rules" (a defined term in the bill); (2) a semi-annual regulatory agenda of proposed rules; (3) mandatory agency review of existing rules; and (4) a modified Bumpers amendment.

But, in the context of our discussion, the most interesting provision in H.R. 3939 is contained in section 201. It states that no major rule can take effect unless Congress adopts a joint resolution of approval within 90 days after its transmittal by the relevant agency. This variation on the "report and wait" procedure, mandates an affirmative act by the Congress before a particular regulation can go into effect. (Usually, Congress must act to stop a regulation or other administrative decision.)

This approach merits close consideration for two principal reasons. First, while most major rules present important policy choices, the average annual number of such is not large. Estimates are that, on the average, the Federal Agencies promulgate less than 100 major rules a year. Thus, Congress and its various committees would not be seriously overburdened by this new workload. Second, the burden of proof in justifying the statutory authority and need for specific major regulation would be placed squarely on the agency. Congress would have to be convinced of its merits or else the regulation simply would not take legal effect. This idea deserves further inquiry by both this Committee and the Committee on the Judiciary.

Finally, we can just do a better job as legislators. Better, more exacting drafting of statutes is demanded. Broad delegations of power should be discouraged or carefully considered. We should become even more aggressive in implementing our constitutional taxation and appropriations responsibilities. Oversight is a much discussed element of our role—but all too often it is superficial in nature and lacks follow-up. Quite aside from the availability of the veto, and substitute mechanisms that must pass constitutional muster, we already have in place the powers to achieve parity in the separation of powers struggle.

This completes my prepared remarks. Again, thank you for the opportunity to share my views on this important subject. I would be happy to try and answer an questions you may have.●

WHERE THERE IS SMOKE, THERE IS FIRE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. LANTOS. Mr. Speaker, recently, my colleagues and I have read accounts in the Washington Post and New York Times of the battle between three leading health organizations and the R. J. Reynolds Tobacco Co. regarding misleading and irresponsible advertising that presented a false picture of the well-established health hazards of smoking.

Reynolds' new advertising campaign contends that the health impact of smoking is still an open question; that there was "significant evidence" to contradict the assumption that smoking causes disease. This new ad campaign states that Reynolds will cite such evidence in the near future. The tobacco giant states that no causal link has been established between smoking and cancer, emphysema, or heart disease.

There is absolutely no question in my mind or in the minds of these distinguished health organizations—the American Heart Association, the American Cancer Society, and the American Lung Associations—that an overwhelming amount of scientific evidence demonstrates beyond reasonable doubt that cigarettes are this country's major health hazard.

Today we know much more about the adverse health effects of smoking than we did when the first report of the Surgeon General was issued in 1964. We know that smoking is our Nation's most preventable cause of premature death and illness. We know that smoking is a major risk factor in cancer, heart disease, and emphysema. We know that cigarettes are directly responsible for the needless and preventable deaths of more than 300,000 Americans each year. The costs in terms of loss of life, unnecessary health care expenses, and lost productivity to our economy is absolutely staggering.

If we are to make smoking prevention a public priority, it is time to tell the full truth about smoking and to characterize cigarettes for what they are—a leading cause of cancer, heart, and lung disease.

I have joined a large number of my colleagues in the House in cosponsoring H.R. 1824, the Comprehensive Smoking Prevention Act to establish a national program to increase the availability of information on the health consequences of smoking and to change the label requirements for cigarettes. It replaces the current cigarette warning label with new, stronger health warnings. Unlike the current label, which 54 million American smokers are familiar with, the new warnings are specific and reflect the most current scientific knowledge about the relationships between smoking and disease. The warnings will rotate among cigarette packages and advertising in a manner to enhance their visibility and to assure the widest dissemination of the health message. In addition, the bill strengthens the smoking prevention activities of the U.S. Department of Health and Human Services, requires the publication of tar, nicotine, and carbon monoxide content of cigarettes, and the disclosure of chemical additives.

The level of public ignorance and misunderstanding about the health effects of smoking is staggering and it is reflected in the trend of smokers to start at younger and younger ages. Steps must be taken to make smokers and potential smokers aware that smoking is a certain and potent killer. Now is the time to develop more effective smoking prevention activities, not smoking promotion activities.●

CHARLES ZEMEL CELEBRATES 100TH BIRTHDAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. RODINO. Mr. Speaker, this Sunday a celebration will be held to honor one of Newark's most impressive and inspiring native sons. The "party of the century" will take place at New York's Waldorf-Astoria Hotel to celebrate the 100th birthday of Charles Zemel.

There is a great deal to celebrate in Charles Zemel's life. His business skills made him one of the most successful entrepreneurs in New Jersey. He began his business career at the age of 5, selling sheet music in the streets of Newark for a penny a sheet. To supplement his income, he sang and danced to the tunes for an additional penny. The sheet music business lead him to the more lucrative activity of selling newspapers, picking up his stack of papers at 4 a.m. each morning.

Later, when the Zemel family entered the charcoal business, it was Charles Zemel's drive and courage that allowed him to break the New York charcoal trust's monopoly and to compete in a very difficult business. The Zemel family's enterprises expanded, and they eventually built one of the largest real estate empires in New Jersey.

But with all of his success, Charles Zemel never abandoned the driving principles of compassion and fairness that stem from his deep religious spirit. The Zemel family started the only Orthodox Jewish synagogue in Newark, and their eldest son, Rabbi Horace Zemel, was the first native Newarker to join the rabbinate.

As Charles Zemel's many friends and family gather to mark a century of achievement, I offer my best wishes for a joyous celebration of a truly remarkable life.●

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. BETHUNE. Mr. Speaker, I wish to submit for the RECORD this analysis by CRS offering an evaluation of my substitute amendment to H.R. 3050 and a comparison of both, my amendment and the bill, H.R. 3050, as reported:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND SELF-SUFFICIENCY ACT OF 1983

This reponds to your request for review and analysis of your draft bill to restore solvency to the Rural Electrification and Telephone Revolving Fund and a comparison of your bill with H.R. 3050/S. 1300 (98th Congress).

Generally, it can be said that the bill you have sent CRS for review contains a formula that would reduce loan subsidies and be more likely to restore solvency to the Rural Electrification and Telephone Revolving Fund on an enduring basis than the formula embodied in H.R. 3050/S. 1300; that the provisions of your bill will cost the Treasury less but the Revolving Fund and the rural cooperatives more than the provisions proposed in H.R. 3050/S. 1300; and that your bill grants the Administrator of the Rural Electrification Administration (REA) considerably greater use of his or her discretion in setting the size and rates of Federal loans to rural electric cooperatives than does H.R. 3050/S. 1300 or present law.

ELEMENTS OF THE BETHUNE BILL

Both the Bethune bill and H.R. 3050/S. 1300 propose formulas [1] geared to:

Raise the interest rate on REA Revolving Fund loans above the current 5 percent rate in order to stop the drain on the Fund's resources; and

Vary the rate periodically in order to adjust it to changing financial circumstances.

REA models indicate that, unlike the formula proposed by H.R. 3050/S. 1300, the Bethune formula would make the Revolving Fund enduringly solvent without Treasury forgiveness of the Fund's obligations to it. However, it would do so by charging borrowers (which are cooperatives, not individuals) a substantially higher rate of interest in most years.

Table 1 displays REA's modeling of the stream of interest rates from 1984 through 2016 under the H.R. 3050 formula in its original application (and as it still stands in S. 1300), in its present formulation under H.R. 3050 (which began as identical to S. 1300 but was amended by the House Committee on Agriculture) as well as under the Bethune formula. Table 1 shows that the original H.R. 3050 formula (in the column marked S. 1300) maintains a low and fairly stable stream of rates at least until 2010, but, REA modelers say, drives the Fund to zero balance in 2016 unless Congress intervenes with appropriations. The amended formula (in the column marked H.R. 3050) keeps the Fund balanced (in the sense that interest expense does not exceed interest income) but in debt to the Treasury at interest rates which are slightly higher than S. 1300 would impose in most years. While the formula effected by H.R. 3050 (amended) keeps the Fund balanced, its rate stream is somewhat more erratic than that of S. 1300 or that of the Bethune bill. The Bethune bill stabilizes the rate stream after the first 3 years of phasing in the extra costs to the Fund, and pays the Fund's debts in full by 2018, but at a higher cost to borrowers.

It may be that a high degree of stability in the interest rate is a significant consideration in a credit program in which long-term planning and serial applications for loans are basic elements.

A second provision of the Bethune bill "levels" (amortizes) the Revolving Fund's CBO payments to the Treasury to include principal as well as interest on loans which the Treasury made to the Revolving Fund in the years 1976-1983, when the amount Congress authorized the Revolving Fund to lend exceeded the Fund's income.[2] Amortization will preclude the expense of refinancing the CBOs at maturity, which H.R. 3050/S. 1300 assumes will happen. On the other hand, the requirement that the Revolving Fund pay CBO principals as well as CBO interest to the Treasury underlies the higher interest rates to cooperative borrowers this bill proposes.

[1] The formula proposed by the Bethune bill is: Standard rate equals interest and principal expense on CBOs divided by interest income from borrowers times certificate of beneficial ownership (CBO) rate. The formula proposed by H.R. 3050/S. 1300 is: Standard rate equals loan advances plus CBO interest expense minus borrower payments divided by loan approvals times certificate of beneficial ownership (CBO) rate.

[2] Since the Treasury loans to the Revolving Fund are secured by REA Certificates of Beneficial Ownership (CBOs), these REA repayments of Treasury loans are referred to as "CBO payments."

TABLE 1.—INTEREST RATE PROJECTIONS FOR THE RURAL ELECTRIFICATION REVOLVING FUND UNDER H.R. 3050 (AMENDED), S. 1300, AND THE BETHUNE BILL, 1984–2016

[Electric program only, in percentages]

Year	S. 1300 [1]	H.R. 3050 [2]	Bethune [3]
1984	5.00	5.00	6.52
1985	6.01	6.25	8.16
1986	6.23	6.41	8.64
1987	6.61	6.77	9.02
1988	6.30	6.71	9.32
1989	6.09	7.93	9.47
1990	5.86	8.50	9.55
1991	5.84	8.19	9.57
1992	5.83	7.44	9.57
1993	5.82	6.65	9.55
1994	5.82	6.28	9.59
1995	5.81	6.45	9.57
1996	5.80	6.92	9.56
1997	5.80	7.31	9.53
1998	5.81	7.34	9.62
1999	5.84	7.00	9.67
2000	5.92	6.55	9.52
2001	5.99	6.22	9.49
2002	6.07	6.18	9.52
2003	6.16	6.35	9.31
2004	6.27	6.59	9.30
2005	6.37	6.66	9.45
2006	6.51	6.52	9.48
2007	6.76	7.52	9.04
2008	6.97	6.99	9.01
2009	7.46	7.14	9.03
2010	8.10	7.86	8.65
2011	8.68	6.17	7.91
2012	9.22	5.00	7.68
2013	9.83	5.00	7.00
2014	10.61	5.00	6.51
2015	11.37	5.66	5.90
2016	11.97	7.67	5.02

[1] Assumptions of model for S. 1300: Program level $850,000,000 each year (no growth). Certificate of beneficial ownership (CBO) rate 11 percent, no repayment of $7,900,000,000 debt to Treasury, CBO principal rolled over at maturity. Refinancing downward only of CBO's. Fund runs out of money in 2016 without congressional appropriations.

[2] Assumptions of model for H.R. 3050: Program level $850,000,000 each year (no growth). CBO rate 11 percent, no repayment of $7,900,000,000 debt to Treasury. CBO principal rolled over at maturity. Interest expense does no exceed interest income in any year (Stenholm amendment). No refinancing downward of CBO's (by agreement between the House Agriculture and Ways and Means Committees).

[3] Assumptions of model for Bethune bill: Actual rate from 1984–93 equals standard rate times reduction factor of 80 percent in the 1st year, 82 percent in the 2d year, 84 percent in the 3d year, increasing by 2 percent each year until the 10th year. Program level $850,000,000 each year, CBO rate 11 percent. Revolving fund pays the Treasury $7,900,000,000 debt, plus principle of CBO's so that by 2018, the fund's obligations are paid in full.

Source: Rural Electrification Administration.

A third provision of the Bethune bill authorizes the REA administrator to lend Revolving Fund money to selected cooperative borrowers at a rate lower than the standard rate, but at not less than half of the standard rate. This third provision would, in effect, replace the present 2 percent rate (reserved for cooperatives in hardship circumstances) with a rate that would vary with the standard rate. Since the standard rate could not be less than 5 percent under the terms of the Bethune bill, the hardship rate could not be less then 2.5 percent.

The only criterion specified in the Bethune bill for guidance to the administrator in choosing candidates for the loans given below the current interest rate is that the cooperative must be experiencing "extreme financial hardship." This element of the Bethune bill changes the present practice (and the practice advocated by H.R. 3050/S. 1300) of citing specific standards by which a cooperative can be classified a hardship case.

Under a subsequent Bethune provision, the administrator of the REA would also decide what percent of approved financing the REA would lend the cooperative borrower. The bill cites as the criterion for this decision the administrator's judgment that the borrower can qualify to borrow the balance of the needed financing "from a responsible credit source at reasonable rates and terms consistent with the loan applicant's ability to pay." Neither "reasonable rates" nor "ability to pay" are any more precisely defined by the bill.

Permitting the administrator to decide what percentage of its approved loan a borrower will get from the Revolving Fund would be another significant change from the regulation that has been in effect over the past fiscal year. The present regulation requires the REA administrator to lend at least 70 percent of any approved loan at a maximum rate of 5 percent. The Bethune bill requires that the administrator continue to give every applicant some portion of his loan in subsidized funds, but permits the administrator to decide how large a portion.

The change proposed in the Bethune bill could have the advantage of preserving the available subsidized loan money for use by those cooperatives that need Federal subsidies, whether because of extremely sparse population, low-income population, or weather conditions that damage equipment. Some feel that giving the REA administrator broader latitude to use discretion in approving the subsidized loans is appropriate since U.S.D.A. data demonstrate that a number of cooperatives have financial characteristics which would appear to make large subsidies for them unnecessary.[3] Others would say, however, that the proposed rule would have the disadvantage that it would permit an administrator to exercise upon the Revolving Fund his personal outlook concerning Federal credit to rural cooperatives.

Another provision of the Bethune bill caps the annual lending authority of the Revolving Fund at $850 million for the electric cooperatives and $250 million for the telephone cooperatives for all future years unless new legislation should remove the cap. This provision would create an incentive to borrowers to keep loan requests to the minimum absolutely required to meet their needs. It would have this effect because a high volume of borrowing by cooperatives would result in the borrowers competing for any funds requested beyond the cap in the private capital market where interest rates are considerably higher than those of the Revolving Fund. (It may be noted here that the formulas proposed by both H.R. 3050/S. 1300 and the Bethune bill would create an additional incentive to keep funding requests low because under both formulas the interest rate would rise along with the loan level. This is not the case under the present law, which caps the interest rate at 5 percent regardless of the loan level).

Finally, like H.R. 3050/S. 1300, the Bethune bill separates the telephone and electric accounts of the Revolving Fund, assigning monies collected in repayment of prior loans from electric cooperatives to new electric loans and monies collected on prior loans to telephone cooperatives to new telephone loans. This is a provision about which there appears to be little controversy.

ELEMENTS OF H.R. 3050 AND S. 1300

H.R. 3050, reported by the House Committee on Agriculture in October 1983 and now awaiting action by the full House, proposes a formula for varying the interest rate on Revolving Fund loans different from the Bethune formula. The formula proposed in H.R. 3050/S. 1300, if amended as Representative Stenholm suggested and the House Committee on Agriculture recommended, raises the interest rate on Revolving Fund loans sufficiently to pay the Fund's interest expenses (only) on CBOs, but requires, in order to do so, forgiveness by the Treasury of a $7.9 billion loan it made to the Revolving Fund for its initial capitalization as well as refinancing of the CBOs as they fall due 30 years from issuance.

H.R. 3050/S. 1300 includes several other provisions intended to keep the rate of interest to cooperative borrowers at a minimum. These provisions of H.R. 3050/S. 1300 which are not part of the Bethune bill, include the following:

The REA administrator would be required to subordinate the Federal first lien on cooperative property in favor of any lender providing financing for any project which the cooperative felt would improve its financial position.

The Secretary of Agriculture would be required to request Congress to appropriate sufficient money to compensate the Fund for any loans made at the hardship rate.

In any year when the total electric program is less than $1 billion, REA would be required to provide a minimum of 70 percent of any approved loan at the standard rate.

In order to qualify for loans at the hardship (2 percent) rate, a cooperative would have to be in one of the following categories: cooperatives which charge their ratepayers twice the national average cooperative rate, those which have an average consumer density of two or fewer per mile, those which have suffered financial losses due to natural disasters, and those which serve areas having unusually low per capita income, or which are experiencing financial hardship for an "extenuating circumstance." (Cooperatives in these categories would be eligible to receive from REA up to 100 percent of their approved loan at the 2 percent rate).

In any period when the Treasury rate is as much as one percent lower than the rate on any Federal Financing Bank loan the REA has guaranteed, the borrower would be authorized to request the Treasury to refinance the loan at the lower Treasury rate. (There is no provision to refinance upward when interest rates rise).

In any period when the Treasury (CBO) rate is as much as one percent lower than the rate on any CBO the REA has sold to Treasury, Treasury would have to refinance the loan at the lower Treasury rate upon request of the administrator. (There is no provision to refinance upward when interest rates rise.)[4]

COMPARING THE EFFECTS OF THE TWO BILLS

In general, the Bethune bill can be said to be substantially less generous to borrowers and more apt to restrain Federal borrowing. In its plan to cap the REA program in order to reduce and eventually eliminate the selling of CBOs, in its omission of the clauses in H.R. 3050/S. 1300 which require the Treasury to forgive the $7.9 billion owed it by the Revolving Fund and refinance at a lower rate loans for which it has borrowed at a higher rate, as well as the clauses which require that the REA subordinate the Federal first lien on cooperative property and that

[3] Rural Electrification Administration, U.S. Department of Agriculture, Audit Report: Loan-Making Policies for Electric Distribution Cooperatives, Washington, D.C., August, 1983.

[4] Though this provision is in the original House bill, H.R. 3050, in this form, an agreement is reported to have been made between the House Committee on Agriculture and the House Ways and Means Committee to amend the bill to provide that refinancing of CBOs would have to be approved by the Director of the Federal Financing Bank.

Congress replenish the Fund for loans made at the hardship rate, the Bethune bill toughens the circumstances for rural borrowers and "defends" the Treasury.

Proponents of H.R. 3050 and S. 1300 will point out that the Bethune bill assigns the cost of the deficit financing the Revolving Fund has been carrying out under Congressional mandate over the past decade to the cooperatives. The Bethune bill not only raises the subsidized interest rate charged directly to cooperatives (by means of the formula) an average of 4 percentage points above the present level, but includes provisions which will work indirectly to raise costs to borrowers over time. This is, in requiring the Revolving Fund to repay its $7.9 billion loan from the Treasury, make loans at the hardship rate without reimbursement from the Treasury, pay off the CBOs at the rates at which they were sold, pay principal as well as interest on the CBOs, and cap its loan level, passage of the Bethune bill will, over time, reduce in size the pool of money available for lending at a subsidized rate by the Revolving Fund. Under such circumstances, cooperative borrowers will either have to reduce the amounts they borrow, or borrow the balance of their funding from non-REA sources at somewhat higher rates. In short, it is likely that passage of the Bethune bill will raise the average cost of money to rural cooperative borrowers.

In conclusion, it should be noted that at an average 9 percent rate (under Bethune), the Revolving Fund's interest rate would still be 2 percentage points below the Treasury rate, constituting a continued though reduced subsidy to rural electric borrowers.●

TURKEY AND CYPRUS

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. WILSON. Mr. Speaker, on January 20, 1984, the American Public Research Council, an educational organization in the greater Washington, D.C., area, sponsored its first congressional luncheon on Capitol Hill. The subject discussed was "Turkey and Cyprus," and the speakers were former Ambassador to Turkey and Tanzania, James Spain, and Prof. Pierre Oberlin from Hunter College in New York.

