SENATE—*Tuesday, March 20, 1984*

(Legislative day of Monday, March 19, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Let us pray.

Loving Father, political decisions are rarely simple and the prayer amendment is no exception. The pressure of constituents, zealous advocates who often are very nasty and abusive, lobbyists, and other special interests challenges conviction and conscience. May Thy grace and peace abide in this place today. Guide each Senator as the critical moment approaches and help each to do what will not be regretted when it is all over. In the name of Him whose love transcends all divisions. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. BAKER. I thank the Chair.

CONGRATULATIONS TO SENATOR THURMOND

Mr. BAKER. Mr. President, I take this opportunity to congratulate the distinguished occupant of the chair, the President pro tempore, for his public and official announcement for reelection yesterday in South Carolina. If I lived in South Carolina, I would vote for him. I may try to do that anyway.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized this morning, there are special orders in favor of three Senators, to be followed by a period for the transaction of routine morning business that will go until noon. We shall have our usual Tuesday recess from 12 until 2 so that Members may engage in party caucuses away from the Chamber.

When we resume session at 2 o'clock, the Senate will be on Senate Joint Resolution 73. The time between 2 o'clock and 3 o'clock, the time ordered for the vote, will be divided equally between the proponents and the opponents under the order entered into yesterday.

At 3 o'clock, the vote will begin on Senate Joint Resolution 73. After the conclusion of that matter, when the rollcall is finished, the leadership on this side will make a further announcement about the next order of business. There are three items I have discussed with the minority leader and I shall discuss again with him when he arrives. They are the water resources research veto message, which is at the desk; the supplemental appropriations bill, the so-called Public Law 480 bill; and the wheat improvement bill, which is also referred to as the farm bill. Two of those must be dealt with during this week, in the opinion of the leadership on this side. One of them should be—speaking of the veto message. I shall have a further announcement to make later on this morning, before the 12 o'clock caucuses, if possible.

Mr. President, I ask unanimous consent that the time remaining to the two leaders may be reserved for their use at any time during the balance of this day.

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

Mr. BAKER. Now, Mr. President, I ask unanimous consent that it may be in order for me to suggest the absence of a quorum without its being charged to the time allocated to the first Senator under the special order.

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

Mr. BAKER. Mr. President, I have no further need for my time at this time. Let me say to the minority leader that I have asked unanimous consent for the time allocated to the two leaders to be reserved for our use during the course of the day. Beyond that, I have nothing further at the moment.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. President, I yield back my time.

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

Mr. President, the Chair granted unanimous consent that I may suggest the absence of a quorum without its being charged against special order time. I do now suggest the absence of a quorum on that condition.

The PRESIDING OFFICER. The clerk may call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Now, Mr. President, the distinguished Senator from Wisconsin is present. He has the first special order, and I am prepared to yield the floor so that he can claim his time.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

HOW GRAVE IS THE THREAT OF NUCLEAR WAR?

Mr. PROXMIRE. Mr. President, how grave is the threat of nuclear war? For more than 30 years, the United States and the Soviet Union have had the nuclear power to destroy the other utterly and finally. But there has been no nuclear war. For more than 20 years, three other nations have had formidable nuclear power. The United Kingdom, France, and China have all refrained from firing a single nuclear weapon against an enemy. In the last 5 years, it appears that both Israel and India have built and deployed a nuclear arsenal, but neither country has used nuclear arms against enemy. So for more than three decades, we have lived with nuclear arms but without suffering the infinite annihilation that nuclear war would bring.

Some 30 years ago, near the beginning of this nuclear armed world, former United Kingdom Prime Minister Winston Churchill observed that in a time in which nations have armed themselves with such appallingly destructive weapons, "safety is the twin child of terror." Churchill thus expressed the logic of the doctrine of deterrence. And certainly nuclear deterrence has worked.

What is this deterrence? Why has it worked? Deterrence is the capacity of a country's nuclear arsenal to survive an all-out preemptive strike by that country's nuclear adversaries. The assurance of this nuclear weapon survival puts an attacking country on notice that its victim will retaliate with a to-

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

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tally devastating second strike against the adversaries who launched the initial preemptive strike. This deterrence has worked. Why has it worked? Because the United States and the Soviet Union now obviously have a survivable nuclear arsenal. Any attack by one superpower on the other would therefore be an act of suicide. Both superpowers live with this terror and, as Churchill said, find safety as the twin child of this terror. If deterrence has worked for the past three decades, why can we not rely on it for the next 30, 50, 100 or more years? The answer to that question, Mr. President, also answers the question which started this speech: How grave is the threat of nuclear war?

There are two reasons why we cannot continue to rely on deterrence exclusively to prevent nuclear war. These two reasons tell us that nuclear war is likely to occur within the next 10 to 20 years unless we act now to stop it. First, as Leslie Gelb, the national security expert of the New York Times has written, within the next 10 to 20 years, the remarkable technology that both superpowers are in the process of developing in the nuclear arms race will put the logic of deterrence in serious jeopardy. It will appear likely to military commanders over the course of the next 20 years that the capacity to stop an enemy nuclear missile attack and the capacity to destroy the other side totally had come together. Would the superpower with this winning technology use it? Why not? The window of opportunity would open, but it would very probably open only temporarily. Unless the superpower with the technical advantage acted promptly, as the United States did against the Japanese at Hiroshima and Nagasaki, the window might slam shut and next time the advantage might switch to the other side.

How do we stop this threat to nuclear deterrence? We halt the technological nuclear arms race by negotiating a truly comprehensive ban on nuclear arms testing. If we fail to negotiate such a treaty within the next few years, we put the nuclear deterrence that has kept nuclear peace for three decades in very serious jeopardy.

There is one even more serious threat of nuclear war. It comes from the revelation of our top military intelligence; they now estimate that within 16 years, that is, by the year 2000, some 31 countries—not the 7 countries which now have nuclear capability, but 31 countries—will have nuclear arsenals. If we permit that to happen, the prospect of preventing a nuclear war will be literally zero. The projection includes the assumption that both Iran and Libya will be among the 31 nuclear armed nations. In such a world, deterrence would literally vanish. A nation attacked by nuclear arms would not have a certain or sure idea whence came the nuclear attack. So how does such a nation retaliate? The capacity to retaliate after a nuclear attack is the quintessential heart of deterrence. At least some of these 31 nuclear armed nations would use state-directed and nuclear armed terrorists to accomplish their military objectives.

How do we meet this threat of wholesale nuclear proliferation? We meet it with and all-out antiproliferation policy as the prime foreign and military policy of this Government. We stop any export of nuclear technology to any country if there is any chance that export could be used for military purposes. We strengthen the International Atomic Energy Commission and the inspections they conduct to make sure that nuclear energy materials or equipment is not diverted to military purposes. This means we should use our power as the most important trading nation in the world to tell other nations that if they refuse to agree to international inspection by signing the nonproliferation pact, we will refuse to conduct any trade with them in nuclear materials or equipment and we will use our full economic power, including trade sanctions, against any other country which persists in selling nuclear materials or equipment to such a country.

To sum up, Mr. President, the threat of nuclear war will increase over the next several years. In the judgment of this Senator, a nuclear war eventually is inevitable unless we do two things: First, we must negotiate an end to the arms race and particularly to nuclear arms testing. Second, we must adopt far tougher policies to shut down the export of nuclear arms technology, materials, and equipment. If we take both those actions, the prospects of stopping nuclear war greatly improve. If we do not, our children and grandchildren cannot expect to live out their lives.

THE PLIGHT OF THE TAMILS

Mr. PROXMIRE. Mr. President, the Tamils of Sri Lanka, a strong and vibrant minority, have been systematically subjected to the denial of human rights, various forms of acute racial discrimination, and other inhuman atrocities which are gradually leading to the annihilation of their race.

To understand the problems that exist in Sri Lanka, it is essential to review its history. For centuries, Sri Lanka has been composed of two distinct populations—the Tamils and the Sinhalese. They lived not as one, but as two nations, with separate languages, religions, cultures, and clearly demarcated geographic territories.

In 1833, the British conquered Sri Lanka, then known as Ceylon, and, for reasons of administrative ease, brought these areas together into one colonial unit.

Sri Lanka received its independence from the British in 1948. The British handed over the government to the majority racial and religious group of Sinhalese, who were unaccustomed to the exercise of power. In the following years, the Tamil community was scape-goated in order to distract the Sinhala constituency from the economic and social ills of the country. It was argued that the Tamil population held a disproportionately high percentage of employment both in private and public sectors. The Sinhala political leadership soon began to carry out anti-Tamil campaigns.

In 1956, the Sri Lankan Government made Sinhalese the only official language of the island, causing hardship for the thousands of potential Tamil public servants who could no longer satisfy language requirements.

In 1964, the government required plantation Tamils to return to India. These Tamils had been brought to Sri Lanka by the British 100 years before to work the plantations.

In 1972, the government adopted a new constitution without any cooperation or consultation with Tamil representatives in parliament. This constitution was a blatant affront to the rights of minorities.

The oppression of the Tamil community in Sri Lanka took a bloody, disastrous turn in July 1983, when the Sinhala masses turned toward a final solution to what they considered the Tamil problem. Sinhalese mobs, incited and protected by the government, went on a violent rampage. Ninety percent of Tamil homes and business establishments were destroyed, resulting in an estimated damage of $500 million. About 130,000 Tamils were rendered homeless. Most tragically and appallingly, 2,000 Tamils lay dead as evidence of the Sinhalese atrocities. Dozens of Tamils were burnt alive and many women were raped.

The United States must not tolerate this kind of genocidal action. While we have been able to recognize such oppression when it occurs, we have not been able to speak up with great force. Ratifying the Genocide Convention, which has been pending in the Senate for more than 30 years and has been supported by every administration since Harry Truman, would demonstrate our support for an active response and provide us with a strong foundation on which to build the structure of human rights.

The resolution of this conflict will not mean an end to fears of genocide or human rights violations in general. By ratifying the Genocide Convention, however, the United States can take a positive step toward laying these fears to rest.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

S. 2447—THE CORPORATE DISTRIBUTION TAX REFORM ACT OF 1984

S. 2448—AMENDMENT TO SECURITIES EXCHANGE ACT OF 1934 RELATING TO TENDER OFFERS

Mr. SPECTER. Mr. President, I am today introducing two bills to address the current merger fever which is confronting major oil corporations in the United States.

In the past few weeks, Texaco, Getty, Gulf, SoCal, Mobil, and Superior have all sought to merge, involving literally billions of dollars of assets. The consequence of the tremendous borrowing on the private market has contributed, I think, to the current rise in the prime interest rate to 11.5 percent.

At the time when the deficit of the Federal Government is so high and there is a relatively limited amount of private credit available, the consequence of the oil mergers have had many undesirable effects, one of which is the pressure on the interest rates, driving them up even further. That is understandable, in the context that Texaco needed $10 billion in credit for the purchase of Getty, Arco had arranged for some $13 billion to bid for Gulf, and SoCal has acquired credit in the range of $14 billion in its effort to acquire Gulf.

In a context where it is said that there is some $216 billion available to cover all of the Nation's private transactions, it is apparent that among the other consequences of such merger mania, the critical factor of driving up interest rates is one of the very undesirable consequences.

In my judgment, it is necessary at this time for Congress to consider possible legislation to curtail the adverse consequences of mergers without impeding the traditional freedom for corporations to merge and shareholders to sell their stock. It may be that one or more of the proposed mergers is in the public interest, but that is a subject which must be scrutinized closely. There are many consequences of such mergers which are contrary to public policy and should be avoided, if legislation can be crafted which would eliminate those adverse consequences, leaving other merger proposals free to proceed.

The hearings which were held in the Judiciary Committee last Thursday, called in a very timely fashion by the distinguished chairman of that committee, Senator THURMOND, brought into focus a great many important considerations in the context of pending proposals which would impose a 6-month moratorium in mergers of oil companies. That moratorium may not be desirable in the context, for example, of prohibiting the merger of Gulf and SoCal, if the consequence of that moratorium is to drive Gulf into the arms of the predatory efforts of Mr. Boone Pickens, his company, the Mesa Corp.

It may well be that the Gulf-SoCal merger is the least undesirable of the unfavorable alternatives; but in the context where this body, I believe, will soon be considering the issue of a moratorium for 6 months, it is my thought that we should be addressing the underlying problems and trying, as best we can, to find solutions which will stop predatory takeovers and which will stop mergers of oil companies where the main thrust is undesirable from a public policy point of view.

Our policy should be to encourage drilling and exploration, but exactly the opposite is the consequence from the proposed mergers. Today it is possible to acquire oil reserves much cheaper by taking over existing companies than by going out and drilling for oil. This is true because the book value of a company like Gulf is much greater than its market value for the stocks. Moreover, even if you have a takeover or a merger of Gulf and SoCal, there is absolutely no assurance that, under the current laws, Mr. Pickens and Mesa will not next look to the acquisition of a merged SoCal-Gulf.

The proposals which I am suggesting today, in the legislation to be introduced, would make fundamental changes in the takeover laws as they relate to the laws which are overseen by the Securities and Exchange Commission and would also make fundamental changes in the tax laws, in an effort to undercut the predatory practices of Mr. Pickens and Mesa Petroleum.

When Mr. Pickens testified last Thursday before the Committee on the Judiciary, I had an opportunity to ask him about the consequences of the proposals I have made—which were suggested last Thursday and are made formally here today—Mr. Pickens replied that such tax changes would certainly be a factor in his future plans. When I pressed and asked if these changes would put a "crimp in his sails," he acknowledged that these tax law changes would change the economics of his program.

In making these changes, I acknowledge the assistance of the Finance Committee, under the leadership of the distinguished Senator from Kansas (Mr. DOLE), and the assistance which his staff people have given me and my staff in making these proposals. Two of these tax proposals are, in fact, substantially contained in the larger tax bill which the Finance Committee is in the process of proposing for consideration by this body. But I believe it is important that these tax changes be available now for consideration by this body as an alternative to the 6-month moratorium which is likely to come before this body in the form of an amendment to some legislation in course of the next several days or certainly the next week or two.

The proposals this legislation makes on the tax side would be to limit the deduction a corporate shareholder which acquires another corporation can take for dividends received from the acquired corporation.

Under current law, a corporation which borrows to finance a merger obtains a deduction for all interest paid on the purchase loan and an 85-percent deduction for all dividends the purchasing corporation receives from the acquired corporation. Where takeovers are highly leveraged, this double deduction generates a negative tax yielding considerable tax-free income to the acquiring corporation, and the effect is that these leveraging and tax consequences, realistically viewed, enable a man like Mr. Pickens and a company like Mesa to take over, or to threaten to take over, a corporation like Gulf.

My bill would restrict the dividends-received deduction by the extent to which the purchase was debt financed. A merger, therefore, would offer a much less attractive opportunity for generating tax-free income.

The bill would further limit an acquiring corporation's ability to declare a short-term capital loss when the acquired stock is sold after royalty trust interests have been distributed.

Currently, a corporation may buy another and liquidate it by distributing the most valuable properties as a royalty trust and by selling off the stock for a price which reflects the royalty trust distribution.

If the corporation has held the acquired corporation's stock for 15 days, the decline in stock value is deductible as a short-term capital loss against the corporation's ordinary income.

Mr. President, in making these proposals for these tax changes, I do not represent that it is the final word in what ought to be done to undercut the leveraging which these predatory takeovers use to advantage. But I do believe that this is a realistic alternative to stop predatory takeovers which have very undesirable public policy

consequences and that these matters ought to be subjected to very intense study by this body as a way of dealing with the very troublesome problem which we face with situations like the Mesa effort to take over Gulf and the resulting merger proposal with SoCal.

The second bill which I am today introducing responds to a recommendation made by the Securities and Exchange Advisory Committee. This provision amends the Security Exchange Act to provide that it shall be unlawful for any person to make an offer for more than 20 percent of an equity class of a company's stock unless the offeror is the issuer of the security or the offer is a cash offer for all of the outstanding shares of the equity class.

This provision will insure that all shareholders share equally in the event a merger occurs. A purchase of a relatively small percentage of a corporation's voting stock may guarantee control of the corporation to the new shareholder. In this case, the premium which the purchaser is willing to pay for control benefits only a small percentage of shareholders. At the same time, the new shareholder obtains a control benefit worth far more than the purchase price of the stock. This control benefit is illustrated by the specific case of the Mesa bid for Gulf. Gulf believed Mesa threatened to take control when it purchased 13.2 percent of Gulf and announced plans to purchase another 8.2 percent. Mesa paid an average of $44 per share for the first 13.2 percent and would have paid $65 a share for the next 8.2 percent. And now SoCal has offered $80 per share for all the shares.

Mr. President, in proposing this change in the securities and exchange laws, I do so with the view to dealing with these takeovers which have very undesirable public policy consequences. The effect of such legislation on other proposed takeovers is something which has to be studied in detail, because in both of these proposed bills I am well aware that there has to be extensive consideration to the consequences in situations beyond the kind of merger proposals which are pending at the present time.

But I do believe, Mr. President, that the Congress cannot stand idly by and see a company like Gulf threatened by a predatory takeover from Mr. Pickens and Mesa where so much of the leveraging is a result of favorable tax treatment which are present in the laws as they exist today. A 6-month moratorium is not likely to answer this problem.

When the distinguished Senator from Louisiana, Mr. JOHNSTON, proposed this 6-month moratorium and testified last Thursday before the Judiciary Committee, I asked him his views on the proposals which I have advanced formally today. Senator JOHNSTON responded that he thought them worthy of consideration. And I asked him what would be accomplished simply by having a 6-month moratorium, because, knowing the complexity of these matters and the busyness of this body and the House of Representatives, it is realistically not likely that we will find any solution even within a 6-month moratorium.

That is why I am advancing these proposals today, so that those in the Chamber, few as they are, and those who are listening on the squawk boxes may have some notice of these proposals and may examine them as they are reprinted in the CONGRESSIONAL RECORD, so that when the 6-month moratorium is considered by this body sometime in the near future, these alternative proposals may be addressed.

The situation with Gulf Oil is a particular concern to a Senator from Pennsylvania because there are some 700 jobs in Pittsburgh which are threatened by the proposed merger of SoCal and Gulf. When Mr. Keller of SoCal testified last week, he was candid in saying that there were at least some of those jobs at risk. Beyond the Pittsburgh headquarters, there are extensive refinery operations in the Philadelphia area, so that a Senator from Pennsylvania has a special concern. It may be, as I say, that the SoCal merger with Gulf is the least undersirable of a variety of bad alternatives. Certainly Gulf has acted in the best of faith and in undoubtedly the best interest of its shareholders and of the Gulf Oil Co. and looking to the merger with SoCal as an alternative from the more undesirable consequences of a takeover by Mr. Pickens and by the Mesa Corp.

The SoCal-Gulf merger is not assured at the present time. It has to receive FTC approval and it may be subject to invalidation if a moratorium is declared, so that the pieces may be very different at some time in the future.

The proposals which I have made today may eliminate the undesirable public policy considerations of the predatory kind of takeovers as illustrated by Mr. Pickens' efforts and Mesa's efforts, and Gulf may thus be left in a position where it could continue as an independent company. As I have noted, this would be very desirable not only for Pennsylvania. It would also be very desirable for the consuming public in the United States not to have the big oil companies merge with each other thereby lessening competition. The public interest requires a policy which encourages oil companies to develop and explore as opposed to finding reserves by acquisition.

Before yielding the floor, Mr. President, I ask unanimous consent that the full text of my prepared statement be printed in the RECORD. The presentation which I have made has been to pick out the highlights and the essence of the prepared statement but I would like unanimous consent that the full text of my prepared statement and the full text of the two bills be printed in the CONGRESSIONAL RECORD as if read in full on the floor of the Senate.

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

Mr. SPECTER. Mr. President, I am today introducing two bills to address the current merger fever which is confronting major oil corporations in the United States. In the last few weeks Texaco and Getty, Gulf and SoCal, and Mobil and Superior have all sought to merge—realining literally billions of dollars of assets.

In my judgment, it is necessary for the Congress to consider possible legislation to curtail the adverse consequences of mergers without impeding traditional freedom for corporations to merge and shareholders to sell their stock. It may be that one or more of these proposed mergers are in the public interest, but that is a subject which ought to be closely scrutinized.

There are many consequences of such mergers which are contrary to public policy and should be avoided if legislation can be crafted which would eliminate those adverse consequences, leaving other merger proposals free to proceed. One such undesirable consequence is the allocation of enormous resources, as much as $14 billion, which could otherwise be devoted to more productive uses. At a time when interest rates are already high, this demand for additional capital puts pressure to push the interest rates even higher.

Another undesirable consequence of such mergers is the potential for discouraging exploration when reserves can be acquired more cheaply through a merger. An additional consideration is the concern that foreign interests may replace domestic ownership in critical industries. At the same time, it may be that existing antitrust laws are too stringent as they discourage joint efforts for research and development or preclude mergers of troubled companies in industries like steel which face enormous problems from subsidized foreign imports and dumping.

There are special concerns to Pennsylvania arising out of the proposed merger between Gulf and SoCal. At a March 15 hearing before the Senate Committee on the Judiciary, Mr. George Keller, chairman of the board of Standard Oil of California (SoCal) conceded that the Gulf-SoCal merger jeopardized the jobs of at least some of the 700 Gulf employees at its Pittsburgh headquarters. In addition to these jobs, more than a thousand Pennsylvanians are employed by Gulf's marketing and refinery oper-

ations. No estimate has yet been made of the merger's impact upon those individuals. If, however, a merger with SoCal is the only way that Gulf can avoid being taken over by the procedures employed by Mr. Boone Pickens and Mesa Petroleum, then the Gulf-SoCal merger may be the least undesirable of the unfavorable alternatives.

After hearing the testimony of Mr. James Lee, chairman of the Gulf Oil Corp., it is evidence that had Gulf not been faced with the threat posed by Mesa Petroleum and Mr. Boone Pickens, Gulf would not now be attempting to merge with SoCal. I believe that an independent Gulf would serve the best interest of the Nation, the State of Pennsylvania, its shareholders, and the consumer. The tax and securities legislation which I am today introducing is aimed at curtailing the predatory take-over efforts of Mr. Pickens and Mesa which lead to the Gulf-SoCal merger.

There has been an increasing sentiment to equate bigness with badness in antitrust terms. While there may be some merit in the generalization, it may be that there are instances where mergers may make an industry more competitive and serve our national industrial interests. However, where the merger of major energy concerns is involved, I believe such mergers must be examined very closely to insure first, that the merger will not lead to a substantial lessening of competition and, second, that the merger is not otherwise detrimental to our national interest.

In attempting to determine whether a merger is unlawful because it substantially lessens competition, I urge FTC and the Department of Justice to consider the pressure that each merger puts on others in the same industry to merge. I cannot believe that the current rash of mergers in the oil industry are mere coincidence. In addition to the potential antitrust implications, in my view, mergers between energy firms may pose a number of other problems.

First, will the merger lead to foreign interests replacing domestic ownership? No one needs to be reminded that our economic well being and even our national security would be severely undermined if petroleum supplies were disrupted. Major American energy companies now hold millions of barrels in reserve. We cannot allow these reserves to be bought out by foreign interests. Nor, should we allow our drilling and refining capacities to become captive to foreign owners who may decide to divert supplies away from American markets.

Second, will the merger tie up large amounts of credit, driving up interest rates and closing off credit supplies from other business interests? Texaco payed $10.1 billion to purchase Getty. Arco recently arranged for $13 billion in credit to bid for Gulf, while SoCal's credit arrangements totalled $14 billion. Although much of this money will eventually be reinvested, with only $216 billion available to cover all of this Nation's private transactions, even the temporary dislocation caused by these multibillion-dollar mergers is unacceptable.

The enormous debt incurred to support these mergers leads to another basic problem—decreased research and exploration. In the SoCal-Gulf context for example, the debt service on this $14 billion will exceed Gulf's earnings by $200 million a year. Although, I understand that SoCal has pledged that the merger will not lead to a decrease in exploration, I do not understand where the revenue will come from to support exploration in a combined SoCal-Gulf entity equal to SoCal's and Gulf's existing spending for exploration.

Indeed, I believe the greatest danger presented by these oil mergers is that their potential for a reduction in new exploration and development efforts. Oil companies are attractive takeover objects because they offer an opportunity to purchase oil and gas reserves at a fraction of current production costs. For example, by acquiring Gulf, SoCal would double its crude oil supply—at a price of about $4.52 a barrel. Today, the average exploration and production costs for purchasing a barrel range between $10 and $15.

It is not only the mergers between giants like SoCal and Gulf, Texaco and Getty which threaten to deplete petroleum reserves and cut back on exploration and development. The Mesa Petroleum Co.'s bid to purchase control of Gulf and convert its production assets into royalty trusts is premised upon drawing down existing resources and limiting exploration spending.

In addition to considering the broad economic and security implications the foreign ownership, credit lock ups and reduced exploration, I believe these mergers must also be evaluated in two other ways. First, will the merger result in a disruption of supply to retailers and consumers? The proposed merger between Mobil and Marathon was barred in large part because the merger threatened Marathon's position as an important supply source for independent retailers. SoCal is a major source of supply for independents in a number of States where SoCal's supplies are not needed by its retail operations. If SoCal merges with Gulf, will Gulf retailers take the place of those independents now supplied by SoCal?

Disruption of supply can, in fact, be encouraged as merging companies struggle to meet antitrust concerns. In order to obtain FTC clearance, Texaco was forced to give up Getty's interest in selected pipelines and refineries, and to sell 9 Getty wholesale terminals and 1,900 gas stations. According to the Wall Street Journal, Saudi Arabia and Kuwait rate high among the prospective purchasers for entities spun off in energy mergers.

A fifth and final factor which I believe must be considered in determining whether or not oil mergers are in the national interests is the impact on employment a merger will have. Except in the rarest of circumstances mergers cost jobs. Not all of the Getty assets which Texaco was forced to spin off continued as going concerns. As a result in more than one case, jobs disappeared. As I have noted, I have no doubt that a Gulf merger will cost my constitutents jobs.

For all of these reasons I am concerned about mergers like Gulf-SoCal, and I believe that the one way to prevent further undesirable mergers—and to insure Gulf's independence if the Gulf-SoCal merger is prevented by antitrust laws or if the Congress enacts moratorium legislation—is to amend the tax and securities laws to stop efforts like those undertaken by Mr. Boone Pickens and Mesa Petroleum.

The first of the bills I am today introducing closes tax loopholes which have especially encouraged takeovers for the purpose of establishing royalty trusts. This bill which would apply to all transactions occurring after today's date would:

First, limit the deduction a corporate shareholder which acquires another corporation can take for dividends received from the acquired corporation. Under current law a corporation which borrows to finance a merger obtains a deduction for all interest paid on the purchase loan and an 85-percent deduction for all dividends the purchasing corporation receives from the acquired corporation. Where takeovers are highly leveraged, this double deduction generates a negative tax yielding considerable tax free income to the acquiring corporation.

This bill would restrict the dividends-received deduction by the extent to which the purchase was debt financed. A merger would therefore offer a much less attractive opportunity for generating tax free income. The Department of Treasury estimates that this change would produce $200 million in revenue by 1987.

Second, limit an acquiring corporation's ability to declare a short term capital loss when the acquired stock is sold after royalty trust interests have been distributed. Currently a corporation may buy another and partially liquidate it by distributing the most valuable properties as a royalty trust, and by selling off the stock for a price which reflects the royalty trust distribution. If the corporation has held the acquired corporation's stock for 15 days, the decline in stock value is deductible as a short term capital loss

against the corporation's ordinary income. For example, if Mesa paid $50 a share for Gulf's stock and distributed its production assets as a royalty trust for $20 a share, the Gulf stock would be worth approximately $30. If Mesa then sold this stock for $30, it would have a $20 short term capital loss deduction to be applied against its corporate income.

The provision which I am introducing would prohibit a corporation for taking this deduction. This measure should produce in excess of $43 million in revenue by 1987.

Measures similar to these first two tax provisions are currently contained in a larger measure being marked up by the Finance Committee. However, the recent merger activity highlights the need for an immediate focus on these two provisions.

At the March 15, Senate Judiciary hearing, I asked Mr. Pickens what effect there would be on his ability to take over a company like Gulf if the dividends-received deduction were limited or if there were new rules dealing with capital gains treatment after liquidation. Mr. Pickens replied that such changes would certainly be a factor in any future plans. When I pressed him and asked if these changes would put a "crimp in his sails," he acknowledged that these tax law changes would "change the economics" of his program.

Third, the final tax measure contained in my bill would require that an acquiring corporation pay a tax on liquidating and nonliquidating sales and distribution of an acquired company's appreciated assets. Under current law if appreciated assets are distributed through a royalty trust mechanism, for example, no tax would fall on the corporation as a result of the appreciation.

If the law is amended to require that the corporation pay a tax on this appreciation, in the single case of the proposed Mesa-Gulf royalty trust, tax revenue of $1.5 billion would be generated.

The second bill which, I am today introducing, responds to a recommendation made by the Securities Exchange Commission Advisory Committee. This provision amends the Security Exchange Act to provide that it shall be unlawful for any person to make an offer for more than 20 percent of an equity class of a company's stock unless such person is the issuer of the security or the offer is a cash offer for all of the outstanding shares of the equity class.

This provision will insure that all shareholders share equally in the event a merger occurs. Purchase of a relatively small percentage of a corporation's voting stock may guarantee control of the corporation to the new shareholder. In this case the premium which the purchaser is willing to pay for control benefits only the small percentage of shareholders. At the same time, the new shareholder obtains a control benefit worth far more than the purchase price of the stock. This control benefit is illustrated by the specific case of the Mesa bid for Gulf. Gulf believed Mesa threatened to take control when it had purchased 13.2 percent of Gulf and announced plans to purchase another 8.2 percent. Mesa paid an average of $44 per share for the first 13.2 percent and would have paid $65 a share for the next 8.2 percent. SoCal has offered $80 per share for all shares.

This bill also contains language which provides that the Commission shall, by rules and regulations, provide for exemptions from this prohibition where it finds that such exemptions are not inconsistent with the public interest or protection of investors. For example where a family group owns a block of stock, a father should be able to sell his stock to his son without being required to make a tender offer for all of the company's stock.

If these reforms to the Internal Revenue Code and the Securities Exchange Act are implemented, I am confident that the merger activity which follows will be only that which strengthens our economy, benefits American taxpayers and deals fairly with millions of small shareholders.

I ask unanimous consent that these two bills be printed in the RECORD.

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

S. 2447

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

SECTION 1. The bill shall be entitled "The Corporate Distribution Tax Reform Act of 1984".

SEC. 2. DIVIDENDS RECEIVED DEDUCTION REDUCED WHERE PORTFOLIO STOCK IS DEBT FINANCED.

(a) GENERAL RULE.—Part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to special deductions for corporations) is amended by inserting after section 245 the following new section:

"SEC. 245A. DIVIDENDS RECEIVED DEDUCTION WHERE PORTFOLIO STOCK IS DEBT FINANCED.

"(a) GENERAL RULE.—In the case of any dividend on debt-financed portfolio stock, there shall be substituted for the percentage which (but for this subsection) would be used in determining the amount of the deduction allowable under section 243, 244, or 245 a percentage equal to the product of—

"(1) 85 percent, and

"(2) 100 percent minus the average indebtedness percentage.

"(b) SECTION NOT TO APPLY TO DIVIDENDS FOR WHICH 100 PERCENT DIVIDENDS RECEIVED DEDUCTION ALLOWABLE.—Subsection (a) shall not apply to—

"(1) qualifying dividends (as defined in section 243(b) without regard to section 243(c)(4)), and

"(2) dividends received by a small business investment company operating under the Small Business Investment Act of 1958.

"(c) DEBT FINANCED PORTFOLIO STOCK.—For purposes of this section, the term 'debt financed portfolio stock' means any stock of a corporation if—

"(1) as of the beginning of the ex-dividend date, the taxpayer does not own stock of such corporation possessing at least 50 percent of the total combined voting power of all classes of stock entitled to vote and does not own at least 50 percent of the total number of shares of all other classes of stock of the corporation, and

"(2) at some time during the base period there is portfolio indebtedness with respect to such stock.

"(d) AVERAGE INDEBTEDNESS PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'average indebtedness percentage' means the percentage obtained by dividing—

"(A) the average amount (determined under regulations prescribed by the Secretary) of the portfolio indebtedness with respect to the stock during the base period, by

"(B) the average amount (determined under regulations prescribed by the Secretary) of the adjusted basis of the stock during the base period.

"(2) SPECIAL RULE WHERE STOCK NOT HELD THROUGHOUT BASE PERIOD.—In the case of any stock which was not held by the taxpayer throughout the base period—

"(A) paragraph (1) shall be applied by taking into account only the portion of the base period during which the stock was held by the taxpayer, and

"(B) the average indebtedness percentage shall be the amount determined under paragraph (1) (as modified by subparagraph (A)) multiplied by a fraction—

"(i) the numerator of which is the number of days during the base period on which the taxpayer held the stock, and

"(ii) the denominator of which is the number of days during the base period.

"(3) PORTFOLIO INDEBTEDNESS.—

"(A) IN GENERAL.—The term 'portfolio indebtedness' means any indebtedness directly attributable to investment in the stock.

"(B) CERTAIN AMOUNTS RECEIVED FROM SHORT SALE TREATED AS INDEBTEDNESS.—For purposes of subparagraph (A), any amount received from a short sale shall be treated as indebtedness for the period beginning on the day on which such amount is received and ending on the day the short sale is closed.

"(4) BASE PERIOD.—The term 'base period' means, with respect to any dividend, the shorter of—

"(A) the period beginning on the ex-dividend date or the most recent previous dividend on the stock and ending on the day before the ex-dividend date for the dividend involved, or

"(B) the 1-year period ending on the day before the ex-dividend date for the dividend involved.

"(e) REDUCTION IN DIVIDENDS RECEIVED DEDUCTION NOT TO EXCEED ALLOCABLE INTEREST.—Under regulations prescribed by the Secretary, any reduction under this section in the amount allowable as a deduction under section 243, 244, or 245 with respect to any dividend shall not exceed the amount of any interest deduction (including any deductible short sale expense) allocable to such dividend."

(b) CLERICAL AMENDMENT.—The table of sections for part VIII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 is amended by inserting after the item

relating to section 245 the following new item:

"Sec. 245A. Dividends received deduction reduced where portfolio stock is debt financed."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to stock, the holding period for which begins on March 20, 1984.

SEC. 3. CORPORATE SHAREHOLDER'S BASIS IN STOCK REDUCED BY NONTAXED PORTION OF EXTRAORDINARY DIVIDENDS.

(a) GENERAL RULE.—Part IV of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to special rules for gain or loss on disposition of property) is amended by redesignating section 1059 as section 1060 and by inserting after section 1058 the following new section:

"SEC. 1059. CORPORATE SHAREHOLDER'S BASIS IN STOCK REDUCED BY NONTAXED PORTION OF EXTRAORDINARY DIVIDENDS.

"(a) GENERAL RULE.—If any corporation—

"(1) receives an extraordinary dividend with respect to any share of stock, and

"(2) sells or otherwise disposes of such stock

the basis of such corporation in such stock shall be reduced by the nontaxed portion of such dividend.

"(b) NONTAXED PORTION.—For purposes of this section—

"(1) IN GENERAL.—The nontaxed portion of any dividend is the excess (if any) of—

"(A) the amount of such dividend, over

"(B) the taxable portion of such dividend.

"(2) TAXABLE PORTION.—The taxable portion of any dividend is—

"(A) the portion of such dividend includible in gross income, reduced by

"(B) the amount of any deduction allowable with respect to such dividend under section 243, 244, or 245.

"(c) EXTRAORDINARY DIVIDEND DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'extraordinary dividend' means any dividend with respect to a share of stock issued by a corporation to a corporation who has acquired the issues by merger if the amount of such dividend equals or exceeds the threshold percentage of the taxpayer's adjusted basis in such share of stock (determined without regard to this section).

"(2) THRESHOLD PERCENTAGE.—The term 'threshold percentage' means—

"(A) 5 percent in the case of stock which is preferred as to dividends, and

"(B) 10 percent in the case of any other stock.

"(3) AGGREGATION OF DIVIDENDS.—

"(A) AGGREGATION WITHIN 90-DAY PERIOD.—All dividends—

"(i) which are received by the taxpayer (or person described in subparagraph (C)) with respect to any share of stock, and

"(ii) which have ex-dividend dates within the same period of 90 consecutive days,

shall be treated as 1 dividend.

"(B) AGGREGATION WITHIN 1 YEAR WHERE DIVIDENDS EXCEED 20 PERCENT OF ADJUSTED BASIS.—All dividends—

"(i) which are received by the taxpayer (or a person described in subparagraph (C)) with respect to any share of stock, and

"(ii) which have ex-dividend dates during the same period of 365 consecutive days,

shall be treated as extraordinary dividends if the aggregate of such dividends exceeds 20 percent of the taxpayer's adjusted basis in such stock (determined without regard to this section).

"(C) SUBSTITUTED BASIS TRANSACTIONS.—In the case of any stock, a person is described in this subparagraph if—

"(i) the basis of such stock in the hands of such person is determined in whole or in part by reference to the basis of such stock in the hands of the taxpayer, or

"(ii) the basis of such stock in the hands of the taxpayer is determined in whole or in part by reference to the basis of such stock in the hands of such person.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TIME FOR REDUCTION.—Any reduction in basis under subsection (a) by reason of any distribution which is an extraordinary dividend shall occur at the beginning of the ex-dividend date for such distribution.

"(2) DISTRIBUTIONS IN KIND.—To the extent any dividend consists of property other than cash, the amount of such dividend shall be treated as the fair market value of such property as of the date of the distribution.

"(3) EX-DIVIDEND DATE.—The term 'ex-dividend' means the date on which the share of stock becomes ex-dividend.

"(4) EXTENSION TO CERTAIN PROPERTY DISTRIBUTIONS.—In the case of any distribution of property (other than cash) to which section 301 applies—

"(A) such distribution shall be treated as a dividend without regard to whether the corporation has earnings and profits, and

"(B) the amount of such distribution shall be reduced by the amount of any reduction in basis under section 301(c)(2) by reason of such distribution.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section including regulations providing for the application of this section in the case of stock dividends, stock splits, reorganizations, and other similar transactions."

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for part IV of subchapter 0 of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 1059 and inserting in lieu thereof the following new items:

"SEC. 1059. Corporate shareholder's basis in stock reduced by nontaxed portion of extraordinary dividends.

"SEC. 1060. Cross references."

(2) Paragraph (1) of section 246(b) of such Code (relating to limitation on aggregate amount of deduction) is amended by striking out "and without regard" and inserting in lieu thereof "without regard to any adjustment under section 1059, and without regard".

(3) Section 1016(a) of such Code (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25), and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(26) to the extent provided in section 1059 (relating to reduction in basis for extraordinary dividends)."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to distributions after March 20, 1984.

SEC. 4 DISTRIBUTION OF APPRECIATED PROPERTY BY INTEGRATED OIL COMPANIES.

(a) GAIN RECOGNIZED ON DISTRIBUTIONS OF APPRECIATED PROPERTY.—

(1) IN GENERAL.—Section 311 of the Internal Revenue Code of 1954 (relating to taxability of corporations on distributions) is amended by adding at the end thereof the following new subsection:

"(e) SPECIAL RULE FOR INTEGRATED OIL COMPANIES.—

"(1) RECOGNITION OF GAIN OR LOSS.—

"(A) IN GENERAL.—Gain shall be recognized to an integrated oil company on the distribution of property with respect to its stock.

"(B) LOSS RECOGNIZED IN CASE OF COMPLETE LIQUIDATION.—Loss shall be recognized to an integrated oil company on the distribution of property with respect to its stock if such distribution is pursuant to a plan of complete liquidation.

"(C) DETERMINATION OF GAIN OR LOSS.—Gain or loss under this paragraph shall be determined in the same manner as if the property distributed had been sold to the distributee at fair market value.

"(2) EXCEPTION FOR DISTRIBUTIONS TO CERTAIN CORPORATE DISTRIBUTEES.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to a distribution by an integrated oil company to an 80-percent corporate shareholder if the basics of the property distributed is determined under section 301(d)(2).

"(B) 80-PERCENT CORPORATE SHAREHOLDER DEFINED.—For purposes of subparagraph (A), the term '80-percent corporate shareholder' means, with respect to any distribution, any corporation which owns—

"(i) stock in the corporation making the distribution possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote, and

"(ii) at least 80 percent of the total number of shares of all other classes of stock of the distributing corporation (except nonvoting stock which is limited and preferred as to dividends).

"(3) DISTRIBUTION WHERE BASIS DETERMINED UNDER SECTION 334.—Paragraph (1) shall not apply to any distribution of property if the distributee's basis in such property is determined under section 334(b).

"(4) SECTION 355 TRANSACTIONS.—Paragraph (1) shall not apply with respect to any distribution of property in a transaction to which section 355 applies.

"(5) INTEGRATED OIL COMPANY.—For purposes of this subsection, the term 'integrated oil company' has the meaning given such term by section 4995(b)(3).".

(b) HOLDING PERIOD OF CORPORATE DISTRIBUTEE OF APPRECIATED PROPERTY.—Section 301 of the Internal Revenue Code of 1954 (relating to distributions of property) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) SPECIAL RULE FOR HOLDING PERIOD OF APPRECIATED PROPERTY DISTRIBUTED TO INTEGRATED OIL COMPANIES.—For purposes of this subtitle, if—

"(1) property is distributed by an integrated oil company (within the meaning of section 4995(b)(3)) to a corporation, and

"(2) the basis of such property in the hands of such corporation is determined under subsection (d)(2)(B),

then such corporation shall not be treated as holding the distributed property during any period before the date on which such corporation's holding period in the stock began."