Ambassador Spain pointed out the importance of preserving NATO interests and military aid to Turkey despite the recent declaration of independence by the Turkish Cypriots. He suggested that a solution could lie in a federated, united Cyprus based upon the cofounding Greek and Turkish nationalities.

Professor Oberlin, author of "The Road to Bellepais," a description of the lives of the Cypriot Turks in the 1960's and 1970's, spoke about the situation of the Cypriot Turks today. The text of his remarks follow:

STATEMENT OF PROF. PIERRE OBERLIN

The Turkish Cypriots declared their independence partly because of their belief that the negotiations with the Greek Cypriots were getting nowhere. The Greek Cypriot Government has rejected proposals which would guarantee the security of the Turkish Cypriot population. In recent months, the Greek Cypriot government has even refused to negotiate at all.

The Turkish Cypriots have also declared their independence because of President Kyprianou's efforts to alienate the Turkish Cypriot economy. Arguing that his government is the only legitimate authority in Cyprus, he has done everything in his power to discourage or prevent other countries from trading with the Turkish Cypriots. The only way the Turkish Cypriots could overcome this obstacle is by formally seceding from the rest of Cyprus and seeking world recognition as an independent state.

Because the Turkish Cypriots regard their declaration of independence as merely the culminating point in a long and painful process, it might be worth our while to look briefly at the major events which preceded it. Only thus can we understand the Turkish Cypriot point of view.

The Turkish Cypriots argue that the Cyprus problem did not arise out of the Turkish intervention of 1974, but out of difference in outlook between the Greek Cypriots and Turkish Cypriots in the days following the establishment of the Republic of Cyprus in 1960. The Turkish Cypriots wanted a fully independent, bi-communal republic in which their rights would be protected (in keeping with the stated intent of the 1960 Constitution). The Greek Cypriots regarded independence as but a stepping stone towards union with Greece (or *Enosis*) and openly sought the complete Hellenization of the island. As Archbishop Makarios put it, "Unless this small Turkish community forming a part of the Turkish race . . . is expelled, the duty of the heroes of EOKA can never be considered as terminated.

In order to establish the legal framework for achieving *Enosis* and neutralize all opposition to his scheme, Archbishop Makarious first forced the resignation of the distinguished German jurist who was the president of his Supreme Constitutional Court. Then he proposed a list of amendments to the 1960 Constitution which would have deprived the Turkish Cypriots not only of their veto power over legislation but also of their own municipalities.

When the Turkish Cypriots refused to accept these amendments, Makarious fired all the Turkish Cypriot officials and members of the Cypriot House of Representatives. He also put into effect a plan—the so-called Akritas Plan—to intimidate the Turkish Cypriots into submission. The Turkish Cypriot quarters of the towns and isolated Turkish Cypriot villages were attacked, 364 Turkish Cypriots were killed, 25,000 Turkish Cypriots were forced to flee from their homes, and 103 Turkish Cypriot villages were looted and burned. But the Turkish Cypriots refused to accept defeat.

In 1967, General George Grivas, the old EOKA firebrand, who had returned to Cyprus, launched a new wave of attacks on Turkish Cypriot villages. The Turkish Cypriots were gradually forced to move into small enclaves which were then surrounded by barbed wire and fortifications to prevent supplies from reaching them. The Turkish Cypriots were also forced to form their own administration. Thus several years before the Turkish intervention, the Greek Cypriots had already divided their own nation into two separate, ethnically distinct zones, each with its own government.

By 1974, the Greek military junta lost patience with Makarios, whose attempts to bring the Turkish Cypriots to their knees had consistently failed. Needing an immediate triumph to offset its declining popularity, it organized a coup, the aims of which were to eliminate Makarios and replace him with an EOKA member by the name of Nikos Sampson. Although the Greeks did not succeed in eliminating Makarios, they nonetheless managed to place Sampson in the Presidential Mansion in Nicosia.

Sampson at once embarked upon a purging of Makarios' followers. At least 700 Greek Cypriots were killed in less than a week. Because Sampson had a long history of violence against the Turkish Cypriot community and had been elected a member of the Greek Cypriot House of Representatives with the slogan "Death to the Turks", his rise to power was looked upon with alarm and dismay by both the Turkish Cypriots and the Turks. It is at this point that the Turkish intervention took place. As Sir Alec Douglas-Home, the former British Foreign Secretary, commented: "Turkey has been provoked beyond endurance". In any case, the Turkish intervention was perfectly legal according to the Treaty of Guarantee, which Makarios himself had signed. Its legality has even been acknowledged by a court of law in Athens.

It must be added that the Turkish intervention was by no means the first military intervention in Cyprus since 1960. As early as 1964, the Greek Army had made itself at home on the island. During that year, 9,000 Greek soldiers and 950 Greek officers were secretely landed in Cyprus to help Makarios subdue the Turkish Cypriot villager Petros Garoufalias, the Greek Defense Minister, later boasted of his skill in carrying out this operation. By 1967, as many as 20,000 Greek troops had been smuggled into the island. Then, it must be remembered that George Grivas was a general in the Greek Army. Finally, the Greek Cypriot National Guard, which was commanded by Greek officers and received its orders from the junta in Athens, was, to all intents and purposes, a Greek force.

The Turkish intervention not only saved the Turkish Cypriot population, but it also caused the downfall of the dictatorship of Nikos Sampson and put an end to his purging of Greek Cypriots. Moreover, it led to the resignation of the unpopular Greek colonels and the reestablishment of democracy in Greece.

Since the Turkish intervention, the Turkish Cypriots have made new lives for themselves in the North. For the first time in their existence they feel safe and free. Therefore, they have strenuously opposed any solution to the Cyprus problem which would lead once more to their dispersal in Greek Cypriot-controlled territory and to the formation of a strong, Greek Cypriot-dominated government. For them there can be only two possible solutions to the Cyprus problem:

1. The creation of a loose, bi-zonal federation with the Greek Cypriots, and

2. The creation of an independent Turkish Republic of Northern Cyprus.

Inasmuch as President Kyprianou rejected the first of these two alternatives, the Turkish Cypriots had no choice but to opt for the second. The economic boycott by the Greek Cypriots made that decision all the more urgent.

In conclusion, I would like to make the following points:

1. The failure of the Greek Cypriots in the Cypriot tragedy has not only been political but also moral. As long as the Greek

Cypriots refuse even to recognize that during the 1963-64 and 1967 periods they carried out large-scale attacks upon their Turkish Cypriot neighbors, they will never understand the Turkish Cypriots' profound concern for their own safety and their distrust of Greek Cypriot leadership. Consequently, they will never negotiate on a realistic basis and the Cyprus problem will never be solved.

2. The argument that the Turks have always wanted Cyprus and could not wait to intervene militarily in that island is a false one. Until 1959, they wanted the island to remain part of the British Empire, so that the Turkish Cypriot community would be protected. When the British decided to withdraw, they advocated the setting up of an independent, bi-communal republic and were instrumental in drafting the Zürich-London accords, which led to the formation of the Republic of Cyprus. It was only when the independence and national integrity of that state was threatened that they finally intervened. In a recent article, Mr. Christopher Hitchens, columnist for *The Nation*, stated that the Turkish Republic of Northern Cyprus is "in reality, a colony of mainland Turkey". But if it were so, it would not have declared its independence and it would not be trying its best to achieve economic self-sufficiency.

3. It is not only Turkish Cypriots who think that the Greek Cypriot government refuses to bargain in good faith. In April 1976, Glafkos Klerides, the Greek Cypriot government's chief negotiator at the intercommunal talks, was forced to resign because he could not accept President Makarios's rigid stance in the negotiations. In July 1978, Klerides's successor as chief negotiator, Tassos Papadopoulos, was, in turn, dismissed after he had castigated President Kyprianou for refusing to abide by the Makarios-Denktas Agreement of February 12, 1977. Finally, in September 1983, Nikos Rolandis, the Greek Cypriot Foreign Minister, resigned when President Kyprianou rejected UN Secretary-General Pérez de Cuéllar's invitation to resume negotiations. A few days later, Rolandis went so far as to accuse Kyprianou of being "the enemy of Cyprus".

The Turkish Cypriot declaration of independence has not put an end to dreams of reconstituting a unified Cypriot republic. Indeed, nothing would please the Turkish Cypriots more than to form a loose federation with Southern Cyprus. But the declaration has made it clear that, as far as the Turkish Cypriots are concerned, a true federation between the Greek Cypriots and the Turkish Cypriots can only be negotiated between two equals.●

THE AGING MIND PROVES CAPABLE OF LIFELONG GROWTH

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Ms. OAKAR. Mr. Speaker, today I would like to submit an article, "The Aging Mind Proves Capable of Lifelong Growth," which appeared in the New York Times on Tuesday, February 21, 1984. This article contradicts the popular belief that intellectual ability declines with the advance of years. Society's mores stereotypes the elderly as those who cannot contribute intellectually because advanced age is considered synonymous with dotage. I would like to insert this scientific study into the RECORD.

The article follows:

THE AGING MIND PROVES CAPABLE OF LIFELONG GROWTH

(By Daniel Goleman)

Researchers can now demonstrate that certain crucial areas of human intelligence do not decline in old age among people who are generally healthy.

Moreover, although some other aspects of intelligence do dimish, the decline is relatively inconsequential and has been exaggerated in the past, the experts assert.

The new research challenges beliefs long held by scientists and the public and suggests that, among people who remain physically and emotionally healthy, some of the most important forms of intellectual growth can continue well into the 80's. It also suggests that declines in intelligence can be reversed in some instances and that earlier notions about the loss of brain cells as a person ages were in error.

This more optimistic view of the mental capacities of the aged emerges from a broad range of current studies, from recent literature in the field and from interviews with gerontologists, psychologists and experts in related health sciences.

Some of these experts suggest the old ideas about aging and intelligence may have had tragic consequences: Countless intellectually vigorous lives may have atrophied on the mistaken assumption that old age brings an unavoidable mental deterioration.

"The expectation of a decline is a self-fulfilling prophecy," said Warner Schaie, an eminent researcher on aging. "Those who don't accept the sterotype of a helpless old age, but instead feel they can do as well in old age as they have at other times in their lives, don't become ineffective before their time."

In recent years, accumulating data have firmly shown that one key mental faculty, called crystallized intelligence, continues to rise over the life span in healthy, active people. Healthy in this context means an absence of diseases that affect the brain, such as a stroke.

Crystallized intelligence is a person's ability to use an accumulated body of general information to make judgments and solve problems. In practical terms, crystallized intelligence comes into play, for example, in understanding the arguments made in newspaper editorials, or dealing with problems for which there are no clear answers, but only better and worse options.

John Horn, a psychologist at the University of Denver who has done the main research, said crystallized intelligence continues to increase steadily throughout life, although in old age the increments become smaller.

As for the intelligence that may be lost, said Dr. Jerry Avorn of the Division on Aging at Harvard Medical School, "the deficits found in the healthy aged are in a minor range, not at all clinically impairing.

"At worst they're a nuisance," he said, "like not being able to remember names or phone numbers as well. They present no real problem for daily living."

History offers ample instances of brilliance in life's later years from Michelangelo to Martha Graham.

The new research provides a better understanding of what, apart from a lucky genetic endowment, might allow such people to maintain ther mental capabilities through old age.

The key factors included these:

Staying socially involved. Among those who decline, deterioration is most rapid in old people who withdraw from life.

Being mentally active. Well educated people who continue their intellectual interests actually tend to increase their verbal intelligence through old age.

Having a flexible personality. A longitudinal study found that those people most able to tolerate ambiguity and enjoy new experiences in middle age maintained their mental alertness best through old age.

"The ability to bring to mind and entertain many different facets of information improves in many people over their vital years," Dr. Horn said. "One way this shows up is in the ability of older people to wax eloquently. They have a rich, evocative fluency; they can say the same thing in five different ways. In our research, they're better in this sort of knowledge than the young people we see."

This increase occurs despite the simultaneous decline from early adulthood onward of "fluid intelligence," a set of abilities involved in seeing and using abstract relationships and patterns, such as in playing chess. Fluid intelligence, Dr. Horn believes, may be more vulnerable to changes in the nervous system as a person ages than is crystallized intelligence.

According to Martha Storandt, a psychologist at Washington University in St. Louis, "The fluid intelligence drop has some impact, but people learn to compensate, even in later life. You can still learn what you want to; it just takes a little longer."

Researchers also report finding mental abilities closely related to crystallized intelligence that improve throughout old age. Roy and Janet Lachman at the University of Houston measured age differences in "world knowledge," the information people acquire in both their formal education and day-to-day experience. This knowledge ranges from facts like the name of Britain's Prime Minister to knowing signs of danger in the street. The total store of such information, they found, increased with age through the 70's. What's more, the oldest group tested was more efficient in recalling these facts than groups in middle age or in their 20's.

Memory loss that does occur in old age appears, in some measure, to be exaggerated because it is awaited with such dread. Marion Perlmutter, in "New Directions in Memory and Aging" (Lawrence Erlbaum Associates), observes a decline in some memory ability appears in early adulthood, too, but it is not so alarming then. It is possible, she writes, that "age merely increases sensitivity or awareness and disturbance about memory problems."

"When people say 'Old Granny's lost her memory,'" Dr. Horn added, "there's generally a little truth in it, but not as much as poeple make out."

In the forefront of the current research has been Dr. Schaie, who for several years directed a study of aging in Seattle. That project was one of the first to show how various mental capacities changed as people aged. Begun in the mid-1950's, the study has had more than 3,000 participants, some retested every seven years for as long as 21 years, and has followed some into their late 80's.

Dr. Schaie, writing in Longitudinal Studies of Psychological Development (Guilford

Press), reports that, on average, the declines in such mental abilities as fluency and spatial relations, while clear from test results, have little practical significance until the mid-70's or early 80's.

"For some mental capacities," he said in an interview, "there begin to be slight declines in the 60's, and, for most people there are meaningful declines by the 80's. But some mental capacities decline very little, or can even improve in old age."

As people reach their 70's, the Seattle study shows, there is increasingly great variability in mental capacities, some people faring quite poorly, while others retain their abilities well.

"Some of our people have shown no declines that interfere with daily living into their 80's," he said.

One of the major factors in maintaining or improving mental capacities was social involvement. Elderly people who lived with their families and were actively engaged with life actually showed an increase in mental abilities over a 14-year-period, while those who lived on their own and were withdrawn from life had a decline. The greatest decline was among widowed housewives who had never had a career of their own and led restricted lives.

The study found, too, people who in midlife had more flexible personalities and were able to see life from differing points of view performed at higher intellectual levels in old age.

Dr. Schaie's research has shown that declines in such abilities as spatial orientation can be reversed in the elderly with simple tutoring. "The use-it-or-lose-it principle applies not only to the maintenance of muscular flexibility, but to the maintenance of a high level of intellectual performance as well," Dr. Schaie said.

Others agree the faculties people use most are likely to hold up best in old age. Nancy Denney, a psychologist consulting at the Institute on Aging at the University of Wisconsin, said, "What one does during one's life makes all the difference." The reason verbal abilities can increase over the lifetime is that people exercise that capacity all the time.

Gerontology texts in the past contained a litany of studies showing a relentless decline in mental abilities of the aged. It now appears much of that research may have been inadvertently biased against the elderly.

"Many tests that were used to assess the cognitive abilities of the elderly are biased in favor of younger people with whom they are compared," said Leonard Poon, a psychologist at Harvard Medical School. "One test involved remembering pairs of nonsense words. College students are motivated to try their best on such tests. But older people just don't care much about nonsense words. What looks like a diminished ability in the elderly may partly be lack of interest."

Writing in The Journal of the American Geriatrics Society, Dr. Avorn of Harvard criticized much of the scientific literature comparing mental abilities of aged and young groups. While nearly all college students are free of major illness, Dr. Avorn noted, the same assumption cannot be made about people in their 70's. Nonetheless, researchers have often asked the aged only if they were in good health, thus failing to weed out people whose conditions could impair mental performance. Such performance lags may be erroneously attributed to aging rather than to disease. Another hidden bias, Dr. Avorn said, is that many elderly people take medications that can diminish mental function.

Still another cause of distortion is the practice of comparing people in their 70's who have had little education with college students. The older group is thus at a disadvantage both by virtue of educational status and unfamiliarity with test-taking.

In studies in which researchers used such incentives as Green Stamps to motivate elderly subjects, there were significant gains in scores on abilities like reaction time, which are typically listed among the faculties that undergo inevitable decline with age. Such studies are among those suggesting that many cognitive deficits in the aged are largely a result of social or psychological factors rather than of aging itself.

The new view is accompanied by data attacking the notion that the brain degenerates precipitously with aging. The widespread belief that there is devastating cell loss in the elderly brain—and the related claim that each drink of liquor destroys a large amount of brain cells—seem now to be unfounded. Marian Diamond, a neuroanatomist at the University of California at Berkeley, tried to track down the source of the belief and could find no definitive study providing it.

Dr. Diamond's own research was one of the few studies ever done to directly assess cell loss rates as the brain ages. Her results indicate that, while there is some cell loss, the greatest decrease is early in life and subsequent losses are not significant, even into late life.

A recent study of brain chemistry at the National Institute of Aging, using a brain scan to study men whose ages ranged from 21 to 83, found that "the healthy aged brain is as active and efficient as the healthy young brain," based on the direct assessment of metabolic activitiy in various parts of the brain.

The researchers also propose that declines in vision or hearing may account for changes in the level of brain activity that some investigators have attributed to brain aging.

It might also mean, they suggest, that the developing human brain acquires more brain cells than it will ever need, and that whatever brain cell loss there might be, there are still more than enough surviving cells to support efficient functioning.

"The belief that if you live long enough you will become senile is just wrong," said Robert Butler, a psychiatrist who was the founding director of the National Institute on Aging and is now head of the program in geriatric medicine at Mount Sinai Hospital. "Senility is a sign of disease, not part of the normal aging process."

The widespread belief in an inevitable mental decliine in old age, though, has sometimes led people to mistake a reversible mental deterioration in an older person for the beginnings of senility.

"What can happen," Dr Avorn said, "is that an older person who is admitted to a hospital for something like a broken hip or heart attack can become confused as a side effect of drugs or simply from the strangeness of the hospital routine. The condition is reversible, but the family, or even the physician, doesn't recognize that fact. They assume this is the beginning of senile dementia, and pack the person off to a nursing home."

"No one knows what exact proportion of people in nursing homes needn't be there," he said, "but we have ample clinical evidence that the numbers are large."●

BREAKING UNION CONTRACTS MADE EASIER

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. OWENS. Mr. Speaker, my lawyer friends tell me that there is not a contract in the world that cannot be broken if one but works at it hard enough. It would now appear that the Supreme Court, in NLRB against Bildisco & Bildisco has made it so that the lawyers will not have to work quite so hard to break union contracts.

When the Congress was considering the bankruptcy law in 1978, the principle enunciated in *Brotherhood of Railway and Airline Clerks* v. *REA Express, Inc.* (523 F.2d 164, 167-169 (CA2), cert. denied, 423 U.S. 1017 (1975)) were applied when a company in bankruptcy sought to reject a union contract. This strict standard was overruled by Bildisco on February 22, 1984.

It is now possible to reject a union contract in bankruptcy when that contract is merely "burdensome" to the estate and the equities can be said to be balanced against the contract. This principle has been eagerly sought by the companies who have entered bankruptcy for the sole purpose of reopening their freely made contracts with unions.

It is clear to any reasonable person that a company's wealth will be increased if it pays less to labor. This is even more the case in labor-intensive industries. However, it has long been the policy in this country to encourage the development of contracts between labor and management that strike a balance that both can agree upon. After the struggle of negotiations, both sides can pause and set about the business of getting along together until the next contract, the next round of negotiations.