(c) SPECIAL RULES FOR LIQUIDATIONS.—

(1) SECTION 336.—Section 336 of the Internal Revenue Code of 1954 (relating to distributions of property in liquidation) is amend-

ed by adding at the end thereof the following new subsection:

"(c) SPECIAL RULE FOR OIL COMPANIES.—Gain or loss shall be recognized to an integrated oil company (within the meaning of section 4995(b)(3)) on the distribution of property in complete liquidation.".

(2) SECTION 337.—Section 337 of such Code (relating to gain or loss on sales or exchanges in connection with certain liquidations) is amended by adding at the end thereof the following new subsection:

"(h) SPECIAL RULE FOR OIL COMPANIES.—Subsection (a) shall not apply to any sale or exchange of property by an integrated oil company (within the meaning of section 4995(b)(3)).".

(3) CONFORMING AMENDMENT.—Subsection (a) of section 336 of such Code is amended by inserting "or (c)" after "subsection (b)".

(d) CROSS REFERENCE.—Paragraph (13) of section 1223 of the Internal Revenue Code of 1954 (relating to holding period of property) is amended to read as follows:

"(13) CROSS REFERENCES.—

"(A) For special holding period provision relating to certain partnership distributions, see section 735(b).

"(B) For special holding period provision relating to distributions of appreciated property to corporations, see section 301(e)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions declared after March 20, 1984.

S. 2448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(g)(1) After March 20, 1984, it shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G), or any equity security issued by closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 20 per centum of such class unless—

"(A) such person is the issuer of that security; or

"(B) the offer is a cash offer for all outstanding shares of the class.

"(2) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a 'person' for purposes of this subsection.

"(3) In determining, for purposes of this subsection, any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer.

"(4) The Commission shall, by rules and regulations or upon application of an interested person, exempt from the prohibition contained in paragraph (1) any class of securities of any issuer upon such terms and conditions and for such period as it deems necessary or appropriate if it finds that such action is not inconsistent with the public interest or the protection of investors.".

Mr. SPECTER. I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(By unanimous consent the remarks of Mr. HELMS at this point appear in the RECORD during consideration of Senate Joint Resolution 73.)

RECOGNITION OF SENATOR MITCHELL

The PRESIDING OFFICER. Under the previous order, the Senator from Maine (Mr. MITCHELL) is recognized for not to exceed 15 minutes.

(By unanimous consent the remarks of Mr. MITCHELL at this point appear in the RECORD during consideration of Senate Joint Resolution 73.)

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

MILITARY AID TO CENTRAL AMERICA MUST END

Mr. LEAHY. Mr. President, in editorial after editorial, Vermont newspapers have raised important questions about the administration's policy in Central America. The most recent example of the perspective view of the Burlington Free Press came in this Sunday's editorial, "Military Aid to Central America Must End." The author of this piece, Leo O'Connor, sets out the "futility" of the current policy, the poor planning, the lack of diplomatic strategy. I fully agree with this assessment, and from the mail I receive, most Vermonters concur. The administration's policy has been flawed from the start, and now all Americans should be on notice that the situation in Central America is deteriorating and the President's options are few.

Mr. President, I ask unanimous consent that the full editorial from the Burlington Free Press be printed in the RECORD.

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

[From the Burlington (Vt.) Free Press, Mar. 18, 1984]

MILITARY AID TO CENTRAL AMERICA MUST END

Perhaps the fundamental flaw in the thinking of architects of U.S. Latin American policy is that their belief that other nations in the hemisphere can be treated as this country's colonies.

Such an attitude eventually can lead this country into deep trouble.

But that mentality is apparent in Washington's willingness to tolerate despotic governments as long as they conform to standards established in Washington while any departure from those guidelines, even by a benign regime brings down the wrath of the superpower. Such thinking dates back to the 19th century when a growing giant threw its weight around the hemisphere with impunity and did not hestitate to punish countries that disobeyed the rules as laid down by the gunboats and troops. But the policies of the United States in the mid-1980s are as outdated as the bow and arrow for dealing with nations that are becoming increasingly conscious of their own identity and the necessity for working out their own destinies. Latin Americans no longer are awed and docile subjects of the Colossus of the North. In fact, millions of people there are resentful of the gringos who seem so indifferent to the plight of their neighbors.

The resentment grows as Latin Americans watch billions of American dollars poured into their countries for military aid while their countrymen exist in utter poverty, plagued by disease, suffering from hunger and lacking adequate shelter. And they doubtlessly are puzzled by U.S. opposition to movements that promise to make basic changes in their lives. Why, they must wonder, does their large neighbor fear the rise of truly representative government when it was itself founded on that principle? And why, they must ask, do American leaders persist in describing tyrannies as democracies?

Hemispheric security seems to be the answer that is given by the Reagan administration. If one domino topples, the others will follow. Subscribing to such simplistic reasoning can easily lead to the conclusion that every repressive regime in the region should be helped because its downfall would jeopardize American interests. So the United States launches a massive buildup in Honduras, constructing airfields and ammunition dumps in the wilderness in preparation for some yet unnamed crisis. Dollars and equipment flow into El Salvador to prop up a government that consistently violates the human rights of its citizens, using clandestine death squads to persuade Salvadorans to shun the guerrillas. Covert (in name only) aid is sent to Nicaraguan rebels on the Honduran border to assist them in their fight to overthrow the Sandinista regime. But in all of Central America there is no indication that U.S. diplomats have made an effort to gauge the sentiments of the people. Only the voices of the leaders, elitist and aristocratic, are heard and heeded.

Despite reservations among congressmen about the wisdom of sending further aid to El Salvador, the Senate Appropriations Committee reversed itself Wednesday to approve President Reagan's requests for urgent military aid to the country. Members of the Republican-controlled committee voted to send $93 million in emergency aid to the Salvadoran army and gave $21 mil-

lion to the Central Intelligence Agency to provide help to anti-Sandinista rebels in Honduras. The action was taken in the face of growing opposition in Congress to such assistance and reports that Salvadoran aid was being misspent by the nation's leaders. And there was no evidence that they had curbed the activities of the death squads.

Senator Patrick J. Leahy, D-Vt., a member of the committee, criticized the decision to send additional aid, saying there was no indication of how the money will be spent. The Reagan administration has offered contradictory information on its policy and procedures in the region, he charged. "I find it frustrating because I'm finding more and more and more we're being told different things by different committees," he said.

The fact that aid to El Salvador and the Nicaraguan guerrillas has become a partisan issue is indeed unfortunate, since it precludes the possibility that reasonable men will thoughtfully analyze the situation and come to the conclusion that what the United States is attempting to do in Central America can only end in disaster. Either this country will become embroiled in a Vietnam-style war in the region or it will so antagonize the people there that it will create a new pool of enemies on its flank.

The time has come for the courageous in Congress to recognize the futility of the Reagan foreign policy and to demand that military aid to Central America be halted as soon as possible.

MISS WILL LOU GRAY

Mr. HOLLINGS. Mr. President, life's moments of true inspiration are all too rare. Recently, our Nation lost an inspiration.

I refer to the passing of Miss Will Lou Gray, educator, humanitarian, a woman who contributed mightily to the progress of her fellow citizens. She lived to be 100 years old, and everyone of those years was packed with activity and accomplishment.

To be a good educator, the young Will Lou knew, she had first to obtain the best education. She graduated with a bachelors degree from Columbia College in South Carolina shortly after the turn of the century and then pursued graduate work at Vanderbilt University in Tennessee. In 1911 she earned a masters degree from Columbia University in New York, at an age when a graduate degree for a woman student was altogether rare.

Returning to Greenwood County, S.C., Will Lou's first teaching assignment was in a one-room school. Immediately she realized how much needed to be done in our South Carolina schools. When her young charges would show up late for class, she would instruct them to get a written excuse from their parents. And the children, embarrassed, had to respond that their parents could not write or read. This led to her involvement in adult education and to that cause for the rest of her life she lent her tremendous talent and unflagging determination. Teaching adults to read and write became for her a life's crusade. She organized night schools for adults, but at first encountered little support for them. It took her awhile to make an impact, but by 1918, working on the South Carolina Illiteracy Commission, she persuaded the South Carolina General Assembly to set up a department of adult education. From 1919 until 1945, she served as State supervisor of the night school program. Her approach was imaginative and pioneering and included such innovations as a statewide "write your name" campaign in the 1920's. She successfully led the push for development of a State high school certification program.

Her pioneering work with opportunity schools to combat the widespread illiteracy she had seen in the adult population continued. In the 1940's, she turned her attention to a new type opportunity school, going beyond the night school approach and educating the students in the skills they needed not only to read and write, but to get and hold a job, too. She gave up her supervisor job with the department of adult education and turned her full attention to the building of what is now known as the Will Lou Gray Opportunity School in Lexington. This was an even more ambitious approach to the challenge of adult education, and its success won her not only the gratitude of those who went through its program, but also the acclaim of adult educators around the Nation. Her school handles some 600 students a year now, and over the years has served more than 26,000 people.

Citing the many honors and distinctions which came her way over the course of a long and productive life would take too long here. But she has been acclaimed far and wide and some of those honors include: the South Carolina Hall of Fame; honorary doctorates from Columbia College, Winthrop College, Clemson University, and Wofford College; the Algernon Sydney Sullivan Award from the University of South Carolina; and woman of the year by the South Carolina Conference on the Status of Women.

But no list of awards and citations begins to get at the heart of what this great woman accomplished. She was a formative influence in taking undeveloped minds and turning them into productive, educated citizens. The education she imparted included the basic skills, yes, but always more—good citizenship and public spiritedness were driving forces for her, and her goal, always clear in mind, was to provide opportunity to those who had none.

A modest woman, she achieved greatly. A teacher, she was forever learning. A dreamer, she knew how to turn dreams into reality. It was my pleasure to know her and to work with her in the development of the opportunity school, and I will always remember her warmth and dedication, her high ideals and her sound practical judgment.

She was one of the most inspiring individuals I have ever met, and we will not see her likes soon again. Cicero once wrote that no person was ever great without some portion of divine inspiration. Will Lou Gray had a very large portion. For that, we will always be grateful.

NATIONAL AGRICULTURE DAY

Mr. HELMS. Mr. President, today is National Agriculture Day, a day to pause and contemplate the tremendous contribution made to this country by the millions of people responsible for bringing food from farm to table.

As chairman of the Senate Committee on Agriculutre, Nutrition, and Forestry, it was my pleasure to cosponsor the resolution passed by Congress last year designating today as National Agriculture Day, and President Reagan subsequently issued the proclamation.

The purpose of this observation, of course, is to honor the farmers, ranchers, horticulturalists, and aquaculturalists and many others whose combined efforts produce hundreds of agricultural commodities. But more than that, it provides a forum for educating the citizens of our Nation about the tremendous benefits they receive because of the efficiency of our farmers.

For instance, no people in the world enjoy the spending power at the supermarket that Americans have. In 1981, the average American spent a total of 12 percent of disposable income on groceries. Last year, Americans spent only 15.9 percent of after-tax income on all food purchased, down from 22 percent three decades ago. In 7 of the last 8 years, food prices have increased less than other prices.

This is the result of the tremendous productive capability of a relatively small number of people. There are only about 3 million farm operators in the country. Yet those 3 million farmers generate about 23 million jobs, account for about 20 percent of the gross national product.

The efficiency of the American farmer is not only a wonder of the world, but certainly the envy of the world. Our modern farmers produce 80 percent more crops per acre of land than did their fathers. A single farm worker produces enough food and fiber to feed 78 people, up from 50 only 10 years ago. Americans are also able to enjoy a more varied diet than anyone in the world, and our entire standard of living benefits from the new real wealth created from the renewable resources of agriculture.

Not all of the benefits we get from farmers come at the kitchen table. Because of their productivity, our farmers produce not only enough for our domestic demand, but also enough to

make large quantities of farm products available for international trade. It is estimated agricultural exports will contribute $37.5 billion this year to our exports, significantly aiding our balance of payments.

And if all that is not enough to make one appreciate farmers, consider the conditions under which they must operate. Farming is a high-risk proposition. Farmers each year are subjected to unpredictable weather conditions, uncertain economic conditions, finicky consumer demand, fluctuating foreign demand, and even the changing, unpredictable, and often conflicting Government policies and programs.

Mr. President, I also want to point out that within American agriculture we find the kind of American spirit and character on which this Nation was built. Let me single out just one agricultural organization. Tomorrow I will be speaking to a group of 4-H leaders; 4-H is a unique partnership involving youth, volunteer leaders, State land grant universities, Federal State, and local governments, and the private sector. It is an organization fueled by cooperation and voluntarism, two great American principles.

Most of all, 4-H is an investment organization, investing in this country's future. The mission of the Cooperative Extension Service in conducting 4-H programs is to assist youth in acquiring knowledge, developing life skills, and forming attitudes that will enable them to become self-directing, productive and contributing members of society. And unless we can do that with today's youth, there will be no tomorrow for this great country.

Someone described a farmer this way: An executive manager in an international context with a rural base, a master producer facing a surplus, a master consumer facing uncertain income, a scientist, a technician, a purchasing agent, personnel director, heavy laborer, and animal and crop dietician with a product that can be destroyed or made beautiful at the caprice of the element of nature.

Mr. President, a great tribute is due these people, and on this National Agriculture Day, we salute America's farmers.

E-COM MAIL RATES

Mr. STEVENS. Mr. President, a recent recommendation by the Postal Rate Commission to double and triple the rates for E-Com mail was a blow to those of us who feel that the U.S. Postal Service should be allowed to move into the 20th century in terms of utilization of the most modern telecommunication tools. The long-range future of the Postal Service and its ability to provide adequate, efficient, and low-cost universal postal service to all Americans, regardless of where they live, is at stake here. We should encourage, not hinder, one of our most essential and well run Federal agencies to move ahead with the times, rather than keep it tied to old ways.

I was pleased to note the strong support the postal employee organizations have given U.S. Postal Service on its efforts to modernize. They, too, recognize E-Com's potential and what that potential means to the livelihood of current postal workers as well as to those yet to be hired. I ask unanimous consent to insert at the end of my remarks the complete text of a mailgram sent to the Board of Governors, U.S. Postal Service, by the president of the National Association of Letter Carriers on this subject.

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

[Mailgram]

NATIONAL ASSOCIATION
OF LETTER CARRIERS,
Washington, D.C., March 3, 1984.

The National Association of Letter Carriers seeks your support in rejecting the Postal Rate Commission's February 24, 1984 rate increase recommendation on E-Com. The Commission's rate recommendation would impose a more than 100 percent increase over current E-Com rate levels. The existence of the Postal Service's E-Com service will be seriously threatened by the opinion. Therefore, NALC requests that you find the opinion and recommended decisions on the rate changes and classifications of the Postal Rate Commission unacceptable and remand the case for rate review by the Commission.

VINCENT R. SOMBROTTO, *President.*

U.S. AGRICULTURE'S DAY

Mr. QUAYLE. Mr. President, today, March 20, has been designated National Agriculture Day, which provides us the welcome opportunity to praise the enterprise and the industriousness and the productivity of America's farmers. For more than a century, this country has had the ability to produce not only the widest variety of low-priced, quality food for its own people, but also sufficient amounts to become No. 1 in world agricultural trade as well as the prime supplier of food for emergencies anywhere on the globe. Contributing to this capacity is an array of research institutions and education outreach systems that develop innovations and technology that are quickly translated into everyday farm practice.

Half a century ago, 25 percent of the U.S. population produced food for the rest of the country. Today, 2.4 million farmers, or 3 percent of the population accomplish this same feat. And, because of this remarkable output, U.S. farm policy must be directed at harnessing available productive capacity to keep it in balance with demand. What we confront is a situation of overabundance, not the tragic trial of famine facing many parts of the world today.

Indiana is a major farm State, and it reflects not only the growth of U.S. agriculture, but also the adjustments and changes it is undergoing. This center-of-America State, much like Iowa and Illinois in the farm products it raises, is the ninth largest in terms of cash receipts, although it ranks 19th in farm acreage. In other words, Indiana produces more value per acre than many States that have more land in agricultural production.

In 1982, according to the U.S. Department of Commerce census, the market value of Indiana's crops was $4.23 billion, up from $3.4 billion in 1978, a gain of $870 million, or 26 percent. Over the same period, the State's farm acreage decreased from 16.8 million acres to 16.3 million, a drop of 3 percent. In 1982, there were 77,184 farms in Indiana, down from 82,483 5 years before, a decline of 6.5 percent.

During this period, the average size of farms increased slightly from 204 to 211 acres. The very smallest farms—those under 50 acres—increased slightly in number, up by 1,250 to around 23,000 units in 1982. A real decline occurred in the number of middle-sized farms of 50 to 1,000 acres, which decreased by 7,000 units to about 52,000 overall. From 1978 to 1982, it was the larger farm that increased in numbers: Farms with 1,000 to 2,000 acres rose from 1,452 to 1,874, for an additional 422 operations, or an increase of almost 33 percent; farms over 2,000 acres, although not numerous, increased from 164 units to 251, or by 53 percent.

The 1982 census indicates that the number of Indiana farms with over a quarter of a million dollars in sales almost doubled from 1978 to 1982, and now total more than 3,000; farms with $100,000 to $250,000 in sales increased by 2,000 to 8,634; at the same time, operations with sales between $5,000 and $100,000, the midsized to smaller sized family farm, declined by 8,200 units; while the very smallest, the ones that earn less than $5,000 from sales of farm products in a year, held steady at around 22,500 operations.

In Indiana, as across the Nation, most farms continue to be owned by an individual, a family or a family held corporation. The number of corporations actually owning land in the State decreased by 4, from 198 to 194, over the past 5 years. These corporate owners controlled only a small fraction—50,000 acres—of a total acreage of 16.3 million.

Indiana is the third largest producer of corn, fourth largest in soybeans—cash receipts for all grains came to $2.3 billion in 1982—and third largest in hogs, $600 million.

Cattle/calf operations and dairy products yield the next largest amounts of farm revenue. Indiana also has been innovative in branching out

into new products and overseas markets. For instance, it is now the Nation's No. 1 supplier of duck down and leads every other State in exports of duck feet, a delicacy item, to the Far East.

Indiana's farmers, like those across the Nation, are faced with challenges and changes—difficult economic conditions at home, new competition—some fair, some not—from abroad, the need to adapt to new technologies and farming techniques, structural shifts in the farm system, not to mention the vagaries of weather. All the while farm production, or the capacity for such production, has been increasing. For this, the Nation's farmers and the system that supports them should be saluted.

NATIONAL AGRICULTURE DAY

Mr. BOREN. Mr. President, today is the day we honor the most productive, the most efficient sector of our Nation's economy. Today is National Agriculture Day. Today, we must recall what made this country of ours possible—a thriving agricultural sector. The strength of this Nation lies with the agricultural sector today, as it did when this great country was founded. Our farmers rightly deserve to be honored for their labors which have made this Nation great. Agriculture is the backbone of this country.

The Nation's biggest industry is agriculture, with farm assets totaling over $1,050 billion and representing approximately 70 percent of the capital assets of all manufacturing corporations in the United States.

Not only is agriculture the biggest industry, it is the Nation's largest employer, with 22 million people working in some phase of agriculture. Farming, alone, has as many workers as the work forces of transportation, the steel industry, and the automobile industry combined. Approximately 1 out of 5 jobs in private enterprise is dependent upon agriculture. Agriculture generates about 20 percent of the gross national product.

The agricultural sector uses output from more than 80 percent of the other basic industries in the United States. Farmers are the fourth largest customer of the finance and insurance industry and the fourth largest user of real estate and rental services. Farmers annually purchase $10 billion for farm tractors and other motor vehicles, machinery, and equipment. This, alone, provides jobs for about 150,000 employees. Farming uses more petroleum than any other single industry, with annual expenditures for fuel, lubricants, and maintenance for machinery and motor vehicles used in the farm business amounting to $15.4 billion. Each year, farmers purchase $21.4 billion for feed and seed and $9 billion for fertilizer and lime. Farmers use about 5 percent of the total amount of rubber used in the United States—360 million pounds. Farmers use more electricity than the annual residential use in all New England States plus Maryland, Kentucky, and Washington, D.C., or 33 billion kilowatt-hours of electricity. Farmers annually purchase 6½ million tons of steel in the form of farm machinery, trucks, cars, fencing, and building materials. Farm use of steel provides for 40,000 jobs in the steel industry. Agricultural exports, alone, have a considerable impact upon the economy. In 1983, the overall trade deficit was reduced by the $18.5 billion agricultural trade surplus. Over the past two decades, the value of agricultural exports has grown over tenfold, from $4 billion in 1960 to over $40 billion in 1980.

For every $1 billion in agricultural exports, 35,000 jobs are created. Each dollar of agricultural exports stimulate an additional $1.05 of output in the U.S. economy. About 70 percent of the additional economic activity accrues to nonfarm sectors of the economy. In 1981, agricultural exports of $43.8 billion stimulated nearly 90 billion dollars' worth of business for U.S. industries. The industrial nonagricultural sectors of the economy depend on expansion of U.S. agricultural exports to generate increased employment, utilization of capacity, and profits. As exports expand, so does business for the trucker and port facilities construction workers.

As is apparent, agriculture is the foundation of this economy. A thriving agricultural economy means a thriving American economy; a depressed agricultural economy translates into a depressed American economy. As long as the agricultural economy remains depressed, the entire American economy will never fully recover from the recession in which we have been.

There are many in this country who do not seem to recognize the importance of agriculture. Because of the increased productivity, almost 97 percent of the population does not have to grow their own food. While this is certainly a positive step, it has had at least one negative aspect—more and more people do not realize the role agriculture plays in our economy. More and more Americans today think milk naturally comes in prepackaged, plastic jugs and bread in presliced loaves. If we all would just stop for a moment and think about what it takes to produce that gallon of milk or the loaf of bread, we would all realize the significance of agriculture in our lives. We would not just take it for granted anymore.

At the beginning of this century, one farmworker could only feed seven persons. By 1970, this one farmworker supplied enough food and fiber for 47 people. In the past 10 years, the productivity of this one farmworker has almost doubled—he now supplies enough for 78 people. This increased agricultural productivity, the rise in output per unit of input, has been a major contributor to improved living standards for Americans. As agricultural productivity has increased, consumers have been able to upgrade their diets at lower cost.

Many American consumers simply do not realize that they have such a good food bargain. U.S. consumers spend a smaller fraction of personal income, 16 percent, than any other people. In Great Britain, consumers must spend 27.5 percent; in the Soviet Union, consumers spend 45 percent of their personal income on food.

Despite the fact that food prices have increased over the past 10 years, today's consumers get more for their money today than 30 years ago. In 1950, an hour's pay of the average U.S. factory worker would only buy 10.1 pounds of bread compared to 16.3 pounds today. In 1950, an hour's pay could buy only 8 quarts of milk and 2.5 pounds of frying chickens compared to 15.2 quarts of milk and 11.9 pounds of frying chickens today.

The American consumer only has to work an average of 18.5 minutes to buy 1 pound of round steak today; whereas, in 1950, the same consumer would have had to work 32.8 minutes for the same steak. In order to buy 2 loaves of bread today, the consumer only has to work 2.4 minutes; in 1950, 4.2 minutes of work were required to buy the same amount. Today, the consumer must work only 11.6 minutes to buy 1 gallon of milk; 30 years ago, he had to work 21.2 minutes for 1 gallon of milk. One pound of round steak, 10 pounds potatoes, 1 pound of bacon, 1 dozen eggs, 2 loaves of bread, 1 pound of butter, 1 gallon of milk, 5 pounds of sugar, and 5 pounds of rice can be purchased today with only 83 minutes of work. In 1950, the same bag of groceries would have cost 153.8 minutes of work; in 1930, it would have cost 231.8 minutes.

Since less money is spent for food, consumers are able to expand their consumption of nonfood items. Because fewer farm workers are needed to supply the food and fiber necessary for consumers, former workers in agriculture can now work for other industries and service industries. This serves to stimulate economic activity further in other nonfood industries.

Mr. President, there are many who believe the farmer receives the majority of every dollar spent for food. This is far from the truth. For every dollar spent in grocery stores for U.S. farm-grown food, the farmer receives only 35 cents. Wheat producers receive only 4.4 cents—or less than one-twentieth—for the wheat in a 53 cent loaf of white bread. For every dollar spent on

choice beef, the farmer receives 58 cents. The farmer receives only 59 cents for a $1.12 half-gallon of milk. Of the $298 billion consumers spent for U.S. farm-produced foods in 1982, U.S. farmers only received $84 billion. The farm-to-retail price spread, 65 percent, consists of all processing, transportation, wholesaling, and retailing charges incurred after the products leave the farm. Farm-to-retail spreads have increased every year the past 10 years, largely reflecting rising costs of labor, packaging, and other inputs. The farm value of products is estimated to have declined by 4 percent in 1983. The February 1984 cash price for a bushel of wheat represented only 45 percent of parity. The upland cotton February price was only 51 percent of parity. In real terms, the farmer continues to receive less and less for his labor. The average per capita disposable income of farm residents in 1982 was $7,355, only 78 percent of that of nonfarm residents.

Total cash receipts from marketings of farm products in 1983 are forecast to decline about 2 percent from the $144.6 billion attained in 1982. 1983 livestock cash receipts are expected to have remained near 1982's $70.2 billion, as lower prices for livestock and products offset increased marketings. Crop cash receipts for 1983 are expected to have fallen about 4 percent from the $74.4 billion of 1982. Large declines are forecast for cotton and rice. Net cash income for 1984 is estimated to decline by up to 20 percent from the 1983 level. Cash receipts for food grains in 1984 are forecast to fall nearly a tenth, as lower wheat receipts more than balance increased rice receipts.

While cash receipts and farm values have declined, farm input costs have risen dramatically over the past 10 years. Wage rates for farmworkers have gone up 125 percent, tractors and self-propelled machinery cost 200 percent more, and taxes have gone up 75 percent. In the past 10 years, the average cost of commodities, interest, taxes, and farm wage rates rose by 152 percent. Farmers spent $140.1 billion on production of goods and services in 1982.

Production expenses this year are forecast to increase 6 to 8 percent. Last year they registered their first decline since 1953. The increase in prices paid by farmers for all items will be the largest since 1981. Seed prices may jump the most, while fuel prices could continue to be a stablizing influence. Fertilizer prices may rise 6 to 8 percent. Feed prices are expected to increase 5 to 7 percent. Interest expenses may advance 5 to 7 percent in 1984. Average debt is expected to rise 3 to 5 percent and average interest rates on the debt could move up to 2 to 4 percent. Average debt rose 3 percent in 1983 to $215.7 billion.

The present situation confronting American agriculture does not look favorable at all. U.S. agricultural exports are down, production is on the rise, and farm income is down.

U.S. agricultural exports fell 11 percent in fiscal year 1983 to $34.8 billion. This marks the second consecutive year that the total value of U.S. farm exports has fallen since its fiscal year 1981 peak of $43.8 billion. The volume of U.S. exports fell 8 percent, to 145 million tons, in 1983. U.S. wheat and flour exports fell 16 percent in fiscal year 1983, to 38.3 million tons. And 1984 wheat exports are estimated to be down 7 percent. The U.S. share of the world wheat trade will likely drop to 38 percent, the lowest since the early 1970's. U.S. feed grain exports in fiscal year 1983 fell 8 percent to 53.5 million tons. The value of soybeans and soybean product exports fell 8 percent in 1983 to $7.8 billion. Cotton exports fell 24 percent, to 1.13 million tons in fiscal year 1983.

Prospects for U.S. agricultural exports indicate that the value may increase to $37.5 billion, 8 percent above 1983. However, the volume of exports could fall from 144.8 million tons last fiscal year to 140 million in 1984, 15 percent below the 1979-80 record of 163.9 million.

While exports have fallen, commodity surplus levels have remained high despite the massive acreage limitation program offered by the administration in 1983; 1983-84 wheat-ending stocks are estimated to be about 1.4 billion bushels, about twice the level we should have. Even though 1983-84 ending stocks for feed grains, rice, and upland cotton are estimated to be much lower than a year earlier, all signs indicate we are headed for bumper crops this year and high 1984-85 carryover stocks.

The high level of stocks coupled with declining exports has resulted in devastatingly low farm prices. For example, the average price received in February of this year for wheat was only $3.34 per bushel, 6½ percent below the price received a year earlier. Unless the 1984 program is changed to encourage participation, the price of wheat will fall well below $3 per bushel. Partial costs of production for a bushel of wheat in 1982 amounted to $3.31 per bushel. Assuming a 3 percent inflation rate for 1983 and 1984, the partial costs of production in 1983 was $3.41 and for 1984 we can estimate the partial cost at $3.51. As becomes obvious, a wheat price of $3.34 would not even pay for partial costs, much less the full cost of production.

High real interest rates, declining real farm equity, and low real farm income compared to the 1970's have reduced farmers' borrowing capacity by undermining the value of collateral. Although credit is available to creditworthy borrowers, qualifying for loans is becoming more difficult—particularly for highly leveraged farm operators. The overall quality of lenders' farm-loan portfolios continued to deteriorate during 1983.

In November, the Independent Bankers Association released a survey which showed that bankers expect over 17 percent of their existing farm loan borrowers will be unable to secure their debt in 1984. Additionally, the farm credit system has reported that combined production credit association loan losses over the last 4 years exceed the combined losses for the preceding 47 years. The American Bankers Association midyear 1983 farm credit survey indicates that 48 percent of the banks responding said that they experienced a decrease in the quality of their farm-loan portfolio.

At the same time, more and more Farmers Home Administration borrowers are being forced out of business. In the past 2 years, 15,000 farmers with FmHA farm loans have gone out of business due to financial reasons. FmHA has taken possession of 1,683 farms—bringing the number of farms in FmHA inventory to 1,891. Prior to 1981, FmHA had never held more than 260 farms. Mr. President, American agriculture remains on the verge of economic collapse. It appears, at present, that the situation will not get any better this year. With agriculture playing such a large role in our economy, it is imperative that we not allow the agricultural economy to deteriorate any further.

I would hope that today we would all take time to reflect upon the importance of our agriculture sector, to see how indebted we are to the American farmers. I hope we will all join together in our support of the agricultural industry so that we can continue to provide Americans with an adequate supply of food and fiber at reasonable prices.

NATIONAL AGRICULTURE DAY

Mr. HUDDLESTON. Mr. President, today is National Agriculture Day, a day that has specifically been set aside to honor farmers and ranchers for their contributions and to increase understanding of the importance of agriculture to the Nation's economy.

Clearly, U.S. agriculture deserves such honor and recognition.

Each farmer and rancher produces enough food and fiber to supply the needs of nearly 80 people. In addition, because of the remarkable productivity of agriculture, Americans spend only about 16 percent of their disposable income for food—less of their income than people anywhere else in the world.

Agriculture is the most important segment of the national economy.

Cash receipts from the sales of agricultural commodities alone totaled $144 billion in 1982. Beyond that, agriculture is the foundation for a trillion-dollar industry that provides jobs for about 23 million people, including farmers and ranchers, those who furnish supplies for agricultural production, and workers involved in processing, transporting, and marketing agricultural products.

We depend on agriculture for our bountiful food and fiber supply and the continued economic strength of the United States.

We are now approaching a critical period in the development of agricultural policy. Recent years have demonstrated that, in order to insure the long-term health of agriculture, we need to adjust to a new domestic and foreign environment. We must continue in our efforts to develop and implement agricultural policy that meets these changes.

Today, I join all other Americans in saluting agriculture for its accomplishments and thanking our farmers and ranchers for their contributions to the prosperity we enjoy as a nation.

NATIONAL AGRICULTURE DAY

Mr. NICKLES. Mr. President, it has been said that the farmer is the only one in our economy who buys everything he buys at retail, sells everything he sells at wholesale, and pays the freight both ways. Well, there is little question that the farmer's job is not an easy one. But there is no doubt that without the farmer, our Nation would not be the superpower it is today.

Because today is National Agriculture Day, it is only fitting to reflect on the vital role American farmers play in making our country great.

Agriculture is the largest business in America. It has been estimated that 1 out of every 23 Americans is employed in an agriculture related job. And although only about 3 percent of the U.S. labor force is actually employed on the farm, they produce enough food to feed everyone in America and still export enough to earn almost 20 percent of our total export revenue. In fact, if it were not for our agricultural exports, the U.S. trade imbalance would be a far more dismal picture than it is today.

Consider these facts: Today's farmers produce 76 percent more on the same amount of cropland as their parents; an hour of farm work today produces 14 times as much as it did in 1919; just in the past 50 years, both crop and livestock production have more than doubled, with nearly the same amounts of cropland, breeding animals, and total inputs in use.

This agricultural efficiency has been of tremendous benefit to the consumer. In 1960, an average wage for an hour's factory work could buy 2.1 pounds of round steak, 3 dozen oranges, 9.2 quarts of milk or 3.9 dozen eggs; 20 years later, it could buy 2.6 pounds of round steak, 24 percent more; 3.9 dozen oranges, 30 percent more; 13.9 quarts of milk, 51 percent more; or 8.7 dozen eggs, 123 percent more.

Agriculture is the cornerstone of Oklahoma's economy. My State ranks fifth among producing States in cash receipts for wheat and grain sorghum, sixth for cattle and calves, seventh for peanuts, and ninth for cotton lint.

About 17 percent of all jobs in Oklahoma are in farming or are farm related, ranging from farm suppliers, to food stores and restaurants. About 78 percent of all of Oklahoma's land is in agriculture. There are nearly 71,400 farm operations—2.4 percent of the State's population—which produced $2.9 billion in farm products in 1981. Wheat ranks second only to cattle in the State's output, accounting for almost one-quarter of Oklahoma's total farm revenues.

Despite this phenomenal productivity, farming is undoubtedly America's most risky business. Like all other exporting businesses, farmers must work against the fluctuating dollar, rising interest rates, grain embargoes and other ill-conceived foreign and economic policies. But, in addition to that, there remains one variable by which the farmer alone seems to suffer—the weather. Last year's series of floods and droughts was a nearly devastating example of Mother Nature's fickle attitude toward farmers. Farmers have so much to contend with that we owe them, as a government and as a nation forever dependent upon their produce, as much support as we can give them.

As I travel across Oklahoma talking with farmers, there seems to be two primary observations expressed about what is really needed to help agriculture. First is a strong economy. Farmers may disagree about the terms of Government farm programs, but there is unanimity for a strong national economy.

I am very encouraged by the rate of economic recovery and growth now underway across the United States. And I believe that as the economy strengthens, problems which have plagued farmers during the last 4 years will begin to disappear.

The second statement that I seem to hear most from farmers concerns trade. Farmers need reliable foreign trading partners. Unfortunately, many nations are now imposing protectionist policies which restrict American imports. Adding to that problem is the American agriculture image around the world.

Many foreign countries think of the United States as an unreliable supplier of agriculture commodities. The grain embargo imposed in 1979 and lifted in 1981 only reinforced this perception of the United States as a poor supplier. Fortunately, President Reagan's staunch commitment against agricultural embargoes has helped redevelop foreign trade markets. But Congress and the administration must continue to expand those markets and work with other nations in lowering restrictive trade barriers.

Mr. President, in closing, I think it is impossible to stress how much we owe to the American farmer. It is said that the agricultural population produces the bravest men, the most valiant soldiers, and a class of citizens the least given of all to evil designs. So, as this Nation moves into an era dominated by the computer and high technology, let us not forget that our national heritage is rooted in agriculture and it will always be a bedrock of our country.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12:01 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. QUAYLE).

ORDER OF BUSINESS

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, as I understand it, by order entered yesterday, the time between now and 3 o'clock is divided equally between proponents and opponents, with the control of the time to be in the usual form, which means by the two leaders or their designees. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Mr. President, I have not been notified as to who will manage the opposition, nor do I have someone here available to manage in my absence. While we gather up those missing parties, I ask unanimous consent that I may suggest the absence of a quorum—let me withhold that.

I understand there are two Senators here who wish to speak in opposition to the resolution and one in favor. I have no power to yield time in opposition, but let me have just a moment until I see if I can contact the minority leader.

I ask unanimous consent that I may suggest the absence of a quorum to be charged equally against both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, there is one Senator on this side—that is, the side of the proponents—seeking recognition. I yield 6 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 6 minutes.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. The clerk will state the unfinished business.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to school prayer.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. I thank the Chair.

Mr. President, the overwhelming majority of the American public have expressed themselves in favor of President Reagan's prayer amendment. Senators speaking for the amendment have adequately established the case, of the need, for the amendment. I respect the views of those who have spoken against and some who are wavering in indecision. Much of that indecision is based on the issue of the effect on tolerance for one another's religion that this amendment might have. I should like to submit just a few words on that as we approach our vote.

Mr. President, I respect those who worry about the embarrassment or apparent intolerance that voluntary prayer in school might cause. When I began to chair hearings on school prayer during the last Congress, I developed this same concern. I heard rabbis, Catholic priests, and clergy of other denominations express their concern. As the hearings progressed, however, I became aware that those who had expressed concern, and the American people in general, believe that there is the possibility to work out their differences and to respect the religious rights of one another if this amendment is passed.

Mr. President, I want to make it clear that I am opposed to any school prayer approach that places undue pressure on a student to participate in a form of prayer that violates his or her conscience. This pressure could come from a teacher in the form of appearing to coerce or actually coercing a student to recite a prayer selected by the teacher. In another instance, the student could be prohibited from an opportunity to offer a prayer he or she might personally compose. I believe the amendment we are considering today provides adequate safeguards against such coercion by prohibiting a State-composed prayer.

I would prefer to see that local schools adopt an approach that allows each student in turn to offer a prayer. That approach would promote mutual understanding and tolerance among the students as each observes the religious expression of his or her classmates. We can realize that the fine points of one, several, or many good ways describing how prayers could be offered cannot all be spelled out in the simple language of a constitutional amendment, and they need not be.

We can afford to trust local wisdom and fairness to prevail. In sum, it is preferable to bet on fairness, in the knowledge that unfairness will be properly and promptly dealt with, than to continue to throw out the baby with the bathwater by prohibiting our children and youth from speaking prayerfully, from uttering the word of God reverently while in school.

Progress toward tolerance has marked our entire history, and it is important that we note the manner in which tolerance has come along on this continent and in this Nation. It was religious intolerance in Europe that kept alive the quest for freedom in the hearts and souls of our Nation's early colonists. For example, the Pilgrims, who faced religious persecution in England, exiled themselves to Holland for 7 long hard years as a mere preliminary to the effort to travel to America and live free according to the dictates of their conscience.

The problem remained that, when the early colonists got together, mostly living in colonies with their special state religions, they became mutually intolerant of one another, colony to colony, so much so that Roger Williams fled Massachusetts, went to Rhode Island, and tried to set up a system that was, in his view, the proper one and more tolerant.

In 1649, Maryland took a major step by passing the Maryland Toleration Act. That act called for punishment of those who interfered with the free exercise of religion by others. But that Toleration Act was hardly perfect. It called for execution of blasphemers, nontrinitarians, and deniers of Jesus Christ. But, in its time, it was a major achievement.

That Toleration Act blazed the trail for another Maryland law passed in 1828 that made it legal for members of the Jewish faith to hold public office in that State.

Mr. President, I believe that we should also recognize that by what was written in our Declaration of Independence and our Constitution set us as a people on a new official path toward ideals not only of political but of personal behavior, away from intolerance, a path on which we have made great progress.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. BAKER. Mr. President, I designate the distinguished Senator from Utah (Mr. HATCH) to manage the time on behalf of proponents.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr President, I yield 3 more minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for an additional 3 minutes.

Mr. DENTON. I thank the Senator and I thank the Chair.

Mr. President, I say again, toward tolerance is a path on which we have made progress. After the preconstitutional days, after the official legal intolerance which was prevalent among the colonies, our first President made a major contribution toward tolerance when during his second term, he wrote a beautiful letter referred to in a previous speech by me, to a Hebrew congregation in Newport, R.I. The President wrote:

May the children of the stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other inhabitants, while everyone shall sit in safety under his own vine and fig tree, and there shall be none to make him afraid.

So, by the word of our first President, we became officially, according to this statement, a tolerant society.

We know we are not yet perfect, but we have moved a long way. I do not believe that allowing vocal prayers in schools, prayers which remind us that, by the Old and New Testaments, we are to love our neighbor as we love ourselves, and therefore permit students the freedom to pray. I do not believe that permitting children to make up their own prayers would be a backward step. Rather, it would be a contribution toward growing tolerance and understanding.

Mr. President, I believe that the gains in tolerance to date are but prologue for the future. In accordance with the principle of "Love thy neighbor as thyself," we adults and our children in school can, and indeed must, learn to listen with respect when another offers a prayer.

I believe that if a child stands up and prays on Monday and his or her classmates respect the prayer, on Tuesday that same student will respect the prayer of another. There is no need for pressure or coercion or embarrassment. Those who do not wish to pray at all need not participate and their classmates will respect them as well.

Mr. President, we have found that our children can become more tolerant of the skin color, or the ethnic back-

ground, of other children. How can we presume that those same children would be intolerant of a different religion, a different prayer? Passing this amendment today will increase understanding of the religious beliefs of others which will, in my opinion, lead to toleration of others. I ask my colleagues to support Senate Joint Resolution 73.

Mr. HATCH. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator from Utah has 19 minutes remaining.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Senator.

Mr. President, I have listened very carefully to these important sessions of the Senate as this critical issue has been debated. I have respect for the viewpoints expressed by those which are not consistent with mine. I believe that the leadership of the Senate has provided adequate opportunity for all to be heard.

Mr. President, the Declaration of Independence opens with these words: "All men are created equal, that they are endowed by their Creator with certain inalienable rights * * *" and closed with: "* * * and for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each our lives, our fortunes, and our sacred honor."

Every President, from George Washington to Ronald Reagan, has asked for God's blessing in his inaugural address to our Nation.

This Senate has opened each day of its existence with a prayer by the Chaplain, asking for God's help and blessing.

The Supreme Court opens each session, since the days of John Marshall, with the crier saying, "God save the United States and this Honorable Court."

The currency of the United States proclaims for all to see, "In God We Trust."

Our pledge of allegiance states: "One nation, under God * * *."

This list of actions by our founders and subsequent actions could go on for hours.

Mr. President, I do not believe that it is necessary to do so. No one in this Chamber is professing that our Nation was not founded on a belief in God.

However, I cannot understand how the Congress and the Supreme Court can believe it necessary and right to ask God's blessing and assistance each day they are in session and advocate at the same time that students would be harmed by following their practice.

Is this practice only worthwhile for adult men and women?

For three-quarters of our Nation's existence, the invocation of God's blessing has been not only permissable, but truly a part of daily American life. My grandparents, my parents, myself, and even my children began our school days with our classmates, with prayer. I believe it provided for a continued reaffirmation of my belief in God and the need for his blessing and guidance in my daily life.

This amendment will allow students to ask for God's blessing in their own way.

This amendment affords important protections.

This amendment will forbid goverment-written prayer and continue to forbid the establishment of a state religion. This amendment would not change the intentions of the Founding Fathers to separate church and state and, in my opinion, reaffirms the constitutional mandate that Congress shall make no law prohibiting the free exercise of religion.

Mr. President, I believe the United States whole existence and reason for being is because we believe that God gave us certain rights that no government of men and women can take away.

To paraphrase that outstanding American hero from the Commonwealth of Virginia, George Washington, religious values of equality, family and respect for others have made our society grow and flourish and I believe that only their continuance will sustain freedom.

Tennyson reminds us, "More things are wrought by prayer than this world dreams of."

I urge my colleagues to approve this amendment to the Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles: one from the Richmond News Leader and another from the Richmond Times Dispatch, supporting voluntary prayer in our schools. Both scholarly works contributed to my understanding of the many issues in this important debate.

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

[From the Richmond (Va.) News Leader, Mar. 6, 1984]

AMEN

(By Ross Mackenzie)

"I beg leave to move," said Benjamin Franklin at the Constitutional Convention of 1787, "that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business." His motion carried, confirming even then a long American tradition of prayer in public places.

We are a God-founded country. The Mayflower Compact, the nation's first declaration of belief and intent, was written before the Pilgrims disembarked at Plymouth. It begins: "In the name of God. Amen."

And historically our most public events have begun with prayer. The Senate and the House open their daily sessions with prayer. Inaugurations, Supreme Court sessions, Thanksgiving declarations—all invoke God's presence and ask his guidance. Our money and our Anthem stipulate our trust in God. In our Pledge of Allegiance we testify that this is a nation under God.

Are those offended by testimonies to the Almighty in public school equally offended by the almighty dollar?

But, comes the rejoinder (it comes, alas, with particular passion from trendy clergymen who should know better)—what about the separation of church and state? Surely school prayer violates the Constitution's establishment of religion clause.

Not so. The wall of "separation" is a myth. Our tradition is neither neutral on matters of religion and religious expression, nor hostile to them. Rather, that tradition is one of broad enthusiastic embrace.

The record of the congressional debate about establishment of religion makes clear that the Framers specifically intended to prohibit the federal government from designating a particular church to which all citizens must give their allegiance—to prevent the federal government from favoring one religion over another. The phrase, "a wall of separation between church and state," does not exist in the Constitution. It is only a metaphor taken from a Thomas Jefferson speech.

For nearly 200 years, until the Supreme Court's 1962 ruling in *Engel* v. *Vitale*, those participating in the American constitutional consensus understood the difference between establishing a federal church and saying a prayer. *Engel* undid that consensus; it banned prayers in public schools. Since then, many moves have been made to undo *Engel;* the latest is the current congressional effort to send the states—for ratification—a proposed constitutional amendment sanctioning school prayer.

Chief Justice Warren Burger's ruling yesterday in the Pawtucket creche case—echoing the Founders' language regarding the establishment clause—held that the local government's funding of a Nativity scene is not "government advocacy of a particular religious message." That ruling marks not only a happy turning away from what effectively has been, for too long, government repudiation of religion. It also marks a happy convergence with the school-prayer debate.

Perhaps, as the critics say, any prayer acceptable for public schools would be absent any religious meaning. Perhaps the public schools will be reduced to setting time aside for purely private, silent prayer—such as it may be. But the schools must not be retained as institutions where religion and prayer must not be allowed to enter.

When people stop believing in something, Chesterton said, they are likely to believe not only in nothing, but in *anything*. In this epoch, the public schools perform many of the functions formerly the province of the home and other institutions. Given that reality, are we to regard religion as being reserved only for sacred space? Are we to acquiesce in its denial as a tool in the place where most of our young spend most of their time—thereby practically guaranteeing that they will, in fact, believe either nothing or anything?

Is space used for driver education and sex education somehow inappropriate for prayer? Hardly. As Rabbi Seymour Siegel of New York's Jewish Theological Seminary of America has written: "Where else but in the places where the next generation is formed . . . should the fact that we are a nation 'under God' be concretely acknowledged?"

Indeed. And amen.

FIVE WISE MEN

Americans who believe the constitutional wall of church-state separation was never meant to obstruct free exercise of religion and observance of religious traditions are rejoicing in the 5-4 Supreme Court decision upholding Pawtucket's right to have a Nativity scene among its annual Christmas decorations. Among the rejoicers are Richmonders who have cherished the 50-year-old community pageant wherein the birth of Christ is re-enacted beneath the Carillon in Byrd Park.

This was, indeed, a decision by "five wise men"—or, more precisely, four wise men and one wise woman, Justice Sandra Day O'Connor. Also joining in the decision written by Chief Justice Warren Burger were Justices Lewis F. Powell Jr., Byron White and William Rehnquist.

The majority decision contained much common sense. The question, it seems to us, boiled down to just how persnickety the courts should be in reviewing official actions that seem to benefit or endorse religion. Noting that Pawtucket's use of a manager scene alongside such secular holiday trappings as Santa Claus and snowmen conferred only an "indirect, remote and incidental" benefit, the majority said that the display was no more "an advancement or endorsement of religion than the congressional and executive recognition of the origins of the holiday itself as 'Christ's mass,' or the exhibition of literally hundreds of religious paintings in governmentally supported museums.

"To forbid the use of this one passive symbol—the creche—at the very time people are taking note of the season with Christmas hymns and carols in public schools and other public places, and while the Congress and legislatures open sessions with prayers by paid chaplains would be a stilted over-reaction contrary to our history and to our holdings," the majority concluded.

On the day the high court was handing down a decision that seemed to presage a more lenient judicial attitude toward state-sanctioned display of religious symbols, the Senate began debate on a constitutional amendment that, in effect, would loosen the prohibitions that Supreme Court decisions of 1962 and 1963 placed on officially sanctioned prayer in public schools. The debate began, of course, with a prayer.

Thoughtful proponents of public school prayer perhaps will recognize that more potential exists for abuse of individual rights when the state promotes active prayer in a classroom than when it blesses a "passive" display like a Nativity scene. Depending on how it's led, prayer can be a creative exercise in contemplation of a Supreme Being, or it can be an exercise in indoctrination to the particular faith of the prayer leader. But that's not to suggest that freedom for the many to pray must be denied because of the possibility of occasional abuses or the objections of a few.

The amendment proposed by President Reagan would allow "individual or group prayer," but it would prohibit any state action that forced students to participate. A different version sponsored by Sen. Orin Hatch, R-Utah, would allow students to take part in individual or group "silent prayer or meditation," and it would permit student religious groups to conduct activities in school buildings. Majority Leader Howard Baker backs an amendment that would affirm the right "of persons lawfully assembled" in schools or other public buildings to pray voluntarily. Now, a compromise is in the legislative mill that combines the key features of all three proposals.

The debate over amending the Constitution is likely to be protracted because many opponents—by no means all of them atheists or agnostics, many of them in fact devout—sincerely fear that an amendment could unleash a wave of religious intolerance. Even if an amendment secures the required two-thirds majority in both houses of Congress, it must win approval by 38 state legislatures for ratification.

We hope a way can be found to permit simple, non-threatening, voluntary prayers in public schools of this "one nation, under God" (as the Pledge of Allegiance states it). But although it's "In God We trust," it's in the Supreme Court that Americans must rely (however reluctantly) under their tripartite system of government to say what the Constitution means. That court, by the way, has never flatly outlawed all prayer in public school; it has only said that school authorities cannot provide a time for vocal prayer. But lower courts and school officials have gone much further, even to the extent of denying access to schoolrooms to students who wished to pray together before classes began.

Therefore, the outcome of the Senate debate likely will be less important than the outcome of this November's election, because whoever serves as president the next four years almost certainly will have the opportunity to appoint several new members to the high court, which could remove some of the barriers to voluntary prayer. And remember that it was President Reagan's appointee, Justice O'Connor, who added the fifth vote to the "wise men" decision in Pawtucket.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Does the minority leader seek recognition?

Mr. BYRD. Mr. President, I yield time under my control today to Mr. WEICKER.

Mr. WEICKER. I thank the distinguished Senator from West Virginia.

Mr. President, I yield to the distinguished Senator from Washington.

Mr. GORTON. I thank the Senator from Connecticut.

Mr. President, we will soon be called upon to record our votes in favor of or in opposition to the President's proposed constitutional amendment on school prayer. That proposal will apparently be defeated.

I do not doubt the need for this body to move on to the many issues pending before us, but I regret that we will not have given our full consideration to the alternative ways to address such an important question. As a result, the vote is likely to be interpreted for something it is not. It is not a vote of the "godly" versus the "ungodly." It is not a vote by those who seek to "bring God back to the classroom" against those who would "continue His banishment." It is not a vote about the exercise by students of their first amendment right of free speech in the schoolroom. It is simply a vote on whether the particular combination of words before us deals adequately with the difficult and highly charged issue of the relationship between religion and Government in appropriate language for inclusion in the Constitution of the United States. The amendment is but one of the many ways in which current constitutional doctrine might be altered. It is far from the only way; it is not the best way.

THE PRESIDENT'S PROPOSAL

I will vote against the President's proposal. My reason for doing so is not that I am satisfied that there is no room for action on our part to place religious speech on an equal footing with other forms of speech. Some change is appropriate. Unfortunately, this proposal is both too broad and too narrow.

First, as written, the amendment would allow a State, a schoolboard, or a teacher, to mandate the form of prayer which would be said in the classroom. Although the amendment prohibits a school board from composing a prayer, nothing would prohibit it from establishing the Lord's prayer or a Buddhist prayer, a Hail Mary, for example, as the official prayer. That would be a result which is simply unacceptable. It is not the proper business of Government to organize religious worship. Government simply cannot organize, mandate, and lead prayer and yet be perceived to be tolerant of all forms of belief or disbelief.

Second, the amendment is too narrow to allow the free and pluralistic presentation of religious thought and speech in classrooms and public places by students and by other individuals acting in a private capacity. Mr. President, I continue to believe that the issue before us is significantly broader than the issue of school prayer. What we should be discussing is whether there has developed in this country a chilling effect on the exercise of individual rights of a free exercise of religion and free speech in our public institutions.

The distinguished Senator from Connecticut, Mr. WEICKER, has quite correctly stated the application of the establishment clause in this debate as follows, "There is no restriction on the individual. The restriction comes on Government. The school is Government." On that point, he and I are in total agreement. Our disagreement, is over at what point the individual's exercise of his or her right to free speech or to the free exercise of religion becomes an act of "the Government." I believe that the mere accommodation by the State of such speech on the same basis that Government accommodates other speech is insufficient to turn private action into governmental action. But the line between individual action and governmental action has not heretofore been well defined for the public officials who must follow it. The result is that, in many instances, the exercise of the right of free speech or of the free exercise of religion has

been curtailed as an establishment of religion even in cases in which the private nature of the speech should be evident to all.

Mr. President, the establishment clause was not designed to insulate us from the religious views of our neighbor if he or she cared to communicate those ideas to us. It was not intended to shield us from all religious speech in a public context. Thomas Jefferson, perhaps the most oft quoted person in this debate, was correct when he said, "It does me no injury for my neighbor to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg."

Mr. President, I listened with interest to the good Senator from Connecticut, Mr. WEICKER, several days ago when he spoke of the tolerance of competing ideas so developed in the youth of today as compared with that of our generation, when we were young. I would like to suggest to the Senator that much of that tolerance, particularly in the area of racial relations, came through the knowledge gained and fear dissipated because children of different races among our youth have been brought together in our public schools. It was the resulting communication of ideas that bred the tolerance of which he speaks. Knowledge breeds tolerance. Where we find intolerance, we need not look too far to find the ignorance from which it sprang. I, for one, am confident that if we treat a student's private ideas which touch on religion in the same manner as that student's ideas on foreign affairs, sports or the Presidential election, we will serve the ideals of knowledge and pluralism which are fundamental to a free society.

A BETTER COURSE OF ACTION

Mr. President, it was in response to the lack of governmental tolerance, indeed hostility, toward religious speech which I believe has developed in the last 20 years or so, as overly cautious State officials tried to stay on the secular side of the establishment clause, that I inserted into the RECORD early in the debate an alternative proposal. It reads as follows:

> The accommodation by the United States or by any State of the religious speech of any person not acting under color of Federal or State law, on the same basis as other lawful speech, shall not constitute an establishment of religion.

Mr. President, for me, at least, this proposal reflects what the state of the law in this area should be.

Some of my colleagues may be prepared to assert that the accommodation by a State of the private religious speech of any person, on the same basis as other lawful speech, is or ought to be an establishment of religion. I cannot accept that proposition, Mr. President. That the Founding Fathers intended religious speech be entitled to less deference from government than any other type of speech seems to me to be a proposition without historic foundation or present justification.

I suspect, Mr. President, that there are also some among us who would complain that the language I have proposed must be simply a restatement of existing law. I wish that it were, but I am convinced that it is not.

Mr. President, I would like to reiterate for the RECORD what the force and affect of my proposal would be.

The proposed amendment is written so as to clarify the application of the establishment clause to a private citizen's exercise of his or her right to free speech.

We start by recognizing that private religious speech is to be accommodated on the same basis as other lawful speech. This amendment, in so doing, would avoid the flaw of earlier proposals which could easily have been construed, and which in some cases were designed to elevate religious speech to a stature above and different from that of other lawful speech protected by the first amendment.

If religious speech is to be accommodated on the same basis as other forms of speech, it too would be subject to restrictions relating to content which is inconsistent with social peace and good; that is to say, no one should be allowed, under the guise of religious speech, to bring obscenity into the classroom. Nor should anyone be permitted to engage in an activity which, while using public property on the same basis as those whose speech is not religious in nature, might nevertheless be considered to be a danger to the public health and safety.

By including in this proposal the phrase "not acting under color of Federal or State law," the proposed amendment makes clear that no one who could be considered to represent the State, such as a teacher, could claim to be entitled to the accommodation by the State on the same basis as others.

There will be no teacher-led, voluntary or mandated prayer under this proposal; no posting of the Ten Commandments in the classroom; and issues relating to various forms of State and Federal aid to religious education would be decided on the same basis as they are decided at the present time.

Clearly permitted, pursuant to this constitutional amendment, would be the provision of a moment of silence for either prayer or any other kind of thinking activity on the part of students in public schools.

Similarly, if a school or other public institution had a policy of allowing the use of a facility by voluntary groups, no group could be precluded from using the facility merely because the speech of its members or its activity was religious in nature.

Where a public institution, such as a school, accepts donations of materials, those donations need not be refused solely because they are generated by a religious organization or are religious in nature. Thus, if a school accepts contributions to its library, it need not refuse the contribution of a Bible or other religious literature.

Christmas carols and Chanukah songs could be sung by schoolchildren without raising an issue so long as preference was not unduly given to one religion to the exclusion of others. Prayers said on a voluntary basis before football and basketball games would no longer be subject to question, and students would be permitted to discuss religion during their free periods, if they wished.

And finally, Mr. President, if a school chose to, it could allow for a period of religious speech, at some point in the school day, as long as nonreligious speech were also accommodated. I must add, Mr. President, that my own view of what constitutes religious speech is an expansive one. I would view any speech by a student during such a period that dealt with our place in the universe or any code of moral or ethical conduct as appropriate. And, of course, Mr. President, no one individual's speech could be preferred in time or opportunity over others.

This proposed amendment, Mr. President, is largely a permissive one. That is, it does not relieve State officials of the necessity of complying with the laws of the State or with the State constitutions as long as those laws and constitutions do not inhibit the constitutional guarantees for the free exercise of religion.

In my own State of Washington, for example, the State constitution is much more rigid in prohibiting religious exercise, observances, or the like, in public schools, or in prohibiting the use of any tax moneys that can help religious organizations directly or indirectly, than is the first amendment to the Constitution of the United States.

As a general proposition, nothing in this amendment—and I suspect nothing in any of the other amendments which have been discussed on the floor of the Senate—would undermine those State constitutional provisions. Each State, therefore, would be allowed to implement this amendment to the maximum extent permitted by the first amendment to the Constitution of the United States, but would not be required to do so unless, and this is an important "unless," unless or except to the extent that this change in scope or expanse of the establishment clause might be interpreted by courts of the United States in the future to expand the nature of the constitutional protections under the first amendment granted to the people

of the United States by the free exercise clause itself.

Mr. President, I am convinced that this truly will provide for neutrality on the part of the States between those who are religious and those who are not and among various religious ideas, that it is pluralistic, that it is in the finest American tradition, that it will speak to the deeply felt needs of literally tens of millions of citizens throughout this country; that it will in no way tend to the establishment of religion or to the detriment of minorities, each of whom will have exactly the same rights as the majority group in any community in the United States.

As I stated at the outset, Mr. President, we will soon be asked to cast a vote which we know will be misunderstood by those who believe that a no vote means that we do not appreciate the issue or that we are not committed to addressing it. That is simply not the case.

We have all learned from this debate, Mr. President, and I do not believe that there is one among us who has not come to appreciate more than ever, in the course of this debate, what a remarkable document the U.S. Constitution is.

Mr. WEICKER. Mr. President, I yield 5 minutes to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. HEINZ. Mr. President, we have now completed 2 weeks of this Chamber's debate on school prayer. These past 14 days have been well spent; this is an important concern, and the many issues involved well warrant the large expenditure of the time of this Chamber. This debate has been significant, and so have the many expressions of interest in the letters and phone calls which I have received from my constituents, on both sides of the issue. These have been equally useful and valuable.

But with so much time spent and so many issues and subissues raised during our deliberations, I think we need to step back from it all and return to the heart of the matter, to those few issues which will ultimately resolve this debate.

I submit, Mr. President, that there are two questions—only two—whose answers hold the key to this debate. My own personal answers to those questions, informed by the views of thousands of my constituents, dictate both my support of the school prayer amendment voted on last week and my position on the amendment before us today.

Before posing the two questions, I would like to point out what is not at issue in this debate, despite the assertions of many to the contrary. Whether or not prayer has a place in public schools is not at issue. I am certain that every Senator in this body agrees that prayer has a place. The question is how to structure that place or time so that the rights of individuals in our pluralistic society are respected.

Now for the two questions. First, should student-sponsored groups seeking to meet for prayer or religious study be given the same equal access to public school facilities as nonreligious groups? Although the Supreme Court answered yes to this question in Vidmar against Vincent (1981), it did so only for colleges and universities. For elementary and secondary schools, however, State and lower Federal courts are in total disarray and disagreement. Should student-sponsored groups be allowed to conduct these purely voluntary meetings in elementary or secondary schools? I think the answer must be a clear, resounding yes for schools of all levels.

Some of my colleagues would prefer a statutory approach, hoping that lower courts would take the hint or that eventually the Supreme Court might get around to the question. I favor the constitutional amendment approach, because we cannot afford either uncertainty or delay.

It is a tremendous affront to human sensibility that a school group of "Young Communists" would be constitutionally guaranteed access, while access for a student religious study group is not. Indeed, the provision of a constitutional guarantee of equal access is one of two reasons I voted against the motion to table the amendment offered by Senator DIXON. And I must point out that a serious deficiency of the amendment before us today is that it does not address the issue of equal access. This fact is probably not well understood by many of my constituents urging my support of Senate Joint Resolution 73.

I expect that it would come as a shock and a surprise to most of those favoring Senate Joint Resolution 73 to discover at some later date that, having worked hard to secure favorable congressional action and at length to secure the ratification of the necessary 38 States, that organized Bible reading was not only still prohibited in class, but that it would remain banned after school hours as well, even if all the parents, teachers, children, and school board members desired it unanimously.

Now let us turn to the second essential question: How can a school prayer amendment be formulated so that it does not violate the rights of individual students, no matter what their beliefs?

I voted in favor of the Dixon amendment providing for a moment of silence because it does not interfere with an individual's free choice in religious matters; it does not require either a specific type of prayer or a specific person to lead that prayer. Perhaps the reason that I have received, up until this year, so few letters on school prayer—less than one-half of 1 percent of my mail—over a period of 7 years while serving 11½ million Pennsylvanians, is because the moment of silence that is and has been practiced in the Commonwealth of Pennsylvania has been satisfactory and accommodating to the diverse beliefs—religious and secular—of the vast majority of public school students and their families.

Some of my colleagues have argued that, because a moment of silence has not been declared unconstitutional by the Supreme Court, a constitutional amendment is not appropriate at this time. I prefer to take a positive rather than a negative approach. With the State and lower Federal courts also in total disarray on this issue, as evidenced by a New Jersey Federal district court's recent invalidation of a moment of silence in the case of May against Cooperman (1983), I would like this Congress to state affirmatively what is permissible, rather than to rely on the vagaries of courts' schedules and jurisdiction to decide the matter. This is the second reason for my support of the Dixon amendment which would have guaranteed the right of silent prayer.

Senate Joint Resolution 73, of course, deals with the issue of vocal, group prayer. Regarding this amendment upon which we will soon vote, one of the key issues is whether there exists a formulation providing for vocal group prayer in public schools which respects the time-honored principles of freedom of worship and separation of church and State. This is clearly so significant an issue that a vast number of religious groups, including the American Baptist Churches in the U.S.A., American Jewish Committee, American Jewish Congress, Anti-Defamation League, Association of Evangelical Lutheran Churches, Baptist Joint Committee on Public Affairs, B'nai B'rith Women, Church of the Brethren, Episcopal Church, Friends Committee on National Legislation, Lutheran Church in America, Lutheran Council in the USA, National Council of Churches of Christ, National Council of Jewish Women, Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Seventh-day Adventists, Union of American Hebrew Congregations, Unitarian Universalist Association of Churches in Northern America, United Church of Christ, and United Methodist Church, have urged the defeat of Senate Joint Resolution 73.

What we have gone through these past 2 weeks is proof of the difficulty, if not impossibility, of permitting group, vocal prayer without transgressing our strong tradition of reli-

gious tolerance and freedom. We have examined innumerable drafts, sometimes at the rate of one per day. Indeed we have already adopted an amendment to Senate Joint Resolution 73. The Senate agreed unanimously to that amendment because each of us agrees with the purpose of that amendment, which states that "neither the United States nor any State shall compose the words of any prayer to be said in public schools." However, the perplexing result of this modification is that prayer must now be initiated and led not by school teachers or administrators, but by young people instead. That is right, the result is that we would now be compelling individual children, from some as young as age 5 and up, to lead their class in prayer, a prayer possibly suggested by another child's parent or one made up by someone else's child.

Mr. President, there is one additional consideration in answering the question I posed a minute ago, and that is how vocal, group prayer will affect those who do not wish to pray or who find some other child's prayer improper or at variance with their beliefs. It seems difficult to dispute the argument that the kind of vocal group prayer sanctioned by the now reworded amendment before us leaves open the strong possibility of stigmatizing school children because of their religious beliefs. Rather than posing the usual hypotheticals about the Catholic child in the predominantly Morman public school or the fundamentalist Christian child in a Jewish neighborhood, I would like simply to read a very short but moving letter from a constituent. The letter is, I think, the most eloquent and vivid example of how group vocal prayer in a school for young children can have a devastating capacity to ostracize in certain circumstances. The following letter was sent to President Reagan at the White House less than 2 weeks ago:

DEAR PRESIDENT REAGAN: I am Justin Ross. I am 8 years old and I live in Pittsburgh. I am Jewish. We lived in Canada because my Dad had a job there but we are American. I went to school in Canada. In my school we had to say a prayer. Some of the Children stood in the hall instead of saying the prayer. Everybody thought they were bad. One boy told me that I was going to Hell. Please don't make people hate me because I am Jewish. I do not hate you because you are not Jewish. It made me feel terrible to say the prayer.

JUSTIN ROSS.

Mr. President, I think the authors and supporters of this amendment have the best of intentions. However we are admonished to weigh not intentions but results, and I foresee adverse consequences and results. Accordingly, to protect Justin Ross, all Pennsylvanians, and all American children from such unintended yet nonetheless adverse results, to defend our children's rightful heritage of freedom, including the freedom of worship by each American in his or her own way, and to avoid imposing on young school-children the difficult if not impossible responsibility of composing and leading other parents' children in prayer that neither offends nor is inconsistent with another's beliefs, I am forced, Mr. President, to oppose this amendment.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

Mr. WEICKER addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I yield 5 minutes to the distinguished Senator from Maine.

The VICE PRESIDENT. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, for 2 weeks the Senate has been discussing prayer in public schools, and for 2 weeks my office here in Washington and my offices in Maine have been inundated with phone calls and letters from hundreds of my constituents expressing their position on this issue.

Many deeply religious men and women have urged me to support the proposed constitutional amendment and many others with equally strong religious beliefs have asked me to oppose Senate Joint Resolution 73 and any other amendment to the Constitution which would permit Government-sponsored prayer in our public schools.

As Senator DANFORTH in his very thoughtful and eloquent statement has already pointed out, this is not a debate between the godly verus the ungodly. It is not a debate between those who believe in and value prayer versus those who do not, nor is it between those who believe children should receive religious instruction and be encouraged to pray versus those who do not. Indeed, people who are diametrically opposed on this issue hold their views for different but equally strong religious reasons.

Two weeks ago, Members of the Senate received a letter expressing vigorous opposition to proposed constitutional amendments and urging that the pending school prayer amendments should be rejected by Congress as an unnecessary intrusion into the delicate balance which must be maintained between church and state in America. The letter was signed by representatives of the following organizations: American Baptist Churches in the U.S.A., American Jewish Committee, American Jewish Congress, Anti-Defamation League, Baptist Joint Committee on Public Affairs, Association of Evangelical Lutheran Churches, B'nai B'rith Women, Church of the Brethren, the Episcopal Church, Lutheran Churches of America, National Council of Churches of Christ in the U.S.A., Presbyterian Church (U.S.A.), Progressive National Baptist Convention, Inc., Friends Committee on National Legislation, Lutheran Council in the U.S.A., National Council of Jewish Women, General Conference of Seventh-day Adventists, Union of Hebrew Congregations, United Church of Christ, United Methodist Church, and Unitarian Universalist Association of Churches in North America.

The current debate is not about whether we should or should not allow prayer in public schools. Purely private prayer is and has always been permitted. No court has tried to take away that right, and no new constitutional amendment is needed to protect that right. The crux of the debate which the Senate and the country have been engaged in, for not just the past 2 weeks but for many years, involves the question of whether public school officials should be allowed to become directly involved in sponsoring, structuring, and overseeing religious exercises in the public school classroom.

Religious belief and practice inherently involve the most personal and private choices of every individual. I do not believe that Government involvement in these matters, either in prohibition or furthermore of religious exercise, is appropriate. It is for this reason, in part, that I intend to vote against Senate Joint Resolution 73.

I know that many of my constituents will be deeply disappointed and some will be angered by my position. It is to these individuals that this statement is primarily directed, for I understand and respect the depth of their feelings on this matter, and it is my hope that they will be able to understand and respect mine.

There is, I believe, a considerable amount of misunderstanding and misinformation surrounding the Supreme Court's decisions involving school prayer. No Supreme Court decision, nor any lower court decision, has ruled against the right of an individual to pray in public schools. The Court has held that prayer composed by Government officials and as part of a Government-sponsored program to further religious beliefs is in violation of the establishment clause of the first amendment.

No court has attempted, nor would it be able, to take prayer and religion out of the public schools. The courts have simply mandated that the Government shall not be in the business of sponsoring and conducting religious exercises for schoolchildren. In other words, the Government cannot constitutionally direct or sponsor the time, content, or manner of student prayer.

However, any student can now engage in voluntary prayer, silent or vocal, so long as that prayer is not coercive to others and does not disrupt educational activities. Purely private,

voluntary prayer is and has always been permitted.

The nurturing of religious beliefs and practices in a child is the right and responsibility of parents and the place of worship that parents choose to have their child attend. I have heard from many parents who vehemently object to relinquishing any portion of their control over their child's religious training to public school officials or teachers who, under the proposed constitutional amendment, would be permitted to initiate and conduct religious exercises in the classroom. Today, parents know that their children's teachers do not have the authority to ask pupils to engage in prayer or other types of religious exercises. Under the proposed amendment, parents would no longer be secure in the knowledge that their children would not be asked to participate in religious exercises that might be objectionable or contrary to the children's and the parents' faith.

Some proponents of the amendment question why anyone would object to a simple prayer and argue that the amendment would prohibit Government officials from composing an official prayer to be recited in the public schools. The amendment's prohibition on Government-composed prayer does not lessen the Government's involvement in sponsoring and conducting prayer, nor does it prohibit a teacher, a school board, or other government body from choosing a prayer written by individuals outside the Government to be used in a particular classroom, or school, or school district.

Prayer, by its nature, is tied to the beliefs of each denomination, and the content and manner of prayer is a fundamental part and reflection of an individual's faith. Given the diversity of religious belief in this country, no single prayer could be devised that would be acceptable to all religious groups. In addition, religious practices differ widely and not all religions believe in group prayer or in public expressions of religion. How then do we devise a prayer, in both content and form, that would truly reflect everyone's beliefs and that would not be offensive to any individual faith? I believe such a task is impossible.

Even if some form of nondenominational, general purpose prayer could be devised that was not offensive for what it specifically said, it would be highly objectionable to many deeply religious people for what it did not include. The omission of certain words, phrases, or language reflecting the fundamental tenets of an individual's faith would trivialize prayer.

Supporters of the proposed amendment respond to many of the concerns which have been raised regarding Government-sponsored prayer with the argument that participation in such prayer would under the proposed amendment, be strictly voluntary. Some also cite what they believe to be an inconsistency in allowing the House and Senate to begin their sessions each day with a prayer and not allowing the same right to our public school children.

The important distinguishing factor is that, unlike children in the public schools, individuals serving in Congress are here voluntarily, and we have the option of not being present on the floor when the morning prayer is offered. Members of Congress are also, in theory, mature adults who feel no overwhelming pressure to conform to what may be the standards of the majority of their colleagues.

Perhaps as adults, with childhood far behind us, many of us have forgotten what it is like to be children who typically have a tremendous need to be liked and accepted by their peers. Given the power of peer pressure among children, there is no way to assure that participation in organized group prayer could ever be truly voluntary. I do not believe that children, particularly very young children, should be placed in the difficult and awkward position of having to choose between adhering to their religious beliefs or compromising those beliefs in order to conform to a practice that may be acceptable to a majority of their classmates.

As I said before, many thoughtful and deeply religious people have come to opposite conclusions on the merits of the pending amendment. Many individuals strenuously argue that passage of the amendment is necessary to protect religious freedom, while others just as firmly believe that adoption of the amendment would do irreparable damage to religious liberty by involving the Government in promoting religious exercise, perhaps to the extent of favoring one religion over another.

During the years I have served in Congress, I believe this is one of the issues that has evoked the strongest emotions and has most deeply divided the citizens of this country. Yet, because of this Nation's commitment to the principles of religious freedom and tolerance, we have in large part avoided the violence and strife that has accompanied religious diversity in many countries around the world.

We must not forget, however, that while we have made important strides in fighting against religious discrimination in recent decades, our Nation's history is replete with examples of religious intolerance. An example from my own State is cited in the Judiciary Committee's report on Senate Joint Resolution 73:

> In 1854, when a Jesuit priest in Maine advised his parishioners to defy a school committee regulation requiring all children to read from the King James Bible, a mob broke into his house, dragged him out, tore off his clothing, tarred and feathered him, and after two hours of cruel treatment, finally released him.

In a letter I received a few days ago, one of my constituents who is now a minister wrote that he remembered when his father ran for the school board in the 1920's and the question was raised as to what his father would do about a particular teacher if he were elected. My constituent wrote:

> That the teacher was a Roman Catholic, and the fear was expressed that she might read from the Catholic version of the Bible in her morning devotions rather than from the King James which was supposed to be used and so undermine the faith of all the Protestant youngsters in her charge.

My constituent's father responded that he believed her to be a fine teacher, two of his children having been in her class. My constituent concluded his letter by saying that his father "was overwhelmingly defeated. The religion of a teacher is not irrelevant when she or he is charged with supervising any kind of devotions. When religion gets mixed up in public education, the system as well as minorities of the student body suffer."

Senate Joint Resolution 73 would reverse the Supreme Court's decisions requiring Government neutrality toward religious exercises in the public schools. It would leave the decision on how, when, and where to conduct prayer and the selection of the content of permissible prayer to each public institution. These questions would be the subject of heated debate in every school district, town, and city across the country. Attempts to resolve these questions would, I fear, inevitably generate social and religious conflict—conflicts which we have for many years avoided because of the prohibition of government sponsorship of religion.

Regardless of the outcome of the Senate's vote on Senate Joint Resolution 73, a large segment of the American population will be upset. Some religious people, acting on deeply felt beliefs, favor a constitutional amendment to allow Government sanctioned group prayer in public schools. Other Americans, equally devout and equally concerned about religious freedom, oppose amending the Constitution.

There is, regrettably, no way to resolve this conflict to the satisfaction of both sides of this issue. However, the adoption of the proposed amendment would, I believe, result in even greater conflict. In my view, the widest approach is to retain the Constitution as it is, to continue to protect the right of every individual to engage in personal prayer, and to avoid the entanglement of Government in religious affairs by maintaining the prohibition of government sanctioned school prayer.

I respect the religious commitment of those individuals who endorse this

legislation, and I know that there is probably nothing that I can say to sway the views of those who strongly disagree with me. I only ask that they try to understand why I and thousands of deeply religious Americans believe that this amendment is unnecessary and unwise, and that they respect the fact that we do so not in any attempt to restrict religious freedom but rather because of a strong conviction that in opposing this amendment we are protecting the religious liberty of all Americans.

Mr. HATCH. Mr. President, I yield 3 minutes to the distinguished Senator from Mississippi.

The VICE PRESIDENT. The Senator from Mississippi is recognized.

Mr. STENNIS. I thank the Senator for yielding time.

Mr. President, I asked for time to make these very brief remarks. I was so shocked and concerned when this decision of the Court came out in 1962 that I happened to be the first one, 2 or 3 days later, to introduce a proposed amendment to the Constitution of the United States which would invalidate that decision.

With great deference to that court, I cannot see how they took the language in the Constitution on the general subject and brought that around to mean that mere prayer in a public school was passing a law, establishing a law, that tended to establish a religion. I never have been able to see where they had grounds for that conclusion, but they had it, in their view, and that is the controlling law today, and I would not want to try to change it, except by lawful means.

The first amendment to the Constitution provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The proposed amendment does not require anyone to do anything to which they object. It is merely carrying out the expression here that says it is lawful to do these things that pertain to a prayer or whatever the people think is a proper prayer of the group involved at that time.

Recent decisions by the Supreme Court indicate that the Court may be moving away from its 1962 decision on school prayer.

Earlier this month, the Supreme Court upheld the Christmas display of a nativity scene erected by the city of Pawtucket, R.I. According to the Court, the Constitution does not require an absolute and complete separation of church and state but rather the Constitution mandates accommodation of all religion and forbids state hostility toward any religion. The Court noted the role of religion in American life.

The Court took a very practical middle-ground approach and noted that its interpretation of the first amendment comports with the general understanding of the framers' intent. It thought it important that neither the draftsmen of the Constitution, who were Members of the first Congress, nor the first Congress itself, saw any constitutional problem in employing chaplains who offer daily prayers in the Congress. I have not heard any complaint in these 20 years about the Chaplain.

Rather than mechanically invalidating all governmental conduct that results in recognition of religion, the Court stressed that the real question is whether that conduct has the effect of formally establishing religion.

This general philosophy appears to be a modification of the more absolutist approach that the Court took back in 1962. The proposed constitutional amendment on school prayer merely expresses directly the general view that the Court now seems to be inclined to adopt.

Mr. President, I think the Court, itself, has already started us on a very definite trend, a road, that appears to be a modification of this more absolutist approach that the Court took 20 years ago, in 1962.

This amendment on school prayer merely expresses directly the general view that the Court now seems to be inclined to adopt and insures that the Government is not hostile to religion but is willing to accommodate all varieties of religion. I base my primary conclusion on that ground.

I thank the Senator very much for yielding to me.

Mr. HATCH. Mr. President, I yield to the Senator from Delaware.

Mr. ROTH. Mr. President, I rise to state, in as strong language as I can muster, my deep support for a constitutional amendment on school prayer.

Ever since I came to Congress, I have fought for a school prayer amendment to overturn one of the worst decisions of the Supreme Court in our Nation's history. I do not think it is coincidental that the decline in the moral climate in this Nation and the breakdown of the family unit has come at a time when God was banned from our country's schools.

I do not expect that the passage of this legislation, and its hopeful ratification by the States, will in one fell swoop reverse the trends that we see in modern day America. But I do know one thing. Allowing the voluntary expression of religious thought by these students cannot hurt.

In my view, voluntary public prayer is an affirmation of individual rights under the free exercise of religion clause of our Constitution. Our Nation guarantees freedom of religion not freedom from religion. Unfortunately, the Supreme Court has not seen it that way. Thus, the need for action by the Congress.

During the debate on this issue, a number of proposals for amendments have been floated by various Senators. Let me say, for the record, that my preference in language is the measure proposed by the President, which would have allowed vocal prayer by groups or individuals on a voluntary basis in public schools. There are other versions which I could support as well.

But it is regrettable to me that the Senate's attention throughout the last 2 weeks has been more on the procedures surrounding this issue than on the issue itself. Something is wrong in our country when a child cannot utter a prayer to God before beginning the school day. Education is more than just algebra, and English, and physical education. It is the making of character and the molding of an individual. Without voluntary school prayer, that molding process is incomplete. Spiritual guidance provides the framework for the building of that complete person.

The Senate should act now to remove the roadblocks to a return of prayer in public schools.

Mr. HATCH. Mr. President, I yield 2 minutes to the distinguished Senator from Montana.

Mr. MELCHER. Mr. President, my great respect for both prayer and the Constitution has not been shaken by more than 20 years of court decisions that have ruled what forms of prayer cannot be allowed in public schools.

None of us can argue that the Constitution prohibits an individual citizen's right to pray in school. The argument against school prayer brought before the courts, and on which they have ruled, is that the form of collective prayer unites church and state.

No schoolchild can be told what, when, or how to pray. That is form, and historically religions and nations have split both hairs and heads in arguing religious forms.

The Constitution prevents establishing any religion by Government and prevents establishing preference for a religious form.

It does not follow that, therefore, the Constitution prohibits children from any and all right to prayer in school. Their individual right for freedom of thought and speech is protected by the Constitution.

Because the Federal courts have consistently ruled on what could not be done in schools, such as involuntary or prescribed prayer, we have under consideration in the Senate a resolution stating what we believe the Constitution does permit.

That should not be necessary, but even a moment of silent meditation is found by the Federal judiciary to be unconstitutional.

The broad body of court decisions on school prayer, taken as a whole, dis-

courage any method or manner of prayer in school. If the Constitution can be so construed as to be an absolute prohibition, that would deny individual right of citizens so clearly preserved and protected by our most basic document of individual freedoms.

I mean no disrespect nor insensitivity to any child, parent, or teacher when I state the following:

I believe the Constitution permits voluntary prayer as an inherent right not to be denied to any individual, and that neither the substance nor form can be prescribed, nor can participation be mandated.

This resolution, Senate Joint Resolution 73, states these principles, and I believe they are already part and parcel of the Constitution. Although adhering to those principles without excesses or infringing on personal religious, agnostic, or atheistic beliefs may be difficult in school practice, I do not believe the Constitution can or should prohibit voluntary prayer in which participation is not required and which is not prescribed by government, school, or teacher. Such prayer may not be fervent, but the Constitution does not prohibit it.

I shall not belabor the need for sensitive and sensible use of a privilege and right that I believe our Constitution guarantees.

I humbly respect the opinion of those who hold differing views, but for my part I support the resolution and will vote for it.

The VICE PRESIDENT. Who yields time?

Mr. WEICKER. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 17 minutes remaining.

Mr. WEICKER. I yield myself 10 minutes.

Mr. President, just as Robert Jackson, in dissent in church-state cases, said:

> My evangelistic brethren confuse an objection to compulsion with an objection to religion. It is possible to hold a faith with enough confidence to believe that what should be rendered to God does not need to be decided and collected by Caesar.

Today we come to the end of this debate. The constitutional amendment before us will be put to a vote, and the Senate, I expect, will move on to other matters. Lest we lose our perspective, we need to remember that these past 2 weeks comprise but a short chapter in the historic struggle over how, when, and where man should worship his God.

Thousands of years ago, the debate centered on whether the object of devotion should be the Sun or Moon, animals or ancestors. Religion has evolved considerably over that time, as has politics. The intervening centuries have shown us that no greater mischief can be created than to combine the power of religion with the power of government. Theocracy, the union of the two, has given rise to tyrants and inquisitions.

It was what drove many of our ancestors to these shores. Theocracy is what compelled men like Madison and Jefferson to make religious liberty the very first item of business in our Bill of Rights.

If I had to pick one sentence from the vast wisdom bestowed on us by James Madison it would be as follows: "True religion does not need the support of law." And from his colleague Thomas Jefferson, the other coauthor of the amendment: "It is error alone which needs the support of Government. Truth can stand by itself."

The first amendment of the Constitution of the United States is our birthright as Americans, as are the other promises enshrined in that document. Yet succeeding generations have always appeared anxious to give up that inheritance for some momentary exercise in philosophical gratification.