Now, Bildisco ends this state of affairs by making it possible for management to open, or threaten to open, negotiations at any time by going into chapter 11 bankruptcy or threatening to go into chapter 11 bankruptcy. A deal is no longer a deal. There is the ever-present threat by management to welsh on its deal through legal maneuvers which have now been encouraged by the Supreme Court.

Labor and management can work best together when there is a sense of stability and trust in the relationship. The ruling in Bildisco creates a climate of uncertainty and distrust which will ultimately ill serve both labor and management. It is our responsibility to end this forthwith through the passage of H.R. 4908 which has been introduced by Mr. RODINO.●

THE CALIFORNIA YOUTH SYMPHONY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. LANTOS. Mr. Speaker, I would like to express my support and appreciation for a most worthwhile organization—the California Youth Symphony. Currently in its 32d year, this symphony has provided 1,500 young people the unique opportunity to learn to play great music together, to love the music, and to enjoy the challenge of performing at the highest level. These young people have learned these lessons so well that they carried their music into adult life as performers, teachers, and audiences. They have contributed greatly to the cultural life in the San Francisco Bay area as well as throughout the United States.

This year, the orchestra takes on a new challenge and a new horizon. The California Youth Symphony in June will perform in the Mexican capital as well as in the cities of Guadalajara, Guanajuato, and Puerta Vallarta. All of the performances will charge admission, the entire proceeds of which will be turned over to the United Nations International Children's Educational Fund (UNICEF).

These young ambassadors will foster good relations with our neighbor and friend to the south, and perform before the United Nations community in Mexico City, as well as before Mexican Government officials and representatives of major American corporations doing business in Mexico.

Their Mexican hosts share my tremendous enthusiasm for these young performers since their June visit will be one of the major social events of the year in the performance cities. KCSM-TV has indicated its interest in developing a 1-hour special covering this historic event, to be released over the National Public Television Network. They are also to be specially recognized for their interest and support.

Mr. Speaker, I know that my colleagues who also represent these talented youth share my pleasure in commending the California Youth Symphony.●

MAPLE HEIGHTS SENIOR PROGRAM

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Ms. OAKAR. Mr. Speaker, one of the finest programs for seniors in the country is in Maple Heights, Ohio. Under the outstanding direction of Bunny Justin, this program has served as a model for all.

The following is an article which appeared recently in the Maple Heights Press by Dan Santos:

"This is the closest thing to a family that some of our people have," said Bunny Justin, director of the department of Human Services for the city and former coordinator of the Senior Citizens Program.

"Some of our seniors do have families that love them but they may be far away; across the country," she said. "Some of our seniors have been abused and mistreated and we try to help them. Some of them find themselves newly retired and it's a retirement they didn't plan for. We try to enrich their retirement for them. Some of our seniors are gregarious and feel the need to be outgoing and to be surrounded by other people. We fill many needs here.

"What we are all about here is touching someone else's life to help make it meaningful. The reward is that once in a blue moon if you are able to make a difference it's all worth it."

The city's Senior Citizen Program, under the umbrella of the new Human Services Department, is marking its tenth year of existence this year. According to Justin, the new human services designation more accurately fits what the department will be trying to offer. It will still provide the same services to senior citizens, she said, but other people who find they need help, with personal or medical problems, will also benefit from the expanded service offerings. Of course, the seniors in the program will also benefit from the new areas of service.

The Senior Citizen Program started in 1973 when resident Ray Seilinski requested that Mayor Emil J. Lisy Jr. form an organization so seniors in the city could congregate and play cards and, generally, share some time with each other.

The seniors first started meeting at the City Hall Annex that year and the nutrition program originally started in 1974. Justin first became coordinator of the Senior Citizen Program in 1976 and the program added more services to the nutrition program.

In 1976 there were 250 senior citizens who participated in the program, Justin said. Today, approximately 3,000 area people age 60 and over call themselves members of the Maple Heights Senior Citizen Program.

Assisting the Senior Citizen Program staff are 250 volunteers, many who are also members of the program. "Volunteers are not hard for us to get," Justin said. "Many of our volunteers are over age 60 and are more than willing to help out."

The Senior Citizen Program operates under an open door policy; anyone over 60 is invited (except for transportation service), as required through the Older Americans Act, which defines the types and amounts of federal funds the program receives.

As the population in the area increases in age, Justin said, "we can see that the program is needed; we do provide a worthwhile service here."

Following is a review of the different services offered by the Senior Citizen Program:

Nutrition program.—Offers a hot lunch Monday through Friday. Meal reservations are taken one week in advance on a Monday or Tuesday.

Transportation.—Van service is available for area shopping trips and visits to the Senior Citizen Center and the doctor's office.

Telephone reassurance.—A daily call to homebound elderly to keep in touch with the community and provide a security link. Senior Citizen Program staff and volunteers make about 200 such calls daily.

Outreach.—An outreach visit may be arranged for frail or isolated elderly who need assistance and information.

Health programs.—Blood Pressures are taken twice a month. Also offered are hearing screenings and glaucoma testing.

Continuing education.—Courses in conjunction with Cuyahoga Community College's Elder's Campus are offered at the center every semester. Featured are lecture series, book discussions, photography, workshops, consumer information and updates on state and federal legislation affecting senior citizens.

Recreational activities.—Bowling, swimming, crafts, bridge, holiday programs, summer picnics and tours are both regular features and special events in the program.

Additionally, staff and volunteers in the program can help seniors and anyone else needing information about Social Security, Homestead Exemption, water bill discounts, Ohio Energy Credits Program, Home Energy Assistance Program, Meals on Wheels, Medicaid, Medicare, and the Legal Aid Society.

The Senior Citizen Program and Human Services Department are currently housed in the old Maple Heights Library, 15901 Libby Road, which has been extensively remodeled and redecorated.

The building has kitchen facilities, meeting rooms and offices for staff members. Previously, the staff was located at City Hall and seniors met at the civic center of the new Maple Heights Library.

Justin said the new building will allow her and the staff to be more accessible to the senior citizens and make it possible to offer the expanded services.

"We hope (that with the new building) we will be able to offer more help to people with personal problems," Justin said. "We might offer a preventative health clinic, a free podiatrist service, more advocacy on Social Security, and more programs with the Society for the Blind."

"We will have to prioritize the services we offer so as not to neglect senior citizens," Justin said. "We don't want that to ever happen. When we develop the new programs, we hope to enhance our present program."

Justin herself became involved in the Senior Citizen Program due to what she terms a natural development of her upbringing.

"When I was being brought up, I was very close to my grandparents; they were very special people. I still have a great affection for older people. I look at my work here as almost like paying homage to the memory of my grandparents; sort of repaying them for helping me," she said.

"My grandmother was very active politically and very well-read. When I was growing up, she showed me a lot of the things that my parents didn't approve of. My mother didn't drink or smoke, but my grandmother showed me the ropes in that area. The thing about her, though, is that she always had to have the best. If you're going to drink, she figured, you might as well drink the top shelf stuff.

"I guess I got into social services because my family has always been involved with that area."

Before being named senior citizens coordinator, Justin coordinated the city's Bicentennial effort. She was also active in Headstart as a bilingual translator, as a volunteer

with the Red Cross Blood Bank, the Girl Scouts, the PTA and as a church volunteer.

"I've always been involved in one way or another as a volunteer," she said. "I've always been doing some type of service,"

The staff and volunteers at the Senior Citizen Program are involved in constantly updating and revising the offerings to make them available to more persons, Justin said.

"We have to assess the needs of our senior citizens and then be honest with ourselves about what we can do with the resources we have," she said. "We also have to be careful to respect people's rights at whatever age they are. We can't force what we think is right on people at any age."

Justin said although 3,000 people are members of the Senior Citizen Programs, the new center is not equipped to handle that many people at one time. "The members divide their time depending on what specific services they need," she said. "Some people need the nutrition program; for many it's their only hot meal of the day. Some only participate in the Elder's Programs and some people come just to play bridge."

Justin said that although the program tries to reach as many people as possible and meet their needs, the service cannot be provided 24 hours a day, which some people may need.

"The hardest time for us and some of our seniors to handle are the holidays of Thanksgiving, Christmas and New Years," she said. "Because of the holidays, we are closed an extra day and some people don't get the hot meal that day, or they go without companionship an extra day. It's very painful for some people. I know if I didn't have a family myself, I'd be right here (at the center) with them."

Justin said at a time when the elderly population is increasing, the trend for the federal government is to divert funds from services for senior citizens. She termed President Reagan's policies regarding senior citizens "insensitive."

"How can someone who has never suffered feel the need for help?" she asked. "He's rich. If his wrinkles get to him, he can afford to get a facelift. With our senior citizens, their worries are basic—how to pay for food and heat."

Since 1980, Justin said, funding for programs covered by the Older Americans Act has not increased, except for a yearly 5 percent cost of living adjustment. "It's difficult, because we have to reach out to more people," Justin said. "Luckily, we have a lot of dedicated volunteers and the city administration is committed to making the program the best possible. They see the need."

Justin said two federal legislators who have been helpful regarding the needs of senior citizens are Congresswoman Mary Rose Oakar and Senator John Glenn.

One major obstacle the Senior Citizen Program faces is insensitivity among both legislators and the general public, Justin said. "We're up against a lot of insensitivity," she said. "A lot of people think that senior citizens are getting too much already. But they probably have never come into contact with a senior citizen or a person who needs help."

Anyone wishing more information about the Maple Heights Senior Citizen Program can call the center at 587-0015.●

TRAINING IN TECHNICAL SKILLS OF LITTLE HELP IF THERE ARE NO JOBS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. WALGREN. Mr. Speaker, on February 10, the Subcommittee on Science, Research and Technology, which I chair, held a hearing in Pittsburgh on the needs of math-science education. Dan Swickline, president of Local 2591 of the Communications Workers of America, presented a compelling extemporaneous view of the fact that, even in the communications industry, skilled workers are finding no employment. I would like to share his testimony with my colleagues. He provides a firsthand look at the effects of the recession on western Pennsylvania for employees with technical skills who are out of work.

The testimony follows:

STATEMENT OF DAN SWICKLINE, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 2591

Mr. SWICKLINE. Thank you, Chairman Walgren, Ms. Bach, Dr. Brown. I was sort of hoping that your aide, Ms. McCormick would be here. She wouldn't take no for an answer.

I felt at the time when she asked me to come that I might not be able to add substantially to the information you were receiving. After listening to the three preceding gentlemen I am convinced of that, but I would still like to sign her up as a steward for my local. She is quite convincing.

A little background on myself. I am the president of CWA Local 2591. I represent 5 separate contracts. I negotiated primarily Western Electric employees and the shop and warehouse and installation divisions.

I also represent an interconnect company which deals in installations of telephone and telecommunications equipment, an electrical company, an electrical contractor and a construction firm. So I have sort of a wide range of work groups.

In all of those work groups the basic education requirements are a high school education. The electrical contractor himself at times, has hired employees that have technical training at one of the local technical schools. In the Western Electric groups, as has been the practice in the whole Bell System, which I am familiar with, they like to mold their own employees in their own fashion.

The groups that I presently represent have been reduced so much in size. At one time the Western Electric installation group that I represented was 550 installers. There are presently 96 left. Of the warehouse and shop men only 18 of the original 220 are left.

In the State, with my brother local in Philadelphia, we at one time 10 years ago represented approximately 1,800 employees just in the Bell System alone. We now represent about 330 combined in both locals.

Again, to get back to my background, I have been an officer and a steward for 30 years and a president for 17 years, and I have never seen our industry so distraught. It is not quite chaos but confusion especially because of divestiture.

In particular the installation division, probably the most skilled employees in the Bell System, their skills were acquired through the Western Electric Company sending individuals to various schools throughout the country.

The types of equipment that they presently install basically don't wear out. If something does require maintenance a computer tells the maintenance people what has to be replaced. It is not repaired; it is replaced as a unit. This requires even less skill.

At one time, and just 10 or 15 years ago, it used to take my men upwards of a year to install a central telephone office. The maximum time today for the latest electronic switching systems equipment is no more than 17 weeks. Depending on the amount of telephone lines that go into a central office, sometimes it may take as little as 6 and 9 weeks.

I also represent workers in a small interconnect company. The interconnect company itself has changed hands at least a half dozen times in the 10 years I have had them under contract. They are presently owned by a conglomerate.

My own personal opinion is that the only reason they bought them is for tax purposes, because the telecommunications market rises and falls so quickly, and there is so much competition, that they have a hard time keeping their noses, so to speak, above financial water.

Your letter asked that I discuss the current and future personal needs of your company and industry. The group that I am most familiar with is the Western Electric group. In Pennsylvania, they haven't hired since 1970. In 1970 we had 32,000 employees in the installation division alone nationwide. Today we have only 11,500 nationwide.

As I told you, in the warehouse and shop in the Pennsylvania Avenue plant there are 18 employees left there out of 220. That building has been sold and I expect the 18 employees to be phased out within the next few months.

In the interconnect industry, and I am pretty familiar with that, there is such a glut of electronic skilled ex-employees skilled in electronics that have been laid-off in Pennsylvania that companies in the area have very little trouble getting skilled employees.

In particular, the MCI Corporation is picking the cream of the crop of my laid-off Western Electric employees. There is hardly any need to retrain them and most of the interconnect companies throughout the country are doing just that. If a Bell unit has a layoff, the interconnects are eager for those people because they are so skilled and have been trained so well.

As far as future hiring, I doubt it if Western Electric will do any more hiring. The 11,500 we have nationwide are more than sufficient.

Lately I have been negotiating with management just on bringing in temporary help. They don't want to hire full-time or even part-time help because, even with part-time help, they would be required to give fringe benefits.

What they want to hire now is temporary help—hands to do the heavy labor work, which there is not much of—and then terminate them as quickly as the job is done on a one-job basis. Some of our locals have gone through this process. They have agreed to hire temporary help for no more than 6 months, and on a job-by-job basis.

The only fringe benefit they are entitled to is a holiday, if a holiday should fall any time during their work period. They start at the minimum and if they should stay long enough to reach 3 months, they would acquire another upgrade in pay, which is only about a dime.

With respect to necessary work skills, I am familiar with every phase of the telephone industry and I know the type of hiring that did occur at one time in the Bell System.

The Bell System likes to train their own, regardless of whether it's a Bell line man or a Western Electric installer or an AT&T crafts person. They prefer to train their employees in their own mold and at their own schools with hands-on types of training.

As far as the other companies that I represent are concerned, if the electrical firm I told you about hires in this market in Pittsburgh, they have no trouble hiring electricians that have been laid off in the mills and factories with lots of service and a lot of electrical skills. So they've got a free market, an open market to pick out the best.

I just recently negotiated a contract with them and their major demand was to reduce the starting rate so that he could hire these people at a lower rate than I normally had written into the contract.

As far as potential improvement through cooperative training programs with local schools is concerned, Western Electric Company never did associate in any way with the local schools. That's unfortunate because it probably would have helped the company more than the schools. I am not that familiar with the Bell system approaching local schools. I know that both Bell and Western Electric do have a national scholarship program and I remember there was one local resident, one time in all the 30-some years that I have been associated with Western Electric, that has won the scholarship.

I hate to be so depressing. That was one of the reasons why I didn't think I should be here, but it's the truth in our industry, the electronics industry especially in telephone and telecommunications.

We have got too many employees. I can't add much more to that.●

PRESERVING COMPETITION IN THE AUTO REPAIR INDUSTRY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. DANNEMEYER. Mr. Speaker, much has been said and volumes have been written about competition lately. Every time there is a major corporate merger, or even a sizable joint venture, the need to safeguard competition is extolled by those who are suspicious of business in general and big business in particular. However, I note there has been remarkably little concern evidenced lately about the threat to competition being posed by the federally mandated, extended auto emission control system warranties—a threat that hangs like a cloud over the heads of thousands of small, independent auto parts dealers, repair shops and garages. Perhaps some of those who have been holding their tongues were thinking that the courts would uphold the 95th Congress effort to preserve what is known as the auto aftermarket industry. But if that is the case, I would suggest that they examine the recent U.S. Court of Appeals for the District of Columbia's decision in APRA and ASIA against EPA (1983); those expectations have not been realized.

Mr. Speaker, this problem is not a new one; indeed, it dates back to 1970, when Congress, in the Clean Air Act of that year, mandated a 5-year, 50,000-mile (5/50) warranty on all auto emission control system equipment and parts. Nor is it a problem that Congress has ignored entirely; in 1977, the Clean Air Act amendments of that year specifically reduced the duration of that warranty to 2 years or 24,000 miles (2/24) for all emission control. system parts except the catalytic converter, thermal reactor and parts whose sole or primary purpose was the control of auto emissions. The principal source of the difficulty in this case is that EPA has chosen to define the term "primary" in such an expansive way that the action Congress took in 1977 has been effectively repealed. And nothing has been done about it. While the Court of Appeals has upheld the EPA's position, Congress put off consideration of the matter pending development of a comprehensive reform of the Clean Air Act.

As a member of the House Energy and Commerce Committee, which has jurisdiction over clean air legislation, I am only too aware of the difficulties in dealing with one Clean Air Act issue independent of all the others. However, I am also aware that it has been estimated that failure to deal with this issue will not only cost motorists an extra $1.7 billion in the years ahead but that thousands of people working in the auto aftermarket industry will lose their jobs if something is not done soon. Indicative of the difficulty are the results of a 1980 study conducted by the Champion Spark Plug Co. in my home State of California, which has a 5/50 warranty on all emission control system parts. That study showed that new car dealers enjoyed a 52.7 percent share of the spark plug market in California compared to a 39.1 percent market share for new car dealers nationally. From those figures, it can easily be extrapolated that independent parts dealers and repair shops would suffer a similar disadvantage with respect to a whole host of other auto parts if EPA's expansive emissions control warranty policy remains intact.

Another aspect of the problem involves what is known as "add-on" business. Inasmuch as most Americans do not like to take their cars in for repairs any more than they have to, those who go back to the dealer for emissions system work under warranty frequently have the dealer's service department make other repairs on the car at the same time. Those repairs might involve tires, brakes, the transmission, windshield wipers, or other items not related to emission control, but they all represent lost business opportunity for the independent parts dealers or garage. And from what southern California independent garages have shown me, those lost business opportunities can really add up.

Bemoaning the losses will not solve the problem and, from the looks of it, neither will the courts. Thus, it is up to Congress to offer alternative solutions and, hopefully, to act upon them as soon as possible. In the 97th Congress, I offered two bills dealing with this subject—H.R. 2258 and H.R. 2259—but, while one of them (H.R. 2259) was partially incorporated into the comprehensive clean air bill (H.R. 5252) considered by the Energy and Commerce Committee 2 years ago, neither they or any other auto emission system warranty bill became law. So this year, I introduced another measure—H.R. 3476—which I hoped, and still hope, might be a solution to the problem. For all States, including California, H.R. 3476 would eliminate the production warranty and would roll back the performance warranty to 2 years, 24,000 miles for all emission system parts. However, I recognize that there is some sentiment for retaining a 2/24 production warranty, some need to clarify that the elimination of the so-called "California waiver" would apply to the emission system warranty portion of that waiver and some rationale for tightening up troublesome terminology. Therefore, I have decided to introduce another bill for consideration as a potential solution to the dilemma currently facing us as a result of long-term, federally mandated auto emission control system warranties. That bill, which I am introducing today, would deal with the anticompetitive effects of the current law as interpreted by the EPA in several ways. First, it would limit the production as well as the performance warranty (on auto emission systems) to 2 years or 24,000 miles and, to make sure the list of parts covered is not subsequently expanded, it would specifically limit the parts to which those warranties would apply to the catalytic converter, the thermal reactor and parts solely used for emissions control. EPA would retain the right to recall emissions failures for up to 5 years, 50,000 miles. Second, it further increases competition by repealing the counterproductive parts certification program (which few businesses are likely to comply with) and by doing away with the waiver that allows auto manufacturers

to specify the use of one of their own part(s). Third, it puts independent California auto parts dealers and repair shops under the same warranty requirements (2/24) that would apply to their counterparts in other States. And finally it brings the antitampering provisions of the law closer to reality by permitting the removal of auto pollution control equipment for purposes of routine maintenance (only). In short, this bill represents an effective, yet balanced, approach to the problem at hand. Moreover, it is one that should garner considerable support if the deliberations over the warranty sections of H.R. 5252 are any guide.

Mr. Speaker, in closing, just let me add one final thought. What we are confronted with here—this threat to competition—is yet another example of good intentions gone astray. All of us want cleaner air, but the cleanup program these warranties are designed to facilitate—the auto emission inspection and maintenance (I/M) program—will not reduce air pollution all that much (5 percent at most) now and, thanks to improving auto emission control technology, even less in the future. That being the case, the adverse effects of these warranties cannot be either justified or overlooked. They must be taken into account if we are interested in preserving competition and an important sector of the American small buisness community. The legislation I have introduced today, as well as the bills I have introduced earlier, will restore and preserve that competition and, in the long run, provide the best guarantee of protection that consumers can expect to obtain.●

MR. CHERNENKO, FREE ESTONIA AND WORK FOR WORLD PEACE

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1984

● Mr. ADDABBO. Mr. Speaker, the Soviet Union has failed to break the spirit of the Estonian people. For over 40 years the Soviets have tried and tried and tried some more to eradicate the culturally diverse Estonian heritage. KGB death squads, Soviet troop maneuvers on the village greens of towns, and local police raids which employ the most up-to-date torture techniques have not been able to mold Estonians into a nation of Soviet puppets. Why does Mr. Chernenko fail to understand that you cannot build a nation by denying men their human rights? You can tie a man's hands behind his back, you can shackle his feet with electrical cord, you can probe the private parts of his body, but you cannot rape him of his desire to be free. This is the heart and soul of the Estonian people, and an inalienable right of all men.

Today, the Estonian people celebrate the 66th anniversary of their independence even though their homeland remains bound in a Soviet straitjacket. I stand with the Estonian people and reinforce the commitment I have made on behalf of their movement to regain their homeland. I would like to pay tribute to Estonians by broadcasting the current state of the union in that country. By doing so the world will be forced to deal with the facts this reality confronts us with on a daily basis. I hope that it will result in all nations applying pressure to the Soviet Union on behalf of the Estonian people.

Soviet occupation of Estonia is not diminishing, it is increasing. At last count there were 122,000 Soviet troops in that land. That amounts to almost 1 soldier for every 12 citizens. These soldiers are not officers of peace stationed to enforce the free rights of men. They are combat ready troops invading the privacy of Estonians in cities, towns, and villages.

Their mission in Estonia has been a failure. Not only have these Darth Vaders failed to suppress the resolve of the Estonian nationalists to be free, they have failed to silence the call for Soviet peace.

In the fall of 1981, a responsible group of Estonian, Latvian, and Lithuanian activists, alarmed at the buildup of troops, and the expansion of military bases in the Baltic States signed a petition for a nuclear free zone to be established in Northern Europe. They cited the construction of a military harbor at Muuga, and the appearance of missile bases at Suurupi, as well as the development of several atomic and conventional weapons munitions within Estonia, as evidence of Soviet aggression. They called for a complete disarmament.

The Soviet response to the concerns of these citizens was characteristic; their homes were searched, their families were disrupted, and they were thrown into prison. The iron message is that at the same time, the Soviet diplomats were accusing the United States of escalating world tensions by refusing to recognize our peace movements at home.

On December 16, 1983, three of the Estonian signers of this peace document were sentenced to labor camps for their crimes against the Soviet Government. Heiki Ahonen, Arvo Pesti, and Lagle Parek, are all young professionals that have been fighting Soviet repression all their lives. Their sentences include hard labor in concentration camp prisons followed by domestic exiles.

Mr. Speaker, is it impossible for the Soviets to recognize the contributions that these well-educated, concerned, Estonian nationalists offer to their society? They offer a chance for peace. There is no denying that their message is world peace. But at a recent conference on "Confidence and Security Building Measures and Disarmament in Europe," the Soviet Union accused these Baltic nationalists and the United States of threatening world peace. It is so inconceivable to me how the Soviets can offer such a charge that I must ask Mr. Chernenko directly to respond to me on this matter. I want to know why he continues to deny these Estonian nationalists their human rights.

The plight of the Soviets involvement in Estonia is indeed confusing. They are preaching world peace and then building up armaments. What is even more disturbing is the Estonian nationalists who are suffering as a result of their policies. The day has come for Mr. Chernenko to get his house in order and release Estonia and work together with the United States for world peace. This policy must start with providing all men with their rights to be free.●

JERUSALEM IS THE CAPITAL OF ISRAEL AND OUR EMBASSY IN ISRAEL SHOULD BE IN ITS CAPITAL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. LANTOS. Mr. Speaker, in hearings held before the Senate Foreign Relations Committee last week, my good friend Senator MOYNIHAN of New York presented testimony on behalf of the bill he introduced in the Senate to move our Embassy in Israel from Tel Aviv to Jerusalem.

My distinguished colleague BEN GILMAN and I have introduced identical legislation in the House of Representatives, and nearly 100 of the Members of this body have joined us in cosponsoring that legislation.

For the benefit of my colleagues in the House, I would like to include in the RECORD Senator MOYNIHAN'S excellent statement.

STATEMENT BY SENATOR DANIEL PATRICK MOYNIHAN IN SUPPORT OF S. 2031

(A bill to require that the U.S. Embassy in Israel be located in Jerusalem)

Jerusalem is the capital of the State of Israel and our embassy in that State should be in its capital.

This would seem an unexceptional statement. That it is not is the result of actions the United States has taken and not taken.

In the first category is the unprecedented and bewildering practice of the United States Government in its official publications to record that there is a "country" named Israel in which our embassy is located in Tel Aviv, and another "country"

named Jerusalem in which we are represented in a "post" named Jerusalem.

On page 167 of the "United States Department of State Telephone Directory" (dated January 1984), there appear in columns the names of all the American diplomatic posts abroad. The first column is titled "Country," the second "Post." In the first column, one reads alphabetically midway down the page, Ireland, Israel, Italy, Ivory Coast Jamaica, Japan, Jerusalem, Jordan, Kenya. Next to each of them in the second column are listed all of the posts in each of these countries. In Ireland, we have a post in Dublin; in Israel a post in Tel Aviv; in Italy, several posts, in Rome, Genoa, Milan, Naples, Palermo, Florence, Trieste, and Turin; in the Ivory Coast, Abidjan; in Jamaica, Kingston; several in Japan; and then, in the "country" of "Jerusalem" we have a "post" also called Jerusalem.

The Department of State also publishes a booklet titled "Key Officers of Foreign Service Posts: Guide for Business Representatives" (dated May 1983), for American businessmen who travel abroad. One finds the same principal at work: On page 34, under the entry for Israel, there is recorded the address of an embassy in Tel Aviv, the phone number, and the names of the Foreign Service Officers who work there. The same is done for Italy's several posts; and the Ivory Coast; Jamaica; Japan, with our seven posts there. Then, on page 39 one comes to the "country" of Jerusalem, where the United States apparently maintains one "post," also called Jerusalem. Jordan, Kenya, and the rest follow.

When a young person writes to the State Department for information about the examination to become a Foreign Service Officer, he or she will be sent another publication, "Foreign Service Careers." Included, once again, are all our diplomatic offices abroad. If the aspiring diplomat does not know it already, he learns here that the United States State Department maintains an office in a "country" called Jerusalem.

By contrast, the "Diplomatic List" of foreign diplomats accredited to the United States records an Ambassador from the State of Israel residing in our capital of Washington. But no one from from Jerusalem.

In the second category—things not done—I would list foremost the United States acquiescence in an extraordinary series of United Nations Security Council resolutions in the course of 1980 which addressed themselves to "Arab territories occupied by Israel, including Jerusalem." The final resolution in the series, adopted on August 20, 1980, when the United States declined to veto it, called on all member nations to withdraw their embassies from that city. In consequence 13 nations that had established their embassies to Israel in the capital of Israel withdrew. Only Costa Rica subsequently returned. This honorable committee is fully aware of the vicious anti-Israel measures which are routinely—and at ever higher levels of hostility and assertion—adopted by the United Nations. But I would call particular attention to the inane nature of this particular grotesquery.

What is this thing called "Arab territory" which Israel is alleged to occupy. Is there a nation named Arab? If so, it does not appear in the Diplomatic List or any of the other publications I have mentioned. Is this the mythic country of Araby once said to be inhabited by the Sheik thereof? Perhaps so. But there is surely no sovereign nation named Arab whose territory is capable of being occupied by another sovereign.

I have had more than a few occasions in recent years to remark on the decline in the attention paid to principles of international law in the conduct of American foreign policy. But in this matter we lapse into incoherence.

More importantly, we give succor and encouragement to avowed enemies of the State of Israel, with which we have the closest ties of shared interest and conviction.

Whether we intend it or not, our refusal to locate our embassy in Jerusalem, and our acquiescence in a Security Council resolution calling on other nations to withdraw theirs, is seen as a statement by the United States that our attachment to the permanence of the State of Israel is tentative and subject to change. This denies reality. Jerusalem is and will remain the Capital of Israel. And our refusal to acknowledge this causes pain and concern in an embattled and beleaguered democratic friend.

There have been a succession of reports that President Reagan is privately of this view. It may be that State Department policy inhibits his taking the simple action that would resolve the matter.

I would respectfully suggest that if the Congress were to enact legislation directing the executive branch in this matter, the President would be enabled to act without fear of his action being misunderstood in other capitals.

On the other hand, I would dismiss with a measure of contempt the proposition that standing by Israel in this matter would cause grave damage to our relations with other states in the region. I would note that only last August, the government of Kuwait refused to receive as our ambassador there a career Foreign Service Officer, an experienced diplomat, on the stated grounds that he had once been the American Consul General in what our State Department Telephone Directory describes as the "country" of Jerusalem. What do we gain, then, for having kept our embassy out of Jerusalem?

I would note in closing that the government of the Kingdom of Saudi Arabia, having until recently declined to have embassies located in its capital of Riyadh, has now reversed this policy, and indicated that it would like embassies to be established in Riyadh. And the United States Government, in the normal way that applies to every country in the world save one, is now proceeding to build an embassy in that capital.●

CONGRESSIONAL CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. McCAIN. Mr. Speaker, thank you for giving me this opportunity to bring to the minds of my colleagues and the American public the plight of Soviet Jews who are seeking the freedom of religion and the right to emigrate. As a participant in the 1984 Congressional Call to Conscience Vigil for Soviet Jews, I would like to call attention to not just one Soviet citizen who is being denied his inherent human rights, but to 11 Soviet Jews who have asked for nothing more than to join their loved ones in Israel; and yet, have been denied.

Ilya-Shaya Vaitzblit, Inna Gonorovskaya, Evgeny Vaitzblitm, Judith Ratner-Bialy, Leonid and Alexander Bialy, Valery and Eva Sherbaum, and Alexander and Vladimir Lerner, have all asked not once, but time and again, to emigrate to Israel where members of their families reside. These people are not dissidents. They are not refusing to obey Soviet laws. They are not attempting to change the Soviet system. They do not criticize the system. These Soviet citizens are asking only that they be allowed the right of family reunification.

The Soviet Government has said that all those wishing to emigrate have already done so. Yet these 11 Jewish refusniks, and countless others, are still living against their wishes in the Soviet Union. Not only have they been refused permission to leave the Soviet Union, but they are constantly harassed, persecuted, arrested, dismissed from positions of employment, and often imprisoned. Prof. Alexander Lerner, a prominent cyberneticist once on the staff at the Moscow Physical-Technical University, has been forbidden to teach and is isolated from his colleagues because he has sought to emigrate. His son, Vladimir, has worked hard to find employment after being repeatedly fired on the basis that he also has sought emigration. Ilya Shaya is half-blind, nearly deaf, paralyzed, and confined to bed. His wife, Inna, must work full- time caring for him. Their son, Evgeny, is not allowed to work in his professional occupation as an engineer, and is hounded from odd job to odd job. Again, this is due to his refusnik status. Members of the Bialy family have been fired from their various jobs, and Judith and Leonid Bialy are both gravely ill. Valery Sherbaum, who completed his doctoral thesis in 1972, has been refused a visa on the pretext that seven pages of his thesis were based on classified material. Consequently, because these individuals are not permitted to work, there is every possibility that they will be imprisoned as "parasites"—a term Soviet officials use for one who is not a productive member of society.

Unfortunately, Soviet persecution of the Jewish people is not new. The Communist Government of the U.S.S.R. has done its best to eradicate all the distinctive features of the Jewish culture and religion, and only the sturdy character and faith of the Jewish people has kept their cultural identity alive. These flagrant acts of injustice and inequity against the Jewish people for their attempts to exercise inherent human rights stand as further proof that the Soviet Union has failed to live up to its pledge to

honor the understandings embodied in the Helsinki accords and the Declaration of Human Rights.

It is important that we continue to let the leadership of the Soviet Union know that it must live up to these pledges. It must honor the understandings expressed in the Helsinki accords, the United Nations Charter, the Universal Declaration of Human Rights, as well as the Soviet Constitution. We have the responsibility for continuing to call attention to the failure of the U.S.S.R. to honor the international commitments it has agreed upon.

These 11 people, captives in the Soviet Union, depend on us. They need us. We, in the free world, are their spokesmen. They count on us to speak out for them. They have indicated their desire to live freely and to join their families in the Jewish state. We have a great responsibility. We must be certain their voices are heard and their wishes fulfilled.●

PATRIOTISM

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. COELHO. Mr. Speaker, some say it is hard to find patriotism in this country anymore. But, youngsters in Atwater, Calif., feel that America is something to sing about—and they plan to do the singing!

I would like to take this opportunity to commend a class of 29 fifth graders at the Olaeta School in Atwater. This creative young group will hold a Patriotic Sing-a-thon from April 13 through 16—72 nonstop hours of singing about America. The children have elaborately devised rules to govern the Sing-a-thon; for example, the students plan to sing in groups of three, and they insist that there be no more than 1 minute of rest between songs and that the National Anthem be sung once every hour.

The Sing-a-thon will have judges officiating, to make sure all these rules are followed, and even "The Guinness Book of World Records" has been called on to attend and recognize a new record for continuous patriotic singing.

The students want media attention, and they want the attention of other students. In fact, they have sent letters to every school superintendent in Merced County, suggesting that their schools hold their own Sing-a-thons. Someday, they wonder if there might not be Patriotic Sing-a-thons all over the country. After all, the National Spelling Bee had to start somewhere also.

These young citizens are trying to revive interest in America and promote more widespread appreciation of this "Land of the Free." In their opinion, too many citizens take their freedom and the beauty and opportunity of this country for granted. And the students feel that this lack of appreciation is apparent in the fact that many citizens do not even know the words of the National Anthem.

Although the students in this group are no more than 10 or 11 years old, each of them has already seen, firsthand, how this land can afford opportunities to those who would otherwise have little chance to become educated or improve their status in life. Their own teacher, Joe Rivera, has told the children he would have had to work in fruit orchards all his life if the United States had not afforded him the opportunity to get an education and develop his potential.

Although Mr. Rivera has not forgotten the debt he feels he owes this country, his students feel many others, both adults and kids, have stopped appreciating how lucky they are to live in the United States.

I applaud these youngsters for reminding us all of America's greatness. When a group of motivated and truly patriotic citizens like these sing America's praises, it makes me proud to know that they are not just whistling Dixie.●

AMERICAN HEART MONTH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. HOYER. Mr. Speaker, both the Congress and the President have designated February 1984 as "American Heart Month." In taking this action, we recognized the critical need to maintain public attention and support for the efforts underway to minimize the enormous risk many Americans face as a result of heart disease. Because of public awareness on this issue, we have seen significant improvements over the past three decades toward prevention of cardiovascular disease through proper diet, exercise and social habits. This public attention came as a direct result of the efforts and research achievements of the American Heart Association (AHA) and the National Heart, Lung and Blood Institute (NHLBI). Since 1948, these two organizations have been active partners in the battle against cardiovascular disease. Throughout this 35-year partnership, research, training, education and community programs have made a significant impact on this Nation's leading cause of death—heart disease.

It is estimated that over 42 million Americans have one or more forms of cardiovascular disease. High blood pressure afflicts an estimated 37 million adults. Diseases of the heart and blood vessels combined took the lives of almost a million Americans in 1981. Heart attacks killed approximately 559,000 that year. Strokes were fatal to 164,000. And the total cost of cardiovascular disease in 1984—including physician and nursing care, hospital and nursing home services, cost of medication, and lost output due to disability—is expected to exceed $64 billion. As alarming as these statistics may seem, there are some positive trends as well. Since 1968, the death rate from coronary heart disease has declined by 33 percent and the death rate from stroke has plummeted by 46 percent.

American Heart Association and NHLBI research efforts have contributed significantly to this remarkable decline in the mortality rate from coronary heart disease and stroke. AHA-sponsored research contributions include the development of heart-lung machines, artificial valves, bypass surgery, pacemakers, coronary care units, improved diagnostic techniques, new drugs, and control of acute rheumatic fever.

NHLBI has been at the forefront of such research advances as studies into the causes of heart attacks, the treatment of electrical disorder and heart failure, the opening of blocked vessels, advances in heart transplantation procedures and new treatment methods after heart attacks. Most recently, the NHLBI announced the results of its 10-year study of 3,806 men that offered the first conclusive evidence that lowering blood cholesterol can prevent heart attacks. The study showed that men who lower their blood cholesterol by 25 percent can cut their risk of having a heart attack by 50 percent.

The potential for further impact on the decline in death rates due to cardiovascular disease is evident in emerging applications of research findings and new technologies. Furthermore, the scope and magnitude of cardiovascular diseases include studies into the causes and treatment of sudden cardiac death; research on various ways to reduce the damage from heart attacks; the study of new techniques for the visualization of arteries to the limbs and head by noninvasive X-ray and ultrasound techniques; and studies regarding the benefit of exercise as a treatment and rehabilitation method for patients with coronary artery disease.

Mr. Speaker, the partnership between the American Heart Association and the NHLBI is a shining example of the ability of the public and private sectors to work together toward the unified goals of research into the causes, treatment, and prevention of cardiovascular disease and the transfer of knowledge gained from research in

meaningful public education campaigns. The continuation of this unique partnership offers the hope that incidence of all forms of cardiovascular disease will further decline in the years ahead.●

THE RIGHT TO EMPLOYMENT OPPORTUNITY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. OWENS. Mr. Speaker, on March 16, 1983, I introduced House Joint Resolution 202 proposing an amendment to the Constitution which provides that the United States shall guarantee to each person the right to employment opportunity. The following description of that bill and the reasons why it is needed appeared in Social Policy, Summer 1983.

Token job-creation programs have existed in a political vacuum since the Great Depression. We have seen bills from the "Employment Act of 1946" to the Humphrey-Hawkins "Full Employment and Balanced Growth Act of 1978" defanged in the legislative process, and then unenforced after their passage in watered-down versions. For example, the Humphrey-Hawkins bill *mandates* a 4 percent unemployment level for 1983. When President Reagan took office, he optimistically predicted a 6.6 percent rate for this year, which has proven minimal compared to the actual 10+ percent rate of mid-1983.

For too many elected decision makers, structural unemployment has become a fact of economic life in the United States. Caused basically by a failure to plan for full employment within the context of changing industrial and human needs, the level of "acceptable" unemployment rises with each succeeding economic cycle. We can all recall when 2 percent unemployment was considered "full employment." The acceptable rate has now risen to 7 percent in some quarters and may well increase as it becomes clearer that the U.S. economy can expand, while the number of U.S. jobs actually decreases.