I am reminded of the story in the Old Testament Book of Genesis, relating to the brothers Jacob and Esau, as follows: One day, Esau comes in famished from the hunt and asks Jacob for some of the pottage of lentils he is eating. Jacob says to him, "First sell me your birthright." And Esau's reply is, "I am about to die; of what use is a birthright to me?" So, for the sake of a simple meal, Esau sells his birthright to his brother.

Now, that surely has to be one of the greatest examples of shortsightedness in the history of the world—a bowl of lentils for a birthright. However, I fear that the proponents of this amendment would have us do the same—forfeit our birthright of religious liberty for a mess of speculative, political pottage.

But, believe me, unlike the bill of rights, this is not something that is going to stick to your ribs. It is not something that will make us strong and keep us that way. It is a measure that would do as much harm to the cause of true religion as to our democratic government.

I ask my friends on the opposite side of this issue: If their goal is moving the American people closer to God, why make Government the go-between? Recall with me the Old Testament story of the Tower of Babel. There you had civil leaders commissioning a public works project to bring people closer to God. The result? It was a colossal failure.

So neither should we expect to bring our children closer to God by making prayer a formula blared over the public address system of their schools. God is not to be found only in the principal's office or at the front of the classroom with the teacher. He is, according to the dictates of my faith, everywhere, but especially in the heart of each and every man, woman, and child who asks him in.

Indeed I know of no faith which does not place its manifestation in terms of what it is its followers do on the face of this Earth. I ask you, is there not enough to keep an active, in my case, Christian busy in this Nation, in this world at this time? Have we not all seen enough pictures of starving people or those that do not have a roof over their head or those who are jobless or those who are ill and hurting and have no relief from those hurts to do something for them in secular terms? That is the job of this body. It is the job of all of us as Americans. Our job is not just to sit here with hands clasped, but rather by virtue of the freedoms that are given to us as Americans, our job is to manifest daily that which we profess to believe in.

And the issue before us today is precisely this: Is prayer to remain a personal act of devotion, a one-on-one relationship between an individual or his or her God, or is it to be an official function of the State? And putting school in front of the word "prayer" does not make it any less Government prayer. Indeed, the two are interchangeable. School is an arm of Government, as much as the Internal Revenue Service or the Treasury Department or the Justice Department or the Senate of the United States. We are arms of the Government. And yet, I dare say not one American would vote in favor of Government prayer. But that is the very issue we will vote on today in the U.S. Senate.

There is an old Spanish proverb which says "An ounce of mother is worth a pound of clergy." And I would add that both are worth a ton of politicians where prayer is concerned.

These days we talk a lot about strengthening families. But we will not do that by imposing some doctrine from without, particularly if that doctrine is alien to the families' own beliefs and traditions.

I hear much about traditional values. I do not want the tradition of the hurt that has been caused by religion, not just in terms of losing one's life—we seem to understand that—but the hurt of prejudice that was imposed upon my classmates in my generation—my classmates. That is a tradition we do well without. Today our children, the children of Members of this body, those in the gallery, those on the streets, are much more removed from religious prejudice than any of us were. That is the genius of the United States of America, as indeed our children are much more removed from the prejudice of race than we were.

The VICE PRESIDENT. The Senator's 10 minutes have expired.

Mr. WEICKER. I yield myself 3 more minutes.

The VICE PRESIDENT. The Senator is recognized.

Mr. WEICKER. No, I want their values, the values of today, as we indeed strive for the ideals set forth in that Constitution, and where one day in this Nation we truly will be without prejudice in any form and where truly all men are equal—not just the promise of it, but the actuality of it.

My tradition teaches that, as J. B. Phillips puts it in his translation of the New Testament, "The new life is not a matter of outward show."

Mr. President, 2,000 years ago, there was no such religion as Christianity. It did not exist. We are only a speck of time insofar as this Nation is concerned. But if we hold true to our principles, then even if it is only one person espousing a particular faith, then there will be no cross for that person to bear in the United States of America. Rather he or she will come here, as this country remains a beacon to the rest of the world, and have the opportunity to say to the rest of the world what it is that lies in that individual's heart and mind.

What signal do we on the floor of the U.S. Senate send if we move backward, if all of a sudden we become a symbol of a little less tolerance, a little less freedom? The issue really is not prayer in schools for our children. They have that right today. No court case, no law, nor Supreme Court ruling prevents any individual child or any adult in this Nation from praying wherever or whenever they wish. So freedom to pray is not really the issue.

However, I think the issue is that we, our generation, those that are going to vote this afternoon are trying to absolve our shortcomings by imposing our ideals on a young and a pure generation and one that, like us, will make the American ideal come closer to reality.

The VICE PRESIDENT. The Senator's time has expired.

Mr. WEICKER. I yield myself 1 more minute.

The VICE PRESIDENT. The Senator is recognized.

Mr. WEICKER. One last comment. I have heard this is going to be a political issue. Let us not have it that way. I want to commend my friend, Senator ORRIN HATCH, and all those who are on the other side of the issue. The debate has been conducted in the highest tradition of this body, as it should have been. It is not a political issue. Article VI of the U.S. Constitution, which has not been mentioned, says very specifically that religion shall not be a test for the holding of public office. And it did not mean that as far as an oath was concerned. It means in terms of spirit.

Justice Story said:

> This clause is not introduced merely for the purpose of satisfying the scruples of many respectable persons, who feel an invincible repugnance to any religious test or affirmation. It has a higher object—to cut off forever pretense of any alliance between church and state in the National Government.

That was written in 1830.

The VICE PRESIDENT. The Senator is recognized for an additional minute.

Mr. WEICKER. So, for those that would bring it into politics, they demean our political system, our Constitution, and our ideals. Let us judge ourselves on many issues, but even as among ourselves and as a member of a political system, let us respect each other for our faiths and not engage in any verbal religious civil war, because like the measure that is being called for here today, to put it in Madison's words, that would be, "The first step on a career of intolerance."

I yield the floor. Nine minutes are remaining.

FAILURE OF FAITH: CROSSES IN POLAND, PRAYER IN AMERICA

Mr. HELMS. Mr. President, during approximately the same time the Senate has been debating restoration of group prayer to American classrooms, a controversy is raging in Poland over the removal of crosses from classrooms there. It takes no unusual insight, Mr. President, to see the parallels between the banning of school prayer by our Supreme Court two decades ago and the recent action by Communist authorities in Poland. In both instances, the same secular mentality is at work.

In the United States prior to the early 1960's, the individual States enjoyed complete freedom over whether to have prayer in schools. Many, if not most, allowed it, and school prayer took root as a basic American tradition. It came, not from government directive, but from people with the freedom to control their schools.

A similar tradition has been practices in Poland for decades in the placing of crosses in classrooms. Like our custom of voluntary school prayer, the presence of crosses in Polish classrooms is an important symbol of religious commitment. It, too, comes directly from the admirable peity of the people, not from any government order.

But now, Mr. President, these venerable traditions of religious expression in both Poland and America have come under the heavy heel of civil powers who are so lacking in moral vision that they see no place in public life for religion. It is no mere coincidence that the arguments used in both countries are the same. The Polish leader, Gen. Wojciech Jaruzelski, referred on March 16 to "misunderstandings and frictions, expecially in the context of the principle of separation of church from state, which is constitutionally sanctioned in all the modern states in the world."—New York Times, page A3, March 17, 1984. We here in the Senate have heard incessantly about an alleged "wall of separation" between church and state embodied in the first amendment and applicable to the States. There is something eerie, Mr. President, about this echo we are hearing around the world, in the Communist bloc and in the West, that religion in public places supposedly violates some immutable principle of separation of church and state.

Why, Mr. President, do Supreme Court justices and Communist tyrants alike become completely intolerant of certain customary religious practices? What is it that strikes such fear in their hearts that they must stamp out particular public recognitions of God? How can contemporary American jurists, who constantly assert that their rulings are based on a strict rationality, and ruling Communist authorities, who claim superior knowledge by virtue of a rigorous rationality, give us such utterly irrational governance?

The answers to these questions, Mr. President, are not easy to discover, involving as they do age-old and recurrent human mysteries. But this Senator suggests that some answers at least can be found in a failure of faith on the part of the respective ruling elites.

What I mean by this, Mr. President, is that many modern would-be Caesars, on both sides of the Iron curtain, do not leave room in their view of the world for God. They try to comprehend all of human experience within their own rational powers and then govern accordingly. They fail to believe not just in the God Christians know but also in the possibility of a superintending divine providence or uncaused cause whose action has significance for human beings. They experience a failure of the most elementary faith—a faith common even to pagans of all ages.

Because of this failure of faith by modern rulers, public recognition of God becomes a mortal threat to their world view which cannot be tolerated. Such recognition is thus either banned altogether or confined to exclusively private realms. The ironic result of all this is that these new rational men govern their fellows in a way more irrational and more lacking in commonsense than anything ever conceived of by the least educated believer. Cut off from the ultimate source of all reason by an unshakable faith in human reason, these modern rationalist rulers have rendered themselves incapable of administering elementary justice.

Mr. President, in Poland, Rev. Stanislaw Binko said several days ago, "There is no Poland without a cross."—New York Times, page A1, March 9, 1984. In the United States I submit that there is no America with-

out the freedom of our children to pray.

Mr. MITCHELL. Mr. President, the Senate must now choose between two sharply different views of the first amendment to the Constitution.

We can vote for the President's prayer amendment. Or we can leave the Constitution alone.

I support voluntary prayer. I oppose mandatory prayer dictated and controlled by the Government. Therefore, I will vote against the President's prayer amendment.

For two centuries, this Nation has avoided religious strife between groups seeking to use the machinery of Government to advance their particular points of view.

In the Thirteen Colonies, sectarian strife was widespread, as each of them sought to establish an official religious practice and to impose disabilities on nonconformists. Only the colony of Rhode Island, which was established by a man expelled for religious nonconformity from Massachusetts, permitted the practice and tolerance of all religious beliefs. Rhode Island achieved that freedom of conscience and religious practice by separating Government and religion.

The creators of our Constitution, having seen widespread sectarian strife first hand, incorporated that same separation and protection into our Constitution, where it has remained for 200 years.

The Supreme Court's 1962 decision on prayer has been greatly distorted. It is important to understand exactly what the Court did, as well as what it did not do.

The Court said that the Board of Regents of New York State could not require children in public, tax-supported schools to recite a prayer written and approved by that board. The Court said that it is no business of any Government body to decide what the purpose of anyone's prayer should be, or on whose behalf they should pray, or how.

So what the Court banned was the required recitation by students of a government-composed prayer. That decision did not ban religion or expell God from the schools, as the President is so fond of putting it. The decision, rather, was aimed at protecting the rights of all students to be free in their consciences as what prayers they say and for what purposes. The Court decision states:

> It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves and to those the people choose to look to for religious guidance.

The opponents of the Court's ruling say that it prevents students from praying. But it does not. It merely prevents teachers from requiring that students recite certain prescribed prayers. It prevents mandatory prayer.

Although the President claims that his proposal provides for voluntary prayer, it does not. The President's proposal contains nothing to guarantee that prayer will be voluntary. It says that the Constitution cannot be read to prohibit individual or group prayer in public schools or other public institutions, and that the Government may not require anyone to participate in prayer. The Senate added a provision to prevent the Government at any level from actually composing a prayer.

What does this amendment mean? First, it is not limited to voluntary prayer. The word voluntary does not appear in the amendment. Its supporters have explained why. They say that if the amendment contained the word voluntary, it could be understood to mean only prayer initiated by students voluntarily, which is not enough for them. So the amendment's supporters want to give Government officials the right to demand prayer. That fact is spelled out in the President's own message, which says of voluntary, student-initiated prayer:

> The amendment is intended to include more than this. Public authorities should have the right to conduct public prayers.

The President says that 80 percent of Americans want prayer and that his amendment meets that need.

But 80 percent of Americans want voluntary prayer. They do not support Government-imposed prayer any more than they support Government-written prayer.

The supporters of this amendment claim that their language provides for a local option. But it does not. It eliminates the entire essence of voluntarism by permitting government authorities at the State level to require prayers in the public schools, whether local districts want it or not.

That is not a minor consideration. The Maine State Board of Education last week, in a unanimous statement, spelled out its opposition to the President's proposal:

> The Maine State Board of Education believes in the separation of church and state as a vital principle of our democracy and opposes any Federal Constitutional Amendment to impose prayer in schools. The Board is concerned about the broad implications of this amendment, and believes it is not a Federal function and further believes that the principle of local control option in Maine which allows for a moment of silence is sound and reasonable.

I repeat that I support voluntary prayer. Nothing now prohibits voluntary prayer in our schools or in any other public building. What is prohibited is the establishment of mandatory, forced, required religious exercise.

In the State of Maine, a period of silence may now be observed in public classrooms. Several school districts follow this practice; others have chosen not to do so. That is a choice which properly belongs at the local level, and it is a practice which extends the same respect to both believers and nonbelievers: No one is obliged to take part in or excuse themselves from religious observances that they do not share; and no one is prevented from using the period for as heartfelt a prayer as they want.

By contrast, the President's prayer amendment would allow local school boards or school districts, State-level boards of education or legislatures—perhaps even the Congress—to require each and every classroom to engage in some form of religious activity. Moreover, it would allow local authorities to prescribe precisely what that religious activity will consist of.

The amendment allows the actual words of prayer to be chosen by school authorities or State legislatures. It would not permit teachers to write prayers. but the distinction between writing a prayer and choosing an existing prayer is a minor one, especially if the prayer chosen offends the religious faith of some who are required to listen.

The amendment claims that no person shall be required to participate. But it does not spell out what form of nonparticipation is to be put into effect. Will teachers simply allow students to be silent? Will they be allowed to leave the room? Will they be forced to leave the room? Will they have to bring a note from their parents? If students are allowed not to participate on their own account, what kind of excuse will they have to offer? Will they have to describe their own faith and why it is inconsistent with the selected prayer?

Do American parents want this kind of exchange to be introduced into the classrooms of their children?

No school can maintain discipline and still let students on their own volition absent themselves from a required portion of school activities. But if the chosen prayer of the day is to be rotational, given by different students each day, then no parent will ever know in advance just what religious activity will be forthcoming on a particular day. So the rights of parents to guide the religious education of their children will be violated.

Some parents may not mind their children being exposed to the religious practices of faiths they do not hold. But many parents have serious objections to that prospect—and they have a right to object.

Although the amendment claims that no one will be forced to participate, it is not clear what the practical effect of such a provision is. When a child can be asked to sit silently through a religious exercise that is either meaningless or actually offen-

sive to him, is he forced to participate? Is his religious liberty curtailed?

The President's proposal also does not prevent any outside group from seeking to come into the school system and asserting a right to have their particular views presented to the students as a part of the free exercise of religion. It would open the door for members of particular sects to seek election to school boards so that they have had a direct voice in controlling the kind of religious activity that is to be the favored one.

Sectarian differences should not be injected into our local school board elections—but they would be if this amendment became part of the Constitution. Nor should we move, even indirectly, toward creating a religious test for public office.

In addition, because the President's proposal extends the question of prayer to all public institutions, we can readily expect that not only our schools, but other public facilities will become battlegrounds, as various sects and groups compete to use those facilities to propagate their religious views.

In the past few years, a number of new religions have come into being in this country. Some have been subject to attack in various communities because it is alleged that they are cults. We are all familiar with the deprogramers who specialize in treating adherents of these faiths.

Some of the newer groups adhere to a religious tradition that has roots in Islamic and Hindu beliefs rather than the Judeo-Christian tradition to which the majority of us belong.

In most instances, these newer groups are minorities. But in a few communities they are majorities. Will they there seek to impose their preferred method of worship in the schools if this amendment is adopted? And if they do, will the minority in such communities, who are the majority in most communities, submit to that practice?

That such an outcome is possible—indeed probable—is clear from the statements made by the President and his supporters on this issue. Just 2 days ago, in an interview printed in the New York Times, one of the President's aides and spokesmen said that enactment of this amendment could lead to "regular daily prayer, in which the prayer would be selected and read by the teacher as reflecting the consensus within the community. He said that consensus could mean the views of the majority. If the minority did not want to participate, the school would have to provide arrangements for that minority outside the classroom."

Those parents who urge approval of this amendment, comfortable in the knowledge that their Christian faith is the majority faith in their community, should consider carefully the implications of these remarks by the President's spokesman.

Most other countries are relatively homogenous in race and religion. The United States is a uniquely diverse nation. Our citizens come from all over the world, they are of many races and they practice many different religions. That diversity could have weakened us, even torn apart our concept of nationhood. But it has not; instead, it has been one of the sources of our national strength.

It is to preserve that diversity that we must reject this amendment. For we are not immune to racial and religious conflict.

Lest anyone imagine that sectarian strife and even violence is a thing of the past, or that it occurs only in other countries, they should be reminded that in 1982, in Oklahoma, a woman who objected to the prayer exercises in her children's school was assaulted on the schoolgrounds, her children were beaten by other children, her home was burned, and she was forced to move to another school district to escape the harassment. Hers is not an isolated case, unfortunately.

Religious faith runs deep and disagreements based on religion provoke strong reactions today as in the past, in our Nation as in others, like Lebanon and Ireland.

Over 20 major religious groups have petitioned the Congress not to enact this amendment. They have said that to them, the President's claim that God has been removed from the schools is blasphemous, because the God of their faith in omnipotent and does not obey the dictates of any act of man. And they have said this is not a minor matter, but an important part of their faith.

By enacting something contrary to those beliefs we will be preferring one theology over another. We will be rejecting the claims of these 20 faiths in favor of the claims of others.

That is precisely what the Constitution ought not do. The right to free exercise of conscience is not a right that should depend on the Government, or a majority in the public opinion polls, or changes in the political climate. Yet if we take this step, we will already have rejected the claims of one group as against another for the reason that one group appears to outnumber the other.

Our fundamental rights ought not to be subject to majority vote, whether it is the right to free speech, the right to petition the Government or the right to be secure in our homes. All of these rights—and the right to free exercise of religion is the first among them—are precisely those inalienable rights with which our Creator endowed us. They are not rights granted by a Christian deity or a Jewish one or an Islamic or a Hindu one. And since those rights were not granted by a majority, they cannot be taken away by a majority.

The most important thing about these rights is that they are individually based. The right to free speech does not allow the Government to force one to speak. It includes the right to be silent. Similarly, the right to freely worship includes the right not to be forced to worship.

When we give government a power over our individual rights, we dilute those rights. It is a dangerous step and one I will not take.

Twenty States now provide that a period of silence may, at local option, be required in public schools. Maine is one such State. That period of silence can be used by students to pray, to give thanks, to ask blessings on parents or nation, or to meditate or reflect on life or the day to come. Students who do not wish to pray, or whose religion requires that prayer be an organized, vocal activity, are not required to do anything other than remain silent.

The idea of silent prayer is not free of controversy. But I have spoken with students, teachers, principals, and school administrators in Maine who have found that the practice accommodates the variety of religious faiths that exist in Maine. It is not coercive and it is not offensive to different faiths.

I favor silent reflection as a local option to be exercised locally. It is working in Maine, and, according to the remarks of some of my colleagues, in the other States in which such a provision exists.

I think it provides a sensible balance between the legitimate claim that religious practices cannot be wholly excluded from all public institutions without damage to the free exercise clause of the first amendment, and the equally compelling claim that to give Government sanction to one form of religious expression over another contradicts the establishment clause of the same amendment.

Advocates of the President's prayer proposal say that a silent reflection provision simply gives preference to one variety of religious worship over another. They claim that would do to some religious groups exactly what the President's amendment does to others: We would be establishing, as a matter of governmental preference, those religious practices which can be accommodated by silent group activities but not the religious practices which require vocal expression.

Because it has been impossible to resolve that controversy, the majority have moved to prevent a direct vote on the silent prayer alternative. I opposed that move, but I was in the minority. The President maintains that the only acceptable choice is between his proposal and nothing. But for supporters

of voluntary prayer, among whom I count myself, that is no choice at all.

That is especially true since the decision by the President's supporters to prevent a direct vote on the silent prayer alternative is a blatantly political decision. It is now clear that what the President wants above all else is an issue for the coming campaign; enactment of the silent prayer alternative—the likely outcome of a direct vote on that alternative after the President's amendment is defeated—would effectively deprive him of that issue. So regretably, there will not be such a vote, and we must now choose between the President's proposal and nothing.

The major argument used to support the President's proposal is that 80 percent of the American people support prayer in the public schools. I believe they support voluntary prayer, and the President's proposal does not provide for voluntary prayer. So this argument is somewhat incomplete.

But even if that interpretation of the public's opinion is correct, it is ironic that the President and those supporting his proposal rely so heavily on the single fact of majority public opinion. For those same public opinion polls show that a similarly overwhelming majority of the American people support the nuclear freeze proposal for arms control.

We are told that because pools show 80 percent supporting prayer, we must change the Constitution to allow prayer. Yet, when similar numbers support the nuclear freeze the President freely ignores that expression of majority opinion, even though a policy change of that kind does not intrude upon or even affect the religious faiths of Americans.

The President cannot have it both ways. Either a majority public opinion preference should dictate policy or it should not. It cannot be a reason to support a prayer amendment but not sufficient reason to support the nuclear freeze.

Obviously, of course, proponents of the President's prayer amendment are using only those public opinion polls which coincide with their own opinions. But that is not a sufficient basis for amending the Constitution. Public opinion changes. Majorities are temporary. The Constitution is, and ought to be, the permanent basis on which our rights rest.

I value highly the opinions of the public, both those of people who have written to me opposing the school prayer amendment and those who have written in strong support of it.

Like other Senators, I found that after an initial outburst of support for the President's amendment, opponents are making their views known, so that my mail is now about evenly split on the subject. So I know that however I vote, I will offend the religious principles of some of the people of Maine.

That is an outcome I regret. I do not think the Government should be in the business of making decisions which affront the deeply-held religious beliefs of any American. And, to a large extent, the purpose of the first amendment is to prevent that outcome. It was intended to separate Government from religion, because the founders recognized that there is no compromise on religious faith.

The reason for that is obvious. Religious belief, unlike other opinions a person may have, is a matter of faith, not reasoning or analysis. Individuals who have different ideas about how to provide for economic growth, or equal opportunity, or arms control can generally agree on their goals, and in most cases, they can also compromise on the means of reaching those goals. People who have different views on such issues are generally willing to recognize that others' opinions deserve respect and a hearing. And in debate, people can argue facts, history, and logic.

But religious belief, by its very nature, cannot be compromised. The faith of every person is, to that person, uniquely the truth. And that truth cannot be compromised without being denied.

The nature of religious belief is such that we cannot debate it logically. We cannot by logic prove to someone with a different faith than ours is more correct or more truthful, just as they cannot prove the reverse to us. Each of us arrives at his or her faith individually, and to each of us it is revealed truth. But it is not an identical truth. And because of that fact, it is not capable of compromise.

This debate has proved that. The public controversy over prayer has proved that. The disputes between different religious groups have proved that.

And all this has shown, once again, the wisdom of our Constitution which keeps Government and religion separate—to protect our Government and to protect our religious freedom.

Mr. TRIBLE. Mr. President. I rise in support of the school prayer resolution now before us.

Our belief in God has made this Nation great and has sustained us through the years. Every American, young and old alike, should be able to pray to God anywhere.

This was our right for nearly 200 years. Then, in 1962, the Supreme Court ruled in the case of Engle against Vitale that the New York Board of Regents could not require that a prayer agreed to by a committee of Christians and Jews, be recited at the beginning of the day in the public schools in New York.

This prohibition was ordered as a protection against the establishment of religion by the State.

Then came the case of Stein against Oshinsky, which involved an order from the head of a school district to the kindergarten teachers in Whitestone, N.Y., directing that they stop their students from reciting the simple prayer:

> God is great, God is good, and we thank him for our food.

The teachers were also ordered to stop the recital of the prayer:

> Thank You for the world so sweet.
> Thank You for the food we eat.
> Thank You for the birds that sing.
> Thank You, God, for everything.

Finally, teachers were ordered to permit no prayers at all in any classrooms of the Whitestone, N.Y., school district.

These and other court cases of the 1960's created a chilling effect on the free exercise of religion in this country. Other courts and school districts have gone much further. For example, courts have denied students who wish to pray together the same use of school premises routinely accorded to nonreligious groups and even radical political organizations. These rulings have effectively banished God from the American classroom.

This tragic turn of events is a perversion of the intent of the Constitution's authors. The sessions of the Constitutional Convention were opened with public prayers. The Senate and House of Representatives begin each day with prayers. Every President from Washington to Reagan has invoked the blessing of God on this country at his inauguration. The Supreme Court begins its sessions with the public petition, "God save the United States and this honorable Court."

Our Founding Fathers wrote of God and his place and direction of the welfare of our Nation. The Continental Congress in 1787 put the following statement in the Northwest ordinance:

> Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools, and education shall forever be encouraged.

Our first President, George Washington, made eloquent note of the role of religion in our national life in his Farewell Address when he said:

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensible supports. . . . Reason and experience both forbid us to expect that national morality can prevail in the exclusion of religious principle.

The separation of church and state is fundamental to our American heritage of freedom and democracy, but the separation of religion and Government is foreign to that heritage. We cannot and should not separate religion from the lives of our children

when they walk out of their homes and enter our schools. After all, we ask our schools to prepare our children for life.

For Government to be truly neutral, students must have a chance to express their faith in God at some point during the school day. Neutrality means not trying to impose any one person's faith on any other person, or putting the force of the state behind religion. It does not mean putting a muzzle on students who have religious convictions. We need an amendment to restore neutrality.

I believe there are many ways to arrange a prayer time that is truly voluntary and neutral. I fully agree this is essential in order to honor the rights of all citizens. For example, students who want to pray can be provided an empty room or be permitted to gather just before the start of the regular school day.

As the majority leader has said, the question is not whether religion is better practiced in the home and in places of worship than in the school. The question is whether Government can prohibit the free exercise of religion anywhere. The Constitution plainly says it cannot. Yet, court decisions have had precisely this prohibitive effect in the public schools of our Nation.

It is necessary for this Congress to act decisively to insure for our time and for all times the free exercise of religion in speech which Americans in every generation have struggled to secure.

ALMIGHTY POLITICS

Mr. LEAHY. Mr. President, I addressed this body on March 7 on the school prayer issue, and today I read a piece by Art Buchwald in the Washington Post that managed in a few words to say everything I wanted to say last week—and with a style that many of us here in the Senate wish we could match. It is entitled "Almighty Politics," and I ask unanimous consent that this column of March 15, 1984, be printed in full in the RECORD.

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

ALMIGHTY POLITICS

(By Art Buchwald)

I don't talk to God as often as I should because I know how busy He is these days. But every four years, during the presidential campaign, I do check in to make sure what the candidates are saying about Him is true.

The other night after hearing President Reagan say for the umpteenth time that God had been expelled from America's classrooms, I asked Him, "Are You banned from America's schools?"

"Not that I know of," God replied.

"President Reagan said that kids can't pray in school."

"If they can't, they're sure doing it," God said. "I hear schoolchildren's prayers all day long. Of course, I hear more from those who haven't done their homework, or have been caught committing some infraction that will send them to the principal's office. And there is a lot of praying when report cards come out, and when college test scores come in. And then I hear from almost every child as graduation gets near. I can't understand why President Reagan said I've been banned from the classroom."

"I think what he was referring to was the Supreme Court decision that forbade organized prayer in public schools at the beginning of the day. Did that decision bother You?"

"On the contrary. I don't believe in people praying if they don't mean it. Fortunately in America people can pray any time, anywhere they want to."

"Well, why would President Reagan say You were banned from public schools, if You weren't?"

"I have no idea," God said. "People are always dropping my name in order to get votes during an election year. Frankly, I wish the president would have checked with me first, before he misspoke."

"Do You believe it's a good idea to have separation of church and state?"

"I believe it's an excellent one. Your country has survived for more than 200 years without getting me mixed up in your government, and when you look around you seem to have more freedom of worship than any other place on the face of the globe. There are certain countries which I'd rather not mention, where the leaders use my name to commit some of the most heinous crimes known to mankind."

"How would You feel about forced voluntary prayer in the schools in the morning, so if kids didn't want to pray they wouldn't have to?"

"It would bother me. All my children are very fragile and it would cause tremendous friction between those who prayed and those who didn't. I would prefer that schoolchildren pray when the spirit moves them, and not when a teacher tells them to. What your president should know is that God is everywhere, and when he states I am no longer in the public schools, he doesn't know what in the devil he's talking about."

"Then You didn't tell him You wanted prayers officially back in the schools?"

"I certainly did not," God told me. "But I did talk to him about the asbestos problem."

"The asbestos problem?"

"It's very serious. A great many schools have asbestos peeling off the ceilings and walls and it's getting into the schoolchildren's lungs, and they can die from it. I suggested the president institute a crash program to see that the little children were protected from this terrible disease. But to my knowledge he hasn't mentioned it yet. If I were the president of the United States I'd be much more concerned about the health of America's children, than what time of day they could pray."

"Well, thanks for your time," I said. "I didn't want to bother You, but I was afraid if I was against mandatory prayer in public schools You would think I didn't believe in You anymore. Could I put this conversation on the record?"

"Be my guest. There is too much talk by politicians about what I want and don't want, and as God, it really ticks me off."

Mr. INOUYE. Mr. President, I rise to join those who have spoken in opposition to Senate Joint Resolution 73.

I believe that the principle at stake today is a relatively simple one: Whether the Constitution shall continue to require that Government retain a posture of absolute neutrality with respect to religion?

Some have said that the proposed voluntary school-prayer modification of this principle is not only harmless but beneficial. It appears, however, that virtually all who support this position are Christian and assume, in fact insist, that our public schoolchildren's prayers be to the Christian God. I am also a Christian—a Methodist—and I, too, would prefer to have my son pray to the Christian God. But the question that must be addressed is whether it is fair, and ultimately harmless to our Nation, to impose such a majority consensus upon the children of others. I think not.

It is argued that any such devotional exercises could do no harm because they would be entirely voluntary. But what, I wonder, would be the impact on a young child who, in personal conscience or by parental belief, must be singled out or identified as different? I am not a psychologist, but I question whether such pressures, or the hypocrisy bred by indirectly coerced participation, would truly be harmless. And I cannot help but wonder if the use of Government institutions by a religious majority justifies the exclusion of minority beliefs.

Involving schools in prayer would impose upon Government the responsibility of overseeing and regulating the nature and content of devotional exercise—policing prayer. Ironically, many of those who advocate school prayer are those who criticize the assumption of power and responsibility by Government. Yet, they advocate delegating to Government public servants—teachers, administrators, and schools boards—the responsibility to lead, supervise and control one of the most important and private elements of individual freedom.

As a Christian, I would not want my son's prayers to be influenced by the political decisions and personal predilections of local school officials. I would prefer him to learn to pray in his own home and chosen church. In point of fact, I believe that many prayer advocates feel the same—only they are concerned with the religious development of other people's children. In my opinion, the real test of faith in the ultimate goodness of mankind is the willingness to trust fellow individuals in matters of the spirit.

Advocates of school prayer are also fond of pointing to the many apparent breaches in what Thomas Jefferson called the "wall of separation between church and state." These include prayers that begin the daily sessions of Congress, "in God we trust" on our currency, and the oaths on the Bible which accompany the swearing-in of high public officials. No one can deny, and indeed courts have recognized,

that religion has been closely identified with our history and Government. We cannot cleanse all governmental functions of any religious implication, for to do so would be to take from our people cherished secular and cultural traditions.

But what distinguishes these constitutionally permissible activities from sanctioned worship in schools is that they do not use the power and resources of Government to advance religious purposes. I have yet to hear anyone seriously argue that congressional prayer or the words on a dollar bill result in religious conversion, firmer religious belief, or interpretation of God. On the other hand, worship in the schools would be designed and directed to serve precisely these functions. If we as a nation prize freedom over conformity, we are obligated to forbid Government's heavy hand in such matters, especially when it weighs upon the shoulders of our children.

What is too often forgotten in these discussions is the beauty which results from our commitment to personal freedom. In 1947, the Hawaii Territorial Legislature was debating the issue of whether to place crosses over the graves at Punchbowl National Cemetery. These thousands of crosses may have symbolized the strength and sacrifices of our soldiers. But as Commander of the Disabled American Veterans of the Territory, I spoke against this move because I knew of many men buried there who were not Christians. I felt it would have been wrong for Government to impose its will without the consent of those men.

The crosses would have been touching and dramatic, but I think today Punchbowl Cemetery is even more beautiful with each stone having engraved on it a cross, a Star of David, Buddhist prayer-wheel, a symbol from an eastern religion, or nothing at all. The power of Government cannot add to or surpass such eloquent expression; it can only threaten it.

I believe that the State of Hawaii stands as another example of the beauty which may blossom from the cultivation of religious diversity and freedom. Some 83 flourishing religious denominations coexist in our State. These include not only 34 Christian groupings, but 21 Buddhist, 5 Shinto, and 9 Indian or Hindu denominations. Seven new religious movements combining elements of East and West, and 30 percent of our population who consider themselves unaffiliated.

I, for one, am proud that such diversity is permitted and encouraged to flourish under our system, as I am certain each of us is proud and pleased by the religious diversity in our own communities. I find it difficult to imagine a Government-imposed system of prayer which would accommodate this rainbow of belief yet remain meaningful. Instead, what I fear, and what I more easily envision, is that the politicizing of prayer and the desecularizing of public education would result in divisions and confusion which ultimately does far more harm than good.

Mr. HOLLINGS. Mr. President, one of our greatest civil libertarians, Justice William O. Douglas, 32 years ago went to the root of the matter which so vexes this body today. "* * * Americans are a religious people whose institutions presuppose a Supreme Being," he wrote. He was only stating the obvious, for that is the way it has been since the days of discovery and settlement. Clearly the framers of the Constitution did not mean for the first amendment to forbid public prayer.

In recent years, however, one Supreme Court decision after another has etched out an interpretation of the first amendment proscribing the right of free exercise. And in proscribing this right, the court has created and nurtured an antireligious bias in our schools and other public places, a bias that contravenes both our history and our law.

The chilling effect on the free exercise of religion created by the court decisions of the 1960's, and subsequent cases, is contrary to the fundamental beliefs of the citizens of this Nation. Prayer and respect for God are unmistakenly intertwined with the daily life of America. Thus it is, thus has it always been.

A terrible injustice has been done to a fundamental right of our people. An equal injustice has been done to the proper understanding of our Nation's history. We have gone from the consensus of the Founding Fathers that there must be no infringement on the freedom of the people to worship as they desire to the totally negative approach proscribing a fundamental liberty. It is the duty of the State neither to prescribe nor proscribe, but in point of fact, prayer has been effectively proscribed by this whole series of ill-advised judicial opinions.

The free exercise of religion is one of the crowning glories of America's Constitution, and for most of our years as a nation that free exercise went unchallenged. Now the challenge is on the verge of throwing the right of free exercise not only out of the classroom but out of the school assembly observing Christmas before the holidays begin, indeed out of every public assembly.

How anyone can claim even a cursory knowledge of American history and not appreciate the formative and fundamental role of the freedom to pray is beyond comprehension. The chorus of history leaves no room to doubt. Whether it be Ben Franklin himself insisting that each session of the constitutional convention be opened with a prayer; or George Washington enjoining in his farewell address that "of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports;" or John Adams warning that the Constitution could only work for a religious and moral people; or detocquevelle noting how our religious precepts and practices held the country together; or Lincoln and his successors proclaiming days of public Thanksgiving for the abundant blessings provided this land; or Congress with opening prayers offered by chaplains whose activities were authorized the very week the First Congress approved the establishment clause as part of the Bill of Rights; or our national motto, our pledge of allegiance, our national days of prayer or what have you—the message is the same: While America has no state religion we were founded as a religious state, and those who did the founding were acutely aware that these values and ideals were central to the survival and success of all they had wrought. What they wrought was not freedom from religion, but freedom of religion. What they proscribed was repetition of the colonies' sad experience with established state religions. What they surely did not proscribe was the right of the people to practice, openly and publicly, their religion.

To come now and proscribe this religious freedom—denying 200 years of history—is a mistake and if we do not correct it, America will forever rue the day. For make no mistake—these court decisions make hostility to religion official Government policy. They create not a proper wall of separation between church and state, but an artificial and unacceptable wall of separation between the people and their fundamental right of free exercise.

To remove any semblance of religious activity in our public places—as the prayer banners and the creche burners are intent on doing—is diametrically opposite to what the founders of this Nation intended and totally opposed to the rights which they intended, through the Constitution, to preserve and protect down through the ages. Those who fight so vehemently in opposition to this amendment misunderstand our Constitution, misunderstand our basic rights, misunderstand the country's history, and misunderstand what America is all about.

The time has come for us to correct this shameful situation. With Senate Joint Resolution 73, we will get away from the pronounced and positive antireligious bias of court opinions and return to the fundamentals of our liberty. Removing the impediments—putting aside the court negatives inhibiting free exercise—is what this amendment is all about and why I will vote for its passage. Let our freedoms flourish untrammeled by Government

prescription or proscription, that is what I rise to ask. Our people ask no more, through this amendment, than their basic right. And they expect no less.

Mr. LAXALT. Mr. President, Members of this distinguished body have been debating the issue of school prayer for nearly 2 weeks now. We have arguments on whether our Nation's schoolchildren should be permitted to pray aloud in the classroom, whether a moment of silence is preferable—or whether there should be prayer in schools at all.

It is inconceivable to me that this Nation, formed under God and with his blessing, now denies our schoolchildren the opportunity to begin their classroom activities with a moment of prayer. And, I submit, this forced hostility between schools and religion is inconceivable to the vast majority of the American people. Contrary to the Supreme Court's interpretation, the first amendment establishment clause was never intended to render our public institutions hostile toward religion; the objective was to prevent a preference for a particular religion. Moreover, the first amendment was also intended to protect freedom of religious expression and to prevent this Government from interfering with the expression of that freedom in all aspects of our daily lives.

The President's school prayer amendment is necessary to restore our freedom of religious expression by allowing public school students the opportunity to engage in voluntary, vocal prayer. Prayer in public schools has long been considered a desirable means of imparting constructive social and moral values to schoolchildren and encouraging the practice of self-reflection. Is it not also desirable that our schoolchildren learn respect and tolerance for a wide range of religious views and beliefs? I certainly believe so.

The United States was founded upon a principle of religious tolerance. Expressions of reverence for, and thanksgiving to, the Creator have always been of great importance in American society. For over 200 years we have acknowledged God's guidance on our coinage, in our national anthem, and in the pledge of allegiance. This longstanding tradition of publicly recognizing our good fortune and dependence upon God has in no way jeopardized the religious liberty enjoyed in this country. Let us not deny our schoolchildren the opportunity to share in the spiritual heritage of our Nation.

Mr. KENNEDY. Mr. President, I oppose this constitutional amendment to permit Government sponsored prayer in our Nation's public schools. Faith and prayer are an extremely important part of my own life, as they have been for all the members of my family. But, I am concerned about this attempt to involve Federal, State, and local government in these deeply personal decisions by parents and their children on matters of worship and religion.

The separation of church and state can sometimes be frustrating for women and men of deep religious faith. They may be tempted to misuse Government in order to impose a value which they cannot persuade others to accept. But once we succumb to that temptation, we step onto a slippery slope where everyone's freedom is at risk.

The first amendment has never been amended in the two centuries since it was adopted. I believe that today, as it has throughout our history, the first amendment strikes an appropriate balance between the free exercise of religion by individuals and prohibition of excessive Government involvement in religion.

The first amendment is the most effective protection we have for the preservation of religious freedom in our society and the prevention of discrimination against religious minorities. By forbidding government intrusion into religion, the first amendment has permitted religious diversity to flourish in America without the strife and divisiveness which often accompany religious difference in other nations. To undermine this wise separation of church and state is to jeopardize the religious liberty of all our citizens.

Prayer is a vital part of the life and strength of the Nation today, as it has been from the earliest days of our history. We are a people who find support and peace in worship, particularly in times of stress and crisis. But I agree with the founders of our Nation that religion is too personal and sacred to be entrusted to the oversight or guidance of government officials. I have no objection to a moment of silent meditation, but a constitutional amendment on prayer is neither a necessary nor a wise means to achieve that goal. The appropriate place for religion to be fostered is in our homes and families and churches. It is in these all-important centers of our society that prayer is fitting and proper, and it is here that each of us can work most effectively to safeguard our spiritual values. I urge the Senate to reject this proposal.

Mr. DURENBERGER. Mr. President, I have listened with great interest to the debate on the school prayer amendment here on the floor of the Senate. We are now into the third week of that debate. As my colleague from Rhode Island, Senator CHAFEE, said last week, it is appropriate that the Senate devote several days to this issue because it involves three values of great importance to the American people—the education of our children, the expression of our religious beliefs and the exposition of our Constitution.

The first amendment to the Constitution was not intended to dscourage the expression of religious beliefs, even in public buildings and assemblies. That is quite clear from the history of the amendment and from its language. At the time it was adopted 4 of the 13 States had established religions. There were no public schools. The children of the Founding Fathers and mothers were educated in schools organized by their churches and no doubt prayer was an important part of each day. The Founders did not intend to discourage religion.

Rather, the purpose of the first amendment was to prevent the Congress from establishing a national religion. It says plainly, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." This language prevented the National Government from involving itself in questions of religion. But it was no bar to religion sponsored by State or local government or to the organized expression of religion in public places.

It was not until the 1940's, 150 years after the adoption of the first amendment, that the National Government began actively involving itself in these local decisions on questions of religion. And it was not the Congress, but the courts which took that step. By extending the 14th amendment and its protections to the laws of the States, the courts found that the first amendment also prohibits States from establishing religion. In the 1960's the courts determined that organized, vocal prayer in public schools had the effect of establishing religion.

The courts are still in the process of developing their understanding of the connection between the 1st and 14th amendments as it relates to religious observance in schools and other public places. There are undecided questions. The two questions of greatest import to the current debate here in the Senate are whether a moment for silent meditation and whether access to public buildings for voluntary devotion and religious observance are, like vocal, organized prayer, prohibited by the establishment clause.

I believe that silent meditation is wholly consistent with the meaning of the first amendment even as that amendment has been extended to the States. And to prohibit the use of schools and other public buildings by voluntary religious groups on the same basis as other groups seeking to speak freely in our society is, I think, precisely contrary to the plain language of the first amendment. To deny free access is to discourage religion. And the Constitution says that National Government, and by extension the

States, is prohibited from interfering with the free exercise of religious belief.

Mr. President, the Supreme Court has not yet spoken on the question of silent meditation. Some lower courts have allowed school districts to organize a moment of silent meditation. Others have disallowed it. The Court is scheduled to consider a silent meditation case this week. Should the Supreme Court find that silent meditation is barred by the first amendment, then the Constitution will need to be amended. The supreme law of our land should be neutral as to religion. But it should not be positively hostile to its free exercise. When the rights of no other citizen are violated, as they are not by a period of silent meditation, there is no need for the National Government, courts or the Congress, to involve itself.

Although I find silent meditation in full accord with the Constitution, we ought not to send a silent meditation amendment to the States until the Court has acted on the pending case. To do so would involve the Congress in perhaps needless regulation of school prayer, which, as the founders well knew, is best avoided. And that, Mr. President prompted my vote to table the amendment by our colleague, Mr. DIXON, last week.

On the second question, equal access to public facilities by voluntary religious groups, a sound resolution can be achieved legislatively. Here, we seek not to establish religion, but rather to keep the National Government from so interpreting the law that it violates the second clause of the first amendment, "or prohibiting the free exercise thereof." To deny religious speech on the same basis that it is allowed for all other speech simply because it occurs in a schoolhouse is to be positively hostile to religion and that is clearly prohibited by the plain language of the Constitution.

There is nothing special about a public school. It is a building like most others owned by a local government and used for a wide variety of purposes. Who would suggest that completely voluntary religious observance outside the classroom should be prohibited by the Constitution of the United States? Is the school such a special building that the words of the Nation's religions cannot be spoken there under any conditions? That is hostility to religion and that is not what the founders intended or the Constitution says.

There are bills pending to insure free access and I will support every effort in this Congress to see free access legislation adopted. Mr. President, two students from Minnesota testified to the Judiciary Committee on the issue of access and the problems that have been created for their fellow students when access has been denied. I would ask that their testimony be printed in the RECORD after my comments this afternoon.

Mr. President, before I speak further to the pending question, I would like to say that we owe a great debt to our colleagues who have led this debate over the past weeks. To the majority leader and to the President, who by forcing this debate will bring to an end an era of governmental hostility to religious belief and will settle in the Nation's mind two decades of doubt raised by the court decisions of the 1960's; to the Senator from Utah, Senator HATCH, and to the Senator from Connecticut, Senator WEICKER, who have done much to inform the Senate and the Nation on the issues before us, we owe a special thanks.

As to the President's specific suggestions for resolving our differences over the establishment clause, I cannot agree. I will vote against it. I will do so reluctantly because I am one who trusts the wisdom of the American public in questions of religious tolerance. I think the American people are generally fully capable of protecting the right of religious minorities without instruction by the Supreme Court. Religious tolerance is not a value invented by the courts. It is not the legacy of the National Government. It is the heritage and tradition of our people.

The earliest colonists did not come to this great land for the purpose of practicing religious tolerance. They came here in fact to establish religions. Religions different from those established in the nations of Europe at the time, but they came here to make religious observance in all of life—public and private—established. That is our early heritage.

As I have said, there were state established religions at the time the first amendment to the U.S. Constitution was adopted. Those establishments were not prohibited by the amendment. But over time and with the experience of the great religious diversity of this land, the American ethic put a high value on tolerance. This tolerance was not discovered or inculcated by the Supreme Court or by the Congress. It was something that the people of this country discovered for themselves. The court decisions in the 1940's and 1960's to force neutrality on the States, as it had been observed at the Federal level, was little more than recognition of a lesson that we had learned by experiencing that diversity and by each of us placing a high value our own rights to free religious thought.

The current constitutional prohibition on organized, vocal prayer in public schools is a reflection of that development. It ratifies, I think, a decision that most Americans come to themselves when asked to face the question squarely, "Who shall write the prayer?"

At an earlier time in our history the school prayer likely fulfilled the same function that the chaplain's prayer serves here in the Senate each day. But in that time, we came from the little red school houses of America when the social fabric of the classroom was so homogeneous that nearly all the students shared a religious as well as a social heritage. But as the Catholic Bulletin of this week—March 15, 1984—points out, we have become a melting pot. And "while a melting pot is good social policy, it makes for mushy prayer."

There are two problems with the President's proposed amendment, even as that language has been modified by the Senate. No spoken prayer can be made truly voluntary. And no single prayer can attain the broad consent of all Americans.

I read with interest Senator's HATCH's explanation of the mechanics of the President's amendment as it was printed in the RECORD last week. The Senator pointed out that, with regard to school prayer:

> (A student) may choose not to participate because a recited prayer is inconsistent with his own beliefs; because he is simply not a believer in religion or prayer, because he is simply opposed to public expressions of religion or prayer; or because of any other reason.

The Senator noted that "decision-making responsibilities in this area remain at the full discretion of State and local authorities," adding his hope that such authorities will be "creative in considering the full range of options available to them under the proposed amendment." Among those options:

> There is discretion as to the language of prayer, whether such prayer is to be vocal or silent, the regularity and duration of such prayer, whether the teacher or student shall lead the prayer, whether the prayer will alternate on some basis, and the classroom structure of prayer.

This amendment would require that, after all these options are considered and decisions made, children who did not wish to participate in the prayer for any reason must take action to absent themselves from the observance. Attendance in school is compulsory. An organized, vocal prayer in that context is the closest thing to compulsory because it puts the burden of maintaining individual rights to free thought of school children. In truly voluntary settings—as with our opening prayer here in the Senate—it is possible for adults to maintain that right. No one is required to attend a session of the Senate. In compulsory settings, adults of strong conviction can also maintain free thought. But to expect it of our youngest children in the school setting, to put the burden of avoiding religious devotion contrary

to a personally held belief, on a child in a schoolroom is contrary to my understanding of the child's mind.

Language added by the Senate to the President's amendment last week would bar State and local governments from composing the language of the prayer. Nevertheless, if the prayer is to be spoken and organized there will need to be some process for choosing it. And the Government, through the school board or the teacher, will have to take some hand in designing the process of selecting a prayer. As I think the American public is coming to understand as a result of this debate in the Senate, we have very different views on what is or is not an appropriate prayer. And we have more pressing problems to address in our educational system, than selecting consensual prayer.

So I will oppose the amendment being proposed to the Senate, Mr. President. Government should not be hostile to religious thought and speech. When I speak to my fellow Minnesotans about the prayer amendment it is the discouragement of prayer and devotion by the Government which concerns them most. None have an interest in making their personal religion the official religion of any government—Federal, State, or local. They are not seeking to use the Government to impose their religious views on others. They agree that children should not bear the burden of defending our religious liberties. But they want to know that their Government is not constituted to be antireligion. They want to know that the supreme law of the land is not hostile to the religious beliefs that guide their daily lives.

Religious devotion and observance—including silent meditation and free access to public facilities—that do not infringe on the rights of any American should not be barred for all Americans by the courts in the name of the Constitution. But putting the burden of defending those rights on schoolchildren and selecting the language of a specific prayer through a governmental process would establish religion. And establishing religion is rightly prohibited by the 1st and 14th amendments.

Mr. President, I ask unanimous consent that the statements of the two Minnesotan students to the Senate Committee on the Judiciary on April 28, 1983, be included in today's RECORD following my comments.

Mr. LEVIN. Mr. President, the constitutional amendment which we are asked to vote on today would allow Government officials to select what prayers our children can say in school. Even the President's chief spokesman, Larry Speakes, now admits that local authorities could choose the prayer. Therefore, we should not delude ourselves that the amendment's prohibition on the Government's composing the prayer somehow minimizes the Government's involvement in the substance of the prayer. Under this amendment, the Government could select the words with which children pray. I doubt supporters of this amendment would want to say that the words of a prayer have nothing to do with the prayer's substance.

Futhermore, this amendment would presumably allow local authorities to determine the manner of prayer, just as was allowed by the silent prayer amendment—committee report accompanying Senate Joint Resolution 212, pgs. 30-32. Students could be told that they can or cannot pray with beads, can or cannot pray on their knees, can or cannot face in a certain direction.

For many people, these physical manisfestations go to the substance of the prayer. So, not only could local authorities tell the students what words to use, but they could also control the sacred rituals which accompany them.

Prayer and religious practices are too sacred to have the State inject itself into these decisions. Prayer and religious practices are too sacred to give State officials the right to regulate and control them.

In contrast to the constitutional amendments on Government-structured prayer, providing an opportunity for students to engage in religious expression as part of a student-initiated club outside of the classroom, would not involve public officials in decision-making regarding where, when, and how our children pray. I have cosponsored Senator HATFIELD's bill, S. 815 which would make it unlawful to discriminate against those students who wish to meet during noninstructional periods on their own initiative. There does appear to be some confusion in the public schools today about whether school officials can permit student-initiated religious groups to use public school facilities for their meetings. Senator HATFIELD's bill would reaffirm the right of equal access to public school facilities, thereby removing any existing barriers to student-initated religious meetings.

Mr. SYMMS. Mr. President, I am disappointed that so much of the discussion concerning Senate Joint Resolution 73 has centered on the suitability of prayer in our schools. The debate has been reduced to one of semantics over spoken versus silent prayer and how much of either should be allowed. Unfortunately, such debate misses the most essential issue in this matter—which is whether or not we will sanction Federal intervention in the moral and religious affairs of this country. Mr. President, the essence of the administration's prayer amendment is to remove the further consideration of religious matters from the purview of Federal bureaucrats and politicians, to return them to the States, and to the people themselves.

First of all, I believe this country was founded on prayer, by God-fearing people who knew they must preserve prayer. Many good points have been made regarding the intentions of our Founding Fathers. It is true that the framers of this Nation were unabashedly religious. They saw divine providence at the heart of everything they did, and their daily affairs were motivated by and in consonance with their religious convictions. The founders intentionally omitted references to organized religion in order to keep their new Government from becoming entangled with any one church or denomination. They knew first hand the dangers of religious factionalism, and the injustices of official religious persecution that were suffered even at the hands of colonial authorities.

Nevertheless, the Founding Fathers never intended to remove religion from the hearts of those who govern, and certainly not from the lives of our schoolchildren.

Further, I happen to agree with many that we need to demonstrate to our young that we consider religion sufficiently important to insist upon the right to pray. We will not limit pornography, but we will limit prayer. We cannot see the need to curtail the violence and explicit sexual conduct on television, but we will prohibit prayer in our schools.

I, for one, see a clear conflict of purpose between preventing established religion and the defacto establishment of functional atheism in the lives of our children.

Recent court and legislative actions have more than adequately protected the nonreligious sector of our society, but at the same time have clearly restricted religious activity.

While the lack of religious beliefs by certain groups is their right, I do not believe that their views should set the norm for the rest of this Nation.

Moral and religious beliefs formed our Nation. To allow the continued erosion of this important part of our heritage would undercut the raising of our children and would jeopardize the strength of our Nation and society.

No ones beliefs—religious or otherwise—are jeopardized by this prayer amendment. One characteristic of American religious freedom is its capacity to allow not only a clear and unhindered choice between a wide variety of religious expressions, but also that it allows for an unfettered and unthreatened choice between religion and no religion. We may believe what we choose.

This Nation is characterized by the freedom of its choices. Every choice, however, has its cost. Every decision made for a principle also contains an implied decision against another prin-

ciple. Only the spirit of compromise and a commitment to strive for impartiality softens the impact of this reality.

However, as a result of well meaning, but, in my opinion, wrong decisions by judicial officers, our country is now subjected to an improper policy in the name of religious impartiality. Free exercise of religion has been sacrificed in favor of free exercise for the nonreligious. On this basis, our courts have moved to disallow religious prayer by those who, by virtue of their youth, are in school.

I object to this state of affairs. But it is not simply to reverse this trend that I support the President's prayer amendment.

Senate Joint Resolution 73 is a moderate approach in addressing this problem. Its essence is to allow for freedom of choice and local control.

Senate Joint Resolution 73 cannot and will not put prayer into—or back into—anything. I will not require prayer, silent or otherwise, in any classroom. It will not require or allow the reading of the Bible or Koran anywhere. It will not establish any form of acceptable theology or spiritual practice for anyone—anywhere.

What the administration bill will do is remove the further consideration of this issue from the Federal level. The individual States and local school districts would once again be empowered to decide the question of religious conduct in their own schools.

I realize that some discretion may be expected on the part of school officials in the interpretation of any statute. I realize, also, that individual circumstances may present a very fine line between legitimate religious exercise and simple disruption. There are effective means, however, to deal with individual excesses on the local level, without enforcing universal criteria on a national level.

Why not place our trust in the hands of those close enough to the issue to deal responsibly with it? Have we completely lost our respect for—and trust in—the American character and sense of fairplay that has made us the great Nation we are today? Must Congress continue to be embroiled in the daily moral affairs of the American people?

To continue the present misassumption that the Federal Government can decide whether to allow any sort of prayer, silent or otherwise, is to cloud the issue with unnecessary and dangerous ramifications. It is unfortunate that this issue ever became a Federal concern.

I think it is very important to reemphasize that this amendment will not require anyone to participate in any prayer or religious exercise. It will not require school boards or other State and local government agencies to permit students to pray in school. It will simply remove present obstacles which prohibit voluntary prayer nationwide. If States or school boards want to exclude prayer from their schools, they will be as free to do so as they are now. But they will also be free to permit voluntary prayer—a choice they do not have today.

The only reasonable action for this Congress is to pass this measure, and send it along to the States for ratification. It is high time that the people of this country were once again allowed to take control of their own lives. Let the voters, rather than the courts, decide the school-prayer issue.

Mr. HART. Mr. President, the framers of our Nation's Constitution made the amendment process intentionally difficult. They wanted to insure that only those amendments consistent with the Constitution's core values, only those amendments designed to guarantee the security and survival of a free people, would become part of our national charter. That is why, of the many hundreds of amendments which have been introduced in the Congress since the founding of this Republic, only 26 have survived the amendment process.

The amendment we are debating today is not deserving of a place in our Constitution. This amendment, providing for governmentally sponsored group prayer, is contrary to the basic constitutional freedoms of all Americans. If passed, it promises more, rather than less, national strife. It threatens the rights of religious minorities. And it will hardly solve all the social ills of the past 25 years, as its sponsors would have the American people believe. For all these reasons, this amendment should be defeated.

The issue has been presented as that of supporters, against opponents, of prayer, but that is not the issue. The Supreme Court, in its school prayer cases in the early 1960's, never said an individual could not pray. To the contrary, those decisions legitimated the right of all individuals to pray anytime, anywhere, to whatever God one chooses. The issue in those cases, and the issue today, is group prayer under the auspices and sponsorship of Government authority, in this example, public school officials. And government-sponsored prayer is contrary to first amendment prohibitions against sponsorship of an established religion as well as restraints on its free exercise.

This amendment we are debating today would upset the structure of religious freedom embodied in the first amendment. A faithful reading of the first amendment mandates Government neutrality in matters involving church and state. Our Nation has prospered under a constitutional order declaring a strict distinction between matters of state and matters of individual conscience.

This idea of a "wall of separation between church and state," in Jefferson's words, did not begin with the Warren court. This idea started with the framers of our Constitution. James Madison's famous memorial on religious freedom reflected the view of the framers that there is not a shadow of right in the General Government to intermeddle with religion. This subject is, for the honor of America, perfectly free and unshackled. The Government has no jurisdiction over it.

In the school prayer decisions of the early 1960's, the Supreme Court merely continued the application of the principle that Congress can neither sponsor nor impede the free exercise of religion. In the case of Engel against Vitale, the Court challenged school prayer practices as promoting that type of interdependence between religion and state which the first amendment was designed to prevent. Given our Nation's historic mission as a beacon for all desiring freedom and opportunity, as well as the enormous religions and cultural diversity of contemporary America, the protection of religious freedom through the separation of church and state is more important today than it was when our Nation was founded.

This amendment would upset that separation by turning the Government into the instrument of religion. The Government could well become the instrument of powerful religious groups at the expense of religious minorities and nonbelievers.

The amendment forbids Government officials from composing prayers. But it leaves open the possibility of Government selecting or sponsoring certain prayers. This violates the first amendment. The free exercise of religion is best protected when the Government is prohibited from engaging in the sponsorship of specific religions. Free exercise is threatened if the power of the State is used to support a particular faith or faiths.

Mr. President, this amendment is so vague as to promise great strife and divisiveness in the years ahead in every community in our Nation. Nothing would do more to harm national unity than the passage of this constitutional amendment.

I ask the sponsors of this amendment to find a consensus on the following questions. Who will be writing the prayers in the schools? Who will choose among competing prayers? Will all children have an equal right to pray outloud in a veritable babel of confusion? Or will one prayer be selected? What if Jews want to wear skullcaps and prayer shawls and Catholics want to hold rosary beads? How can you expect small children to decide these questions, when the Senate cannot even agree on answers? The only course guaranteed is that

Government will be thrown into this hornet's nest of deciding among different religious beliefs and practices—a role forbidden the State by the first amendment. These are matters best left to individual conscience.

It amazes me that conservatives whose motto usually—especially on questions of moving this Nation forward in social welfare or national security—is "if it ain't broke don't fix it," are rushing headstrong to fix a constitutional system which has become the envy of the world. Religious minorities, in every nation on Earth, envy this Nation's ability to tolerate and respect diversity on matters of religion. We need only look at the headlines in today's newspapers—Lebanon, Iran, Northern Ireland—to notice the dangers of excessive governmental entanglement with religion.

It is also ironic that those who decry Government involvement in abating pollution or enforcing civil rights—are so eager to thrust Government into one of the most precious and sensitive areas of human behavior—that of religion. Is it not likely that Government involvement in prayer is likely to demean prayer and tarnish its significance for all of us?

Mr. President, this amendment will corrode the rights of religious minorities. In any classroom in this Nation, majorities will be able to get together to dictate their choice of prayer. Members of religious minorities—or nonbelievers—will be forced to choose between excusing themselves from such prayer, and risking the scorn of the peers, or being coerced into an exercise contrary to their fundamental beliefs. We have a first amendment precisely to prevent those types of choices from being thrust on Americans. The realities of the classroom make a mockery of the sponsors claim that this amendment is voluntary. How can impressionable young children be expected to exercise freedom of religious choice in a classroom environment, especially if their choice of friends, or the affection of teachers, might hinge on religious beliefs.

Mr. GLENN. Mr. President, I favor prayer in public schools—but I rise in opposition to this resolution. I have long advocated and voted for a period of silence for prayer or meditation at the beginning of each school day, but that is a far cry from the Government-sponsored prayer we are discussing today.

In our pledge of allegiance, we recognize that we are a nation under God. But under God is recognized in many different ways. We have an estimated 250 different religions or religious practices, sometimes inherited, sometimes selected—and usually taught in the cathedral, church, synagogue, temple, and most importantly, in the home. The fact of diversity demands that the Government promote only tolerance when it comes to religious beliefs and practices.

I cannot in good conscience vote for the President's proposal to permit school or local authorities to prescribe a single-religion spoken prayer that all children, of whatever faith, would be expected to recite. School is not the place to try to convert a Jewish child to Catholicism, or Protestantism, or to any other religion—or vice-versa. This legislation would not only debase religious faith and practice, but it could also isolate and stigmatize children who, because of their own differing faith, do not choose to participate. Religion and prayer are personal matters—and should not be decided by consensus or majority rule.

I am a Christian and an elder in the Presbyterian Church. My father and mother were both elders in the Presbyterian Church before me. In the home where I grew up, and in the small town of New Concord, Ohio, religion was a vital part of our life. In later years, I taught Sunday school. I believe firmly in my religion and I have tried to pass along these beliefs to my children. But however strongly I may feel, I do not believe that I have any right to force a Presbyterian-Protestant prayer on a child of Catholic, Jewish or any other faith in public school.

There has been a tremendous lobbying campaign on both sides of this school prayer issue. I hope and pray that all those who have expressed themselves are just as avidly taking an interest in religious upbringing for their children in their own homes, and are just as fully attentive to the spiritual needs of their families. If they are, a period of silence for prayer or meditation in the schools—each child approaching God in prayer in keeping with his or her own religious tenets and beliefs—can be a healthy adjunct to our teachings in the home. It can affirm our belief in God, while recognizing that our approach to a Divine being takes many and varied forms of rituals and prayers, and no single, Government-originated prayer will do for all.

I favor that type prayer period, for all, in our public schools.

As one of our major newspapers closed its editorial on this subject: "Let children speak to the teachers appointed to instruct them in forms and language prescribed for their educations. But let them speak to God in the forms and language prescribed by their individual consciences."

Mr. DOLE. Mr. President, for 2 weeks, we have debated the President's proposed constitutional amendment to permit voluntary prayer in the public schools. The arguments presented on both sides of the controversy have been articulate and forceful, tinged with an emotionalism which is inevitable in matters pertaining to church and States. I have listened carefully to the fears and concerns expressed by the opponents of the measure, and the responses set forth by its proponents. I remain convinced that Senate Joint Resolution 73 represents an appropriate response to the antireligous bias which has characterized a number of court decisions handed down over the past 20 years involving prayer in the public schools. As a consequence, I will be voting for the President's proposal and I urge my colleagues to do the same.

OUR HERITAGE

Public prayer and the acknowledgment of a Supreme Being have always been a fundamental part of our Nation's heritage. Indeed, the principles of freedom and democracy which we cherish derive from the truth our Founding Fathers proclaimed self-evident, that God created all individuals equal and endowed them with certain inalienable rights. Since our Nation's birth, we have periodically celebrated a governmentally proclaimed day of prayer and thanksgiving. In God We Trust is our national motto. From God, we ask for strength and guidance in many of our patriotic songs.

Consistent with our heritage, there has been a long tradition of including some form of prayer in the public schools, until 1962, when the Supreme Court invalidated the New York State Regent's prayer in the Engel case. One year later, in Abington, the court struck down a Pennsylvania law requiring that public schools begin each day with readings from the Bible. Emphasizing a "complete and unequivocal" separation between church and state, the court concluded that the Pennsylvania law advanced religion in violation of the establishment clause.

ERECTING A WALL

In the years following Engel and Abington, the courts decided to take Jefferson literally, erecting a wall of separation around the Nation's school yards which few religious observances could penetrate. In one case, kindergarten students were prevented from saying a common nursery rhyme as grace before their morning snack. In another, a student council was told that it could not open optional student assemblies with a prayer by a student volunteer. In yet another, a school board policy of permitting students, upon request and with their parent's consent, to participate in a 1-minute prayer at the start of the school day was invalidated.

It seems to me the courts have forgotten that while the first amendment prohibits Government from establishing religion, it goes on to prohibit Government from infringing upon the exercise of religious worship. I doubt the Constitution's authors wrote the establishment clause thinking that religion was something to be dropped off

at the school house door. And nowhere in the free exercise clause did they put time and place restrictions on the 30 hours or so a week students can spend in the classroom.

CORRECTING THE IMBALANCE

The President's proposed constitutional amendment is designed to restore the balance between the establishment clause and the free exercise clause, consistent with what I believe was the true intent of the Founding Fathers, by clarifying that the Constitution does not prohibit students, individually or in a group, from praying in the public schools if they choose to do so. Moreover, as an added safeguard to insure that the amendment does not open the door to Government promoting or preferring one religion over another, the proposal has been modified to prohibit Government involvement in the drafting or composing of prayer.

CONCLUSION

Mr. President, in concluding, I would emphasize that there is a difference between State sponsorship and accommodation of prayer, and a line to be drawn between Government neutrality and hostility toward religion. As has been repeatedly stated on the floor, the supporters of this amendment do not want a State-established religion, nor do they want the State to dictate the form or substance of religious worship. Nor do supporters wish to force students to conform to any religious practice. On the contrary, the amendment explicitly protects the rights of those who do not wish to participate.

What I believe supporters do want is to place the rights of those who wish to pray on the same footing as those who do not, in a document written nearly two centuries ago by men whose own faith told them that the freedom of religious expression was, itself, a God-given inalienable right. Because I view this as the sole purpose of the President's proposal, I will cast my vote for it, and I urge my colleagues to do the same.

Mr. PERCY. Mr. President, the Senate is engaged in consideration of Senate Joint Resolution 73, a proposed amendment to the Constitution to permit voluntary prayer in schools and other public buildings. Certainly without dissent, but a vast majority of Illinoisans support voluntary prayer in public schools; I know this from my own extensive travels in Illinois and conversations with constituents. I know that their support of Senate Joint Resolution 73 is as deep as it is widespread. As their representative, I returned this afternoon from Illinois to cast my vote in favor of this compromise amendment which provides for voluntary school prayer.

The principal question in my mind on the school prayer issue is this: How do we provide some students with the opportunity to pray during the school day without compelling other students to participate in a religious activity against their will or beliefs?

Since I was elected to the Senate, there has only been one other time on October 13, 1970, when the Senate considered a prayer in public buildings amendment to the Constitution. I voted in favor of that amendment, also sponsored by my distinguished colleague Senator HOWARD BAKER, which would have permitted voluntary prayer. I voted in favor of that amendment because it guaranteed the protection of those who wanted to pray, but did not compel anyone to pray. The Senate adopted this amendment by a vote of 50 to 40 on October 13, 1970, but it did not become law.

The amendment we are considering today states that:

> Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer. Neither the United States or any State shall compose the words of any prayer to be said in public schools.

I believe that the Senate has produced a satisfactory amendment on the school prayer question which protects everyone's rights. Such an amendment must, in my mind, protect everyone's rights.

I believe that Senate Joint Resolution 73 establishes an appropriate, constitutionally sound balance in the area of school prayer. It provides students with the opportunity to pray during the school day without compelling others to participate in religious activity against their wills or beliefs. If vocal prayer does not appear practicable in the public schools, our school boards can always decide on more viable alternatives such as silent prayer or even no prayer at all. As our governmental system is designed on the same principle of balance.

On March 15, 1984, I indicated my support for the constitutional amendment recently introduced by my distinguished colleague, Senator ALAN J. DIXON. He proposed a constitutional amendment permitting silent prayer or reflection in public schools which this body voted to set aside. Due to a unanimous-consent agreement reached by the Senate, alternative constitutional amendments such as Senator DIXON's will not be considered for a vote at this time. While I would consider supporting other viable constitutional amendments, I believe that the language in Senate Joint Resolution 73 is an acceptable compromise which safeguards the free choice that everyone should have in deciding whether or not to pray.

Mr. SIMPSON. Mr. President, anyone who has ever known me knows of my full commitment to the free exercise of religion and freedom of speech which I believe has been dealt a tough blow with the defeat of this amendment. I remain absolutely and totally convinced that our Nation's founders and certainly the framers of the first amendment would be absolutely stunned by our modern interpretation of the Constitution as it regards this particular issue. What we have witnessed here today is a denial of the real will of the American people. We have denied them their own free right to demonstrate their support or opposition to this amendment and in so doing we have done a great disservice to our constitutents and to the trust which has been bestowed in us as part of the national leadership. But we must move on—so I want to take this opportunity to express my support for swift and thoughtful treatment before this Congress of Senator HATFIELD's equal access bill which I am very proud to cosponsor. This measure would merely insure the right of high school student's throughout this country to use public facilities to the same extent as others do—even if the subject matter of their meeting is based on religion. The legislation focuses on student-intitiated meetings in a high school setting when the school makes the facilities generally available to other groups for other purposes the issue here then is again one of freedom of speech. Freedom of students to meet and to discuss religion on the same footing as students have to meet on any other topics of interest during—and I underscore this next point—during noninstructional periods of the day. I would urge the Members of this Congress to address this matter expeditiously and with the utmost seriousness.

AN AUDIBLE REFLECTION ON VOCAL PRAYER

Mr. DIXON. Mr. President, I am compelled to vote "no" on the President's proposed constitutional amendment, Senate Joint Resolution 73.

I want the record to clearly show that my remarks last week in support of silent prayer or silent reflection and equal access to public facilities for student voluntary religious groups, are exactly the same as they are today.

I believe that this proposed constitutional amendment permitting audible, vocal school prayer alters prior Supreme Court decisions. I believe that it has the great potential of creating an artificial religious activity whereby one student's religious belief is imposed upon the rest of the class or school.

In addition, Senate Joint Resolution 73, I believe, constitutionally aids one religion over another and inherently discriminates against religious minorities.

As I said last week, I do not believe audible, vocal prayer is what we in Congress, or the majority of the people of this country, want.

I can say that a majority of the people in my own State of Illinois have clearly demonstrated their support for silent prayer or silent reflection.

I submit to my colleagues for serious consideration a commentary in today's Washington Times by Smith Hempstone entitled, "The Bloody Shirt of School Prayer." That commentary appropriately ends as follows:

> A moment of silent prayer, as proposed by Senator Alan Dixon of Illinois, would have infringed on no one's rights or sensibilities. But go beyond that and you risk foundering in a sectarian morass. Amen.

Mr. President, I vote "no" on Senate Joint Resolution 73.

Mr. BRADLEY. Mr. President, for 22 years now, since the Supreme Court decision in Engel against Vitale, our Nation has observed the constitutional injunction against Government-sponsored prayer in public schools. I will vote today against an amendment to the Constitution that would change that result.

I will do so because I believe the Constitution already guarantees an individual's right to pray wherever, however, and whenever he or she wants. That, to my mind, is the essence of religious freedom in America and I strongly support that right.

The amendment before us would authorize organized prayer in our public schools. In so doing, it would alter the constitutionally mandated separation of church and state. Yet preserving that division is essential to insuring the religious diversity and religious freedom that are the bedrock of our democracy in America.

I also believe that religion should be the proper province of the family and the church or synagogue. It is not the role of Government to interfere in, or preempt, religious education or to induce our children to pray in ways that do not accord with their own belief or their family's religious convictions.

The amendment attempts to overcome this danger by prohibiting the United States or any State from composing or mandating the words of any prayer to be said in the public schools. But if the State does not write the prayers, either directly or by local school boards or teachers, who will? If this amendment passes, not even classroom teachers would be able to exercise effective authority over the choice of prayers. That opens up the troubling prospect that members of the community with serious religious commitments of their own, will see these prayer readings as opportunities to advance their own doctrines. And that, in turn, threatens to plunge the schools into precisely the kind of divisive denominational politics from which the Bill of Rights currently protects us.

That outcome could be avoided only by a prayer general or vague enough to offend no one. Prayer is a very private individual experience. Indeed, it is sacred. The language of a prayer is central to its meaning. I cannot imagine a prayer, acceptable to everyone, that would reflect the richness of each faith's religious traditions.

Finally, I believe we must respect the pluralism of our own society. Surely it would be unfair to ask our children to make a decision in front of their peers to say a different prayer or to be excused from joining in a particular prayer led by a school official. What may seem voluntary to an adult may not be voluntary to a child.

There is only one way out of this dilemma: To entrust the religious upbringing of our children to family and church. That way, we will foster the religious freedom and the spiritual convictions that have sustained and enriched our Nation throughout its history. At the same time, we will be insuring that no government, no politican, no school official will be placed in a position to determine how our children pray or to interfere with their constitutional right to communicate with their God.

Mr. HUMPHREY. Mr. President, I rise in strong support of the proposed constitutional amendment to restore voluntary prayer to our public schools. We have before us the opportunity to set in motion the processes for the American people to act directly to restore the option for prayer that had been removed by court decisions over the last 20 years.

I think it would be useful for us to recall the words which set in motion the events that have led to our debate here today:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country.

It was this simple acknowledgement of our Creator, recommended to local school districts by the New York Board of Regents, that led to the U.S. Supreme Court's decision in Engel against Vitale, and the subsequent prohibition of prayer in our public schools.

The most disturbing part of the Engel decision and those that followed is that they served to violate a well established and cherished tradition of recognizing God in our public life. This is a tradition that dates from our first days as a nation; a tradition that is part of our daily lives; and a tradition that lends substance to our national being.

Thomas Jefferson set forth an early articulation of this tradition when he wrote of our Nation's special relationship with the Almighty into our first and most important public document—the Declaration of Independence—that, "All men are created equal, that they are endowed by their creator with certain unalienable rights."

Since those words were written, we have used public forums and national institutions to continually acknowledge and thank our Creator for the freedoms and gifts that He has brought this Nation. This morning and every morning that we sit in session, the Senate begins its day with a prayer. This is repeated hundreds of times every day in courts, councils, civic events, and legislatures across the United States. Moreover, recognition of our Supreme Being is found on our currency, stamps, emblems, and seals. Every year, our Nation devotes an entire day of thanks for the gifts we receive, and every President has used his inaugural address to ask God for His guidance and blessings in the turbulent course of secular events.

That the recognition of God is such fundamental part of the American identity and our national fabric is perhaps best expressed in the following quotation from President Dwight Eisenhower. "Without God," Eisenhower said, "there could be no American form of government, nor an American way of life. Recognition of the Supreme Being is the first—the most basic—expression of Americanism. Thus the Founding Fathers saw it, and thus, with God's help, it will continue to be."

Since 1962, millions of American children have come of age deprived of the opportunity to participate in this—using President Eisenhower's words—most basic expression of Americanism during the course of the school day. Millions of children—who will inherit the leadership of this country will have spent their formative years unable to incorporate into their education an important and character building dimension that prayer would afford.

Mr. President, for over 200 years, prayer served as an essential element in our public life and thus in building a citizenship that is unique among men. For 170 years—until 1962—this tradition was incorporated into our schoolday. Now in unprecedented numbers, we are hearing the American people speak clearly on this issue: the opportunity for prayer is important, and that opportunity should be restored to the schools.

The measure before us would not mandate a specific prayer to be recited—indeed, it would not mandate prayer at all. It would simply restore the opportunity for prayer to be included during the course of the schoolday. The ultimate decision about prayer would properly rest with State and local authorities. Some may opt for prayer, some may not. But at least that option would exist.

By acting favorably on this measure, this body can take the first important

step toward removing the prohibition on prayer in the schools. By doing so, we can provide the opportunity for restoration of a cherished and vital tradition to our educational institutions.

The VICE PRESIDENT. The remaining time goes to the Senator from Utah. The Senator from Connecticut has 2 minutes. The Senator from Utah has 9 minutes.

Mr. HATCH. I thank the Chair.

Mr. President, I want to personally compliment the distinguished Senator from Connecticut. I know he feels very deeply about this. He has conducted himself in the highest sense of the Senate in debating this issue. I have tremendous respect for him.

Mr. President, there is little new that any of us can say about the proposed constitutional amendment at this stage. I believe that the debate on Senate Joint Resolution 73 has been a constructive and informative one, on all sides. If a Member of this body were to study the record of this debate over the course of the past 2 weeks, I am confident that he would have thoroughly set out before him the principal historical, constitutional, and policy arguments in support of and opposition to this proposal. Whatever the final outcome of this vote today, I would like to extend tribute to three individuals in particular—President Reagan, Senator THURMOND, and Senator BAKER—for having made this debate possible. Finally, more than 20 years after the Supreme Court's decisions in Engel and Abington, the U.S. Senate has been provided the full and fair opportunity to debate the issue of a school prayer constitutional amendment. Whatever one's perspective on school prayer, the present debate is long overdue.

Once more, I would like to summarize the real issues that are before this body this afternoon. They are issues that are widely understood and appreciated by the American people—people of all religious backgrounds—if not always by the supposed opinion leaders here in the Nation's Capitol.

The first issue, perhaps the most fundamental issue, is how constitutional policy is set in our system of government. Whatever one thinks about the merits or demerits of school prayer, there has got to be concern about a single court decision that, in one fell swoop, overturns the established constitutional policy of 175 years as well as the considered judgment of the elected representatives of the people in more than 40 States of the Union. Is our Nation one under the rule of law or the rule of individuals? Does our Constitution represent permanent and settled policy or does the Court sit as a continuing constitutional convention? In discovering the meaning of the Constitution, do we look to the intentions of the framers or to the policy preferences of sitting judges?

In other words, the first issue before us today is whether the legislative branch of Government will act to restore the meaning of the first amendment bequeathed to us by the Founding Fathers, by Jefferson and Madison and Washington, a meaning which served this Nation well through generation after generation as our Nation grew to greatness—greatness in its idea of liberty, greatness in its sense of compassion, and greatness in its moral character.

The second issue, Mr. President, related to the role of our educational institutions in teaching our children the heritage and culture of their civilization, a civilization unique in the history of our world. Is our concept of education limited to nothing more than teaching our young to understand computer chips and to function in their occupations, or is there something more to it? Is there a proper role for the public schools in the child's moral education and in exposing that child to the values and standards of behavior of our civilization? Is there a proper role in apprising students of the fundamental and indispensable role of our religious heritage in securing the blessings of our free and charitable and prosperous society? I believe that there is. No; it is not the role of the state to educate children in Lutheranism or Mormonism or Christianity or any other creed. That is not the issue here. Rather, it is whether the state can so heavily structure the child's daily environment, and educate that child in virtually every facet of his character, with the sole exception of his spiritual character? Is it genuinely "neutral" for the state to play such a dominant role in the upbringing of the child while shielding him entirely from any opportunity whatsoever to participate in personal religious expression?

The result of Federal court decisions over the past two decades is simply an environment in our public schools that is affirmatively hostile to religious values, not merely neutral toward them. During that period, the Federal judiciary has outlawed voluntary prayer, voluntary Bible reading, expressions of silent prayer, equal access to school facilities by voluntary student religious organizations, the posting of the Ten Commandments, and organized grace before meals. The courts have erected an absolute and unbridgeable wall of separation between the state and expressions of religious values where, for the first 175 years of our Nation's growth and development there was none. The courts have suddenly imposed upon this Nation a Constitution and an understanding of the first amendment that would have been unrecognizable to earlier generations of Americans.

Finally, Mr. President, the issue before us today goes to the question of the American character and its sense of fairness. Nobody can argue with the proposition that the present amendment is capable of being abused, just as none can argue that most manmade structures of law can be abused. What I find troubling, however, is the suggestion by some opponents of the immediate measure that it is likely to be abused. I reject that suggestion emphatically and believe that it represents a fundamental lack of confidence in the character of the American people.

Under Senate Joint Resolution 73, there would be no uniform national policy on school prayer; rather, the decision would be up to countless local officials and school administrators across the country. These are the public officials closest to the American people and most directly reflective of their values and sense of right and wrong. There is virtually no evidence that these individuals were insensitive to the interests of all of our schoolchildren prior to the 1962 and 1963 Supreme Court decisions. There is no evidence that they would not be equally tolerant and respectful of minority rights as they were prior to that time. There is no evidence that the average American in this country is any less sensitive to minorities, any less tolerant of those with whom they disagree, and any less committed to preserving the values of our Constitution than are Federal judges here in Washington and elsewhere.

There are competing and sometimes conflicting religious strains in our Constitution—the commitment to the full and free exercise of religion, and the commitment to maintaining a proper separation between church and state. The need to balance these ideals is an ongoing one, one that has perplexed our judicial system on countless occasions. I simply disagree with those who believe that the only way to achieve this balance is through a single, inflexible national policy set forth by black-robed judges here in Washington. Rather, I believe that the diversity of the American experience, the variety of local communities throughout the country, demands that we respect the policy choices of those most affected by those policies.

Our local communities have learned to accommodate those students who desire not to participate in the study of controversial subjects, sex education, for example; they have learned to accommodate those who choose not to pledge allegiance to "One Nation Under God"; they have learned to accommodate those who choose not to salute the flag; they have learned to accommodate a wide variety of individual needs and desires. I am confident that the American people, in their

wisdom, in their sense of fair play, in their sense of constitutional right and wrong, can also learn to accommodate those who desire a moment of prayer as well as those who reject a moment of prayer. I am confident that the American people, acting on their own, can establish local policies that are at least as consensus oriented and at least adapted to their own unique needs as is the Federal judiciary.

Mr. President, these are the real questions before us this afternoon as we vote on Senate Joint Resolution 73—in short, will this body restore to the American people a Constitution that has served this Nation well for the greatest part of its existence and that trusts the American people in their ability to conduct their own affairs in a decent and fairminded manner. Mr. President, I strongly urge the proposal of the immediate amendment as the 27th amendment to the Constitution.

The VICE PRESIDENT. The additional minute has expired.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from South Carolina.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, we had prayer in the schools from the time that this Government was founded until 1962. No one complained. Everyone acknowledges that it is proper to have prayers. There is nothing in the first amendment that prohibits it. The first amendment establishment clause was merely intended to prevent the creation of a national religion. That is all it was supposed to accomplish. England had a national religion and some other countries did. When this country was founded our forefathers did not want a national religion. On the contrary, they wanted to guarantee the free exercise of religion apart from a national church.

I think that the Supreme Court decision handed down in 1962 is ridiculous. That decision should be reversed. When the Supreme Court went into the field of insurance, where they had no authority, the Congress passed a law and took them out of it. They have gone into other fields where they have no authority. Now they have gone into the field of school prayer and incorrectly interpreted the Constitution. We ought to take action today to correct this situation.

Congress can control this situation. I do not know that prayers would hurt anybody in school. I want to emphasize that this amendment does not provide for mandatory prayers. It is purely voluntary prayers that are provided for. The United States cannot compose the prayer to be used. A State cannot compose the prayer. The school officials cannot compose the prayer. It is purely voluntary on the part of the students.

Who can object to that? Literary groups meet, athletic groups meet, and other groups meet and, yet, anyone who enters into religion cannot meet. I think that ought to be corrected.