The need for an employment-centered economic policy is painfully obvious. Piecemeal programmatic solutions have fallen short of the mark because the mandate to create government jobs has been unclear and inconsistent. If the government's responsibility for employment-centered planning and policy was set forth explicitly in our Constitution, however, Congress and the Executive branch would not be able to keep job-creation efforts off their legislative agendas.

In March, 1983, I introduced H.J. 202, the legislation that would add the right of employment opportunity to the Constitution. By giving the unemployed a means to address indifference and hostility to their basic need to work, H.J. 202 raises the central issue of the government's role in shaping the U.S. economy.

In recent years the Congressional right wing has honed the constitutional amendment approach into an organizing tool enviable for its ingenuity and clarity. After all, what could be grasped more easily by the public-at-large than the concept of constitutional amendments for school prayer, a balanced budget, and against abortion? A constitutional amendment gets right to the heart of a matter, putting one's morality right on the line. It is designed to endure, to end annual squabbles about, say, Medicaid funding for abortion by closing the door on abortion permanently. None of these right-wing amendments have even gotten to the state ratification stage, but passage is not the immediate aim of their sponsors: the goal is public education and a focal point for organizing.

Not that liberals have completely shunned the constitutional amendment as a way of achieving their goals. Remember the Equal Rights Amendment? The experience of ERA has left liberals and the left wary of bringing up broad principles in legislation, on the supposition that we are more likely to win fights on narrow points, without any mention of morality or ideology.

It is time for us to overcome that lack of ease in the face of evidence that the traditional programmatic approach has failed. In fact, the constitutional amendment guaranteeing each person an employment opportunity may well prove to be one of the best organizing tools of the nascent full-employment movement, as well as potentially one of the best solutions to structural unemployment.

There has been no sense of urgency in Congressional approaches to unemployment this year, no underlying assumption that private capital alone will not ease the national pain of massive joblessness. Without addressing this basic economic misapprehension, solutions to structural unemployment are impossible.

There have been times in our history when population, resources, and the level of technological development interacting freely in the marketplace might have ensured a decent living for all Americans without planning. Those times have been infrequent and it now appears that they will never come again. We have all seen that with each economic decline more and more people are driven to the despair of not being able to provide a living for themselves and their families.

The "right to employment opportunity" constitutional amendment is not going to become law overnight. It is intended to stimulate debate, to challenge the shape of the pie rather than to ask for more of the crumbs, to spur on organizing at the local level around the issue of unemployment. More than 1,000 delegates to the national Coalition of Black Trade Unionists convention in May endorsed H.J. 202; it was a major feature of the August 27 Martin Luther King 20th Anniversary March on Washington.

In short, H.J. 202 is a way of letting the Reagan right know that U.S. workers are serious about beating them at one of their own games.●

LITHUANIA'S INDEPENDENCE DAY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1984

● Mr. ADDABBO. Mr. Speaker, Konstantin Chernenko may not be listening to this speech but its message undoubtably confronts him daily. Lithuanians are standing strong in their opposition to Soviet occupation. Today, we celebrate the 66th anniversary of Lithuania's independence with renewed determination that over four decades under the Soviet yoke have not quelled freedom's voices.

The courage and faith of the Lithuanian people in the face of Soviet tyranny and subjugation is ever powerful. Their spirit of independence, and the firm belief in the eventual liberation of their homeland is shared by thousands of Lithuanian Americans. We pledge our moral support. After 24 years in Congress, I believe there continues to be no greater cause to fight for than the freedom of oppressed peoples.

The world is repulsed by the Soviet Union's blatant disregard for human rights. We know the truth. Their official tools of torture are out in the open. Mind games involving hallucinogenics, shock therapy for offering opposing views, and concentration camps for political figures who dissent from "acceptable" ideologies of the Communist Party. These are the tools of the Soviet force. Freedom fighters like Antanas Terleckas, a Lithuanian political prisoner of the Soviet regime, are subjected to exile in concentration camps that have no forwarding addresses. Their families are routinely threatened to conform by the KGB's fear tactics.

Our message to the Soviets is that we are wise to their violations of human rights and it has not stopped the struggle for independence in Lithuania.

Lithuania's struggle for national sovereignty and individual freedom has been a long tough battle. Since 1940, when the Soviet Union seized power of the country, Lithuanian nationalists have fought this outside domination. The cost in human lives has been high but the Soviets have not been able to silence the determination of the Lithuanian people.

National consciousness is not diminishing in Lithuania or among citizens who live outside their homeland. It is growing more resolute, even in the face of increased aggression and imperialism. The children of men like Antanas Terleckas are growing up with their parents' convictions. They are a new generation of freedom fighters. In the United States, we continue to meet these individuals with support and recognize them as spokesmen for Lithuania.

I find there is no greater celebration than one that marks a people's independence; 66 years ago Lithuania was free. The dedication to national identity and the heritage of Lithuania serves as an example for other oppressed peoples. I am happy to reaffirm our moral commitment to Lithua-

nia's struggle for liberty. I look forward to the day when the Lithuanian national anthem, "Lietuva Tevyne Musu," sounds the song of freedom throughout that homeland.●

THE 40TH ANNIVERSARY OF THE VETERANS' PREFERENCE ACT

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. MONTGOMERY. Mr. Speaker, one of the historic veteran's laws passed by the Congress during World War II was the Veterans' Preference Act of 1944. The legislation was signed by President Roosevelt on June 27, 1944, as Public Law 78-359. To commemorate this event, I am introducing legislation today to designate the month of June 1984 as "Veterans Preference Month."

Veterans preference in Federal employment has been a veterans benefit since 1865. In 1944, President Roosevelt recommended to Congress that the Federal Government put into one basic law all of the then existing laws, rules, regulations, and Executive orders relating to veterans preference. In doing this, President Roosevelt stated:

> "I believe that the Federal Government, functioning in its capacity as an employer, should take the lead in assuring those who are in the Armed Forces that when they return, special consideration will be given to them in their efforts to obtain employment.

The House approved the Veterans' Preference Act by a vote of 375 to 1, and it was approved unanimously by the Senate. Today the provisions of the act have been codified as part of title 5, United States Code.

Over the years, the Veterans Preference Act has helped millions of veterans and their dependents in Federal employment. For example, today, of the 2.7 million employees of the executive branch of the Government, 43 percent are veterans preference eligibles. My legislation, therefore, will call upon the President to issue a proclamation to departments and agencies of the Government and interested organizations and groups to observe the month of June with appropriate programs, ceremonies, and activities in commemoration of the Veterans' Preference Act.●

AMERICAN HEART MONTH

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. McNULTY. Mr. Speaker, the old adage, "ask not what your country can do for you, ask what you can do for your country," has rung in the ears of the American people for 24 years since JFK's inauguration. But today, the statement should be amended to "ask not what your doctor can do for you, ask what you can do for your health."

At first glance, that may seem hokey, but it is not. February is American Heart Month. It is a month when 2 million Americans band together to raise money for heart disease research, and it is a month when the American Heart Association intensifies its effort to educate the American people to the causes, prevention, and cures of heart disease.

Let me take this opportunity to discuss these activities with you because if you attend programs that are being held in your community, you, too, can reduce the risk of heart disease, and limit those dreaded visits to the doctor. The major preventable risk factors to heart disease are, stop cigarette smoking, controlling high blood pressure, controlling blood cholesterol levels, and maintain a regular exercise program.

Stop smoking, if you do smoke. If you cannot stop smoking yourself, attend a smoke-enders class. Every community in the country has numerous programs sponsored by private physicians, religious orders (Seventh Day Adventist) and voluntary organizations (American Heart Association, American Lung Association, and the American Cancer Society) to stop smoking.

After all, the heart attack death rate among people who do not smoke cigarettes is considerably lower than for people who do smoke. For those who have given up the habit, the death rate eventually declines almost to that of people who have never smoked. Do yourself a favor and attend one of the clinics.

Another major controllable factor is high blood pressure. Again, every community in the United States has blood pressure screening activities going on year round. High blood pressure usually can be detected by a simple, painless test. A person with mild elevations of blood pressure often begins treatment with a program of weight reduction, if overweight, and salt restriction before drugs are recommended. In other words, if you know you have the problem, then you can take steps to help yourself.

Blood cholesterol levels too can be controlled. Too much cholesterol can cause buildups on the walls of the arteries, narrowing the passageway through which blood flows, and leading to heart attack and stroke. A doctor can measure the amount of cholesterol in the blood by a simple test. But you have to moderate your cholesterol intake through a diet low in saturated fat and cholesterol (whole milk, red meat, butter, and organ meats, etc.). If all else does not work, then medication may be necessary. But studies are showing those people who eat right are healthier; we are what we eat.

One last bit of advice: Keep that weight down, and exercise. Lack of exercise has not been clearly established as a risk factor for heart attack. But when combined with overeating, lack of exercise may lead to excess weight, which is clearly a contributing factor.

What all this advice boils down to is that you must take control of your life. If you take control, you will lead a happier, healthier, and heartier life.●

AMERICAN SCIENTISTS APPEAL FOR RELEASE OF VALERY SENDEROV AND YOSEF BEGUN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. SOLARZ. Mr. Speaker, recently, at the annual meeting of the American Mathematical Society, concerned mathematicians sent three petitions to Soviet officials on behalf of their colleagues who are suffering from oppression in the Soviet Union. These messages appealed for the release of Prisoners of Conscience Valery Senderov and Yosef Begun, and for the granting of exit visas for seven mathematicians denied permission to emigrate, some for more than 10 years.

The American mathematicians are very disturbed by the deteriorating human rights situation among academics in the Soviet Union. This condition has manifested itself in the form of increased assaults against scientists who seek to emigrate or to exercise fundamental freedoms, and by the growth of anti-Semitism in Soviet academic circles.

It was the onslaught of anti-Semitism that Valery Senderov sought to expose in his statistical study entitled "Intellectual Genocide." This paper, which disclosed the fact that Jewish applicants are being given different and markedly more difficult admissions exams, caused Senderov to be sentenced to 12 years of hard labor and internal exile.

In their petitions, the American Mathematical Society appealed to the overseer of the penal system to allow Senderov to "send out his scientific papers and to continue his research in mathematics for the duration of his imprisonment."

The mathematicians have also demonstrated their strong support for their Soviet colleague Yosef Begun, who recently received the same sentence as Senderov because he, too, persisted in seeking emigration and openly practicing his religion. The pe-

tition sent by this group asked the Soviets to release Begun and to allow him to emigrate to Israel.

In their final appeal, directed at the chief of the Soviet Office of Visas and Registration, the petitioners called on him to permit the emigration of seven other mathematicians. These scientists have been repeatedly refused permission to leave the country and have also been forbidden to pursue their professions.

Mr. Speaker, I would like to add my voice to the protests of these American scientists. I am sure that my colleagues share with me a deep concern for the courageous individuals and refuseniks such as Senderov and Begun, who are not afraid to fight for their rights of scientific and religious freedom. I hope that all of us will be inspired by their example to intensify our efforts on behalf of those brave men and women subjected to continous repression.●

IN TRIBUTE TO MINORU YASUI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. MATSUI. Mr. Speaker, on March 3, 1984, the community of Denver will be hosting a testimonial dinner to honor one of their finest citizens, Mr. Minoru Yasui. Anyone familiar with the abilities and achievements of Min Yasui would agree that it is most appropriate that we pause and pay tribute to Min's selfless philosophy of community service.

While Min's career has spanned several professions, he has dedicated his efforts to insuring the equal sharing of human dignity by all people. This commitment is demonstrated by his involvement in all facets of life in the Denver community. His activities range from serving as a founding member of the Urban League, the chairman of the Japanese American Citizens League, and a member of the International Association of Human Rights Agencies, to serving on the superintendent of schools executive advisory board, the Denver Anti-Crime Council and the Boy Scouts of American Council. The great variety of his accomplishments attest to his concern for all aspects of Denver's civic needs.

Among Min's noteworthy achievements, in his establishment of the commission on community relations in 1967. Under Min's guidance, the commission has served as a springboard for expanding cultural and community oriented programs and acts as a continuing forum to communicate a better understanding of the numerous ethnic, religious, and neighborhood groups that make up the Denver community.

Given this outstanding record of public service, I am sure that all Members of the House will join me in extending best wishes to Min Yasui.●

HOW THE B-1 MAFIA OVERPOWERED OPPONENTS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. SEIBERLING. Mr. Speaker, last week I placed in the RECORD the first two of a series of three articles by Frank Greve of Knight-Ridder newspapers on the methods used by the Pentagon and North American Rockwell Corp. to keep the B-1 bomber project alive and to manipulate the Congress into reauthorizing it after it had been canceled by President Carter. Today, I am offering the third of the articles in the series, which constitute a classic story of the inner workings of the military industrial complex to the end that they succeeded in obtaining tens of billions of dollars for a weapons system of only marginal value and which was even detrimental to our overall military preparedness.

Today's installment is about the resourceful and ruthless Air Force officers who won stars and eagles fighting for the B-1 and won a Pentagon nickname of "the B-1 Mafia." It is a story that can only bring one to the depressing conclusion that deception of Congress and top civilian officials in the Defense Department, and conflicts of interest by high military and civilian officials, have become a way of life at the Pentagon. It is a story of the stacking of a supposedly objective Science Advisory Board to produce biased results, of the exclusion from its sessions of civilians and generals alike who dissented from its preordained conclusion, of the diversion of money from the Stealth bomber project to make the B-1 budget look smaller than it really is and even of the development of two different cost estimates, one that showed the "official" cost and the other what the planners really thought it would cost. The technique is reminiscent of the "dual system" of reporting which the military used during the Vietnam war to deceive Congress and the public and conceal the fact that the Air Force was secretly bombing Cambodia.

All in all, the article says, $5 to $7 billion have been shifted from the B-1 to other accounts or obtained from the top secret Stealth technology accounts to conceal the true cost of the B-1 project.

The article points out that Lt. Gen. Kelly Burke, who masterminded the project, has since retired and is now a consultant for Rockwell International, the prime contractor on the B-1, although he failed to report that fact for 9 months after becoming a consultant while he was an adviser to White House Science Adviser George Keyworth on military uses of outer space.

Most discouraging of all, the article points out that if Secretary Weinberger, who initially opposed the B-1, had ever decided to challenge the project, he would have found it difficult to find the resources, accountants, or military experts to develop a case, since he himself downgraded the Defense Department's Planning, Analysis and Evaluation Office and demoted its chief executive from an Assistant Secretary to a mere Director. That office had come under attack in the 1980 Republican Party platform in a section written by John Lehman, then a consultant for several defense contractors and now Secretary of the Navy.

Mr. Speaker the full text of the sad story follows these remarks:

B-1 MAFIA OVERPOWERED OPPONENTS

(By Frank Greve)

WASHINGTON.—The resourceful and ruthless Air Force officers who won stars and eagles fighting for a new manned bomber also won a Pentagon nickname: the B-1 Mafia.

They earned the sobriquet by ignoring a presidential decision to kill the B-1 and raiding the budgets of other Air Force programs to keep the airplane alive. They earned it by creating and promoting a clique of B-1 loyalists, by fudging figures in their bomber's favor and by playing bolder politics than their political bosses.

That's not shocking; it's what keeps people busy in the peacetime Pentagon. Nor is it shocking that Congress and the administration failed to analyze closely and independently the wisdom of building a new bomber; neither body has the time or the resources.

Rather, Congress accepted the Air Force's arguments that it was a wise thing to do, despite two decades of warnings from many defense professionals that the B-1 bomber was an overpriced aircraft whose time had come—and gone.

This article explores the sophisticated and successful politicking at the Pentagon on behalf of the B-1. It shows how the B-1's Pentagon friends often wound up on the payroll of the plane's builder, Rockwell International Corp. And it explains why the Pentagon's civilian bosses were no match for the B-1 Mafia and its industrial allies.

Defense Secretary Caspar Weinberger and his deputy secretary at the time, Frank Carlucci, "pretty much left it to the Air Force," said an officer directly involved with selling Weinberger on the bomber. One possible reason: Neither had been intimately involved with defense weapons programs before, so "there was a total unfamiliarity with all the issues on the part of Weinberger and Carlucci," a pro-B-1 administration insider noted in a recent interview.

Actually, the demonstration for Weinberger and Carlucci that they didn't really run the Defense Department began on the day they decided they didn't like the B-1 bomber. That occurred two months after they entered office, in March 1981, during

the course of their first briefing on the plane.

Air Force leaders, directed by Lt. Gen. Kelly Burke, deputy chief of staff for research development and acquisition, the godfather of the B-1 Mafia, had figured it would be a piece of cake. Ronald Reagan had pledged during his presidential campaign that he would build the B-1, so Weinberger's endorsement, according to officials intimately involved with Pentagon procurement, was taken for granted by the Air Force.

"Disastrous" is how one participant recently characterized the session, which he and several other participants described in detail.

First, the B-1 program manager, Brig. Gen. Melvin Chubb Jr., displayed the wrong slide—one showing that the Air Force really was out to get 200 B-1 bombers, not the 100 Weinberger had been told were being requested. Then there was the price: Not $17 billion for 100 bombers, which had been the last figure discussed with Congress and with Weinberger, but $27 billion in 1982 dollars, or $32 billion to $34 billion by the time the 100 bombers were finished in 1988.

To make matters worse, Gen. Richard Ellis, then chief of the Strategic Air Command, heavily influential because his fliers would pilot any new bombers, rose to tell Weinberger he didn't want the B-1. Ellis wanted the Northrop-Boeing Advanced Technology Bomber known as "Stealth" for its abilities to avoid enemy radar. Until Stealth was ready, he preferred a modified FB-111 bomber made by General Dynamics.

"Hey, you guys had better do a better job than that, or we're not going to support the B-1," Carlucci told the Air Force leaders after the session. In a later interview, he characterized the Air Force's briefing as "a pretty fast sell."

Weinberger had even more basic reservations. He had expected a briefing in which all the bomber alternatives were weighed, he told the assembled Air Force generals and staff. Instead, Ellis's dissent aside, he'd simply been told why the Air Force wanted the B-1. Weinberger directed Burke to undertake a new and objective analysis of the merits of the B-1, the Stealth, the FB-111, and the B-52, the bomber they might replace.

The B-1 Mafia's red-letter day had turned into a bummer. But Weinberger had underestimated the resourceful tenacity of his nominal subordinates.

After Reagan's election and before his inauguration, according to sources at Air Force headquarters, Burke had encourage Rockwell to place the biggest machine tool order in U.S. history, to break ground for a new $40 million engineering facility and to conclude hand-shake agreements with major subcontractors—all for the B-1.

After polling other defense leaders in the Pentagon and the administration, and finding them as encouraging as Burke, Rockwell went ahead with its B-1 production groundwork. All these steps were taken prior to Defense Department or congressional approval, thereby building political pressure in both arenas for a decision in favor of the B-1.

A crash program to build Stealth, which Weinberger at one point reportedly favored, was one alternative that threatened the B-1 program in early 1981. Another strategy, also threatening to the B-1, was to modernize the existing B-52 strategic bomber fleet as much as possible and, if necessary, convert the shorter-range FB-111 bomber to an interim penetrator role until Stealth became available.

One way of arbitrating such competing options is to convene a Science Advisory Board: a gathering of independent technical experts from industry and consulting firms who recommend the course of wisdom to the defense secretary.

Burke actually had impaneled such a board in 1980, and it was scheduled to report in the spring of 1981 just as the B-1 decision was being made by Weinberger. As the service's research and development chief, Burke also guided the selection of panelists—and made selections that disturbed opponents of the B-1.

The board's leadership included, in addition to Burke, Dr. Grant L. Hansen, an outspoken B-1 advocate during his Nixon administration term as assistant secretary of the Air Force for research and development; Dr. Edward Teller, a leading defense nuclear physicist and a forceful and respected B-1 advocate; Dr. Seymour Zeiberg, a leading B-1 backer during his Carter administration term as deputy undersecretary of defense for strategic and nuclear systems; and Col. August J. Caponecchi, officially an assistant to Burke for special support services and said by his colleagues to be one of the best trouble-shooters and Pentagon political strategists in the Air Force.

"The deck was so stacked with B-1 people that General Dynamics never even got to pitch their FB-111 option," recalled a Pentagon bomber expert partial to that aircraft. To almost no one's surprise, the Advisory Board liked the B-1—and, according to sources who have read the still-classified report, concluded Stealth might not be ready for production until 1992 or later.

Some dissenters from that conclusion—including Air Force generals—were locked out of the advisory board's sessions by security clearance requirements, imposed once discussion of the top-secret Stealth program got under way.

The Advisory Board also ratified the B-1 Mafia's intention to exploit for the B-1 much of the technology developed for the Stealth bomber. That technology makes Stealth less detectable on Soviet radars and would extend the useful lifetime of the B-1 as a penetrating bomber. And, for the B-1 Mafia, using Stealth technology had two other advantages:

First, Stealth technology budgets are secret, providing the B-1 program with a source of additional money—$2 billion to $3 billion is a common estimate among defense analysts—that never has to be accounted for in public. For a program in which costs are firmly and publicly fixed at $20.5 billion, a secret money source is useful indeed.

Second, by drawing off Stealth money for the B-1, the Air Force also slowed down production of a distinct Stealth bomber as a competitor. At the same time, by using the electronic defenses originally intended for Stealth, the B-1 program was consuming the rival airplane's competitive advantages.

Meanwhile, money for programs to modernize the Air Force's B-52 fleet was "reprogrammed" by Air Force headquarters instead to pay for a B-1 avionics test program at Edwards Air Force Base in California's Mojave Desert. The avionics tested in that program now have been replaced by a new system, suggesting that funds were shifted, not just to test avionics, but to keep the B-1 alive at a time when other sources of money were absent.

"Reprogramming" is a common auditor's tactic to find money for a high-priority program. Congress does not protest "reprogramming" if sums involved are relatively small. They were in the B-1 case—between $50 million and $100 million between 1978 and 1980.

In another instance in 1979-80, Air Force headquarters, faced with a demand from the defense secretary for budget cuts, offered about $100 million intended for B-52 upgrading programs. Not surprisingly, those programs were cut.

Although Weinberger eventually came to accept the Science Advisory Board's findings, he first wanted an independent analysis of the bomber options by the Air Force headquarters staff. This amounted to expecting independent judgment from colonels after their generals had picked the B-1. And the generals were in a position to pick the analysts. To no one's surprise, they tended to be B-1 partisans.

Helping to evaluate Stealth's potential, for example, was Lt. Col. James Evatt, an assistant to Burke who had been a B-1 analyst before putting in a short stint on the "Stealth" program. According to Pentagon fans of Stealth, Evatt never fought for that program; instead, they claim, he used his inside knowledge of Stealth's weaknesses to make the B-1 look better.

Shortly after Weinberger endorsed the B-1, Evatt was named, with Burke's recommendation, to head the B-1's Washington program office, where he was promoted to full colonel. Evatt, through a spokesman, acknowledged his role in the B-1 study and declined further comment.

Another key officer was Lt. Col. Louis Montulli, a nuclear effects specialist working under Burke. He had the difficult job of determining whether the B-1 would withstand the Electro-Magnetic Pulse, a post-nuclear blast shock wave that can be fatal to electronics. Money to test a prototype B-1 had been diverted to other B-1 research efforts, so the question became, for Montulli, theoretical.

Montulli decided the B-1 passed, and also decided that the B-52 flunked, which helped to disable the argument that the B-52 could hold out until Stealth came along. Montulli later was promoted, at Burke's urging, to full colonel. Burke also recommended Montulli for a prestigious position in the White House Office of Science and Technology.

There, starting in the summer of 1981, Montulli advised OST director George Keyworth on the merits of the B-1 bomber vs. Stealth. Montulli accepted this account as factually accurate, adding that he favored the B-1 because its nuclear blast protections were more modern than those of the B-52.

According to one participant whose choice lost out, the whole review of bomber options was a sham because the B-1 had the Air Force's nomination sewn up before the evaluation began. "What we did was fool with the survivability and penetrability numbers whenever the B-1 didn't win. If we said the FB-111 had a probability of penetration of 0.9 in 1992, and was closing in on the B-1, the B-1 boys would change their probability to 0.93. How much they came up with depended on how much it took to keep the B-1 ahead."

Nowhere was the Air Force's sleight-of-hand more artful than on the matter of the B-1's price. For several years, the B-1 systems program office at Wright-Patterson Air Force Base near Dayton had developed two different cost estimates, according to a source privy to the process.

"One (estimate) showed what we'd said the B-1 would cost," the source said. "The other showed what we really thought it would cost.

"That, in itself, is not unusual. But on a big program like the B-1, people get very protective of the second. And that showed the B-1 costing $26 billion to $27 billion (for 100 aircraft) in 1982 dollars."

That secret figure, Burke told subordinates, was "a killer." He said, according to several sources, that Congress would never buy it and that he could never defend such a figure before Congress because his estimates only three months before had been $10 billion lower.

Immediately, the B-1's backers decided to express the cost in 1981 dollars, "to give ourselves some breathing room." That accounting gimmick, by deducting for the effect of inflation between 1981 and 1982, dropped the B-1's theoretical price more than $1 billion. Not enough, the backers decided.

"So they moved the simulators off line," explained an Air Force auditor. Translation: The Air Force took the $300 million worth of B-1 cockpit training devices out of the overall B-1 program, thereby reducing, on paper, its cost. But they still needed the simulators, so they set up a separate account, not part of the B-1 program, to provide them. Thus, the B-1 program officially, saves money. But taxpayers don't save a dime.

Also eventually dropped or shifted to other accounts were programs for improved electronic countermeasures (now part of the Stealth technology account), new weapons-carriage systems (also now an independent program), new defensive weapons and a forward-looking infrared radar (even though space remains in the B-1's nose for such a system).

All this number-juggling appears to have the same point: to enable administration defense authorities to assure Congress that the B-1 program won't exceed the $20.5 billion (in 1981 dollars) currently budgeted. Dr. Richard DeLauer, the administration's top defense research and development official, for example, recently testified before a Senate subcommittee that "Yes, sir," $20.5 billion was the full cost of the B-1 program, and that all B-1 related costs were included in the B-1 budget, "or in another line element in some other part of the Air Force budget."

Both Burke and his boss, Air Force Chief of Staff Gen. Lew Allen, began their consideration of B-1 pricing in the spring of 1981 with the same conviction: "They felt you couldn't sell a bomber for over $20 billion," according to a source involved with their deliberations. His account was confirmed in substance by other sources. Emerging from the meeting was this estimate: $19.7 billion. "At that moment, there wasn't one scrap of paper to justify it," the source said. "It was just a number."

Originally, according to Gen. David Jones, at the time chairman of the Joint Chiefs of Staff, "There was no intention to lock in on that number." But Weinberger and Carlucci "were getting a lot of heat from the Congress on the B-1's costs," Jones explained in a recent interview, "so they decided to lock it in."

Translation: Weinberger and Carlucci made the Air Force brass pledge that they would live with the $19.7 billion price and never ask for more. (Actually, that price has risen to $20.5 billion. The $19.7 billion Air Force figure omitted $800 million for adaptation of the B-1 to carry air-launched cruise missiles, as demanded by Congress.)

Considering the $5 billion to $7 billion shifted to non-B-1 accounts, or obtained from invisible Stealth technology accounts, it may be possible for the Air Force to hit its price goal. Jones worries, however, that adhering rigidly to the price tag may lead the B-1's developers to reject justifiable real improvements to the aircraft just because they'd break the price ceiling.

Even so, it "doesn't seem very plausible" to Jones that the Air Force will meet its target price. "Our past record hasn't been so good, and the projected cost reductions for the end of the program are optimistic."

Most of the figures Burke used to beat down the high cost estimates of Gen. Chubb, the B-1 project manager, came from a non-Air Force source with a profound interest in the outcome: Rockwell International. In sessions with Burke, Bastian Hello, president of Rockwell's North American Aviation division, had insisted that 100 B-1Bs could be produced for about $18 billion. Burke used the computations and etimates he provided to argue for a lower price than Chubb's, despite Rockwell's obvious interest in winning the contract.

The one standing Defense Department agency whose business it is to arbitrate the claims of self-interested military services—the Office of Program Analysis and Evaluation—which reports directly to the defense secretary, was locked out of the action.

"We were forbidden by Burke to share our members with PA and E," said a member of the Air Force's "independent" analysis group.

Burke, now retired, declined any on-the-record discussion of his key role in promoting the B-1. Nor would Burke, now a consultant to several defense contractors, discuss his relationship with one of them: Rockwell International. In a separate, earlier interview, Burke had said he advised clients on "what their strenghts were, their weaknesses, and what the military marketplace was likely to seek in the future that they could produce."

Burke also has lobbied for the B-1 since his August 1982 retirement, according to congressional staff members who have met with him. Burke declined to discuss his relationship to Rockwell or his fee. Typically, according to several Washington defense consultants, defense contractors pay between $30,000 and $100,000 annual retainers, plus daily fees, for such services. Although the only legal constraint on Burke is that he not sell anything to the Air Force, he is in a position to attempt to influence what the services buy while representing contractors who are sellers.

This comes about because Burke, while representing contractors, also serves as a consultant on military matters for the White House adviser on Science and Technology, the Defense Science Board, the Air Force Scientific Advisory Board and the National Academy of Sciences. All of these groups provide guidance, from time to time, about which weapons technologies should be pursued and which dropped.

In at least one instance, while advising White House Science Adviser Keyworth on military uses of outer space, Burke failed to disclose his relationship to Rockwell, the nation's biggest space contractor. A listing of all other outside employment and financial interests is required of White House consultants, as is prompt amendment of the disclosure form when additional new employment is undertaken.

Nine months after becoming a Rockwell consultant in January 1983, Burke still had not reported it to the White House. He did so after a Knight-Ridder Newspapers inquiry to the executive director of the agency.

Burke is not the only Air Force officer closely involved with the B-1 decision to have retired and gone to work for Rockwell. Col. Gene Burbey, for example, was manager of the B-52 upgrading program whose funds were raided to keep B-1 research alive. He works for Rockwell in Los Angeles now, coordinating B-1 subcontractors.

Lt. Col. Lynn Gulick developed the B-1's testing and evaluation standards for the Air Force. Now he's working for Rockwell to assure that the B-1's weapons-carriage system meets Air Force requirements.

Maj. Daniel Viney served as the Air Force's B-1 monitoring representative at Rockwell. Now he is a Rockwell industrial engineer on the B-1 program.

And there are others who've retired as bomber buyers to become bomber builders for Rockwell: the former chief of the Air Force B-1 Configuration Identification Division, the former comptroller of the Los Angeles office of the Air Force Contract Management Division and the former Air Force director of Procurement Policy.

Jones, retired chairman of the Joint Chiefs, says he considers the whole system "an arcane way to procure weapons." He also says he is skeptical of the nearly incessant assertion by Rockwell and the Air Force that the B-1B program is on time and within its budget. That, at the moment, appears to be true, but the real challenges lie ahead. Here's why:

Under its contract, Rockwell must produce only one B-1 by December 1984. Because it is the first aircraft to come off the line, it undoubtedly will be the most costly to produce. The budget for it is more than $1 billion. The next four B-1s also are expected to be extremely expensive—more than $500 million each. Thereafter, the theory goes, Rockwell and other B-1 contractors will get better and better at bulding airplanes and the price per bomber will drop dramatically.

But the estimated production improvement rate, on which the $20.5 billion figure depends, is a very sharp one, called in the jargon a 79 percent learning curve. In effect, it requires the B-1 manufacturers, if they are to meet their budget projections, to spend $16.2 billion on the first 52 B-1s and only $4.25 billion on the last 48. That's why having the B-1 program under budget—now—isn't very important. The important time to be under budget is in the last half of the B-1 buy.

At one time, in March 1981, Defense Secretary Weinberger appeared to worry about the B-1's cost and utility, too.

His former deputy, Frank Carlucci, Air Force brass involved with selling the B-1, congressional defense specialists and journalists all recall that in the spring of 1981 Weinberger was very skeptical about the B-1. He asked Senator John Tower, D-Texas, chairman of the Armed Services Committee, what the effects would be of not producing the B-1, according to aides present at the time. He asked State Department officials whether U.S. allies would be dismayed if he never built the B-1. He mused to reporters that the Air Force was irrationally attached to manned bombers.

According to several Pentagon officials, Weinberger appeared to prefer a crash Stealth program over the B-1. This was no

secret. Indeed, when word of Weinberger's reported feelings about Stealth reached Wall Street in June 1981, Rockwell International stock fell from $43 to $36.25 a share in 10 days.

And, according to his own testimony in October 1981 before the Senate Armed Services Committee, Weinberger still seemed to be leaning toward quick development of Stealth. He said that plane could be ready for deployment "beginning in 1989," a development that would virtually eliminate the need for the B-1.

Asked recently about that testimony, Weinberger responded, "I really misspoke if that is what I said." He said in an interview that Stealth could not be deployed before the "mid to late 1990s."

Weinberger now denies that he ever had any reservations about the B-1. Nor, he said, does he regard the B-1 as competitive with Stealth.

There are two possible explanations for Weinberger's apparent shift on the B-1:

One is offered by some administration officials, who insist that Weinberger feigned or exaggerated his skepticism about the B-1 in order to soften up the defense contractors' bargaining positions and show the Air Force who was boss.

The other is more complicated. Weinberger may have been "told he had to like it," as one Pentagon official said, by President Reagan or other top White House officials. Within the small community intimately involved in the B-1 program, that's the predominant view. As one skeptic of the B-1 put it, "We'd send him over to the White House with objective data and he'd come back with political reaction. Over time, the questions he asked us became narrower and presumed, more and more, that we had to have the B-1."

If Weinberger ever had decided to attack the B-1, he would have found it difficult to find the resources, accountants or military experts to develop the case. The likeliest agency within the Pentagon for that role would have been the Defense Department's Planning, Analysis and Evaluation Office, created by former Defense Secretary Robert MacNamara to give the Pentagon's civilian leadership the tools to evaluate independently the claims of self-interested military services.

But that office has come upon bad times.

It came under attack in the 1980 Republican Party platform, in a section written by John Lehman, then a consultant for several defense contractors and now secretary of the Navy. The office's judgments, Lehman wrote, had constituted "ill-informed, capricious intrusions" in defense planning in the Carter administration. So disruptive was the interference that "orderly planning by the military services has become impossible," he wrote.

So, when Weinberger became defense secretary, he downgraded the Planning, Analysis and Evaluation Office by reducing the authority of its chief executive. The office's head, who had been an assistant secretary, one of 13 top positions in the department, was made a director, of which there are hundreds.

Although he was unable to replace the office's analysts who were protected by Civil Service, the authority of the office had been substantially lessened. No B-1 critics there, thanks to the Republican platform. For good measure, Burke had barred "independent" Air Force analysts appraising the B-1 and its alternatives from sharing their figures with the remaining analysts in the office.

It is too early to know whether the United States needs the B-1 or discovers it to be yesterday's bomber for tomorrow. It is not too soon to discover that America buys its weapons strangely. In fact, it may be late in a deadly, wasteful game.●

TRIBUTE TO TED PETERSON

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. HARRISON. Mr. Speaker, a very extraordinary human being, Frederick J. "Ted" Peterson, has retired after 35 years of public service, and it is my privilege to rise today to pay him tribute.

Ted Peterson served in the Second World War as a captain in the U.S. Army. When it was over, he returned to his native borough of Berwick, in Columbia County, Pa. He joined the American Legion, became active in his church, the Calvary Methodist Church of Berwick, and began a career of public service by his appointment as chief voter registration officer for Columbia County. He held that position for 8 years. In 1956, Ted was appointed chief deputy treasurer of Columbia County. Four years later, he was elected to the office of treasurer.

Four years after that, Ted was elected to one of the most important offices in Pennsylvania municipal government. He became prothonotary and clerk of courts of Columbia County. In that position, it was his responsibility to maintain the records and insure the orderly proceedings of the civil and the criminal courts of the entire county. That he did, with efficiency, dignity, and an uncommon empathy for his fellow man until he retired in January of 1984. During his 20 years as prothonotary, he served on the executive board of the State organization and he was President of the State association of prothonotaries and clerks of court for 1973 and 1974.

He also found time to continue his affiliation with the American Legion, of which he is a past commander of the Berwick Post, with the Berwick Masonic Lodge, of which he is a past master, and with the Berwick Order of Elks.

But even more than his public service, his professional associations and his community involvement, I rise today to pay tribute to Ted Peterson as a man of warmth, understanding, compassion, and of a deep religious faith. He is one of those few people who enrich others by the mere fact of their company. He thinks the best of his fellow man and works to bring those thoughts to reality.

He has been for many years, and for thousands upon thousands of citizens of Columbia County, a listening ear, a consoling voice, a helping hand, and an understanding heart.

And so it is my honor, today, Mr. Speaker, to rise in tribute to my friend and colleague, Ted Peterson. And to say to him that we understand he has retired from public life but we understand, also, that he will never retire from the life of the community. He has graduated, as he puts it, so that he may spend more time with his beloved wife, Mary, and with his daughter, Mary Ruth.

That is as it should be. Ted Peterson has given so much of himself over so many years that it is time he took a little while and let others return to him the love and understanding he has so generously given.●

HONORING ROBERT E. NISBET

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. STARK. Mr. Speaker, on March 2, the board of directors of the Alameda-Contra Costa Transit District is hosting a celebration honoring Mr. Robert E. Nisbet's outstanding achievements in public transit.

Mr. Nisbet is retiring after a distinguished career spanning more than 30 years. During this time he furthered the goals of public transit, most recently as general manager of the transit district. He has served as a model of excellence through his efforts in drafting transit legislation along with his service on transportation advisory committees and commissions.

The University of California, Berkley, is Bob Nisbet's alma mater. After serving in the Navy, he received his LL.B. degree from Hastings.

In 1957, Bob Nisbet became the first employee of the Alameda-Contra Costa Transit District. He served as attorney for the district before becoming general manager, a post he held from 1978 to 1983. During this time, Mr. Nisbet's contributions to transportation were profound and will be felt for years to come. He assisted in the drafting of the San Francisco Bay Area Rapid Transit District Act (BART). He was deeply involved in the drafting and passage of the transit district law, enabling legislation which created the Alameda-Contra Costa Transit District. He assisted in the formation of the California Association of Public Owned Transit Systems (CAPOTS) of which he was an executive director.

Bob Nisbet has worked with all levels of government to serve the goals of public transportation. He has been involved with the League of California Cities, the Bay Area transportation Study Commission, the Public Utilities Commission, Association of Bay Area Government (ABAG). Also, Mr. Nisbet

served as an adviser to State and Federal legislators on transportation matters.

Mr. Speaker, I have listed only a few of Robert E. Nisbet's numerous contributions. He has left a lasting impact on transportation in California and I am pleased to have this opportunity to acknowledge his accomplishments and to wish him and his family all the very best in the future.●

GETTING MORE DEFENSE WITH MORE EFFECTIVE RESERVES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. ASPIN. Mr. Speaker, the U.S. military has relied to a significant degree on its Reserve Forces—from the Minuteman of the Revolution to the weekend warriors of today. The role of the Reserve Forces has changed through history, and the degree of reliance on the Reserve Forces has seen its ebb and flow. The Reserve Forces have been affected by international relations and internal political perspective. They have been ignored at times when America seemed at peace with the world, and they have become a favorite child in the times of America's greatest need. The tide is about to turn again.