We think they ought to be allowed to pray, if they want to pray. Anybody of any religion can get up and pray. This is not a Protestant prayer, this is not a Catholic prayer or a Jewish prayer or any other kind. It just allows a student, if they wish to, to get up and pray. What is wrong with that?

After all, every morning when I open this Senate as President pro tempore, the first thing I do is call on a chaplain to pray. If we can open the Senate with prayer, why cannot children in school pray?

The VICE PRESIDENT. The 3 minutes have expired.

Mr. THURMOND. I am sorry. My time is up, Mr. President. I have to stop.

The VICE PRESIDENT. The Senator's time has expired.

The Senator from Connecticut.

Mr. WEICKER. I yield a minute to the distinguished Senator from Utah.

Mr. HATCH. Whatever time the Senator can yield to me, I will yield to the distinguished majority leader.

Mr. WEICKER. I yield it to the distinguished majority leader.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Senator. I have no right to do it, except I would like to speak last.

Mr. HATCH. Whatever time is left I will yield to the majority leader.

Mr. BAKER. Mr. President, how much time remains altogether?

The VICE PRESIDENT. There are 4 minutes remaining.

Mr. BAKER. How is it divided?

The VICE PRESIDENT. Two minutes to each side.

Mr. WEICKER. Mr. President, I intend to yield a portion of my time back to the distinguished majority leader. I repeat, when this debate is over, let us leave the field—and I mean both up here in the Senate and down at the other end of Pennsylvania Avenue—with pride in the fact that each one of us put forth out best efforts on behalf of our conviction and principles. This is not a political issue. It should not be a political issue. Indeed, if anyone makes it so, I hope it will be the cause of their defeat, Republican or Democrat.

I yield the remainder of my time.

Mr. HATCH. Mr. President, I yield the balance of my time to the distinguished majority leader.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, there were moments when I thought we would never reach this point when we would be prepared to vote on this resolution, to test whether two-thirds of the Senate of the United States would adopt an amendment to the Constitution to be submitted to the House of Representatives and ultimately to a vote of the States for their consideration and ratification.

I have begun those brief remarks by expressing my appreciation to those on both sides of the issue who have cooperated in the past 2 weeks in making it possible for us to deal with this issue. But now, Mr. President, the hour is at hand to stop talking and to start voting. The time has come to cast our votes, either to restore the neutrality of the States in the free exercise of religion, or to officially affirm an anti-religion bias in our schools which I believe a series of court decisions has created.

We are all agreed, Mr. President, that the issue is religious liberty. Those opposed to this amendment contend that it is not the place of the State, and should not be within the power of the State, to mandate religious activity or prescribe the form or substance of that activity. Those of us who support this amendment entirely agree.

But is mandating religious activity worse than prohibiting it, or are these equal offenses before the law and the Constitution? That, I believe, is the crux of the issue before us. I believe the Government has no right either to force or forbid the voluntary exercise of religion in our schools or in any other place. But the Government, through the courts, has assumed this right for 20 years, and the Government, through the Congress, has an opportunity today to remedy this constitutional and historical mistake.

The amendment before us provides that nothing in the Constitution shall be construed as preventing voluntary prayer in public schools or other publicly supported institutions. The free and voluntary exercise of religion shall not be construed as an establishment of religion by the State. No Government authority shall have the power to prescribe or mandate any such religious activity.

This amendment simply restores the neutrality which ought always to have been the role of the State in the exercise of religion. Government cannot grant the right to pray. God grants that right. Government cannot prohibit prayer. The Constitution already says it cannot, but if we need say it twice or a dozen times, we should do so and we should begin today.

The hour has come. The decision is upon us. Let the people's will be done.

Mr. President, those of us who support the amendment do not seek an advantage. We seek to remove a disadvantage to the voluntary observance of religious services in the public life of our Nation.

The VICE PRESIDENT. Under the previous order, the hour of 3 p.m. having arrived, the Senate is to vote on Senate Joint Resolution 73. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. BAKER. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

(During the vote, the following occurred:)

Mr. EXON. Mr. President, could I suggest regular order, please?

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, am I recorded?

The PRESIDING OFFICER. The majority leader is recorded as voting yea.

Mr. BAKER. I thank the Chair.

Mr. EXON. Regular order.

Mr. BOSCHWITZ. Regular order, Mr. President.

The legislative clerk concluded the call of the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—56

Abdnor	Hecht	Pressler
Armstrong	Heflin	Proxmire
Baker	Helms	Pryor
Bentsen	Hollings	Quayle
Boren	Huddleston	Randolph
Byrd	Humphrey	Roth
Chiles	Jepsen	Sasser
Cochran	Johnston	Simpson
D'Amato	Kasten	Stennis
Denton	Laxalt	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
East	Mattingly	Tower
Exon	McClure	Trible
Ford	Melcher	Wallop
Garn	Murkowski	Warner
Grassley	Nickles	Wilson
Hatch	Nunn	Zorinsky
Hawkins	Percy	

NAYS—44

Andrews	Durenberger	Mathias
Baucus	Eagleton	Matsunaga
Biden	Evans	Metzenbaum
Bingaman	Glenn	Mitchell
Boschwitz	Goldwater	Moynihan
Bradley	Gorton	Packwood
Bumpers	Hart	Pell
Burdick	Hatfield	Riegle
Chafee	Heinz	Rudman
Cohen	Inouye	Sarbanes
Cranston	Kassebaum	Specter
Danforth	Kennedy	Stafford
DeConcini	Lautenberg	Tsongas
Dixon	Leahy	Weicker
Dodd	Levin	

The PRESIDING OFFICER. Before the Chair announces the result, the Chair will caution the gallery that they are not permitted to express pleasure or displeasure on the result.

On this vote, the yeas are 56, the nays are 44. Two-thirds of the Senators present and voting not having voted in the affirmative, the joint resolution fails of passage.

Mr. WEICKER. Mr. President, I move to reconsider the vote by which the joint resolution was rejected.

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

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, there are a number of Senators who, I believe, have brief statements they wish to make on this matter. It is my intention, as soon as possible, to try to reach another piece of legislation. I advised the minority leader the measure I will try to reach is Calendar Order No. 704, which is the wheat bill.

Mr. President, I hope we are able to reach that by unanimous consent.

The PRESIDING OFFICER. If the Senator will withhold, may we have silence in the Senate so that everyone can hear the majority leader?

The majority leader.

Mr. BAKER. If I am not able to reach it by unanimous consent, it would be the intention of the leadership on this side to move to the consideration of that measure. I will not do so at this moment. In the next 10 minutes or so, I expect some Members may have statements they wish to make. While technically, I suppose, there is nothing pending before the Senate, I ask unanimous consent that for the next 10 minutes it may be in order for Senators to be recognized for that purpose.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The Senator from North Carolina.

REINING IN THE SUPREME COURT: STATUTORY LIMITATIONS ON JURISDICTION

Mr. HELMS. Mr. President, to all the parents of children in the public schools and all other citizens who want to restore our great American tradition of voluntary school prayer, I say: We have just begun to fight. Round 1 is over, but so long as I am in the U.S. Senate there will be many more rounds to come.

Mr. President, there is more than one way to skin a cat, and there is more than one way for Congress to provide a check on arrogant Supreme Court Justices who routinely distort the Constitution to suit their own motions of public policy.

The truth is, Mr. President, that the problem is not—I repeat—is not in the text of the Constitution. The text is fine, and the text never prohibited voluntary prayer in the public schools of the States, as American history and experience up until 1962 so clearly attest.

The problem, Mr. President, is—plainly and simply—runaway Federal judges bent on imposing their own personal views of good public policy on the American public irrespective of the law. More often than not in recent years, these views have been hostile to both the Constitution and longstanding American traditions. It is no understatement to say that American society has been radically altered in recent years because of activist Federal judges.

We in Congress have tolerated this judicial usurpation long enough—not only on school prayer but also on capital punishment, forced school busing, abortion, pornography, swift and sure punishment for criminals, and in other areas of the law. Because of this usurpation, the States have been reduced to a position of servitude at the Federal bar, and the people, in the States have been denied their right to self-government on a State level.

Mr. President, it is time to put a stop to the charade going on on Federal benches. It is time to restore the States and the people to their proper position in our federal system. And it is time Congress exercised its explicit constitutional power to bring this about.

I am referring, of course, Mr. President, to the power of Congress under the Constitution to limit and regulate the appellate jurisdiction of the Supreme Court and the general jurisdiction of the lower Federal courts. Specifically, I refer to my voluntary school prayer bill, S. 784, which is already on the Senate Calendar.

Mr. President, the recent debate over a constitutional amendment on school prayer has raised the larger questions of how Congress should perform its constitutional duty to provide a check on the Supreme Court. Lawyers and laymen alike today recognize that the Supreme Court has gone far beyond its constitutional role of interpreter of the law. In recent years it has transformed itself from interpreter of law to lawmaker—a role neither authorized nor anticipated by the Constitution.

The Supreme Court makes law in two ways. First, it invades the prerogatives of the legislative branch by in effect amending Federal statutes. Illustrating this point is the recent *Bob Jones* case (461 U.S. — (1983)) in which the Internal Revenue Code was amended by Court decree.

Second, the Supreme Court regularly alters the Constitution itself without benefit of a constitutional amendment. This is the more dangerous of the two problems. For example, in the early 1960's contrary to all precedent

and tradition and without any official change in the Constitution, the Court held unconstitutional voluntary group prayer in the public schools.

Frankly, Mr. President, I cannot comprehend how Congress could ever have directly achieved this sweeping result. The plain fact is that the Constitution does not confer upon any branch of the Federal Government the power to tell the States they cannot conduct voluntary prayer in their own schools if they so choose.

But the Supreme Court of the United States did not hesitate in the now famous *Engel* (370 U.S. 421 (1962)) and *Schempp* (374 U.S. 225 (1963)) cases to tell the States just that. The theories used were novel and without historical basis. They were that the establishment clause of the first amendment had been "incorporated" against the States and that its terms prohibited voluntary prayer in public classrooms.

The Court in effect amended the Constitution in a way Congress never could. By a simple majority vote of the nine Supreme Court justices, voluntary school prayer was rendered unconstitutional throughout the United States.

Ironically, Congress had in fact tried in 1875 to bring about, at least partially, the result achieved by the Supreme Court in the prayer cases. Unlike the Court, however, Congress proceeded according to the Constitution and considered proposing a constitutional amendment to the States for their ratification.

That amendment, the so-called Blaine amendment, would have applied the establishment and free exercise clauses of the first amendment to the States. It was rejected, and no one even implied—as the modern Supreme Court has apodictically declared—that the 14th amendment incorporated the establishment clause against the States.

Mr. President, my point here—and it applies in other important areas of the law such as abortion, forced busing, capital punishment, criminal procedure, pornography, and libel—is that the Supreme Court has taken unto itself the power of amending the Constitution. It sits today virtually as a continuing constitutional convention with powers of ratification, even though the Constitution gives it no such status.

Instead of properly using the power of judicial review to invalidate statutes repugnant to the Constitution in cases before it, the Supreme Court employs judicial review, first to expand the Constitution according to the justices' personal views, and then to declare otherwise valid laws unconstitutional. This exotic and extravagant latter-day jurisprudence threatens not only our Constitution but the rule of law itself.

Under these circumstances Congress has not only the power but the duty to rein in a wayward judiciary and restore a proper balance of power among the three branches of Government. What can Congress do? The framers' original design of checks and balances gives Congress significant powers over the judicial branch.

The Senate, for instance, is authorized to give advice and consent on the President's nominations to the Federal bench. The House can impeach and the Senate can remove judges for misconduct. Congress holds the purse strings for judicial appropriations—excepting judges' compensation. Congress has specific enforcement powers over the 14th amendment and other constitutional provisions. And, finally, Congress can do two things that deserve special consideration; namely, propose constitutional amendments and limit Supreme Court appellate jurisdiction.

No one would dispute that the adoption of a constitutional amendment can be used to change an interpretation of the Constitution by the Supreme Court. This use of the amendment process has played a part in the adoption of the 11th—prohibiting lawsuits against a State by noncitizens of that State—14th—guaranteeing citizenship and rights to due process—16th—authorizing the income tax—and the 26th—lowering the voting age nationwide to 18.

But because the framers wanted a strong and stable Federal Government, they purposely made the Constitution difficult to amend. Naturally the charter for a longstanding union of sovereign States should not be subject to quick and easy change.

It is this very difficulty of the amendment process which makes it a blunt instrument as a congressional check on a wayward judiciary. The framers never envisioned that the main congressional remedy for judicial abuse of power would be a constitutional amendment.

If that were the case and Congress were relegated merely to proposing constitutional amendments whenever the Supreme Court distorted the Constitution, then the amendment process would serve not to safeguard the text of the Constitution but to protect the Court's corruptions of it. The framers would then have made the Court not only the most dangerous branch, unlike what Hamilton said in Federalist No. 78, but also the supreme branch of the whole Federal Government.

If the Court had this position of complete supremacy, as many would like it to have, its decisions would be cloaked with a functional infallibility. The mere opinion of the Court about the Constitution would be raised to the level of the constitutional text itself. The framers' healthy fear of concentrating governmental power in too few hands and their explicit design of a government with checks and balances eliminate the possibility that they would have created a Supreme Court virtually beyond the reach of direct congressional action.

That they did not is confirmed by both the test of the Constitution and its legislative history, particularly article III, section 2, which provides in part:

> The Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Although this provision prompts much discussion these days about "court stripping" and "threats to the independence of the judiciary," the framers of the Constitution had far different concepts in mind. In Federalist No. 80, Alexander Hamilton wrote about the judicial powers conferred in the Constitution. He said:

> If some partial inconveniences should appear to be connected with the incorporation of any of them (judicial powers) into the plan, it ought to be recollected that the national legislature will have ample authority to make such *exceptions* and to prescribe such regulations as will be calculated to obviate or remove these inconveniences. (Emphasis in the original).

John Marshall, in the Virginia ratifying convention, said:

> Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the Supreme Court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people. *3 Debates on the Federal Constitution* 560 (J. Elliot 2d ed. 1888).

In talking about congressional checks on the judiciary, Hamilton and Marshall point directly to article III, section 2. Their commentary, along with other legislative history, affirms what a reading of the provision plainly indicates.

For these reasons I have advocated and will continue to advocate legislation to withdraw jurisdiction from the Supreme Court in those areas where it has clearly distorted the meaning of the Constitution. Although such legislation has yet to be enacted, it has met with some success.

In 1979, when the Democrats held a majority in the Senate, my bill withdrawing jurisdiction over school prayer passed twice by votes of 47 to 37 and 51 to 40, only to be killed in the House by Speaker O'NEILL, PETER RODINO, and company. In 1982 the same bill survived a tabling motion 53 to 47, before later being set aside to pave the way for passage of a Federal debt limit extension.

These votes demonstrate that the will is there in the Senate to apply the brakes on the Federal judiciary by withdrawing jurisdiction. Not only should we pursue such means to restore the people's liberty on prayer

and other fundamental issues, but, I believe, we in Congress will be delinquent in our duties to preserve, protect, and defend the Constitution if we do not. It is Congress that was given the authority to check the Supreme Court, and it is to Congress that the American people should look to remedy judicial usurpation.

Mr. President, an article by Dr. Ralph A. Rossum in the spring 1983 edition of the William and Mary Law Review, entitled "Congress, the Constitution, and the Appellate Jurisdiction of the Supreme Court: The Letter and the Spirit of the Exceptions Clause," discusses at length the basis of the congressional power to limit Supreme Court appellate jurisdiction. It effectively refutes virtually every argument advanced thus far against the constitutionality of this power. At some point, Mr. President, I may ask unanimous consent to put this article in the RECORD, but for now I merely refer my colleagues to it at 24 William and Mary Law Review 385 (1983).

In summary, I will simply say that it is my intent to pursue article III of the Constitution which empowers the Congress of the United States to limit the jurisdiction of the Supreme Court. I have served notice as to this on a number of occasions. That is what the statement says.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, we have just had a very interesting and historic vote in the U.S. Senate. I share the concerns just expressed by my friend and colleague from North Carolina that the joint resolution failed. The point of the matter is that it has been well known in this body for 2½ weeks that that particular joint resolution we just voted on was going to fail.

Earlier I had made inquiry as to whether or not it would be appropriate for this Senator to offer an amendment for silent reflection or silent prayer.

Early on it was well known by all of the 100 Members of this body, on both sides of the aisle, that the best way to proceed in this matter was to try and get what we wanted, which was oral prayer in the schools, or at least a substantial majority of this body wanted that. But I learned a long time ago if you cannot get what you want, then you try and settle for the next best.

I really believe that had this not been and were not this a political-religious issue instead of a religious issue alone, we indeed would have had the opportunity, after this joint resolution failed, to now proceed with some kind of a compromise which would have at least allowed local school boards to make the decision as to whether or not some type of a remembrance to a Supreme Being could be recognized daily in our schools.

This Senator from Nebraska presented remarks on this subject a few days ago and on my position.

The question that comes to my mind is, if this were not a political issue, why is it that we would not have a chance now to proceed on some kind of a silent remembrance or silent prayer?

I am very much afraid that this matter has become a political football that is going to be kicked across this Nation, up and down, in the upcoming campaign.

The Chair may have noticed that the Senator from Nebraska asked for regular order. I asked for regular order after we had run 7 or 8 minutes over the time after a 45-minute rollcall vote.

It was obvious that we were not going to have regular order because there remained one more Republican Senator who wanted to be on line, in step, in tune with the President of the United States.

It may be that the opinion of the Senator from Nebraska on this is entirely incorrect. It might be that everybody is sincere and are really interested in respect of God, which we could have done with silent prayer. I hope I am wrong. I hope that is not the case. I hope I am proven wrong, by encouraging the President of the United States in the spirit of true religious faith not to use this vote in his Saturday politically paid broadcast. I would hope likewise that this would not become a political football in the upcoming Presidential race.

I think those of us who are very much concerned regardless of how the politics fall about prayer in school would be keenly disappointed if the President of the United States sees fit to make this a political football. Because if he does, I think it might prove that the President of the United States might not be as sincere about things religious as he has been accused of being.

What could we have done, Mr. President? We could have, if we had wanted to, brought up some kind of silent prayer amendment. Then we certainly could have cut off a filibuster with cloture. Then we could have voted up or down. But that was not the way the game was intended to be played and everybody has known for the past 2½ weeks that this vote we just took would not be significantly different.

I am simply saying on the floor of the U.S. Senate, Mr. President, that I am not happy with the way this has been handled. I just hope that somehow we can get around it. I certainly hope that those of us who voted for the President's amendment in good faith and in good conscience will not be placed in a position now to defend many of our colleagues who, in their own right, felt just as strongly the other way as we did on this and that they will not be unfairly attacked for voting their convictions.

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

Mr. EXON. I shall be happy to yield.

Mr. BYRD. I think it would be difficult for the President to make that kind of argument; it certainly would be difficult for him to make it stick in view of the fact that 19 of us Democrats voted for the amendment. I believe 18 Republicans voted against it. I have said all along that this should not be made a partisan issue.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President, I am disappointed in the outcome of this vote on restoring voluntary school prayer. I began my opening statement on this issue by recognizing the rightly difficult and long process involved in amending our Constitution—a Constitution that has preserved freedom and justice for over 200 years.

For nearly 188 of those 200-plus years, children in America were allowed to recognize the Lord through praying in public schools. It served us well. However, today, the vote was taken and there was not a sufficient number. Even though there was a majority, there was not a sufficient number to meet the requirements for this long process involved in amending our Constitution.

Having examined the state of religious freedom in America's public schools, I strongly urge my colleagues to consider the next step in restoring the right to the free exercise of religion in schools. I refer to legislation insuring equal access to school facilities for voluntary religious activities.

Mr. President, I support my colleague (Mr. DENTON) in his efforts to bring S. 1059 to the floor for consideration.

It is appropriate that this body consider this equal access legislation which would clarify the free speech, free association, and free exercise of religion rights of public school students after considering a constitutional amendment to restore voluntary school prayer.

Mr. President, I point out very briefly that we can assemble in schools today to discuss communism, to discuss yoga, to discuss nazism, to discuss every kind of "ism" that is known to mankind, but several Federal courts say we cannot assemble to discuss the Bible or the Lord.

The Judiciary Committee voted to recommend this bill for passage on a bipartisan vote of 12 to 4. I urge the leadership to bring Calendar No. 657 to the floor at an appropriate time in this session.

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

Mr. JEPSEN. The Senator will yield.

31-059 O-87-4 (Pt. 5)

Mr. DENTON. Mr. President, I thank the distinguished Senator, my good friend, the Senator from Iowa (Mr. JEPSEN), for his remarks.

I assure the Senator from Nebraska (Mr. EXON) that I do not intend to make political hay out of that which I perceive to have been a conscientious vote on both sides.

The Senate has now worked its will on the school prayer constitutional amendment. The majority leader is to be commended by all of us for his leadership and example throughout the debate. I believe the tenor of the debate on the part of all Senators was commendable.

Although I am not surprised at the outcome, I am nonetheless disappointed and dismayed. An overwhelming majority of Americans wanted an amendment; a substantial majority of my colleagues wanted it; a shift of only a handful of votes would have insured its passage.

The amendment would probably not have been perfect and I respect the votes on both sides. I believe it would have been preferable; hence, my "yea" vote.

I believe most of my colleagues agree, perhaps including the Senator from Nebraska, certainly the Senator from Illinois (Mr. DIXON) I perceived to have agreed the other day that this bill S. 1059 is worthy of support. I would like to outline the bill humbly and respectfully to my colleagues, believing that the Senate and Congress cannot leave this matter without having acted favorably on some legislation that properly deals with religious expression.

I ask, then, that the majority leader focus his attention for a moment on the equal access bill, about which the Senator from Iowa spoke, S. 1059, which I introduced to address one vital aspect of the school prayer issue.

The equal access approach clarifies the right of religious public school students voluntarily to meet on an extracurricular basis, during noninstructional time, on the same basis as other student groups such as the Chess Club or the Drama Club. Under the equal access approach, public schools that have created a forum must treat all student groups alike under a content neutral policy.

Normal time, place, and manner restrictions on the meetings of student groups are, of course, expected and desirable. My bill contains a provision that clarifies that the legislation not be construed to limit the local school board from adopting nondiscriminatory procedures for student group meetings to insure orderly conduct during the school day. I wish to outline these characteristics of the bill because they are important.

The bill as reported clarifies the role of the faculty as that of a nonparticipating custodian, to assure health and safety and order in the classroom.

Moreover, my bill has a section that assures that no faculty member can influence the form or content of prayer or religious activity.

The bill also contains a definition to clarify that "extracurricular activities" does not mean officially sponsored athletic teams that represent the school.

In other words, if the school permits only a football chalk talk in a classroom, that does not mean that they would have to permit to a classroom equal access for religious purposes. However, if it does have more than that, something like a chess club or sorority meetings or that sort of thing, then it would have to adopt equal access for religious purposes.

President Reagan has endorsed the legislation and Secretary Bell strongly favors my approach of equal access. I strongly remind my colleagues that S. 1059 has had 2 full days of hearings and was favorably reported by the Judiciary Committee by a vote of 12 to 4. S. 1059 is the only legislation on the issue of religious expression in the schools to have been reported favorably from committee. There have also been hearings held in the House on a companion measure, and the hearing in the House before committees has indicated that there will be no problem with this bill in the House.

Mr. President, I express my intent in the near future to introduce this bill on the floor, limited only by the majority leader's decision regarding the calendar. I ask him if he is in a position now to specify a time or means by which we might best consider the measure.

Mr. BAKER. Mr. President, if the Senator will yield, I am not in a position now to designate a time but I can assure him that, as the matter is reported on the calendar, it will be given the most careful consideration. I shall confer with him about a time.

I also tell him that I have no desire whatever to keep him from doing that. Indeed, I shall help him try to reach general and full consideration of this measure.

Mr. RANDOLPH. Mr. President, we, the Members of the U.S. Congress, have the privilege of prayer given by our beloved Chaplain. This has been so since the founding of our Republic. Our Nation's children in our public schools should have that same privilege.

I am disappointed that there were less than the required number of votes to pass the prayer amendment. It is, as we know, necessary for a constitutional amendment to receive two-thirds of the votes of Senators who were present and not just two-thirds of the total number of Senators who serve.

But we must also remember that there were 12 more Senators who voted for the prayer amendment than voted against it. I respect the judgment, recorded in votes, of my colleagues. It is a fact of life here on the Hill. There are understandable differences of opinion.

I have cast 10,502 rollcall votes, which includes today's decisionmaking process.

I recall, as the author of the 26th amendment to the Constitution, our last constitutional amendment, which provides the opportunity and responsibility for youth who are 18, 19, and 20 years old to vote, that I began this crusade with legislation and hearings in the House of Representatives in 1942. It was 30 years later that our young people could go to the polls and exercise their ballots.

Mr. HATCH. Mr President, in addition to the Senators to whom I paid tribute in my statement preceding today's vote (Senator THURMOND and Senator BAKER) let me also extend my appreciation to the following Members for their efforts during the course of this lengthy debate: The distinguished Senator from Arizona (Senator DECONCINI); the distinguished Senator from Iowa (Senator GRASSLEY); and the distinguished Senator from Kansas (Sentor DOLE).

I would also like to pay tribute to the following staff members for their efforts in this debate; my counsel on the Subcommittee on the Constitution, Stephen Markman; Randall Rader, also of my subcommittee; Dick Bowman and Dee Lide, Senator THURMOND; Jamie Baker, Senator BAKER; March Bell, Senator DENTON; Bob Feidler, Senator DECONCINI; Mike Epstein, Senator BYRD; and John Maxwell, formerly with Senator GRASSLEY.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, the time that has been devoted to additional statements has now expired. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BAKER. Obviously, if Senators have statements they wish to make, by consent of the Senate, they can be included at this point in the RECORD.

UNANIMOUS-CONSENT AGREEMENT—VETO MESSAGE ON S. 684

Mr. BAKER. Mr. President, I believe this is cleared on both sides, but I would not swear to it after the reaction I got so far, and judging by the crouch in which I see the Senator from Louisiana, I may not get this at all, but I ask unanimous consent that at 1 p.m. on Wednesday, tomorrow, March 21, the Senate turn to the consideration of the veto message to accompany S. 684, water resources re-

search, and that it be considered under the following time agreement: 1 hour on the question of reconsideration, to be equally divided between the chairman of the Environment and Public Works Committee and the ranking minority member, or their designees.

Further, I ask unanimous consent that at 2 o'clock on Wednesday, March 21, the Senate proceed to a rollcall vote on the question of "Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?"

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

Mr. BAKER. Mr. President, I feel I barely escaped with my life.

The text of the agreement follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That at 1:00 p.m. on Wednesday, March 21, 1984, the Senate proceed to consider the President's veto message on S. 684, the Water Resources Research Act of 1983, with the time for debate on the question of reconsideration to be limited to one hour, to be equally divided and controlled by the Chairman and Ranking Member of the Committee on Environment and Public Works, or their designees.

Ordered, further, That at 2:00 p.m. on Wednesday, March 21, 1984, the Senate proceed to a rollcall vote on the question of whether the bill shall pass, the objections of the President of the United States to the contrary notwithstanding. (March 20, 1984)

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

Mr. BAKER. As the minority leader knows, I announced a few minutes ago that it is the intent of the leadership on this side to ask the Senate to go to H.R. 4072. May I ask the minority leader if he is prepared to go to that by unanimous consent?

Mr. BYRD. Mr. President, I think there will be an objection on this side for the moment.

Mr. BAKER. I thank the Senator.

Mr. President, I had been told that previously and rather than make an idle gesture I now move the Senate proceed to the consideration of Calendar Order No. 784, H.R. 4072.

Mr. JOHNSTON addressed the Chair.

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

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, the majority leader has moved to take up a bill that has been described as a wheat bill, and it is important to note right from the outset that this bill covers four different commodities, not just wheat. Wheat, indeed, is one of the commodities covered, but it also covers cotton, rice, and corn.

Mr. President, we have discussed the administration's proposal to cut the target prices on the 1984 and 1985 wheat crop for about 8 or 9 months, so nothing is new about that. But just 2 weeks ago the administration, in the form of Secretary John Block and the Director of the Office of Management and Budget, David Stockman, came before the members of the Senate Agriculture Committee and any other Senators who were interested and said: "We have a proposition that involves more than wheat. We have a proposition that also involves the 1985 program for rice, cotton, and corn."

There were not any public hearings on those commodities. They were just sort of dumped out before the committee and the other Senators who were interested. Through a series of meetings, we finally reached a point where the Senate Agriculture Committee said: "Well, all right, we will buy the package," and that is causing some trouble now.

I think, with a little accommodation among wheat Senators and the Department of Agriculture and David Stockman, we could have a modification of the wheat program for wheat farmers in this country for both 1984 and 1985. But I fully understand the reluctance of Senators who represent the other three commodities—rice, cotton, and corn—to sign off on what would be the 1985 farm program for those commodities.

I am taking this time to discuss this matter because Senator BUMPERS, who cannot be present right now, wishes to enter into the RECORD some remarks of his own and perhaps some colloquy concerning rice and perhaps other commodities that are covered in this package. So I am not going to hold this floor very long, but I will protect Senator BUMPERS at his request.

Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky (Mr. HUDDLESTON) without losing my right to the floor.

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

Mr. HUDDLESTON. I thank the Senator for yielding.

Mr. President, I reiterate the comments made about the importance of this particular legislation and the need to act very quickly.

As the Senator from Montana has pointed out, it has been inaccurately termed a wheat bill. There are other commodities involved.

I think it is deplorable that the administration has not come to terms with Senators who have within their own constituencies situations, with respect to those other commodities, that demand immediate attention.

Also in this bill are a number of provisions relating to the credit needs of American farmers.

Credit remains a serious problem for farmers, and the threat of foreclosure is the most demoralizing aspect of the recession in the agricultural economy.

During the last 2 years, over 15,000 farmers with Farmers Home Administration loans have been forced to liquidate their operations for financial reasons.

Federal credit programs need to be adjusted immediately to prevent additional foreclosures against farm operators who are experiencing temporary financial difficulty through no fault of their own.

Some of the improvements contained in the credit portion of the bill could be accomplished administratively. In fact, I have urged, and continue to urge, the administration to take steps administratively, under existing law, to address farm credit needs.

I am especially concerned that immediate action be taken with respect to the economic emergency loan program. In the 1981 farm bill, Congress authorized the use of the economic emergency loan program during fiscal year 1982 to assist farmers facing severe economic hardship. However, the administration chose not to implement the program.

That decision resulted in a lawsuit against the Department of Agriculture. In the decision handed down by the district court for the District of Columbia in that case, the Department was directed to reopen the economic emergency loan program on December 22, 1983, and administer the program through the end of fiscal year 1984.

Acting under the court's order, the Department of Agriculture, in early December, announced that $600 million in economic emergency loan funds would be made available through the Farmers Home Administration. However, in January, the Office of Management and Budget directed FMHA to make only $57 million in direct loan funds available and provide $543 million in loan guarantees under the program.

Historically, the Farmers Home Administration farm loan guarantee programs have been used only to supplement the direct loan programs. For example, during the previous years the economic emergency loan program was in operation, over $6.6 billion in loans were made but only $328 million—or about 5 percent—of the assistance was in the form of loan guarantees.

It is clear to me that OMB's action was designed to restrict use by farmers of the economic emergency loan program. While all $57 million of the direct loan allocation was committed by January 13, 1984, only about $15 million of the $543 million programed for loan guarantees have been used as of the end of February.

Up until 2 weeks ago, the OMB decision on allocation remained unchanged. Then, during the negotiations that led to the development of this legislation, Budget Director David

Stockman and Agriculture Secretary John Block told congressional leaders the administration was willing to allocate an additional $253 million for direct economic emergency loans if Congress cut back certain other programs.

This is not the way to make policy decisions regarding this vital program. Farmers about to be forced out of business because of last year's drought or general economic conditions should not be just bargaining chips for the administration.

I strongly urge the administration to stop using farmers as pawns in political negotiations and immediately make direct economic emergency loans available through the Farmers Home Administration without waiting for enactment of H.R. 4072.

Direct loans are repaid at an interest rate that is above the Federal cost of borrowing so there is very little cost, but great benefit to farmers, in the making of such loans. Over 121,000 economic emergency loans have been made in past years and conditions justify reopening the direct loan program immediately.

In addition to providing more funds for direct economic emergency loans, the administration should take several other administrative actions that would be helpful to farmers.

With respect to the natural disaster emergency loan program, the administration should make emergency loans available based on individual production losses without regard to county designations. Such action would be consistent with changes made in the law in 1978 to provide emergency loans to any qualified farmer regardless of where he resides.

Further, the administration should extend from 6 to 8 months the time period in which farmers affected by a disaster may file applications for emergency loans after the disaster determination is made.

In addition, the administration should allow the interest rate on any Farmers Home Administration farm loan—other than a guaranteed loan—that is deferred, consolidated, rescheduled, or reamortized to be set, for the balance and term of the original loan, at the lower of the rate of interest on the original loan or the current rate of interest being charged by the Farmers Home Administration for loans of the same type.

With respect to the low-income, limited-resource borrower program, under which borrowers who qualify can receive farm ownership and farm operating loans at a reduced rate of interest, the administration should take steps to make certain all of the available funds are used. In recent years, despite the need, millions of dollars in loan money set aside for limited resource farmers has gone unused.

Mr. President, the credit situation for American farmers has never been more serous, going back to the Great Depression, than it is at this particular time. Action must be taken to provide some help for farmers. If action is not taken within a reasonably short time, we will lose the opportunity to help the agricultural producers of America deal with what was one of the worst drought seasons in many, many years, deal with the decline in market prices, and deal with the decline in export sales of our agricultural products, and be able to stay on the farm and in business another year.

On this legislation, I hope we see some interest on the part of the Agriculture Department in talking to the Senator from Alabama, the Senator from Montana, and the Senator from Arkansas, and resolving these minor differences so we can move forward to passage.

I appreciate the Senator from Montana yielding to me.

Mr. MELCHER. I thank the Senator from Kentucky, the ranking member of the Senate Agriculture Committee. His remarks are, indeed, correct.

I point out that David Stockman and the administration's real interest in this bill, of course, is to show some savings in outlay for the Treasury. They have estimated that that is about $3.5 billion over the next several crop years in these four commodities.

The desire to save some money for the Treasury is very admirable and none of us is going to quarrel with that since we have a huge budget deficit. But in regard to wheat, it is fair to say that it is the only commodity of the four which is required under the terms of this legislation to give up some of the statutorily protected target price for the 1984 crop.

Then, having given up part of that, it is locked into it for the 1985 crop. And if the Department and David Stockman had had their way, I guess it would be the target price for the 1986 and 1987 and perhaps 1988 crops also. That would be $4.38. That is a modification from what would be the target price in 1984, $4.45 now required under law and $4.65 for the 1985 crop that is now required under the law.

Now, there is one other point about wheat also that should be noted. The Secretary has established the loan rate for wheat for the 1984 crop, for the 1985 crop, and it is the intention that it be the same for the 1986 and 1987 crop, and the 1988 crop to be added later, $3.30.

This is a little bit tougher on wheat than on the other commodities. Wheat farmers are under stress from high costs and low prices in the marketplace.

So I do not take the matter lightly. If we get to the bill, I will offer an amendment that should improve the target price, or I am open for suggestions, the loan rate for 1985 so that wheat farmers would not be required to give up as much as they are asked to give up in the bill as it is presented to us.

Mr. President, I ask unanimous consent that I might yield to the Senator from Kansas without losing my right to the floor.

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

The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Montana. If we get to the bill, I think there are a lot of us who would like to discuss certain points, but I urge my colleagues to let us get to the bill. I do not wish to quarrel with anyone. It seems to me we could take a look at the bill and find that one commodity may have received a little better deal, or at least that somebody thinks one commodity may have received a little better deal. I tend to agree with the Senator from Montana that, although this has been dubbed a wheat bill, the wheat producer is the only one of the group willing to take a cut in target prices this year. But this bill is very important to the wheat producers.

The signup for the wheat program expired last Friday, March 16. However, the Secretary has indicated that he would reopen the program if, in fact, the bill passed.

I have been in constant contact with Congressman FOLEY on the House side. He indicates that if we would act, chances are fairly good that there would be some action on the House side, either on an identical bill or, if necessary in conference. But we cannot make any progress unless we get the bill up. I assume the problem now is that one Senator can veto it if we try to proceed by unanimous consent.

The majority leader now has moved to consider the bill. It is my hope that we not cut anybody off. Obviously, everybody has a right to talk on it all night. Let us talk on it all night—all night tonight and all night tomorrow night and all night the next night.

I was in my State over the weekend, and most of the farmers there have not spent much time studying Senate procedure. It does not do much for me to say, "I can't get unanimous consent." That does not help them with their creditors, with their banker, or with their cash flow.

They have been wondering what we have been doing, and why we have been talking about changing the wheat program for 6 or 8 months. We can cut things off and talk only about this program or that program. But that would not be very effective.

I hope that now that we have moved to the consideration of this bill, we can stay on it, if it takes 1 week or 3 weeks. We have just spent 3½ weeks on the prayer amendment, which is very important; but I suggest that, in many areas, this bill may be even more important.

Those of us who have differences can offer amendments and, if they are defeated, at least the Senate will have worked its will. It is not perfect legislation. I have been on the House Agriculture Committee 8 years and the Agriculture Committee in the Senate about 14 years, and I am still waiting for the perfect farm bill. Every year we talk about one that is perfect and will please everyone.

It seems to me that we have come a long way, and we have brought the administration a long way, through the efforts of the Senator from Montana, the Senator from Alabama (Mr. HEFLIN), Senators on both sides in consultation, and with the help of Representative FOLEY and others in the House.

I am not certain that this bill will save any money. USDA says its saves $3 billion. I do not think anybody will try to prove that it saves $3 billion or $300 million. It may or may not save money. But it does help the farmers with their cash flow.

With the paid diversion program, it is possible for a farmer in my State to sign up for the 1984 diversion program and get half the diversion payment in advance. For the first time in my memory, he would also know by July 1 what the next year's wheat program would be, and he could sign up for that program this year and get part of that payment. So it really is important.

I hope we can resolve our differences. I cannot speak for cotton and rice. In the other areas, I think we have a basic agreement, and it is my hope that, working together, we can move this bill along.

Finally, this must not be the last piece of farm legislation. This Senator has been convinced for a long time that unless we can demonstrate some willingness to cut back on some of the excesses of our price support programs, there may not be a 1985 farm bill.

The only reason we have target prices in the program now, I think it is fair to say, is that the Senator from Kansas and others, contrary to the administration's wish, voted for target prices. They are set at levels a little high and should be reduced a little.

If we are going to have a target price program in the 1985 farm bill, we will have to start working together now to urge farmers in our States to be responsible and reasonable, as most of them are. I doubt that Congress, particularly the House, will pass a farm bill in 1985 that will repeat last year's cost of $19 billion plus about $9 to $12 billion for the PIK program.

The year President Carter left office, the cost of farm price support programs totaled $3.5 billion, and a lot of people thought that was too much. It seems to me that the interests of agriculture should be debated on this floor. We should spend some time on it, and I have been trying to do that for a number of months.

I thank the distinguished Senator from Montana. I hope we can take action on this bill today. It certainly would please the great majority—not everyone, but the great majority—of farmers in this country, plus others who do business with farmers. In my view, they will all appreciate favorable action on this legislation.

Mr. MELCHER. Mr. President, I think we always do a disservice in Congress when we lump wheat with the expenses of the farm program and other commodities. CCC actually has paid a slight profit on loan guarantee for commodities. So a lot of figures that are tossed around as the cost of our program are highly inflated, in that they do contain loan guarantees for commodities.

We are in the peculiar position of having to deal with a 1985 program for rice, cotton, and corn, without ever having any thorough discussion with those producers.

I think the Department of Agriculture and the administration have made a blunder in presenting all these commodities in one package. The only urgency right now is the wheat program.

If I had my way, we would not be encumbered now with considering the 1985 farm program for rice, cotton, and corn. We would just go ahead with the wheat program.

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

Mr. MELCHER. Mr. President, I yield to the Senator from Oklahoma, and I ask unanimous consent that I not lose my right to the floor.

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

Mr. BOREN. I thank my colleague from Montana. I agree with much of what he has said.

Mr. President, certainly, the bill we are discussing is not a perfect bill. There are elements of the cotton program, the program for rice, and other elements of this package with which I am not in full agreement. This is not the bill I would write, if I had the flexibility of writing a perfect bill. This is not the program I would announce, if I were the Secretary of Agriculture.

Unfortunately, however, we are in a situation in which the Secretary holds many of the cards. He has broad discretionary powers. He can change the program as he sees fit. He could, on his own, announce all the positive elements of this bill. The only one requiring a statutory change is the change in the target price. Improvements in terms of adding a paid diversion program, of allowing haying and grazing, of increasing the PIK yield, and decreasing the percentage that must be idled without payment—all these things could be changed by the Secretary of Agriculture on his own volition, without any action by Congress. If Congress were to fail to act, he could make changes which would make this program more workable, more effective.

Unfortunately, he has that bargaining leverage, and regretfully I believe him when he says that, absent passage of this bill, he does not intend to make any changes.

Therefore, having to live in the real world, I have to weigh the alternatives. It seems to me that the alternative we should prefer in this case is the passage of this package for wheat producers.

While it is not perfect, and while I would prefer not to see any rollback in the target price, we have put a pencil to paper and figured the improvements that would be made in terms of the paid diversion program. It has been estimated that passage of this bill, for wheat producers alone, would increase gross income by some $8 an acre.

I represent a State where the farmers in 1981 made an average of only $14 net farm income for the whole year. This is now the fourth year in a row of disastrously low farm income. Every time I go home, I have a conversation with another group of farmers who are facing liquidation. It is not an abstract matter to me; it is not hypothetical. I am talking to people every day who come up to me and say, "This farm has been in my family for three or four generations, and we are going to lose it." Or they say to me, "I have worked all my life on my farm; and if I go out and borrow for one more season and go deeper into debt, I will have absolutely no equity left, and all I have worked a lifetime to produce and build up will be gone."

These are tragic situations. They are not just statistics on a page. They are real life, human tragedies that are unfolding all across this country, in all the agricultural producing States.

Therefore, when I can see the opportunity to take any action that will improve that gross income figure even a dollar, that is an action I have to face.

There are other provisions of the bill in regard to emergency loans, in regard to farm credit, in regard to additional funds available for export credits and improvements in the Public Law 480 program that have much to recommend them.

This is not a perfect bill. I would like to have seen a different trigger in cotton. I would like to have seen other things changed in this package. I would really prefer to see us act only on wheat at this time. Unfortunately, however, the Secretary of Agriculture has us over a barrel and is demanding other provisions of this bill in return for improvements in the program I have outlined.

So, on balance, I take the position I took when I offered a sense-of-the-Senate resolution a couple of weeks ago and won the agreement from the majority leader, the Senator from Tennessee (Mr. BAKER), that he would give us an opportunity to take up this piece of legislation. I think it is an effort worth making.

While there may be those who may feel obligated, because of their disapproval of parts of this package, to cast a negative vote or perhaps to cast a symbolic negative vote because this program is not as good as it should be—and I agree that it is not what it should be—I still feel obligated at this point to try to push ahead for the passage of this imperfect compromise. I believe we are at the point that if this legislation will just keep a handful of farmers in business who otherwise would go under, that is a step worth making.

The Senator from Montana has been diligent in his efforts, on behalf of farmers of this country. There is no one who has spoken out more forcefully for family agriculture than he. I hope that he and I will both see the day when in this Chamber we will not be faced with a choice among the unpleasant alternatives, a choice between imperfect programs. I hope we will see the day when the people of this country wake up to the fact that, on balance, it is not the general public that has been subsidizing agriculture; rather, it is agriculture that has been subsidizing the American economy for years and years and years to the point of selling our agricultural products in the world market far below their cost of production. It is agriculture that is contributing back to the balance of trade, contributing back to the health of our general economy. It is family farming that has made it possible for the American worker to spend less than half as much of his hourly wage on food as is true in any other nation in this world.

But I hope we will see the day, I say to my colleague from Montana, when we will have our people understand that the family farmer in this country is now broke, that the string has run out, that those family farmers can no longer afford to subsidize the rest of the American economy, and that if the well-being of that total economy is to be served, we must adopt programs that will allow the family farm unit to be able to continue in existence.

I thank my colleague for yielding to me. I wish I could advocate this package as a perfect bill. I cannot. But given the realities of the situation, I do hope we will be able to proceed to a vote and I hope that we will be successful in taking this very small, modest step in the right direction.

Mr. MELCHER. Mr. President, I thank my friend from Oklahoma, the senior Senator from that great State.

I want to make two points. No. 1, we have received more attention out of the White House, if David Stockman represents the White House, on agricultural problems in the last 3 weeks than we had from them in the last 3 years. I think, as this debate unfolds here, we are going to see some improvement in this package, both for the agriculture producers in this country and for the entire country.

This bill is far from perfect; of course, it is imperfect. But we are going to attempt to make it more nearly perfect. We are going to attempt to improve on this—I hesitate to assign a term to it; I almost said "turkey"—we are going to attempt to improve on this limited, lame package before it leaves the Senate.

They want something—by that I mean the administration wants something. They want it pretty badly or we would not have seen them up here 4 days running. And I think there is more give yet. Not that it will hurt the Treasury, but it will give more opportunity to American agriculture producers to do what they want to do, and that is produce.

I am very much afraid that the 30-percent idling of wheat land throughout the country is too much, plus what will be put under PIK. Now that could be up to 40 or 50 percent of the wheat-producing land in this country.

I know we are very fearful of how staggering the surplus may be after this crop is harvested. But I think it behooves us to recognize that wheat in the bin is every bit as good as money in the bank; in fact, a lot better. Because the value of wheat pegged down to $3.30 a bushel is so low—that is where the Secretary of Agriculture has put the loan rate which in times of surplus means the market will follow that level—that price is so low that wheat in the bin is much more valuable than money in the bank.

There will be a need for this food. It is a terrible shortcoming of Congress, the past several administrations, and the entire country that we do not utilize the bountiful goodness that is provided to us by the Almighty in these very fine and wonderful crops of wheat and other commodities.

Mr. President, I see my friend from Arkansas is here on the floor. I am pleased to have his comments on this package and I now yield the floor.

Mr. BUMPERS. I thank the Senator from Montana for his comments, perceptive and visionary as usual.

David Stockman, back in 1981, I believe, said: "If we are ever going to get farm subsidies discontinued in this country, we are going to have to pick these commodities off one at a time."

Now when he said that he was talking about rice, cotton, wheat, and corn. Those are the major commodities that the Secretary and the people of this body and the Agriculture Committee are referring to when they speak about commodities.

What David Stockman meant was that, at least in the U.S. Senate, any time you try to take all four of those on, there are enough Senators here, from farm States that raise one or more of those commodities, to block them. So he was talking about the old theory—we have got to divide and conquer; take them one at a time.

Well, that is not exactly what is happening here with this bill, except apparently the Department of Agriculture has done a numbers count and have discovered that by giving wheat a subsidy that will be beneficial to wheat farmers, they will at least quiet farmers from States where both wheat and corn are grown. And even though there are only 12 Senators here who represent States where rice is grown, and no more than that where cotton is grown, the administration has effectively taken David Stockman's advice by saying: "Let's pick off rice and cotton. We will give the wheat farmers enough so that the corn boys won't squawk, and we can get this bill passed and save ourselves some money."

Nobody knows how much it is going to save because nobody knows what these commodities are going to bring. Nobody knows how many farmers are going to sign up for the program, so they can't possibly know what the savings are. But I can tell you there will be some savings, and mainly at the expense of rice and cotton.

Now the Secretary of Agriculture is a fine man and a gentleman; he is always cordial with me. I have just visited with him. I have had a talk with him, but he is unyielding. That is his prerogative. He looks at this thing through one set of glasses and I look at it through another.

I know one thing. I know that there is something seriously skewed about the priorities in this country when we spend $321 billion on defense so we can kill everybody in the Soviet Union 45 times instead of just 10 times, and then come in with a program that, for example, on each 100 acres in my State costs the rice farmers about $1,115. And that is the least they would lose. Now if rice was bringing the prices that we got back in the good old days in 1973, even before our cost

of production doubled and tripled on us, we would still be happy as a clam.

What I was asking the Secretary for was a minor concession in terms of the way we talk about it around here. It would not cost much to pay the rice farmers of this country a 10-percent diversion instead of a 5-percent diversion. For 1985, it would cost an extra $11 million more than would H.R. 4072, and about $18 million more in 1986. But listen to this: It would save—I repeat save—the taxpayers $4 million in 1987, CBO says. That is what 10-percent paid diversion would do. And yet for every 100 acres of rice in my State, this bill costs my farmers $1,115. I expect we had about 1.5 million acres of rice in my State last year and will this year.

I know one thing, it is our big cash crop, and that is not to denigrate soybeans, or cotton, or wheat, which we also grow a lot of. Rice produced $658 million in my State last year. That is 2 to 3 times the rice production in the No. 2 rice-producing State.

Agriculture is still our big industry. Yet, there is not a farmer in my State—not one—that feels that he is prosperous at this moment. His costs have gone completely out of sight. He is selling his rice, for example, for less than it was bringing in 1973—a lot less.

There is one thing in this bill that I like. The Secretary reminded me of it a moment ago. The Senator from Mississippi has these figures right at his fingertips. We are putting more money into export credits.

Mr. President, can the Senator tell me how much money we are putting into that?

Mr. COCHRAN. Mr. President, if the Senator will yield, the bill does provide for additional export credits for 1984 as well as 1985. I say to the Senator that I intend to offer an amendment to the urgent supplemental on Public Law 480 that will increase the provisions of that export credit so that we will have the full $5 billion of credits for 1985. The figure in the bill for 1984 would not be changed by my amendment but this would provide for additional exports, which is of vital interest to rice farmers and cotton farmers as well.

Mr. BUMPERS. Mr. President, it is, indeed.

Mr. COCHRAN. The Public Law 480 program is also increased in our credit sales under that program for 1985. The Public Law 480 urgent supplemental that is before the Senate—and will be called up soon—provides additional grants to Africa to try to help deal with the serious famine that exists there. So there are some very important provisions that relate to credit.

Mr. BUMPERS. Incidentally, Mr. President, on the food for Africa program, has the kind of food that we are going to send to Africa—the mix of the commodities that we intend to send—under that $150 million appropriations been determined?

Mr. COCHRAN. I am sorry, Mr. President. Could the Senator repeat the question?

Mr. BUMPERS. Let me repeat the question. We are proposing to send under Public Law 480, I believe, $150 million worth of food to Africa. My question is, has the administration determined what the mix of the commodities will be?

Mr. COCHRAN. Mr. President, I do not know that that has been determined by the administration. There is some discussion that, unlike previous shipments, there will be a considerable amount of corn involved; that there is a critical need that exists for that as well as wheat. But I think those will be the two major commodities that will be transshipped to Africa for that purpose.

Mr. BUMPERS. Mr. President, can the Senator tell me how much is in the Public Law 480 program for 1984?

Mr. COCHRAN. No; this Senator does not have that information right at his fingertips. We will find out and get that answer, though, in very short order.

Mr. BUMPERS. I thank the Senator very much for his comments and his replies.

We are going to increase the amount of money for export credits, and that is commendable. That is a fine and important gesture and a good start. But that does not necessarily guarantee exports. Think for a moment about what the Senator from Oklahoma said a moment ago about how agriculture is the industry in this country that we depend on to implement foreign policy. It is the program we depend on to show our compassion for starving people, but most importantly it is what we depend on to keep our balance of payments from being even worse than they already are. Our account balance for 1983 is out of kilter by $40 billion.

Our trade deficit—that is, the difference in the amount of goods we exported compared to what we imported—is out of kilter for 1983 by $60 billion, and is expected to go to $100 billion this year. Why? There are a lot of reasons.

No. 1, the economies of the countries to whom we export these commodities—the so-called Third World nations or LDC's—are in such a shambles they cannot buy our products. They owe the banks of this country so much money they cannot borrow any more money with which to pay. On the contrary, these countries are demanding that we buy more from them so they can repay us what they owe us. We are responding: "We cannot buy any more from you. We have a trade deficit as big as all outdoors now. We are just like you, we need to sell more too."

Manufacturers Hanover Trust, one of the very largest banks in the United States, has about 75 percent of their total assets loaned to Brazil. If you have been reading the Wall Street Journal lately, you know that the banks in this country are going to have to start declaring a lot of those loans to Argentina and Brazil as nonperforming. Out in Arkansas we call that default. They just "ain't payin'." They are in default.

But in the jargon of the FDIC and the banks, these loans are nonperforming. So these countries cannot buy our products any more because they are so far in debt. Argentina and Brazil are two of our biggest competitors in the agricultural field.

Incidentally, you hear people all the time talking about what it costs to subsidize farmers in this country. Why, it is a pittance compared with other countries. The European Economic Community is meeting today and about to come unraveled because of the tremendous subsidies they are paying out for agriculture. A very significant percent of the European Economic Community's budget is for agricultural subsidies. Margaret Thatcher, the Prime Minister of Belgium, and some other members of the Economic Community are at it hammer and tong right now and the whole common market is about to become unraveled because of it.

Why, France buys wheat from us for $3.50. By the time they get through putting all their taxes on it, it runs it up to $7. They take that extra $3.50 they collect off us and subsidize the sale of chickens in the Middle East. The United States used to have 17 to 25 percent of the poultry market in the Middle East. Today it is less than 7 percent. How can we compete with France which subsidizes chicken by 15 cents a pound? This is a Senator from the biggest poultry producing State in the United States. I not only know what I am talking about, I know how devastating this has been to our poultry processers. But sadly, people in this country think that we are overdoing it for the farmers.

A second reason we cannot export to these countries—even if they are not head over heels in debt to American Banks—is that our interest rates are high because our deficits are collosal and every time the interest rate goes up—as it did yesterday, and it is just the tip of the iceberg as far as this Senator is concerned—the dollar gets stronger. When I was growing up we used to sit around the pot-bellied stove and everybody would say "What we need is a good, strong dollar." A good, strong dollar is devastating this country when it comes to exports because nobody can afford to buy our products.

What you want is a weak dollar abroad and a strong dollar at home, and I can tell you that, this is a delicate line to walk. In any event, foreign countries cannot buy our industrial goods or our farm products because the dollar is so strong against their own currencies. The dollar is going to get stronger every time our interest rates go up, and our interest rates are going to keep going up because we are not doing anything about these deficits. Everybody is opposed to deficits as long as they do not have to do anything about it.

I want the Senator from Mississippi to have a chance to go to a conference in a minute. To go back to where I started, rice and cotton farmers have not made enough money to fill a thimble in my State in the last 5 years. It has been drought; it has been the weather; it has been price; it has been exports. Every year it is something different or a combination of different things. Then we come in here with a bill which the Secretary says "I will not accept any changes" in. He may not. I can remember when I was Governor of my State I would tell legislators, "Don't change one word in that bill or I will veto it." Sometimes I did veto it and sometimes I did not. It just depended on how badly I wanted the bill.

Maybe the Secretary is not quite as unyielding as he seems and sounds. Does it sound like an awfully big deal to say to the rice farmers of Mississippi, Louisiana, Missouri, California, and Arkansas, does it sound plausible to say, "We are not going to allow one thing to be changed about this," when you can make the rice farmers of this country happy for a few tens of millions of dollars?

The one point that I have not made, Mr. President, and I close on this and shall ask unanimous consent to put in a quorum call without losing my right to the floor. I am not going to hold this bill up, I want to announce right now. I am not going to hold the bill up. A lot of people want to bring it up. I am not going to be obstructionist about it. I certainly do not want to offend my friends from the wheat-producing States.

But I want to say the reason I am not going to hold the bill up is that I do not want the wheat farmers to have to wait any longer to get what they have coming. I am for them. I have some wheat in my State. They want that cash that they are going to get when this bill passes. And they need it. I want them to have it.

I do not want the wheat State Senators thinking the rice State Senators are trying to deprive them of something. I glory in what the wheat farmers are going to get out of this. I applaud it. But, for the life of me, Mr. President, I cannot understand why we are going with a program that is worse than the existing program. If we cannot get a 10 percent paid diversion out of this for rice, I would rather go back to the existing program; just leave the existing program alone.

Well, Mr. President, I just wanted to relieve myself of some of the feelings I have about the bill. I am not opposed to the wheat farmers, I am not opposed to the wheat State Senators. I want them to get what they have coming under this bill. But I am hoping when the time comes, they will remember that. I hope that they will remember that the time is coming when they may need 12 Senators from rice-producing States and a few Senators from cotton-producing States.

I hope if and when we offer some amendments on this bill, they will remember who their friends were. Because my farmers want to live and let live just as badly as anybody else does. I am up here representing them in my poor, humble way as best I can, trying to protect them from a continuing series of disasters which they have endured much too long.

Mr. President, I ask unanimous consent that I be permitted to put in a quorum call without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I rise in support of the compromise farm bill and urge the Senate to consider this important legislation. The bill is not what everyone wanted, but it does do a great deal to encourage farmers to participate in the wheat program, increase agricultural exports and hold down the cost of the farm program. I hope that an agreement can be reached so that we can vote on this important farm legislation. We owe it to the American farmer.

The farm economy is currently suffering through some very tough times. Farm prices are depressed, interest rates remain high and farm production costs continue to increase rapidly. Most of the wheat farmers I talk to in my State say they cannot afford to set aside 30 percent of their wheat ground in order to participate in the wheat program. This bill would help these wheat farmers to participate in the program by providing them with a 10-percent paid diversion and a 20-percent voluntary diversion. Most farmers could afford to divert 20 percent of their land in return for being eligible for farm programs, such as commodity loans and deficiency payments. In return for the paid diversion, wheat farmers are giving up one-half of the scheduled increase in wheat target prices. This will reduce the cost of making deficiency payments to the Federal Government. The anticipated payment is also reduced by more effectively reducing production and increasing exports. This will boost market prices.

As I said before, this bill is a compromise. All commodity groups had to give up some benefits to receive various things. Everyone may not be happy with the bill, but if we are to save the 1984 wheat program, we must act now and cannot afford to try to work out everyone's concerns. Farmers in South Dakota will soon be heading to the field and farmers in the South will soon be harvesting wheat. Mother Nature will not wait for Congress to act. When spring comes, farmers must plant their crops, and we owe it to the farmer to let him know what the 1984 wheat program is going to be. With this urgency in mind, I urge my colleagues to act quickly and favorably on this important matter.

FARMERS NEED QUICK ACTION ON H.R. 4072

Mr. HELMS. Mr. President, I urge the Senate to proceed to consideration of H.R. 4072, the Agricultural Programs Adjustment Act of 1984.

The time is now for Congress to act. Spring planting is not far away, and farmers are now meeting with their bankers to arrange financing for the spring season. Meanwhile, in the South, winter wheat harvest is only a few months away.

If the changes proposed by this legislation are to be in place for the 1984 wheat crop, Congress must act without delay. Beyond that, the farm credit provisions of this bill can be of immediate help to producers of all crops who are arranging financing for this spring.

In North Carolina, an average of 15 percent of the corn is planted by April 4 in a typical year, and 31 percent by April 11. Farmers—and their lenders—cannot afford to wait much longer for Congress to act, or these dates will be upon us.

Last Friday, March 16, the signup period for the 1984 crop programs as announced came to an end. Secretary Block has assured me that, if Congress acts to change the 1984 programs, producers will have an opportunity to come in again and signup for the revised program. However, we must move quickly in order for USDA to implement these new provisions in time for the 1984 wheat crop.

This legislation, as reported by the Senate Agriculture Committee, will provide cash flow and credit assistance to farmers while saving the American taxpayer $2.6 billion through fiscal year 1987, according to the Congressional Budget Office.

It is part of a package that will increase funding for the Public Law 480 program and USDA export credit program. These actions should be supported by all those who care about the needy overseas, as well as the benefits of increased farm exports at home.

Now, Mr. President, I can understand why Senators might differ with certain provisions of this bill. Certainly, it is not perfect. But it is part of a balanced package that will achieve budget savings, yet provide farmers benefits that are important and timely.

It has not been easy to arrive at this legislation, which represents a compromise of interests between various Senators and the administration. It has required give and take. In that spirit, I hope Senators will not object to a package that is admittedly less than perfect, but nevertheless contains very important benefits.

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

The PRESIDING OFFICER. The clerk will call the roll.

(Mrs. KASSEBAUM assumed the chair.)

The legislative clerk proceeded to call the roll.

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

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

AGRICULTURAL PROGRAMS ADJUSTMENT ACT OF 1984

Mr. BAKER. Mr. President, the pending question is a motion to proceed to the consideration of H.R. 4072, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I am bold enough to think that we may have worked out our problems, at least to the point where we can proceed to lay down this bill and make it the pending business. I have consulted with the minority leader and with the managers on both sides, as and when it is before us.

I also see on the floor the Senator from Alabama. I know the Senator from Montana was here a moment ago and is aware of the request I am about to put. The Senator from Oklahoma is here, as is the Senator from Arkansas.

Mr. President, I now ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 704, H.R. 4072.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The bill will be stated by title.

The bill clerk read as follows:

A bill (H.R. 4072) to provide for an improved program for wheat.

The Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry with an amendment to strike all after the enacting clause and insert:

That this Act may be cited as the "Agricultural Programs Adjustment Act of 1984".

TITLE I—WHEAT

TARGET PRICES

SEC. 101. Section 107B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(1)(C)) is amended by striking out "$4.45 per bushel for the 1984 crop, and $4.65 per bushel for the 1985 crop" and inserting in lieu thereof "and $4.38 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR WHEAT

SEC. 102. Section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B)(C), and (D)";

(2) adding at the end of paragraph (1) the following new subparagraphs:

"(C) Notwithstanding any previous announcement to the contrary, for the 1984 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program, and (iii) a voluntary payment-in-kind land diversion program under which the acreage planted to wheat for harvest on the farm would be reduced by not less than 10 per centum nor more than 20 per centum of the acreage base for the farm, in addition to any reduction under the acreage limitation and land diversion programs provided for under clauses (i) and (ii), as determined by the Secretary. Under the payment-in-kind land diversion program, compensation in kind for diverted acres shall be made available to producers by the Secretary under such terms and conditions as the Secretary shall prescribe and in such amounts as the Secretary determines appropriate to encourage adequate participation in such program, except that the rate of such compensation shall not be less than 85 per centum of the farm program payment yield. As a condition of eligibility for loans, purchases, and payments on the 1984 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.

"(D) For the 1985 crop of wheat the Secretary shall provide for a combination of (i) an acreage limitation program as described under paragraph (2) and (ii) a land diversion program as described under paragraph (5) under which the acreage planted to wheat for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 30 per centum, consisting of a reduction of not more than 20 per centum under the acreage limitation program and a reduction of 10 per centum under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of wheat, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program.";

(3) inserting "for the 1983 crop" immediately before the comma in the eighth sentence of paragraph (5); and

(4) inserting immediately before the last sentence of paragraph (5) the following: "Notwithstanding the foregoing provisions of this paragraph, the Secretary shall implement a land diversion program for the 1984 and 1985 crops of wheat under which the Secretary shall make crop retirement and conservation payments to any producer of the 1984 and 1985 crops of wheat whose acreage planted to wheat for harvest on the farm for each such crop is reduced so that it does nox exceed the wheat acreage base for the farm less an amount equivalent to 10 per centum of the wheat acreage base in addition to the reduction required under paragraph (2), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the wheat acreage base under this paragraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this paragraph. The diversion payment rate for the 1984 and 1985 crops of wheat shall be established by the Secretary at not less than $2.70 per bushel. The Secretary shall make not less than 50 per centum of any payments under this paragraph to producers of the 1984 and 1985 crops of wheat as soon as practicable after a producer enters into a land diversion contract with the Secretary for each such crop and in advance of any determination of performance.".

HAYING AND GRAZING DIVERTED WHEAT ACREAGE

SEC. 103. Notwithstanding the provisions of section 107B(e) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)), in carrying out acreage limitation, cash land diversion, and payment-in-kind land diversion programs for the 1984 crop of wheat, the Secretary of Agriculture shall permit, at the request of the State committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act for a State and subject to such terms and conditions as the Secretary may prescribe, all or any part of the acreage diverted from production under such programs by participating producers in such State to be devoted to haying and grazing.

TITLE II—FEED GRAINS

TARGET PRICES

SEC. 201. Section 105B(b)(1)(C) of the Agricultural Act of 1949 (7 U.S.C. 1444d(b)(1)(C) is amended by striking out "$3.03 per bushel for the 1984 crop, and $3.18 per bushel for the 1985 crop" and inserting in lieu thereof "and $3.03 per bushel for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR FEED GRAINS

SEC. 202. Section 105B(e) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)) is amended by—

(1) striking out in the first sentence of paragraph (1)(A) "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)";

(2) adding at the end of paragraph (1) the following new subparagraph:

"(C) For the 1985 crop of feed grains, if the Secretary estimates that the quantity of corn on hand in the United States on the last day of the marketing year ending September 30, 1985 (not including any quantity of corn produced in the United States during calendar year 1985), will exceed one billion one-hundred million bushels, the Secretary (i) shall provide for a land diversion program as described under paragraph (5) under which the acreage planted to feed grains for harvest on the farm would be lim-

ited to the acreage base for the farm reduced by a total of not less than 5 per centum and (ii) may provide for an acreage limitation program as described under paragraph (2). If the Secretary implements a combined acreage limitation program and land diversion program, the total reduction required by the Secretary in the acreage planted to feed grains for harvest on the farm shall not exceed 20 per centum of the acreage base for the farm. Any reduction required by the Secretary in excess of 15 per centum of the acreage base for the farm shall be equally proportioned between an acreage limitation program and a land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of feed grains, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the producers on a farm must comply with the terms and conditions of such programs."; and

(3) in paragraph (5)—

(A) adding immediately after the sixth sentence the following new sentence: "Notwithstanding the foregoing provisions of this paragraph, if the Secretary implements a land diversion program for the 1985 crop of feed grains under the provision of paragraph (1)(C), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of feed grains whose acreage planted to feed grains for harvest on the farm is reduced so that it does not exceed the feed grain acreage base for the farm less an amount equivalent to not less than 5 per centum of the feed grain acreage base in addition to the reduction required under paragraph (2), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the feed grain acreage base under this paragraph.";

(B) striking out "Such payments" in the eighth sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "Diversion payments made to producers under this paragraph";

(C) in the ninth sentence (as redesignated under subparagraph (A) of this paragraph)—

(i) striking out "for corn" and inserting in lieu thereof "for the 1983 crop of corn"; and

(ii) inserting immediately before the period at the end thereof ", and at not less than $1.50 per bushel for the 1985 crop of corn"; and

(D) striking out "1983 crop" in the eleventh sentence (as redesignated under subparagraph (A) of this paragraph) and inserting in lieu thereof "1983 and 1985 crops".

TITLE III—UPLAND COTTON

TARGET PRICES

SEC. 301. Section 103(g)(3)(B) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(3)(B)) is amended by striking out "$0.81 per pound for the 1984 crop, and $0.86 per pound for the 1985 crop" and inserting in lieu thereof "and $0.81 per pound for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR UPLAND COTTON

SEC. 302. Section 103(g)(9) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(9)) is amended by—

(1) in the first sentence of subparagraph (A), inserting "except as provided in the second and third sentences of this subparagraph," immediately after the first comma;

(2) inserting immediately after the first sentence of subparagraph (A) the following new sentences: "For the 1985 crop of upland cotton, if the Secretary estimates that the quantity of upland cotton on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed four million bales, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of not less than 5 per centum under the land diversion program and a reduction under the acreage limitation program equal to the difference between the total reduction for the farm and the reduction under the land diversion program. As a condition of eligibility for loans, purchases, and payments on the 1985 crop of upland cotton, the producers on a farm must comply with the terms and conditions of the combined acreage limitation program and land diversion program."; and

(3) adding at the end of subparagraph (B) the following new sentences: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of upland cotton under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of upland cotton whose acreage planted to upland cotton for harvest on the farm is reduced so that it does not exceed the upland cotton acreage base for the farm less an amount equivalent to not less than 5 per centum of the upland cotton acreage base in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the upland cotton acreage base under this subparagraph. Such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the additional acreage diverted under this subparagraph. The diversion payment rate shall be established by the Secretary at not less than $0.25 per pound. The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance. If a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.".

TITLE IV—RICE

TARGET PRICES

SEC. 401. Section 101(i)(2)(C) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(2)(C)) is amended by striking out "$11.90 per hundredweight for the 1984 crop, and $12.40 per hundredweight for the 1985 crop" and inserting in lieu thereof "and $11.90 per hundredweight for the 1984 and 1985 crops".

ACREAGE LIMITATION AND PAID DIVERSION PROGRAM FOR RICE

SEC. 402. Section 101(i)(5) of the Agricultural Act of 1949 (7 U.S.C. 1441(i)(5)) is amended by—

(1) striking out in the first sentence of subparagraph (A) "third and fourth" and inserting in lieu thereof "third, fourth, and fifth";

(2) inserting immediately after the third sentence of subparagraph (A) the following new sentence: "For the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States on the last day of the marketing year ending July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed twenty-five million hundredweight, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of not less than 5 per centum under the land diversion program and a reduction under the acreage limitation program equal to the difference between the total reduction for the farm and the reduction under the land diversion program.";

(3) striking out "1983 crop" in the fifth sentence of subparagraph (A) (as redesignated under paragraph (2) of this section) and inserting in lieu thereof "1983 and 1985 crops";

(4) inserting immediately after the sixth sentence of subparagraph (B) the following new sentence: "Notwithstanding the foregoing provisions of this subparagraph, if the Secretary implements a land diversion program for the 1985 crop of rice under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to not less than 5 per centum of the rice acreage base in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph.";

(5) striking out "Such payments" in the eighth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "Diversion payments made to products under this subparagraph";

(6) in the ninth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section)—

(A) striking out "$3.00 per hundredweight," and inserting in lieu thereof "$3.00 per hundredweight for the 1983 crop of rice,"; and

(B) inserting immediately before the period at the end thereof ", and at not less than $2.70 per hundredweight for the 1985 crop of rice"; and

(7) striking out "1983 crop" in the tenth sentence of subparagraph (B) (as redesignated under paragraph (4) of this section) and inserting in lieu thereof "1983 and 1985 crops".

TITLE V—EXPORT ASSISTANCE

EXPORT ASSISTANCE

SEC. 501. It is the sense of Congress that the President should implement, as soon as practicable after the enactment of this Act, the actions, proposed by the Administration to complement the provisions of this Act, to further assist in the development, maintenance, and expansion of international markets for United States agricultural commodities and products thereof, as follows—

(1) for the fiscal year ending September 30, 1984, the President will—

(A) request congressional approval for the appropriation of funds in the amount of $150,000,000, in addition to the President's February 1984 request for a supplemental appropriation of $90,000,000, to carry out programs of assistance under titles I, II, and III of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480); and

(B) direct the Secretary of Agriculture to increase funding, over the current budgeted level, for the Export Credit Guarantee Program (GSM-102), carried out through the Commodity Credit Corporation, by not less than $500,000,000; and

(2) for the fiscal year ending September 30, 1985, the President will—

(A) request congressional approval for the appropriation of funds in the amount of at least $175,000,000, in addition to the current funding level contained in the President's budget for that year, to carry out programs of assistance under titles I, II, and III of Public Law 480;

(B) direct the Secretary of Agriculture to increase funding, over the levels contained in the President's budget for that year or otherwise required by law, by not less than $1,100,000,000 for the Export Credit Guarantee Program (GSM-102) and by not less than $100,000,000 for direct export credit programs carried out through the Commodity Credit Corporation (GSM-5, GSM-201, and GSM-301); and

(C) request or use an additional amount of $50,000,000 (over the amounts specified in clauses (2)(A) and (2)(B)) either for increased funding for direct export credit programs carried out through the Commodity Credit Corporation or for additional assistance under Public Law 480, in such proportions as determined necessary and appropriate by the President.

TITLE VI—AGRICULTURAL CREDIT

SHORT TITLE

SEC. 601. This title may be cited as the "Emergency Agricultural Credit Act of 1984".

NATURAL DISASTER EMERGENCY LOANS

SEC. 602. (a) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by adding at the end thereof the following new sentence: "The Secretary shall accept applications from, and make or insure loans pursuant to the requirements of this subtitle to, applicants, otherwise eligible under this subtitle, that conduct farming, ranching, or aquaculture operations in any county contiguous to a county that has been designated by the Secretary as having been substantially affected by a natural disaster in the United States or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974.".

(b) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)), as amended by subsection (a), is further amended by adding at the end thereof the following new sentence: "The Secretary shall accept applications for assistance under this subtitle from persons affected by a natural disaster at any time during the eight-month period beginning (A) on the date on which the Secretary determines that farming, ranching, or aquaculture operations have been substantially affected by such natural disaster or (B) on the date the President makes the major disaster or emergency designation with respect to such natural disaster, as the case may be.".

(c) Section 324(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1964(d)) is amended by adding at the end thereof the following new sentence: "If farm assets (including land, livestock, and equipment) are used as collateral to secure a loan made under this subtitle, the Secretary shall value the assets based on the higher of (A) the value of the assets on the day before the date the governor of the State in which the farm is located requests assistance under this subtitle or the Disaster Relief Act of 1974 for any portion of such State, or (B) the value of the assets one year before such day.".

ECONOMIC EMERGENCY LOANS

SEC. 603. Section 21 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) is amended by—

(1) inserting "(a)" immediately before "The provisions"; and

(2) inserting, at the end thereof, a new subsection (b) as follows:

"(b) With respect to the economic emergency loan program operated under this title during the period beginning December 22, 1983, and ending September 30, 1984, the Secretary—

"(1) shall make available to eligible applicants during such period new contracts of insurance totaling in the aggregate, $310,000,000, and

"(2) as appropriate to achieve the goals of the economic emergency loan program and taking into consideration the amount of funds used for loan guarantees, may make available to eligible applicants during such period additional new contracts of insurance totaling, in the aggregate, not more than $290,000,000.".

OPERATING LOANS

SEC. 604. (a) Section 313 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943) is amended by striking out "$100,000, or, in the case of a loan guaranteed by the Secretary, $200,000" and inserting in lieu thereof "$200,000, or, in the case of a loan guaranteed by the Secretary, $400,000".

(b) Section 316(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946(b)) is amended by—

(1) in the second sentence, inserting "(or, in the case of loans for farms operating purposes, fifteen years)" after "seven years"; and

(2) in the fifth sentence, striking out "The interest rate" and inserting in lieu thereof "Except as otherwise provided for farm loans under section 331B of this title, the interest rate".

FARM LOAN INTEREST RATES

SEC. 605. The Consolidated Farm and Rual Development Act (7 U.S.C. 1921 et seq.) is amended by inserting after section 331A a new section 331B as follows:

"SEC. 331B. Any loan for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B of this title, or disaster emergency purposes under subtitle C of this title, other than a guaranteed loan, that is deferred, consolidated, rescheduled, or reamortized under this title shall, notwithstanding any other provision of this title, bear interest on the balance of the original loan and for the term of the original loan at a rate that is the lower of (1) the rate of interest on the original loan or (2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time of the deferral, consolidation, rescheduling, or reamortization.".

LIMITED RESOURCE BORROWERS

SEC. 606. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof a new subsection (e) as follows:

"(e)(1) Notwithstanding any other provision of law, not less than 20 per centum of the loans for farm ownership purposes under subtitle A of this title, and not less than 20 per centum of the loans for farm operating purposes under subtitle B of this title, authorized to be insured, or made to be sold and insured, from the Agricultural Credit Insurance Fund during fiscal year 1984 shall be for low-income, limited-resource borrowers.

"(2) The Secretary shall provide notification to farm borrowers under this title, as soon as practicable after the date of enactment of the Emergency Agricultural Credit Act of 1984 and in the normal course of loan making and loan servicing operations, of the provisions of this title relating to low-income, limited-resource borrowers and the procedures by which persons may apply for loans under the low-income, limited-resource borrower program.".

Amend the title so as to read: "An Act to make adjustments in the commodity programs for wheat, feed grains, upland cotton, and rice, to provide agricultural credit assistance, and for other purposes."

Mr. BAKER. Mr. President, I have to confess to a great sense of satisfaction after all the arguments this afternoon that we went through, but I wish to congratulate those who participated in the negotiations and made it possible for us to proceed in this manner. It would not be the intention of the leadership on this side to proceed further on this bill at this time. If there is no urgent requirement to speak at this moment, I would propose that we go into a period for the transaction of routine morning business and then make opening statements tomorrow.

Mr. DOLE. Will the majority leader yield?

Mr. BAKER. I yield.

Mr. DOLE. I thank the majority leader. This is National Agriculture Day. The majority leader has performed a great service in getting this agricultural bill before the Senate. It will be of great benefit to the farmers of this country.

Mr. BAKER. I thank the Senator.

Mr. HUDDLESTON. Mr. President, I endorse the comment of the distinguished Senator from Kansas.

I shall then withhold my statement at the request of the majority leader until we begin on the bill tomorrow.

Mr. BAKER. Mr. President, I thank the Senator from Kentucky. I thank all of those who cooperated, because this is my first legislative victory today.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business to extend no longer than 6:30 p.m., in which Senators may speak for no longer than 5 minutes each.

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

Mr. BAKER. With the exception of the majority and minority leaders, Mr. President, to which no limitation of time will apply.

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

MESSAGES FROM THE HOUSE

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4194. An Act to extend the expiration date of section 252 of the Energy Policy and Conservation Act; and

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984 as "Jewish Heritage Week."

The enrolled bill and joint resolution were subsequently signed by the Vice President.

At 2:50 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1530. A bill to make technical amendments to the Indian Self-Determination and Education Assistance Act and other Acts.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March 20, 1984, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984 as "Jewish Heritage Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2799. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations under the Marine Protection, Research, and Sanctuaries Act; to the Committee on Environment and Public Works.

EC-2800. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations under the Toxic Substances Control Act; to the Committee on Environment and Public Works.

EC-2801. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, a report certifying that no funds were obligated or expended in fiscal year 1983 for purposes prohibited by the Coastal Barrier Resources Act; to the Committee on Environment and Public Works.

EC-2802. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Advisory Council on Social Security; to the Committee on Finance.

EC-2803. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting, pursuant to law, the text of International Labor Organization Recommendation No. 167; to the Committee on Finance.

EC-2804. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements, other than treaties, entered into by the United States within 60 days previous to March 5, 1984; to the Committee on Foreign Relations.

EC-2805. A communication from the Secretary of State, transmitting, pursuant to law, a report on payments made by the Commodity Credit Corporation to U.S. creditors of the Polish People's Republic; to the Committee on Foreign Relations.

EC-2806. A communication from the D.C. Auditor, transmitting, pursuant to law, a report on the D.C. General Hospital's procurement operation; to the Committee on Governmental Affairs.

EC-2807. A communication from the D.C. Auditor, transmitting, pursuant to law, a report on construction costs of the Washington Convention Center; to the Committee on Governmental Affairs.

EC-2808. A communication from the Administrator of NASA, transmitting, pursuant to law, the Administration's Freedom of Information annual report; to the Committee on the Judiciary.

EC-2809. A communication from the Vice President of Amtrak (Government Affairs) transmitting, pursuant to law, Amtrak's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2810. A communication from the Attorney General of the United States transmitting, pursuant to law, a report on orders approving applications for electronic foreign intelligence surveillance; to the Committee on the Judiciary.

EC-2811. A communication from the Director of ACTION transmitting, pursuant to law, the Agency's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2812. A communication from the Director of the U.S. Information Agency transmitting, pursuant to law, the Agency's 1983 Freedom of Information report; to the Committee on the Judiciary.

EC-2813. A communication from U.S. Bankruptcy Court Judge Rose, District of New Mexico, transmitting, pursuant to law, notice of his acceptance of appointment; to the Committee on the Judiciary.

EC-2814. A communication from the Director of the Administrative Office of the U.S. Courts transmitting, pursuant to law, notice of opposition by the Judicial Conference of the U.S. to the naming of the U.S. Court of International Trade after Paul P. Rao; to the Committee on the Judiciary.

EC-2815. A communication from the Secretary of Education transmitting, pursuant to law, a report on school finance entitled "Federal Education Policies and Programs: Intergovernmental Issues in Their Design, Operation and Effects"; to the Committee on Labor and Human Resources.

EC-2816. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1982 annual report on the National Health Service Corps and NHSC Scholarship Program; to the Committee on Labor and Human Resources.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation:

Irving P. Margulies, of Maryland, to be General Counsel of the Department of Commerce.

(The above nomination was reported from the Committee on Commerce, Science, and Transportation, with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before my duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on Labor and Human Resources:

Mr. HATCH. Mr. President, for the Committee on Labor and Human Resources, I report favorably two nomination lists in the Public Health Service (both printed in full in the CONGRESSIONAL RECORD of February 9, 1984) and, to save the expense of reprinting them on the Executive Calendar, I ask that they lie at the Secretary's desk for the information of Senators.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2447. A bill to amend the Internal Revenue Code of 1954, to the Committee on Finance.

S. 2448. A bill to amend the Securities Exchange Act of 1934 with respect to tender offers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOWER:

S. 2449. A bill for the relief of the Sisters of Mercy of the Union, Province of St. Louis, Mo.; to the Committee on Labor and Human Resources.

By Mr. GORTON:

S. 2450. A bill to amend the Internal Revenue Code of 1954 to allow an additional 5

days during which an employer may request or receive a certification that an individual is a member of a targeted group for purposes of the targeted jobs credit; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. RANDOLPH, Mr. MATSUNAGA, and Mr. DECONCINI):

S. 2451. A bill to amend title 38, United States Code, to increase the maximum amount of the Veterans' Administration's specially adapted housing assistance grants provided to certain severely, service-connected disabled veterans and the maximum amounts of Veterans' Administration home loan guaranties; to the Committee on Veterans Affairs.

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. PELL, Mr. EAGLETON, Mr. RIEGLE, Mr. METZENBAUM, Mr. MATSUNAGA, and Mr. DODD):

S. 2452. A bill to revise and extend programs for the delivery of health services; to the Committee on Labor and Human Resources.

By Mr. BOREN (for himself and Mr. HUDDLESTON):

S. 2453. A bill to require the Commodity Credit Corporation to have certain provisions in contracts entered into by the Corporation for storage of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself, Mr. HEFLIN, Mr. BINGAMAN, Mr. BRADLEY, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. LEVIN, Mr. LUGAR, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PRYOR, Mr. STAFFORD, Mr. RANDOLPH, Mr. RIEGLE, Mr. BURDICK, Mr. PERCY, Mr. SARBANES, Mr. NUNN, Mr. HOLLINGS, Mr. JEPSEN, and Mr. MATSUNAGA):

S.J. Res. 261. Joint resolution to provide for the designation of the last week in June 1984, as "Helen Keller Deaf-Blind Awareness Week"; to the Committee on the Judiciary.

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S.J. Res. 262. Joint resolution to designate March 16, 1985, as "Freedom of Information Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2447. A bill to amend the Internal Revenue Code of 1954; to the Committee on Finance.

S. 2448. A bill to amend the Securities Exchange Act of 1934 with respect to tender offers; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. SPECTER on this legislation appear earlier in today's RECORD.)

By Mr. GORTON:

S. 2450. A bill to amend the Internal Revenue Code of 1954 to allow an additional 5 days during which an employer may request or receive a certification that an individual is a member of a targeted group for purposes of the targeted jobs credit; to the Committee on Finance.