The active military forces are about to face two new constraints that make an increased reliance on the Reserve Forces not only desirable but virtually mandatory. First, the declining birth rate of the postbaby boom era means that fewer and fewer young men and women are coming of age each year this decade, imposing a severe demographic constraint and limiting the ability of the active forces to attract as many recruits as they would like. Second, the forecasts for future Federal budgets indicate deficits of such massive proportions that pressure to reduce all Federal spending is likely to rise substantially—and defense is the largest pool of discretionary spending available for reductions.

BACKGROUND

Reserve component manpower is divided into three categories: The Ready Reserve, the Standby Reserve, and the Retired Reserve. The Ready Reserve, which is the major source of immediate manpower augmentation for the active forces in case of mobilization, is further divided into two categories: The Selected Reserve and a pool of pretrained individuals, designated the individual Ready Reserve (in National Guard components, this category of personnel is referred to as the inactive National Guard).

There are six Ready Reserve components: the Army National Guard (ARNG), Army Reserve (USAR), Naval Reserve (USNR), Marine Corps Reserve (USMCR), Air National Guard (ANG), and Air Force Reserve (USAFR). Each of these Reserve components has its own selected reserve units, consisting almost entirely of reservists who are assigned to units that train and who will be mobilized as units. These paid reservists generally perform approximately 2 weeks of active duty training annually and one weekend of inactive duty training (drill) each month.

As of October 31, 1983, nearly 2.3 million men and women were serving in the Reserves. More than 1,422,000 in the Ready Reserve, 43,000 in the Standby Reserve, and 833,300 in the Retired Reserve. By component, the breakout was as follows:

ARNG	425,115
USAR	985,884
USNR	325,237
USMCR	99,275
ANG	101,610
USAF	361,095

CURRENT RELIANCE ON RESERVES

Current defense plans rely heavily on the Reserves.

The Army is especially dependent on its Reserve components for total mission capability. In fiscal year 1984, the Reserves will comprise approximately 40 percent of the Army's divisional combat forces (9 out of 25), 69 percent of nondivisional combat forces, 69 percent of tactical support forces, 51 percent of special theater forces and 33 percent of general support forces. The Army's Active component-Reserve component mix was 49 percent to 51 percent in fiscal year 1983; by the end of the decade, the Reserves will take on an even greater role as evidenced by the projected 47 percent to 53 percent mix of Actives to Reserves. All but two active Army divisions in the United States will have roundout units in fiscal year 1985, that is, attached Reserve units necessary to bring the division up to full strength.

The other services have not relied as heavily on their Reserves for manning the force. At the end of fiscal year 1983, total Navy manning was approximately 84 percent Active and 16 percent Reserve. By fiscal year 1989, the Active-Reserve split is expected to be 81 percent to 19 percent. Nevertheless, the Naval Reserve is charged with all or most of certain Navy responsibilities. As a percentage of total mission, the Naval Reserve is tasked with 100 percent of U.S.-based logistic airlift, 100 percent of inshore undersea warfare units, 99 percent of Navy control of shipping organization, and 88 percent of ocean minesweepers.

Total Air Force manning is approximately 78 percent active and 22 percent Reserves (this ratio is expected to remain fairly constant throughout the rest of the 1980's). The Air National Guard and the Air Force Reserve comprise approximately two-thirds of continental air defense capability and more than half of U.S. tactical airlift capability. Air National Guard nonflying units represent 70 percent of total Air Force combat communications units and 27 percent of deployable civil engineering and services personnel. Air Force Reserve nonflying units provide 58 percent of Air Force combat logistics support squadrons, 47 percent of aerial port units, and 40 percent of strategic airlift

The Reserve components are also an integral part of the mobilization plan. In a European scenario approximately 13 percent of the Army Reserve components are scheduled to be deployed by D plus 30 days. Eighty-two percent are scheduled to be deployed by D plus 60 days.

Consequently, Reserve Forces must be brought to and maintained at a high level of effectiveness if our forces are to be ready to fight. Confidence in the total force must be high if the military forces are to provide the most fundamental of their missions—deterrence. Unfortunately, compelling evidence supporting such confidence does not now exist. Shortages in equipment, personnel, and training are recognized by many. Unready Reserve Forces will erode the readiness of the Active Forces with which they are associated.

In other words, the more the Reserves are relied on to support Active Force missions, the more effective they must be.

MANPOWER CONSTRAINTS

The second reason for attempting to increase the effectiveness of the Reserves arises within the context of the current defense program. Manpower constraints in the late 1980's will become one of the major obstacles in achieving the program.

Today, manpower constraints appear the least binding of any of the constraints faced. Active Force recruiting and retention exceed goals, and quality, by any measure, is higher than it has ever been—far higher than under the draft. However, the pool from which recruits are drawn will decline by about one-quarter during the 1980's and, at the same time, the requirement will increase. This effect alone is worrisome. For example, today, from the population of 18- and 19-year-old males who are not disqualified for military service because of physical, mental, or moral reasons, the military must recruit 1 out of 5. Excluding those who enter college from the population, the military must recruit 1 out of 3.5—today.

Under the current 5-year plan, by 1989, the military will need to recruit 1 out of 2.7 of those 18- and 19-year-old males who are not disqualified for military service and who are not in college.

In addition, some have suggested that the current program is insufficient to insure a satisfactory level of risk in view of the total range of national commitments. The Joint Chiefs of Staff, for example, were widely reported to have called for spending $750 billion above the administration program over the next 5 years. They concluded that the active military force needed to produce a satisfactory level of risk would require an increase in the number of Army divisions from 16 to 23, the number of Navy carrier battlegroups from 15 to 24, the number of tactical air wings from 27 to 44, and the number of Marine amphibious units from 3 to 4.

Manpower needs would grow commensurate with such a force expansion. Assuming force size grows proportionate to the increase in the number of divisions, battlegroups, air wings, and amphibious units, the force needed to reduce what the JCS reportedly said was the mismatch between capabilities and commitments would require an active duty enlisted strength of over 2.8 million, up over 900,000 from current levels. The number of nonprior service accessions (recruits) needed to support such a force would increase from the current level of about 300,000 per year to over 500,000 per year. Recruiting these numbers would become exceedingly difficult. The military would need to recruit 1 out of 2 of those 18- and 19-year-old males who are not disqualified for military service and 1 out of 1.3 of those 18- and 19-year-old males who are not disqualified and who are not in college.

The impact on recruiting requirements under the different scenarios discussed above is summarized in the following table:

	Number of 18- and 19-year-old males required from—	
	Those not disqualified for military service	Those not disqualified for military service and not in college
Current requirement	1 out of 5	1 out of 3.5.
Requirements in 1989 under current plan.	1 out of 4	1 out of 2.7.
Requirements in 1989 under JCS "low risk" plan.	1 out of 2	1 out of 1.3.

The JCS plan, of course, is unlikely to be funded—such a plan has not been funded in the past. But even the current administration plan will put a real strain on recruitment.

One way to address this problem of future manpower constraints is to increase the size of the Reserves. The Reserves may appeal to many people who would not be attracted to an extended period of service on active duty. In addition, an active force of 2 million generates a huge pool of prior-service personnel who possess experience and may be attracted to service in reserve units after they leave active duty.

BUDGET CONSTRAINTS

The third reason Reserves must be made more effective is constraints on future defense budgets.

The 5-year defense program presented in conjunction with the fiscal year 1984 defense budget totaled over $1.7 trillion. Some experts in the defense field believe that even that 5-year defense plan is underfunded in terms of the resources needed to buy the planned force. Some say operation and maintenance is underfunded—Brookings says by $240 billion. Others—for example, Chuck Spinney—point out that past estimates of procurement costs have proved too low.

In addition, others—such as the JCS—say that more is required over this 5-year period to buy a larger force structure to insure a lower level of risk.

Defense spending levels have come under increased scrutiny which, with $200 billion deficits, is likely to increase. With limited budgets, trade-offs can be made between Active and Reserve Forces. These trade-offs can and should be made whether the goal is to reduce the defense budget, or increase the effectiveness of the force within a defense budget level. To make full use of these trade-offs, the effectiveness of the Reserves must be increased to the greatest extent possible.

A Reserve unit generally costs less than a similar Active unit. A fully equipped Reserve unit that is ready for deployment would require the same equipment as an active force unit; so no savings result from that source. However, Reserve units have lower operating costs and lower personnel costs—in large part because reservists do not receive the same retirement benefits as members of the active forces.

The Congressional Research Service recently compared the relative costs of an active, a Guard, and a Reserve A-7D squadron and found that, in that specific example, a Reserve component unit costs between 32 and 39 percent less than an Active unit. The specific comparison is shown below:

A-7D SQUADRON

[In 1976 constant dollars, millions]

	Active cost	Guard cost	(Percent of active)	Reserve cost	(Percent of active)
Capital equipment cost	$107.2	$107.2	100	$107.2	100
Total unit annual operating cost	21.2	11.0	52	10.1	48
Equipment and facilities related annual cost	8.4	5.8	69	5.3	63
Personnel related annual cost	12.8	5.2	41	4.8	38
Capital equipment plus 10 years annual operating cost	319.2	217.2	68	208.2	65
Capital equipment plus 15 years of annual operating cost	425.2	272.2	64	258.7	61

Of course, the magnitude of the saving depends on the type unit being considered. Generally, those requiring a higher operating tempo exhibit higher costs and lower savings; those less equipment intensive, the reverse.

Recognizing the difference in costs between Active and Reserve units, a greater number of Reserve units could be bought for a fixed dollar amount. Although an individual Reserve unit might not be as effective as an individual Active unit, the larger number of units could be used to offset this disadvantage.

Alternatively, Reserve units could be used in place of Active units on a 1-for-1 basis. Although the Reserve units would, in many cases, be less effective, they would also be less expensive. This might be worth it if the resources saved could be devoted to some other activity in order to compensate for the loss of effectiveness resulting from a change-in-force mix—for example, cost savings from use of Reserves could be used to fully fund the acquisition and operating programs for the remaining Active Forces.

In summary, reserve forces will necessarily play a larger role in the future because current reliance on the Reserves is heavy and growing, because manpower contraints in the later part of the decade will restrict the growth of the Active Force, and because the level of the defense budget overall and the portion of the defense budget that will be devoted to manpower will continue to be limited. Because the Reserves are necessary, their effectiveness must be improved.

MEASURES OF EFFECTIVENESS

The principal precondition that must be satisfied before more reliance can comfortably be placed on reserve forces is an objective and uniform measure of the effectiveness of Reserve and Guard units. Today, no such measure exists.

The major readiness report used by the services is a rating system that is reported to the Joint Chiefs of Staff and becomes part of the force status and identity report, or Forstat. Under this system, the services assign "C-ratings" of overall readiness that vary from C-1 (fully ready) to C-4 (not ready). These overall ratings (applicable to Active and Reserve) are based on separate ratings for personnel, equipment, and training.

There are major problems with these C-ratings that affect their accuracy—particularly as they are applied to the Reserve components. Perhaps the most important problem with the C-ratings is their subjectivity, especially in the measure of training readiness. Except in the Air Force, the measure is based largely on a commander's evaluation of his own unit's readiness, and thus may reflect his "can do" attitude as much as his unit's

actual readiness. (The Air Force has a more objective measure based on the number of mission-ready crews that have qualified against a specific checklist.) Less subjectivity enters into measurement of strength and equipment readiness, though there are problems here, too. For example, a unit may have the right number of people, but not the right mix of skills.

Subjectivity has eroded confidence in the C-ratings. Sixty-two percent of the reserves responding to a recent Army survey stated that the C-ratings were not a true reflection of their unit's readiness.

The C-rating system is also uneven. Both the proportion of units reporting and the criteria for the ratings vary among services. Less than 40 percent of the Naval Reserve, for example, reports through the C-rating system. The Marine Corps determines its equipment readiness by comparing actual levels against training requirements, while the other services compare actual levels against wartime requirements. Finally, while the Navy can be C-3 (marginally ready) in personnel with 65 to 84 percent of its wartime personnel complement, the Army requires 75 to 84 percent. These and other differences suggest that ratings should be standardized if they are to be useful.

The Army Reserves (as well as the Active Forces) have another readiness type indicator, the Army training and evaluation program (ARTEP). ARTEP consists of mission-oriented tasks required of a unit during combat operations that are used to evaluate the capabilities of every type of Army unit. A mechanized infantry unit, for example, would be evaluated on such activities as a daylight attack, night withdrawal, and tactical road march. Tasks, standards, and conditions are set for each activity.

Normally, the ARTEP is used by the unit commander as a diagnostic tool to identify areas where further training is needed; but periodically a formal (or external) ARTEP is administered. During a formal ARTEP, observers from outside the unit (two levels above the unit) identify those activities where standards are met and those where they are not.

The use of the ARTEP system by the Army suggests ways in which measurements of Reserve (and Active) unit effectiveness can be improved. In fiscal year 1983, 439 National Guard units participated in formal ARTEP's. Eventually, each Reserve unit will take a formal ARTEP every 2 years.

Readiness reporting methods in the other services also suggest improvements that could be made. The Navy already requires that, in addition to determining readiness in terms of inputs such as personnel and equipment, commanding officers rate their units' ability to accomplish specifically defined missions. These mission ratings then influence the overall C-rating and may provide more objectivity. The Air Force has a unit capability measurement system which expresses readiness more objectively in terms of potential number of aircraft sorties.

Recommendation: Congress should consider directing the Secretary of Defense, in coordination with the service Secretaries, to conduct a review of the application of the C-rating system, to conduct a review of the other readiness reporting and diagnostic methods used by each of the services (such as ARTEP) and to implement a measurement system for all the components providing an objective and uniform evaluation of a unit's readiness. The measurement system should be the same for Active and Reserve units, and the evaluation of an Active unit should incorporate the performance of any Reserve unit affiliated with that Active unit, including its impact on the Active unit's mobilization capability (as is now true for the Army).

ALTERNATIVES FOR IMPROVING EFFECTIVENESS

Although exceptions exist, Reserve units generally do not reach and sustain the same high level of effectiveness as many Active units. This is because of a lower operating tempo in the Reserves, less frequent training opportunities and a lack of resource allocations. The exceptions, such as Air Force Reserve and Air National Guard units, are often colocated with Active units, receive full-time support to keep the unit ready to train, have modern equipment and train in a realistic environment. The Army and Navy Reserve components need to be brought to the same level of readiness as the Air Force components.

Once a measure of effectiveness is implemented, it can be used to evaluate a variety of alternatives for improving Reserve effectiveness. What alternatives should be considered?

The overall effectiveness of the Reserves is limited by mobilization capabilities and training. Training, in turn, is constrained by the status of equipment and the level of manning. The status of equipment is limited by the availability of spares.

Additional resources can improve the situation. However, the problems that exist in the Reserves today are too extensive to solve all at once with a massive infusion of resources. Although substantial resources have been allocated to the Reserve forces in the recent past (manpower incentives and equipment), much remains to be done. Further, there are efficient and inefficient ways to improve the Reserve Forces. The major task is to develop a process within which resources can be allocated in such a way as to most rapidly improve the capabilities of the Reserve Forces.

LINKING RESOURCES TO PERFORMANCE

Additional resources must be made available to Reserves. However, the effectiveness of Reserve units varies widely. Giving the best units additional resources could result in the better units getting better and the poorer units eroding further in quality. The rich would get richer and the poor would get poorer. On the other hand, allocating proportionately more resources to the lower quality units at the expense of the higher quality units might improve the former but would offer no incentive to the latter, with the end being mediocrity across the board.

An alternative is to be selective—to give priorities in resources to units and individuals demonstrating the greatest marginal improvement.

One such approach would compete similarly situated units against each other. For example, partially equipped units (say those with only one-half of their required equipment) could be evaluated on the basis of how well they performed. The highest performing units would receive the highest priority for the next allocation of equipment. Similarly, units undermanned at some specified level could compete for additional recruiting or retention resources.

Fully manned, fully equipped units would compete among themselves for the most modern equipment as it becomes available to the Reserves.

A decentralized, structured approach, such as suggested above, would provide a more effective means of focusing on ineffective units. Similarly situated units would be afforded equal opportunity to improve and those failing would have only themselves to blame. The approach could provide, moreover, a rationale for scaling down or reorienting the mission of some units.

Recommendations: Congress should consider directing the Assistant Secretary of Defense for Reserve Affairs to design a realistic test program utilizing this approach. The test program should include both roundout and other units that are expected to deploy early, and let them actually compete for personnel, equipment and operating funds (based on the above allocation procedures). The test program should be integrated with the measure of effectiveness to be developed.

FULL-TIME MANNING

The quality of a unit training period is substantially affected by the amount of time that must be devoted to getting ready to train. Substantial time can be lost in training because equipment needs to be readied for use or repaired. In addition, administrative chores preparatory to the training period must be accomplished.

The Reserves have addressed this issue with full-time manning personnel. These are individuals who are assigned full time to a Reserve unit and who perform these preparatory activities when the unit is not meeting. Two categories of individuals principally perform these full-time functions: Reservists voluntarily called to active duty for extended periods of time (2, 3, or 4 years); and Federal civilians who are members of the Reserve and whose civilian job is to assist the Reserve unit. In effect one category is full-time military; the other category is full-time civilian, part-time military.

Full-time personnel from either category have had a substantial positive impact on the quality of training and, in turn, on effectiveness. This is particularly evident in Air Force Reserve and Air National Guard where full-time manning exceeds 20 percent. Experienced observers have concluded that this level of full-time manning is one of the major reasons these units exhibit higher levels of performance than Army Reserve components—which only provide 7 percent full-time manning. The Navy TAR program (similar in most respects to the full-time manning program in the Army and the Air Force) represents 11 percent of the Naval Reserve.

Recommendations: Congress should support an increase in the level of full-time manning for the Army reserve components to 14 percent by 1989 from the current level of 7 percent.

TRAINING TIME

The length of the training period also has an impact on the effectiveness of Reserve units. The normal training opportunities for a Reserve unit are limited to the 48 weekend drill periods and the 2 weeks of active duty for training (summer camp). Recognizing that training is most effectively conducted over longer periods of time, the weekend drills are usually grouped together on a monthly basis. In effect, the unit meets once a month on a Saturday and Sunday.

Only certain types of training can be conducted during the course of a weekend, and in fact, even the 2-week summer camp imposes limitations on the scope of the training that can be provided. In addition, some Reserves participate in only 24 weekend drills and others only train during the 2-week summer camp.

A program in which the training period is longer than 2 weeks, say 1 month or more, may capture the benefits of concentrated training enough to offset a hiatus in training between the training periods. A particular advantage of a longer training period is the ability to provide interesting tasks and the ability to perform missions currently performed by the Active Force.

In addition, advantage could be taken of "learning curve" effects of a concentrated training period. A portion of the time at a monthly drill is used to bring individuals up to speed from the last meeting. To prevent the individual's learning curve from falling too low between longer annual training periods, new training techniques may be required.

Longer training periods could also alleviate several problems that exist in the Reserve system today. Although the active duty force generates a huge pool of experienced and trained personnel, when these individuals leave the Active Force they distribute themselves relatively uniformly throughout the country. Navy personnel, for example, do not necessarily gravitate to the coasts, particularly to those coastal areas with naval installations, where Naval Reserve units would have the greatest training opportunities. Similarly, former Army and Air Force personnel do not gravitate to locations at which the resources of the Active Force are available.

Further, in large metropolitan areas relatively large Reserve units can be supported, but in sparsely populated areas the viability of a unit can be questionable. Sufficient personnel must be available to generate a critical mass before other resources can be efficiently allocated to a unit. With a longer training time and meeting once a year, members of a unit could reside in geographically separated areas, coming together annually for their training period. In addition, existing units that are judged to be ineffective because of the inability to recruit sufficient personnel in a particular area could be grouped together to form a larger unit where the individual inadequacies of one unit would be offset by the strengths of others.

Two issues arise when considering a longer training period: The ability to attract participants and the impact on the employers. Certainly, tensions exist today, caused even by the 2-week training period. The employer is asked to forgo an employee's services for 2 weeks in addition to normal paid vacation. Significantly longer training periods could exacerbate this tension.

With regard to the ability to attract participants, the naval reservists who volunteered to replace the crew of the U.S.S. *New Jersey* during the holidays indicate that a pool of some size exists to support such a program. In addition, reservists volunteer for active duty for even longer periods—2 to 4 years—to fill statutory positions in support of the Reserve components or as active Guard and Reserve personnel or to attend training programs. Others are called to active duty to perform specific tasks of varying lengths for which they possess particular expertise.

As for the employers, they will be extremely reluctant to provide substantial numbers of employees with a long sabbatical every year. These disadvantages must be overcome; employer support is essential if the program is to work. Financial incentives, such as various types of tax incentives available to employers who support the program, might prove effective.

Clearly more work needs to be done on the feasibility of extending the training time, but it might work for certain types of employment. Blue collar jobs in the private sector may be the primary source of individuals who would be available for extended periods of active duty for training. Construction workers, mechanics, assembly line workers, and technicians would be likely candidates. These jobs are relatively fungible. In addition, teachers, physicians, and other professionals are often in positions that would permit extended sabbaticals.

Recommendation: Congress should consider directing the Assistant Secretary of Defense for Reserve Affairs to research a longer training program, such as outlined above, and to conduct a test of the program. The Secretary also needs to focus on more innovative training technologies, techniques, and schedules that recognize the limitations on time and the geographic dispersion of the Reserve components.

MOBILIZATION

The raison d'etre for the Reserves is their ability to be mobilized.

There have been four major Reserve callups since World War II—Korea, the Berlin crisis, the Cuban missile crisis and *Pueblo*/Vietnam. Although examples of high levels of readiness can be recalled, particularly for specific units, other indications are not as favorable. For example, during Korea, eight Army National Guard divisions were called up. Prior to being called to active duty, however, these units required 7 months of stateside training before deployment, according to the Congressional Research Service. During the Berlin crisis, over 100,000 reservists and National Guard personnel were called to active duty. Units averaged only 68 percent of their wartime manpower requirements, and many units did not have sufficient amounts of equipment.

In order to improve previous shortcomings, various steps have been taken. These have ranged from full scale mobilization exercises (partly conducted on paper and partly conducted in real time) to spot mobilizations focused on specific units or individuals.

Past simulated mobilization exercises, such as MOBEX 76, Nifty Nugget in 1978, Proud Spirit in 1980, and Proud Saber in 1983 revealed a number of shortcomings in the ability of the United States to respond with military force during a crisis. The problems reported are the type that could adversely affect not only Reserve Forces but active duty units as

well. Consequently, the mobilization exercises are important in order to learn the weaknesses of the system.

Large-scale, actual mobilizations are clearly the best way to test the system, but the cost, both directly to the Defense Department and indirectly to the economy, would be too high.

The cost might be reduced by randomly selecting units for mobilization tests when they are participating in drills or scheduled to participate in their summer camp. A major element in any mobilization test is demonstration of the capability to match personnel to their equipment and to provide the necessary airlift on schedule, not just demonstration that the personnel can be called up. To demonstrate the ability to airlift a unit from the United States to a base overseas, it would not be necessary actually to require the unit to fly to the overseas base. The unit might arrive at the departure point, board the plane and then offload. The plane could then fly the mission assigned.

Exercises that require units actually to appear at their mobilization point with most of their logistic and air support appearing only on paper could also provide some degree of confidence in the entire system or at least large parts of the system.

Recommendation: Congress should consider directing the Secretary of Defense to conduct at least one major mobilization exercise each year. The exercise should address the issues discussed above, as well as other areas where problems appear. All exercises should include the participation of associated Active and Reserve units and should be as comprehensive and as realistic as possible. A plan should be developed and presented to Congress that would, periodically, test all elements individually and all interactions, as well as the sustainment of the mobilized forces. The objective of such a plan should be to permit an evaluation of the adequacy of resource allocations and planning.

INDIVIDUAL READY RESERVE

Mobilization capabilities are also affected by the status of the Individual Ready Reserve. The Individual Ready Reserve provides individual roundout in Active or Selected Reserve units and casualty replacement. As such, it is an essential component of the Reserve Force. The Department of Defense has less contact with the individual ready reservist because they generally do not drill or participate in active duty for training. Members of the Individual Ready Reserve are required to maintain current information—address, for example—in their records; however, the degree to which this requirement is met is questionable.

Utilizing other Government information sources would help to keep the records current. Access to address information from such sources as the Internal Revenue Service from tax returns, would require a modification to the Privacy Act.

Recommendation: Congress should consider enacting legislation to permit use of other Government information sources to verify the current address of members of the Individual Ready Reserve.

Although action has been taken recently to increase the future size of the Individual Ready Reserve by extending the military service obligation—active duty plus IRR time—from 6 to 8 years, this extension only applies to those newly entering military service. Consequently, no impact will be felt for 6 years.

Currently, individuals who enlist or reenlist for at least 3 years in a combat or a combat support skill in the Individual Ready Reserve may be paid a bonus of up to $900. This bonus will provide incentive for current members of the Armed Forces who are only obligated for 6 years to extend their military service obligation voluntarily. This payment is made as a lump sum at the beginning of the enlistment period.

Recommendation: The services should use this provision to encourage service members whose 6-year tours are now expiring to extend their tours in the Individual Ready Reserve. The Congress should consider requiring that the bonus be paid in installments over the life of the contract in order to provide periodic contact and to insure that the member's address remains current.

GREATER LEVERAGE FOR THE RESERVES

In the past, no delineation of equipment for the Reserve components has been included in the request, authorization and appropriation for the Department of Defense; the funding is simply provided for the total force. Of course, the request—and presumably the level of authorization and appropriation—is based on a plan that allocates the equipment procured between Active and Reserve units. Approximately $2 billion of new equipment for the Reserve components was funded in fiscal year 1984; only half that amount was requested.

Currently, the Defense Authorization Act contains a specific line item for the Reserve components for operation and maintenance and for Reserve strength levels. With the exception of a specific line item of $100 million for procurement of Army National Guard equipment and of $25 million for procurement of Air National Guard equipment, no specific statutory reference is made to procurement of equipment for the Reserve Forces.

The Committee on Appropriations has directed the Department of Defense to submit a detailed breakout of Reserve component equipment in fiscal year 1985. This presentation is to be modeled on the P-1 document currently submitted as part of the justification for all procurement requests. Although this presentation will facilitate understanding the content of the request, a specific line item in the authorization and appropriation bills would provide the kind of visibility needed to focus executive branch and congressional attention. In addition, such a presentation will highlight for the individual Reserve units the equipment that will be made available to them if they can successfully demonstrate their effectiveness.

Recommendation: The Congress should consider directing the Secretary of Defense to submit the request for the fiscal year 1986 defense budget with a specific line item for equipment for each Reserve component. The Congress should then authorize and appropriate funds for Reserve component equipment within this framework.

SUMMARY

The above discussion has focused on a variety of suggestions to improve the readiness of Reserve Forces and, thereby, to permit increased utilization of Reserves to meet commitments. These suggestions require considerably more discussion. Some are easier to achieve than others; some may not be practical in the near term. However, the discussion may lead to a better understanding of the constraints on current operations and suggest other means of improving the Reserves.

The discussion is intended to seek out ways in which the Reserve Forces can assist in reducing the mismatch between commitments and capabilities. Deterrence is the principal objective of military forces with respect to all commitments. If the Reserve Forces are perceived to be capable of meeting a commitment, they will contribute to deterrence as much as an Active unit. Using Reserves, however, may achieve the objective at less cost.●

TRIBUTE TO RABBI DONALD WEBER

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. MRAZEK. Mr. Speaker, I would like to take this opportunity to bring to your attention the remarkable work of a distinguished American citizen. Rabbi Donald Weber, of Temple Beth David in Commack, N.Y., has long been recognized as a leading citizen and spiritual leader who has gained the respect and admiration of his congregation and community. It gives me great pleasure to recognize the many

contributions he has made to both religious and secular life on Long Island.

In addition to being an inspiring spiritual leader and teacher, Rabbi Donald Weber is widely viewed as the social conscience of his congregation. His dynamic presence within his synagogue has led to the implementation of a number of social reforms and actions that have helped scores of individuals within his community.

Rabbi Weber has devoted his time and effort toward the advancement of the rights of the handicapped and disadvantaged. Under his direction and guidance, teenagers in his congregation raised sufficient funds to make the sanctuary amenable to the hearing and visually impaired. With his support and leadership, these individuals are currently raising funds to make the synagogue accessible to the handicapped.

Yet, Rabbi Weber's contribution to his community is not limited to these humanitarian acts within his congregation. In the past, he has organized volunteers to help staff several local hospitals on Christmas Day, so that Christian employees would have time to celebrate this holiday with their families. Notwithstanding these many commitments, Rabbi Weber even finds time to volunteer regularly at a local nursing home.

Mr. Speaker, Rabbi Donald Weber's life stands as a testament to the importance of generosity and caring in an increasingly complex and impersonal world. I am proud to pay tribute to Rabbi Weber, a distinguished citizen and an asset to his congregation and community.●

TRIBUTE TO "UNCLE PETER" DESIBIO

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. McGRATH. Mr. Speaker, I rise to pay homage to a man in my district, Peter DeSibio, who was born 76 years ago today in a converted garage at 82 Fern Place, Inwood, N.Y. To generations of neighbors, residents of Nassau County and all of Long Island, he is more affectionately known as "Uncle Peter." From that former garage, Uncle Peter built a modest home. He lives there to this day.

Over the nearly fourscore years, Uncle Peter has also built a reputation for helping neighbors, friends, and even strangers in need; for his readiness to champion worthy causes; and for rallying support to win over community projects.

Recently, Uncle Peter's neighbors went before the town board and successfully petitioned to have the street on which he was born and has lived for 76 years renamed DeSibio Place. Such is the esteem in which this man is held.

Peter DeSibio has long been retired from his job as deputy commissioner of highways for the town of Hempstead. But, he remains active in public life as chairman of the Nassau County Bridge Authority. And, he continued to be the Republican leader from Inwood. That is not to say that Peter DeSibio is a partisan good samaritan. He helps out anyone and everyone who approaches him with a legitimate need.

Such assistance includes, but is not limited to, writing letters of recommendation, acquiring summer jobs for youths, and raising funds to build schools, churches, and temples. His latest effort resulted in raising $60,000 to construct a psychiatric roof garden at Franklin General Hospital in nearby Valley Stream. It was named in his honor.

While retired from his gainful employment, Uncle Peter DeSibio is far from giving up his social and charitable activities. Actually, requests for him to head campaign fund raisers increase with each year. It is hard to imagine what Inwood and surrounding areas would be like if Peter DeSibio had not chosen to live there. But, it is certain we are far better off for his making us his neighbors.●

WHY SHOULD RUSSIA HAVE THREE VOTES IN THE UNITED NATIONS?

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation which would correct an inequity in the voting strength of the U.S.S.R. in the United Nations that has existed since the United Nations was established in 1945. The admission of Byelorussia and the Ukraine into the world body as free and independent states is a historical anomaly that must not be allowed to persist.

It is helpful at this point to examine the historical underpinnings of this issue. During the negotiations at Dumbarton Oaks and Yalta that preceded the formation of the United Nations in 1945, Joseph Stalin argued that the Soviet Union was entitled to 16 votes—one for each of the 16 Soviet republics. Following this logic, the United States should have been entitled to 50 votes for each of the 50 States. President Roosevelt opposed the idea of any additional seats for the Soviets but was finally coerced into accepting Byelorussia and the Ukraine in order to appease Stalin, preserve the alliance, and defeat Nazi Germany.

It is a blatant misnomer to refer to the Ukraine and Byelorussia as free and sovereign states. They relate to the U.S.S.R. in roughly the same way that Florida and California relate to the United States. They form integral parts of the Soviet empire and exercise no self-determination in the conduct of diplomacy. Their voting records have been identical with the Soviet Union's over the past several years. Like the Soviet Union, they are behind in their assessed contributions to the United Nations, owing over $30 million as of June 30, 1983. The serious implications involved in allowing the Soviets three votes in the United Nations can be seen in the recent election of the Ukraine to the Security Council. The Soviets can now be assured of at least two votes on all measures before the Council.

There is an increasing awareness in the United States that the United Nations has failed to live up to its role as a peacemaker in the world and has been manipulated by special interest coalitions. As a result, a basic reassessment of United States involvement in the organization has begun. Congress voted to freeze United States contributions to the United Nations at the 1983 level and directed the President to conduct a review of "the benefits derived by the United States from participation in the United Nations." Furthermore, the administration has indicated that the United States will withdraw from UNESCO at the end of 1984.

There are other steps that the United States can and should take to restore the United Nations to its proper role as a fair and open forum for international debate and conflict resolution. Expulsion of Byelorussia and the Ukraine and a return to the principle of "one country, one vote" is one such necessary step. The resolution I am introducing urges the President to seek the expulsion of the Ukraine and Byelorussia. I invite my colleagues in the House to join me in this effort.●

TIME TO ACT ON DRUG DIVERSIONS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. PARRIS. Mr. Speaker, as a member of the Select Committee on Narcotics, I have long been concerned over the need to control the illegal diversion of drugs. Recent testimony by the Drug Enforcement Administration and others lends a new urgency to the problem.

Nearly 7 of every 10 deaths and injuries related to illegal drug use are now being caused by drugs criminally diverted from legal channels. Theft is a major, and growing, source of supply for this illegal market.

I have introduced H.R. 2929, which provides felony penalties for the theft, under any circumstances, of controlled substances. Existing Federal laws provide penalties for illegally manufacturing, possessing or distributing drugs, but not for stealing them.

My bill is broader in scope than others that address this problem, in that they deal only with thefts from pharmacies. H.R. 2929 brings a theft or extortion of a controlled substance, from any legal source of supply, under Federal jurisdiction. I trust this approach will be given serious attention as the Commerce and Judiciary Committees begin action on the problem.●

WHITEMAN AFB ACHIEVEMENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. SKELTON. Mr. Speaker, on numerous occasions I have had the distinct pleasure of visiting Whiteman Air Force Base in Johnson County, Mo., home of the 351st Strategic Missile Wing. The 150 Minuteman II intercontinental ballistic missiles, spread out over an area of approximately 10,000 square miles, play an important role in the deterrent strategy of the United States.

Late last year, an evaluation team from Vandenburg Air Force Base, Calif., looked at 36 areas involving operations, missile maintenance, and communications. Whiteman, one of six Minuteman bases, scored above the Strategic Air Command's standards in 32 of the areas. According to the officer in charge of the evaluation team, Col. Joseph A. Friedman, the overall results were the best ever achieved by a Minuteman unit.

The credibility of the U.S. strategic forces to respond promptly to a direct attack on the United States and its allies reduces the likelihood that such an attack will ever take place. The readiness of the 351st at Whiteman contributes to the credibility of the U.S. nuclear deterrent.

Today, I salute the officers and enlisted personnel of the 351st for the high standards they have set. Their knowledge, proficiency, hard work, and dedication is an example and an inspiration to all Americans.●

THE BARTENDERS' BALL IS A SUCCESS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. FAUNTROY. Mr. Speaker, 10 local charities and nonprofit organizations were beneficiaries of the proceeds of the sixth annual Bartenders' Ball held February 25. Chosen by the Bartenders' Ball Foundation, these recipients were: So Others Might Eat; St. John's Child Development Center; Whitman Walker Clinic; higher achievement program; Shaw Community Center Food Committee; Arena Stage; Capital Children's Museum; Gallaudet College; Spinal Cord Injury Association; and the Hospital for Sick Children.

The Bartenders' Ball Foundation, Inc., was created in 1982 to formally organize and direct the efforts of what had become one of Washington's largest single-event fundraisers. Proceeds from the 1979 to 1981 balls had been donated to the Leukemia Society of America. However, the foundation felt strongly that the money raised from the ball should be channeled back into the Washington community. Consequently, the 1982 ball proceeds of $77,000 were distributed to the Leukemia Society and also to five locally based charities. Funds raised by the 1983 ball totaled over $75,000 benefiting 10 local agencies.

The board of directors of the Bartenders' Ball Foundation is comprised of past ball chairpersons and leading supporters of the ball. This year's directors are: Steven Micheletti, Rumors; Craig Goodman, New York, N.Y.; Gordon King, Bullfeathers; Eda Boyle Edgerton, formerly of Capitol Hill Management Corp.; Tommy Goss, Sign of the Whale; Jeffrey Dieringer, Forman Bros.; Peter Alafoginis, Bay State Beef; and Andy Ockershausen, WMAL Radio.●

DR. VIRGINIA MULROONEY HONORED AT TESTIMONIAL DINNER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. BERMAN. Mr. Speaker, on March 2, 1984, Dr. Virginia Mulrooney will be honored at a testimonial dinner given by the AFT College Guild, Local 1521, the American Federation of Teachers, the California Federation of Teachers, and the AFL-CIO.

Dr. Mulrooney has distinguished herself in her profession. She has been president of AFT-College Guild, Local 1521 since 1982, president of the Community College Council of the California Federation of Teachers since 1980, and senior vice president of the California Federation of Teachers since 1980. She is presently on leave from the Los Angeles Valley College Department of History, where she is professor of history.

Virginia Mulrooney was born in Rochester, N.Y., in 1939. She received her education in California, earning the degrees of AA from Santa Monica City College in 1959, BA from UCLA in 1961, and MA, also from UCLA, in 1963.

In connection with her chosen field, Dr. Mulrooney is a member of the American Historical Association, of the Organization of American Historians, and of the Pacific Coast Branch, American Historical Assocation. She received a Ph. D. from the University of California at Los Angeles in 1975, in history. Her dissertation topic was "American Military Government in the Philippine Islands, 1898-1901."

Dr. Mulrooney's civic activities have been important contributions to her community. She is a past member of the California State Attorney General's Task Force on Women's Rights, past member and founding member, American Federation of Teachers Women's Rights Committee, past member and founding member, California Federation of Teachers Women's Rights Committee, past executive board member, American Civil Liberties Union of Southern California, past executive board member, California Tax Reform Association, past executive board member, Coalition of Labor Union Women (Los Angeles), national executive board member, Coalition of Labor Union Women, and a member of the Rules Committee, National Democratic Party, 1972.

On a personal note, I have had the privilege of working with Dr. Mulrooney from the time I was a practicing attorney to now in Congress. I consider her a friend and a trusted adviser on educational issues. For her dedication in the field of education and for her generous contributions of time and energy for the benefit of others, I ask the Members to join me in honoring Virginia Mulrooney, Ph. D.●

ALFRED E. KEMPENICH, SR.

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. RICHARDSON. Mr. Speaker, recently, Mr. Alfred E. Kempenich,

Sr., of Santa Fe, N. Mex., celebrated his 89th year. At his B'nai B'rith Lodge No. 1242 in Santa Fe, Mr. Kempenich was honored not only for his birthday, but for his outstanding civic achievements as well.

Mr. Kempenich has been a civic and community leader in New Mexico for many years, and I only thought it appropriate to share this honor with my colleagues in the House of Representatives.●

COMMEMORATING OUR FALLEN SERVICEMEN

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 1984

● Mr. HOYER. Mr. Speaker, memorial ceremonies were recently held in Mt. Rainier, Md., in my congressional district, commemorating our fallen servicemen in Lebanon and Grenada.

At those ceremonies, Mr. George Ganim, president of the Mt. Rainier Brentwood Lion's Club, presented a very inspirational message honoring the marines which I wish to share with my colleagues. Simply put, the marines' acts of charity and courage set an example for a desired brotherhood of the world where "Love, not Hate, Ranks Supreme."

I convey my deep feelings of gratitude to the town of Mt. Rainier and Mr. George Ganim for their continuing concern over our fallen heroes. It is just this kind of caring throughout the Nation, exemplified by Mr. Ganim's words, which reaffirms our goal toward attaining true peace in this troubled time.●