TARGETED JOBS TAX CREDIT

● Mr. GORTON. Mr. President, I am introducing today a bill to correct a serious problem inhibiting the usefulness of the targeted jobs tax credit (TJTC) program. Under current law for the TJTC, employers hiring workers eligible for the credit must inform the relevant agency within 24 hours. This overly tight deadline creates administrative problems for small businesses, and occasionally a firm loses the credit because of an honest mistake or delay.

My bill would ease this bottleneck by extending the grace period from 1 day to 5 days. I know that this would aid many businesses and workers in Washington State and the Nation, allowing more effective implementation of the much-needed TJTC program. I ask my colleagues to join me in supporting this simple but essential legislation.●

By Mr. KENNEDY (for himself, Mr. RANDOLPH, Mr. PELL, Mr. EAGLETON, Mr. RIEGLE, Mr. METZENBAUM, and Mr. DODD):

S. 2452. A bill to revise and extend programs for the delivery of health services; to the Committee on Labor and Human Resources.

OMNIBUS HEALTH SERVICES AND HEALTH SERVICES RESEARCH PROGRAMS ACT OF 1984

● Mr. KENNEDY. Mr. President, with my Democratic colleagues on the Labor and Human Resources Committee, I am introducing today the Omnibus Health Services and Health Services Research Act of 1984. This bill will reauthorize most of the health services and health services research programs established under the Public Health Service Act and expiring this year, including the preventive health and health services block grant; the community health centers program; the alcohol, drug abuse, and mental health services block grant; the migrant health centers program; projects grants for immunizations; project grants for tuberculosis prevention and control; projects and programs for prevention and control of venereal disease; the National Center for Health Services Research, the National Center for Health Statistics, the family planning programs and those provisions of the PHS Act relating to HMO's which require reauthorization.

In addition to reauthorizing and amending existing programs, the bill would reestablish the National Center for Health Care Technology and authorizes a new project grant program to assist victims of AID's and to provide information to assist in prevention and control of this deadly disease.

While this omnibus bill does not include the home and community-based care program developed through a process of close collaboration between my college Senator HATCH and me, I anticipate supporting this program in a suitable vehicle in our committee. Senator HATCH has already introduced this as a part of S. 2301. The need of the elderly and disabled for community-based alternatives to institutionalization has been ignored for too long. The home and community care program is a first step toward meeting those needs.

The health programs reauthorized under this bill are relatively small. If each and every one of them were completely eliminated, they would reduce the Reagan deficit less than one half of 1 percent. Health financing programs like medicare or medicaid will spend approximately 100 times as much as all the programs in this bill combined in 1984.

I know from my experience on the Armed Services Committee that if you added the annual expenditures for all the programs in this bill together you could not afford half of a modern aircraft carrier. Yet these programs are more essential to the welfare of Americans than any weapons system.

The programs in this bill insure economical immunizations for our Nation's children so that they may thrive and grow free from the scourge of infectious disease that killed them by the thousands in previous decades. Comprehensive primary and preventive services are provided to millions of poor and underserved Americans who would never get the care they need were it not for the community health centers and migrant health centers established and funded through authorities in this bill. Treatment and prevention for tuberculosis, venereal disease, and traumatic injuries are supported by the program reauthorized under this bill. Treatment for the cruel diseases of alcoholism, drug abuse, and mental illness that victimize so many American families is made available through the programs continued in this bill. Health promotion and disease prevention, the most cost-effective investments in our Nation's effort to build a healthy American people, are funded by authorities in this bill.

Mr. President, in this time of fiscal pressure, we must scrutinize every proposed expenditure for wisdom necessity and cost effectiveness. There is no question in my mind that the programs in our bill meet this test. In general, we have proposed reauthorizing programs at current services levels, except in a few instances where higher funding levels or new programs would meet essential needs and provide value far in excess of costs. Moreover, the savage cuts enacted by the Reagan administration has reduced these vital programs to such a low level that there is not a single program in the health services area that is funded at a level that is as high in real terms as it was in 1980.

Highlights of our reauthorization program include:

First, a restructuring of the preventive health and health services block grant to provide for a more effective Federal-State partnership.

Second, improvements in the alcohol, drug abuse, and mental health services block grant to address the needs of the chronically mentally ill, the elderly, children, and other underserved populations more humanely and more cost effectively and to begin the process of developing a comprehensive national effort to combat alcoholism.

Third, amendments to assure the continuance of the community health center program in its current form at a funding level that will help meet some of our society's most critical needs for health services.

Fourth, reestablishment of the National Center for Medical Techology Assessment.

Fifth, enactment of a modest program to provide assistance to victims of a acquired immune deficiency syndrome.

Health promotion and disease prevention is a cause close to my heart. In 1975, I introduced legislation that formulated national goals for health promotion and prevention and established or improved grant programs in high priority areas to reduce preventable illness, disability and death. In 1978, I introduced legislation that laid the groundwork for the Surgeon General's "Healthy People" report, authorized community-based comprehensive prevention programs, and extended and improved prevention project grant programs.

Since the days when I first attempted to place health promotion and disease prevention at the center of our national health agenda, there has been a growing recognition that a comprehensive, aggressive prevention strategy can be our most effective weapon in the struggle to secure health and well-being for the American people. As Assistant Secretary Brandt recently stated:

> The time has come for us to turn our attention as a nation to the preservation of good health, the promotion and enhancement of healthful life-styles, and the prevention of disease and disability.

The knowledge base for rapid improvements in the health of the American people through an effective prevention strategy is now in place. The 1979 Surgeon General's report "Healthy People" identified major health problems for each of 5 broad age groups and 15 priority areas for further action. The Surgeon General's 1980 follow-up report "Promptly Health/Preventing Disease" established 226 measurable prevention objectives for these 15 priority areas. The Center for Disease Control has developed model prevention standards for community health services. The prevention-oriented activities of the public health service have been inventoried and given renewed emphasis.

Implementation of the goals outlined in this series of reports will result in dramatic improvements in the health and well-being of the American people. By the end of this decade, we can anticipate:

A 35-percent reduction in infant mortality; a 20-percent drop in deaths among children; a 20-percent decline in adolescent deaths; a 25-percent lower death rate among adults, and 20-percent less disability for older Americans.

But these lower death and disability rates and all they imply for healthier, happier, more active and productive lives will not occur simply because we have a roadmap showing how to get from here to there. An aggressive national policy can help us not only achieve but surpass these goals.

The major missing ingredient in our national prevention strategy has been the lack of an effective Federal-State partnership to assure comprehensive prevention planning and service delivery at the State and community level where people can be reached most effectively.

The preventive health block grant should be the key vehicle for development of an effective Federal-State partnership. Instead, this block grant is an example of the Reagan so-called New Federalism at its worst. Essentially a thinly disguised attempt to eliminate the Federal responsibility for a grab bag of categorical programs, this block was established without standards, priorities, accountability, measurement, or a clear relationship to either national or local objectives.

The legislation my colleagues and I are introducing today will restructure this block grant into an effective vehicle for achieving the goals and objectives established in the Surgeon General's report. As a condition for measuring block grant funds, this bill will require States to go through a conscious prevention planning process to establish goals and objectives in each of the Surgeon General's 15 preventive areas, to establish at least one high priority prevention objective for each of the five age groups identified in "Healthy People," to develop a plan for meeting the priority objectives selected by the State itself utilizing not only PHS funds, but other appropriate public and private resources, and to measure progress toward fulfillment of the State plan and national prevention goals. In 1985, a $15 million increase above current service levels is authorized to help States develop their plans and to provide assistance to States that already have comprehensive preventive programs underway. In 1986 and 1987, increases of $82 million and $103 million above current services are provided to help States implement their plans.

A number of States, including my own State of Massachusetts, Utah, and Texas have already gone through this process. This legislation will encourage their efforts and aid other States that are interested in moving in this direction.

The reforms we use proposing today in the mental health component of the ADAMHA block grant are both humane and cost effective. Our treatment of the chronically mentally ill is a national disgrace. This group makes up half the Nation's homeless population. They account for 600,000 inmates in our Nation's jails.

Psychotropic drugs have largely emptied our Nation's State mental institutions. Tragically, however, the promise deinstitutionalization has offered for a better more fulfilling life for our Nation's chronically mentally ill has largely gone unfulfilled. Without adequate community support and services, hundreds of thousands have been effectively abandoned by our society, abandoned to a desolate world of single room occupancy hotels, slum-like board and care homes, a world of sleeping on grates and begging for meals, of repetitious and unnecessary psychotic episodes that lead to costly hospitalization, stabilization, and discharge, only to begin the cycle again.

The community support program funded on a demonstration basis by NIMH as well as a number of successful programs operated by States has considerably proven there is a better way. With effective case-management services, a developed continuum of care from institutions to independent living, and inexpensive but well-planned social support services, this tragic cycle can be broken. Indeed, evaluations of the community support program have shown rates of hospitalization 50 percent lower than for comparable populations.

ADAMHA block grant expenditures are a tiny proportion of total national costs for chronic mental illness. Medicaid and State-only mental health expenditures on the chronically mentally ill were $3.4 billion in 1983, compared to less than $0.3 billion for ADAMHA block grant funds. But these funds were overwhelmingly spent on institutional rather than community-based care, and, in the case of medicaid, could not even be tracked to services for the chronically mentally ill except through special studies.

ADAMHA funds can be vital, however, in creating incentives for a reformed mental health system. Our bill would make receipt of ADAMHA funds contingent on States developing a comprehensive plan for an effective community-based treatment system for the chronically mentally ill. The

State plan must include a system for accounting for all funds spent on the chronically mentally ill, and must track progress toward plan implementation. Case management services—the heart of an effective treatment program—must be fully phased in over a 3-year period.

Other populations that have been neglected in our current mental health service delivery system are the elderly, children, and those residents in underserved areas. The elderly receive community services at a lower rate than the population as a whole, even though an estimated 10 to 25 percent in the community have some degree of mental impairment and the suicide rate of the elderly is 1½ times the rate for all ages. Of 3 million seriously disturbed children, an estimated two-thirds are not getting the treatment they need. Our bill would require the States to include in their plan a program for improving services to these populations.

The funding levels in our bill overall provide a $31 million increase over current services in 1985 to help States develop their plans and expand the existing community support program. In 1986 and 1987, funding would rise $125 million and $160 million over current services levels to help States implement their plans.

I want to emphasize that the great bulk of funds to meet these needs will not come from the block grant. Rather, the PHS funds provided by this bill will act as catalysts and gap fillers for the whole mental health system. Because community mental health care is cost effective, Federal/State savings in medicaid and other programs as a result of reduced hospitalization, and other institutional costs should exceed the additional PHS expenditures.

Alcoholism and drug abuse are problems that trouble the lives of millions of American families. HHS estimates indicate that the national costs of alcoholism and alcohol abuse could exceed $100 billion in 1983. Some studies indicate that as much as 20 to 40 percent of hospital costs may result from primary and secondary health consequences of alcohol abuse.

Our bill would increase funding for the alcohol and drug abuse portion of the block grant $30 million above current services to assist hard-pressed public treatment programs. A special project grant demonstration program would be established to provide services for women alcoholics, whose needs seem to be very poorly met by existing treatment programs. Finally, we would mandate the Secretary of Health and Human Services to develop a national plan for alcoholism treatment and prevention comparable to the national plan for the chronically mentally ill that was so useful in developing our proposals for reform of the mental health portion of the ADAMHA block grant.

The Omnibus Budget and Reconciliation Act of 1981 offered States the choice of taking community health center funds as a block grant or allowing the direct relationship between CHC's and the Federal Government, with careful coordination of the Federal program with State activities in cases where the State had an interest in primary care.

Only one State—West Virginia—chose the block grant, and it has just decided to return the program to the Federal Government.

Community health centers are a case of the actual Federal programs securing access to health care for the poor and underserved. This program has not only provided services to people with no other satisfactory access to health care, it has done so in a truly exemplary manner.

Last year, community health centers provided high quality, comprehensive care to over 4.5 million people. They have a proven record of increasing the use of preventive services, of reducing illness and hospitalization rates among the deprived populations they serve, and of holding their costs to levels considerably below those of other health care providers.

To cite just a few examples, CHC's between 1974 and 1983 increased their volume of services by more than 300 percent while grant funding increased by only 43 percent. At the same time, costs per encounter decreased 60 percent in real terms. Independent studies have found hospitalization rates that are 50 percent lower for individuals using CHC's then for comparable persons without access to CHC services. These lower hospitalization rates are estimated to have saved the medicaid program alone over one half billion dollars last year; more important than the dollar savings are the needless suffering and illness avoided.

All in all, community health centers have a tremendous record of accomplishment in providing health care services to the poor.

And these services are needed more today than ever before. The Reagan administration failed economic policies have plunged an additional 8 million people into poverty; reckless changes in welfare policies have denied medicaid eligibility to hundreds of thousands of mothers and children. Cuts in medicare benefits have made access to care of the elderly more difficult.

Despite this need, the Reagan administration budget would fund CHC's at a level that, after correcting for inflation, is 50 percent below the 1980 level. I believe real growth is as important in the health budget as it is in the defense budget.

In view of this record of success and the clear need that exists today, our bill would eliminate the block grant option and modestly raise the funding level of the program to $371 million, $11 million above current services and $27 million above the administration level. Our funding level will allow CHC's to provide services to one half million more people than the administration level but would still fund the program at a level below 1983 after correcting for inflation.

The problem of assessment of new technologies for appropriate insurance reimbursement under public and private programs has been highlighted recently by well-publicized instances of children denied coverage for life-saving liver transplants or granted coverage after prolonged disputes. Similar problems have arisen in the area of heart transplants.

Medical cost inflation—partly fueled by the development of costly new technology that is sometimes misapplied—continues to be a central national problem.

Our Nation's ability to address both these issues would be enhanced by an authoritative National Center for Health Care Technology Assessment. The original national center was abolished—mistakenly in my judgment—in 1981. The time is ripe to reestablish this valuable resource.

Finally, AID's seems to have faded from the news in recent months. Despite a significant Federal investment in research and epidemiological tracking of the disease, it continues to be a frightening public health hazard and an illness that is particularly cruel to its victims.

Our bill would establish a modest project grant program to help communities provide support and assistance to victims of AID's and to fund programs of information and prevention that may reduce the rate at which this dread disease spreads as we search for a cure.●

By Mr. BOREN (for himself and Mr. HUDDLESTON):

S. 2453. A bill to require the Commodity Credit Corporation to have certain provisions in contracts entered into by the Corporation for storage of agricultural commodities; to the Committee on Agriculture, Nutrition, and Forestry.

STORAGE OF AGRICULTURAL COMMODITIES

Mr. BOREN. Mr. President, today I am introducing a bill which will require the Commodity Credit Corporation (CCC) to exercise prudent management procedures when entering into long-term contracts for grain storage. I welcome the support of my colleague, Senator HUDDLESTON, in introducing this legislation.

In May 1981, CCC adopted a policy of accepting any change a warehouse wished to make for grain storage and handling. By so doing, CCC eliminated its option to bargain for competitive

rates. Additionally, CCC entered into 2- to 5-year agreements which guaranteed payments to warehouses whether the space was used or not. When this policy was approved by the CCC board, it was with the understanding that the Government would save money because long-term rates would be equal to or less than the annual rates. Further, it was understood that long-term agreements would contain an early-out clause in the event that the CCC needed to terminate a contract and that CCC officials would negotiate for better rates if the offers were too high.

Regretfully, the program has been administered in quite a different manner. The contracts did not contain an early-out clause. CCC officials did not negotiate even one time for better rates. The contracts require the CCC to pay for the space even if the space is not used. And, if the space is not used, the warehouse can rent it to someone else, thus being twice paid.

Of the first 290 contracts signed, 67 were for rates higher than the usual rate, costing over $3 million.

On January 27, 1984, the CCC was paying at an annual rate of $39 million for unused space. This space, which the Government is paying for, can be leased out again with the warehouseman receiving payment twice for the same space.

Mr. President, this is a misuse of taxpayers' money and must be corrected. The legislation I am introducing today will require the CCC to use prudent business practices when contracting for long-term storage space.

Mr. President, I ask unanimous consent that a summary of the bill be inserted in the RECORD at the conclusion of my remarks.

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

SUMMARY

The legislation requires that any long-term contract entered into by CCC to reserve storage include the following provisions:

(1) the storage rate shall be less than the rate charged for a one year storage agreement;

(2) if the storage space is leased to another person, the CCC would not be obligated to pay for the space; and

(3) if the CCC determines the space is no longer needed, the CCC may be relieved of its obligations to an extent and in a manner that will provide significant savings to the Corporation while permitting the owner of the facility reasonable time to lease such space to another person.

Mr. HUDDLESTON. Mr. President, I am pleased to join Senator BOREN in introducing this bill to improve management procedures of the Commodity Credit Corporation respecting contracting for grain storage. Specifically, the bill will require that any contract entered into the Commodity Credit Corporation for the use of a storage facility must contain certain terms and conditions that will reduce expenses of the Corporation associated with such contracts.

Under the bill, any contract entered into by the Corporation for grain storage must specify that rental rates for an extended term—in excess of 1 year—shall be at an annual rate less than a short-term rate

Further, under the bill, any long-term storage agreement the Corporation would be relieved from payment for storage space that the Corporation does not use, if such storage space can be contracted for by another person. The Corporation would not be held to a contract for storage space that it does not need.

The bill also directs that contracts entered into by the Corporation must contain a provision stating that, should the Corporation determine that it no longer needs the space reserved in the facility, the Corporation can terminate the contract, provided that the owner of the facility is given reasonable time to lease such space to another person. This provision will save the Government money because long-term contracts entered into for storage capacity in excess of the Corporation's needs can be adjusted to more nearly reflect the Corporation's storage needs.

Mr. President, I am hopeful that this bill will reduce Federal outlays, promote better management procedures for contracting for storage needs of the Commodity Credit Corporation, and allow unused storage capacity to be used by others who may have need of it.

By Mr. LEAHY (for himself, Mr. HEFLIN, Mr. BINGAMAN, Mr. BRADLEY, Mr. D'AMATO, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. LEVIN, Mr. LUGAR, Mr. METZENBAUM, Mr. MOYNIHAN, Mr. PRYOR, Mr. STAFFORD, Mr. RANDOLPH, Mr. RIEGLE, Mr. BURDICK, Mr. PERCY, Mr. SARBANES, Mr. NUNN, Mr. HOLLINGS, Mr. JEPSEN, and Mr. MATSUNAGA):

S.J. Res. 261. Joint resolution to provide for the designation of the last week of June 1984 as "Helen Keller Deaf-Blind Awareness Week;" to the Committee on the Judiciary.

HELEN KELLER DEAF-BLIND AWARENESS WEEK

Mr. LEAHY. Mr. President, I rise today to introduce a joint resolution to designate the last week in June 1984 as "Helen Keller Deaf-Blind Awareness Week." Senator HEFLIN of Alabama, home of Helen Keller, and others join me in support of this resolution.

Every American knows the courage and accomplishments of Helen Keller. Books have been written about her life, motion pictures, and television dramas have portrayed her. Few of us are aware, however, of the thousands of deaf-blind children and adults who with their families engage in a monumental struggle to make life even minimally rewarding and meaningful.

The Helen Keller National Center for Deaf-Blind Youths and Adults is the one national facility that provides a range of services to deaf-blind people throughout the country. The center has a high rate of success in enabling the deaf-blind to become independent and productive members of our society. But the deaf-blind often encounter a basic problem when they return to their communities. There are basic misconceptions held by many people including potential employers that the deaf-blind do not have the ability to work and exist on their own.

A National Deaf-Blind Awareness Week would promote recognition of the unique special needs and abilities of the deaf-blind population and would help to dispel the notion that they cannot be self-sufficient. This joint resolution enhances public awareness about the existence of the deaf-blind and encourages efforts to consolidate and expand services among the States and interested agencies to provide training, jobs, and support.

The Helen Keller National Center and other service providers will carry out activities to publicize the abilities of the deaf-blind during this week.

This is an important vehicle for stimulating public and private action on behalf of deaf-blind Americans who so urgently need our help in coping with a world they cannot see or hear.

Helen Keller said:

The best and the most beautiful things in the world cannot be seen or even touched. They must be felt with the heart.

I urge my colleagues to support this resolution in honor of Helen Keller and in recognition of the thousands of deaf-blind individuals who have felt beauty with the heart because of her example.

I ask unanimous consent that the joint resolution be printed in the RECORD.

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

S.J. RES. 261

Whereas the anniversary of the birth of Helen Keller, the most accomplished, respected, and renowned deaf-blind American in our history, falls on June 27; and

Whereas deaf-blind is one of the most severe of all disabilities, with respect to which some forty thousand Americans are deprived of two primary senses; and

Whereas the rubella epidemic of the 1960's, along with other pathologies, has resulted in deaf-blindness for approximately six thousand of our children; and

Whereas, because of the severity of deaf-blindness the cost of educating, training, and rehabilitating persons who are deaf and blind is high in comparison with other disabilities; and

Whereas this high cost causes many service agencies to be reluctant to serve deaf-blind persons, thus inhibiting the independence and self-sufficiency of such persons, and frequency resulting in their placement in custodial institutions; and

Whereas, although the Helen Keller National Center and its network, and regional deaf-blind centers serve a portion of this population, inadequate education, training and rehabilitation services to the deaf-blind population represents a terrible waste of human lives and resources, imposing a high economic cost on the Nation; and

Whereas it is in the national interest to prevent this waste of human resources, foster independence, create opportunities for employment, and maximize the ability to achieve among our deaf-blind citizens; and

Whereas these objectives can be accomplished only through an increased public awareness of, and attention to, the needs, abilities, and potential contributions to society of persons who are both deaf and blind; and

Whereas it is highly appropriate to publicize the needs, abilities, and potential of all deaf-blind persons, and simultaneously to recognize Helen Keller not only as a beacon of courage and hope for our Nation, but also as a symbol of what is possible for deaf-blind persons to achieve: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President shall issue a proclamation designating the last week in June of 1984 as "Helen Keller Deaf-Blind Awareness Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

By Mr. PACKWOOD (for himself and Mr. PROXMIRE):

S.J. Res. 262. Joint resolution to designate March 16, 1985, as "Freedom of Information Day;" to the Committee on the Judiciary.

FREEDOM OF INFORMATION DAY

● Mr. PACKWOOD. Mr. President, I am pleased to join my colleague Senator PROXMIRE in introducing a joint resolution designating March 16, 1985, as "Freedom of Information Day." March 16 is the anniversary of James Madison's birthday, and few Americans are more worthy of this recognition.

James Madison, our fourth President, was one of the framers of our Constitution. He is considered the architect of our Bill of Rights, yet his contributions to our democratic society are all too often overlooked. We frequently take for granted the free access to information Madison's efforts helped guarantee.

The first amendment reads:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Our ancestors fought and died for those protections. They guarantee, among other things, that we have access to the information we need to effectively govern ourselves. By proclaiming Madison's birthday as "Freedom of Information Day," we will reaffirm the significance we attach to our most precious liberties.

I urge the Senate to adopt this resolution. On March 8 of this year, the House passed a similar resolution, and I look forward to speedy action in the Senate. Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

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

S.J. RES. 262

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the First Amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 16, 1985 is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 553

At the request of Mr. HART, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 581

At the request of Mr. BUMPERS, the name of the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 581, a bill to establish competitive oil and gas leasing and modify leasing procedures for onshore Federal lands.

S. 772

At the request of Mr. HATCH, the name of the Senator from Washington (Mr. EVANS) was added as a cosponsor of S. 772, a bill to promote public health by improving public awareness of the health consequences of smoking and to increase the effectiveness of Federal health officials in investigating and communicating to the public necessary health information, and for other purposes.

S. 1300

At the request of Mr. BUMPERS, his name was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the rural electrification and telephone revolving fund, and for other purposes.

S. 1597

At the request of Mr. STAFFORD, the names of the Senator from North Dakota (Mr. ANDREWS), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1597, a bill to amend the Elementary and Secondary Education Act of 1965 to provide comprehensive elementary school guidance and counseling programs for elementary students through States and local educational agencies.

S. 1833

At the request of Mr. CHILES, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1833, a bill to amend title 38, United States Code, to authorize the VA to furnish each veteran, with a compensable service-connected disability, such drugs and medicines as may be prescribed by any licensed physician for treatment of the service-connected disability.

S. 1917

At the request of Mr. PACKWOOD, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 1917, a bill to provide that the Federal Communications Commission shall not regulate the content of certain communications.

S. 1992

At the request of Mr. BENTSEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

At the request of Mr. CHAFEE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1992, supra.

S. 2014

At the request of Mr. SPECTER, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2014, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for assistance in locating missing children.

S. 2099

At the request of Mr. JEPSEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2099, a bill to delay for 2 years the mandatory coverage of employees of religious organizations under social security.

S. 2205

At the request of Mr. BUMPERS, the names of the Senator from Missouri (Mr. EAGLETON), and the Senator from Illinois (Mr. DIXON) were added as cosponsors of S. 2205, a bill to amend section 2511 of title 18, United States Code.

S. 2217

At the request of Mr. MOYNIHAN, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 2217, a bill entitled "The Tandem Truck Safety Act of 1984."

S. 2219

At the request of Mr. BOREN, the names of the Senator from Montana (Mr. MELCHER), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 2219, a bill to amend the Internal Revenue Code of 1954 to remove requirements for filing returns regarding payments of remuneration for services, and for other purposes.

S. 2256

At the request of Mr. HUDDLESTON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2256, a bill to exempt restaurant central kitchens from Federal inspection requirements.

S. 2266

At the request of Mr. CRANSTON, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 2266, a bill to grant a Federal charter to Vietnam Veterans of America, Inc.

S. 2324

At the request of Mr. PACKWOOD, the names of the Senator from Oregon (Mr. HATFIELD), and the Senator from Maine (Mr. COHEN) were added as cosponsors of S. 2324, a bill to amend the Coastal Zone Management Act of 1972 regarding activities directly affecting the coastal zone.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

S. 2430

At the request of Mr. STEVENS, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2430, a bill to provide for a family violence prevention and services program.

SENATE JOINT RESOLUTION 227

At the request of Mr. CRANSTON, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Iowa (Mr. JEPSEN), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. MOYNIHAN), the Senator from Montana (Mr. MELCHER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Joint Resolution 227, a joint resolution designating the week beginning November 11, 1984, as "National Women Veterans Recognition Week."

SENATE JOINT RESOULUTION 239

At the request of Mr. CHILES, the name of the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 239, a joint resolution designating the week of October 21 through October 27, 1984, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. DOLE, the names of the Senator from Florida (Mrs. HAWKINS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of Senate Joint Resolution 244, a joint resolution designating the week beginning on May 6, 1984, as "National Asthma and Allergy Awareness Week."

SENATE JOINT RESOLUTION 247

At the request of Mr. HUMPHREY, the names of the Senator from Virginia (Mr. WARNER), and the Senator from South Carolina, (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

SENATE JOINT RESOLUTION 250

At the request of Mr. BAKER, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Louisiana (Mr. LONG), the Senator from Florida (Mrs. HAWKINS), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Joint Resolution 250, a joint resolution declaring the week of May 7 through 13, 1984, as "National Photo Week."

SENATE JOINT RESOLUTION 253

At the request of Mr. PRESSLER, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Mr. RIEGLE), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 253, a joint resolution to authorize and request the President to designate September 16, 1984 as "Ethnic American Day."

SENATE JOINT RESOLUTION 256

At the request of Mr. THURMOND, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution designating March 21, 1984, as "National Single Parent Day."

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of Senate Joint Resolution 257, a joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the Study Group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE RESOLUTION 312

At the request of Mr. HUMPHREY, the names of the Senator from Iowa (Mr. JEPSEN), and the Senator from Rhode Island (Mr. PELL) were added as cosponsors of Senate Resolution 312, a resolution to honor Comdr. Alphonse Desjardins, founder of La Caisse Populaire de Ste-Marie, Manchester, N.H.

AMENDMENTS SUBMITTED

MIGRATORY BIRD CONSERVATION FUND

CHAFFEE AMENDMENT NO. 2807

(Ordered referred to the Committee on Environment and Public Works.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 978) to extend until October 1, 1993, the authorization for appropriations to the migratory bird conservation fund, and for other purposes, as follows:

On page 19, add the following new title:

TITLE VI—WILDLIFE AND THE PARKS

SECTION 601. SHORT TITLE.

This Title may be cited as the "Wildlife and the Parks Act of 1984".

SECTION 602. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds:

(1) Native fish and wildlife that are primarily found within the various units of the National Park System are being threatened or degraded as a result of certain incompatible activities including—

(A) air pollution;

(B) water pollution;

(C) economic and residential development and related infrastructure development such as road construction and water resource projects.

(2) Many of these incompatible activities are supported and encouraged with Federal funding or other forms of federal financial assistance.

(3) A significant number of threats and detrimental effects to populations of native fish and wildlife species that are primarily found within the various units of the National Park System arise from the activities of other Federal agencies.

(4) The National Environmental Policy Act does not provide for consistency with respect to the detrimental effects of Federal agency actions upon populations of native fish and wildlife species that are primarily found within these areas, nor for appropriate public notice when one Federal agency's

proposed actions are in conflict with another Federal agency's responsibilities.

(5) It is inconsistent, inappropriate and fiscally irresponsible for the Federal government to finance the degradation or destruction of the habitat upon which populations of native fish and wildlife species primarily found in the various units of the National Park System are dependent through Federal actions or programs and at the same time, direct and advocate the conservation and protection of population of native fish and wildlife species and that a reconciliation of competing Federal programs is both necessary and appropriate.

(b) PURPOSE.—It is therefore declared to be the purpose of this Act to protect and conserve the population of native fish and wildlife species primarily found within the various units of the National Park System by restricting new Federal expenditures and financial assistance that degrade, threaten or destroy the habitat within the units of the National Park System and within contiguous ecologically related Federally managed areas upon which such population of native fish and wildlife species are dependent for their well being and survival; and to recognize the importance of the various units of the National Park System in conserving and protecting the population of native fish and wildlife species and to further the purposes of the National Environmental Policy Act by improving the Federal interagency action and public involvement provisions of that Act with regard to these areas.

SECTION 603. DEFINITIONS.

As used in this Act—

(a) The term "financial assistance" and "expenditure" refer to any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance or expenditure including the issuance of a permit or lease but not including:

(1) assistance for environmental studies, plannig, and assessments that are required incident to the issuance of permits or other authorizations under Federal law;

(2) deposit or account insurance to customers of banks, savings and loan associations, credit unions, or similar institutions;

(3) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation; and

(4) assistance pursuant to programs entirely unrelated to development or habitat alteration, such as any Federal or Federally assisted public assistance program or any Federal old-age survivors or disability insurance program.

(b) The term "Secretary" means the Secretary of the Interior.

(c) The term "System unit" means a unit of the Naitonal Park System as defined in the National Park Service Organic Act of 1916, as amended (16 U.S.C. 1 et. seq.), and which has an acreage greater than 5,000 acres.

(d) The term population of "native fish and wildlife species primarily found within such system units" means those native fish and wildlife populations that are known to utilize or require habitats that are predominately within the boundaries of a unit of the National Park System.

(e) The term "contiguous ecologically related Federally managed area" is an area contiguous to a National Park System unit and designated by the Secretary as necessary to restore or maintain optimum population levels of fish and wildlife species that are primarily found within a National Park System unit.

SECTION 604. LIMITATION ON FEDERAL EXPENDITURES.

(a) Effective on the date of enactment, except as provided in this section and section 605 of this Act, no new expenditure or new financial assistance may be made available under authority of any Federal law for any purpose within the Congressionally established or authorized boundaries of a unit of the National Park System or within the boundaries of any contiguous ecologically related Federally managed area, as shall be designated by the Secretary of the Interior, (hereinafter referred to in the aggregate as "wildlife resource habitat areas") unless:

(1) the Secretary has determined that the new expenditure or financial assistance will not have a detrimental effect on the population of native fish and wildlife species primarily found within such system units; and

(2) such new expenditure or new financial assistance is consistent with otherwise applicable authorities and subject to the limitations and requirements of such authorities. The Secretary shall make such determination under paragraph (1) of this subsection promptly after public notice and an opportunity for public comment. In establishing just compensation in the event of governmental acquisition of property located within wildlife resource habitat areas or in the event of the donation of a conservation interest to any qualified recipient, any adverse impact on the fair market value of such property resulting from this Act shall not be considered.

(b) In accordance with subsection (a) of this section, the Secretary shall as soon as practicable after the enactment of this Act designate and periodically update and revise, as appropriate, wildlife habitat resource areas within the Congressionally established or authorized boundaries of any contiguous ecologically related Federal managed area.

(c) An expenditure or financial assistance made available under authority of Federal law shall, for the purpose of this Act, be a new expenditure or new financial assistance if:

(1) In any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date of the enactment of this Act; or

(2) In any case with respect to which specific appropriations are not required, no legally binding commitment for the expenditure or financial assistance was made before such date of enactment.

SECTION 605. EXCEPTIONS.

Notwithstanding the limitations on new financial assistance and new expenditures within wildlife resource habitat areas as provided by section 604 of this Act, an appropriate Federal official may, following written consultation with the Secretary (acting through the Directors of the Fish and Wildlife Service and the National Park Service) concerning detrimental effects on population of native fish and wildlife species primarily found within a unit of the National Park System and careful consideration thereof, consistent with otherwise applicable authorities and subject to the limitations and requirements of such authorities, make Federal expenditures or provide financial assistance for the following specific purposes:

(1) military activities serving the national defense;

(2) projects under the Land and Water Conservation Fund otherwise consistent with the purposes of this Act;

(3) other acquisition for the conservation of fish and wildlife resources;

(4) expenditures under the Endangered Species Act;

(5) programs which are consistent with the maintenance and restoration of these fish and wildlife populations that are primarily located within a National Park System unit.

(6) scientific research concerning the conservation of fish and wildlife resources;

(7) emergency actions necessary to save human life; or

(8) maintenance of infrastructure or existing facilities within designated wildlife resource habitat areas.

SECTION 606. INTERAGENCY REVIEW.

(a) To facilitate the Secretary's determination responsibilities under section 604(a) of this Act and the Secretary's consultation responsibilities under section 605 of this Act, any Federal agency that proposes to undertake a new Federal expenditure or new financial assistance within a wildlife resource habitat area as may be designated by the Secretary or within a federally managed area which is reasonably likely to have a detrimental effect on the population of native fish and wildlife species primarily found within a unit of the National Park System shall notify the Secretary at the earliest practicable time prior to such action.

(b) Each such Federal agency shall provide the Secretary with the description and basis for the proposed Federal expenditure or financial assistance and, thereafter, an assessment of its possible environmental impacts in accordance with the provisions of the National Environmental Policy Act. Each Federal agency must provide the Secretary a reasonable opportunity to make findings with regard to such information and to reach a determination or to provide comments, as may be appropriate, as to whether such new expenditures or new financial assistance will have a deterimental effect on population of native fish and wildlife species which are primarily found within a system unit.

SECTION 607. REPORT TO CONGRESS.

(a) The Secretary is directed to prepare and submit to Congress, not later than 12 months after the date of enactment of this Act, a report which shall:

(1) Advise the Congress as to the boundaries of those contiguous ecologically related Federal managed areas that have been designated by the Secretary as additional wildlife resource habitat areas pursuant to section 604 of this Act.

(2) Study, identify and depict on maps those environmentally sensitive, native fish and wildlife habitat areas, generally contiguous, adjacent, or ecologically related to National Park System units, that are not within the boundaries of any Federally managed area but provide habitat that is necessary to restore or maintain optimum populations of native fish and wildlife populations that are primarily found within units of the National Park System.

(3) Identify and recommend such additional Federal incentives for development that should be removed and Federal incentives for protection that should be authorized to further protect the wildlife resource habitat areas that are the subject to this Act.

(4) Evaluate the application of the provisions of this Act to units of the National Wildlife Refuge System, not otherwise included as a wildlife resource habitat area by the Secretary pursuant to section 4 of this Act, and to provide specific recommendations as to whether such refuge units should be subject to the provisions of this Act.

(b) The Secretary shall prepare a biannual report to Congress which shall include:

(1) An identification and analysis of detrimental effects to populations of native fish and wildlife species emanating from inside and outside the various units of the National Park System;

(2) Planned actions to deal with such detrimental effects;

(3) A review of National Park System units to determine if there are adequate safeguards to protect the populations of native fish and wildlife species primarily found within such system units.

SECTION 608. AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to supplement the identification, enforcement and study provisions of this Act. Funds otherwise appropriated for the operation and management of the National Park Service may also be utilized for this purpose.

● Mr. CHAFEE. Mr. President, today I am introducing an amendment to S. 978, the "Protect Our Wetlands and Duck Resources Act" (POWDR). This amendment which is titled the "Wildlife and the Parks Act of 1984" brings the Federal Government another step closer to implementing a consistent policy toward the conservation and protection of our Nation's fish and wildlife resources.

The concept embodied in this amendment as well as in the POWDR bill was drawn from the Coastal Barrier Resources Act (CBRA) which I sponsored and which was enacted by Congress in 1982. Enactment of CBRA reaffirmed the Federal Government's role in conserving and protecting undeveloped barrier and islands along the Atlantic and gulf coasts because of their importance in providing essential habitat for fish and wildlife. While doing this, the Congress also recognized that the Federal Government undermined fish and wildlife conservation by subsidizing coastal development through various projects and programs.

To resolve this obvious conflict, CBRA established a Coastal Barrier Resources System which delineated the remaining undeveloped coastal barrier beaches and islands on maps and prohibited new Federal financial assistance or expenditures on them. Now, for the first time ever, the Federal Government is not underwriting the destruction of valuable fish and wildlife resources. This new law represents a milestone in the development of a consistent Federal policy toward fish and wildlife conservation.

The simple commonsense approach to conservation that is reflected in CBRA can be easily applied to other areas where fish and wildlife conservation and protection is important. That is the thrust of the Wildlife in the Parks Act of 1984.

In establishing the National Park Service in 1916, Congress stated that the purpose of the national park system "* * * is to conserve the scenery and the natural and historic objects and the wildlife therein to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." This is a strong and clear mandate and I am deeply concerned that it is not being carried out, especially with respect to the conservation of the fish and wildlife resources that reside within the units of our national park system.

Mr. President, it is no secret that park wildlife is being threatened by incompatible activities—many utilizing Federal funds—inside and outside park boundaries. On the one hand the Federal Government is responsible for protecting the fish and wildlife that live within the borders of the national parks and on the other hand it sometimes spends money on projects and programs which are destroying or threatening to destroy those very wildlife resources.

If we look around the country we can see examples of how Federal tax dollars may undermine the populations of native fish and wildlife of the parks.

Last summer the Subcommittee on Environmental Pollution held a hearing on the grizzly bear problem at Yellowstone National Park. Despite the size of this fabulous park, we learned that it is not large enough to support a viable population of the wide-ranging grizzly. Many of the grizzlies spend time outside of the park, usually on contiguous Federal lands which are subject to increasing resource development and human activity. Additionally, we learned of threats to the grizzly emanating from development of tourist facilities inside the park.

The grizzly is only one example. Fish and wildlife populations in many different parks are being affected or threatened by projects—many of which are funded with Federal dollars.

Timber harvesting in the Flathead National Forest to the west of Glacier National Park may threaten to bring roads into habitat that is important to the park's wildlife. On Forest Service lands southeast of the park, proposed oil and gas exploration's will intrude upon the winter range and calving areas that are important to the park's elk and moose populations.

Last month, the Bureau of Land Management (BLM) adopted a new policy which will essentially remove the National Park Service from the role of protecting the native park wildlife that would be competing for habitat and water with domestic cattle and sheep.

Under the BLM's newly established cooperative agreement policy, a grazing permittee would obtain control of water sources (springs and streams) within parks if he installed improvements. The permittee's control would include the ability to prohibit use of the water source by native species, and the BLM regulations would eliminate the requirement for an environmental assessment covering range improvements. As a consequence of these regulations, park wildlife and its habitat will suddenly become second-class residents of the parks, finding themselves relegated to a lower priority for water and forage than non-native cattle and sheep. A policy of balancing wildlife uses with those of domestic grazers is appropriate on general multiple-use BLM lands, but in units of the national park system, the National Park Service is clearly charged with providing protection, and thus top priority, for native species and their habitat over any commercial grazing or other uses of the park's resources.

This new policy clearly violates the spirit, if not the letter of the Park Service's general authorities which provide that the National Park Service, and no other, should manage public resources within the boundaries of national park system units.

Much of the land within the boundaries of California's Santa Monica National Recreation Area has yet to be acquired from private landowners. In the meantime, these developers are seeking to construct residential housing inside the boundary of the area.

At Utah's Bryce Canyon National Park, fish and wildlife are threatened by timber cutting activities on contiguous Forest Service lands.

What is deeply troubling is that these examples may only be the tip of the iceberg. Little information exists on the threats to native fish and wildlife populations emanating from inside and outside the boundaries of the various units of the national park system. Perhaps the most comprehensive study to date is the state of the parks report prepared by the Department of the Interior in 1980.

According to that report, fish and wildlife resources were threatened in more than a third of the 334 units of the park system. Among its findings, the report stated that threats to mammals were occurring in 136 parks; threats to wetland communities were occurring in 87 parks; threats to birds were occurring in 71 parks; and threats to fish were occurring in 67 parks. Inside the parks, road construction, visitor facilities, and other forms of habitat alteration were also contributing to degradation of wildlife resources.

In 1979, the National Parks and Conservation Foundation conducted a survey of park superintendents and

found the wildlife habitat was being altered in over 25 activities occurring outside park boundaries. As the superintendent of Yosemite National Park stated:

> The park may maintain the majority of its deer habitat in a relatively pristine condition. However, since the deer . . . must migrate to winter ranges outside the park, development and intensive uses there can virtually destroy the deer resources.

Under the National Environmental Policy Act, Federal agencies are supposed to consult with each other as to the environmental impacts of a proposed major Federal action. From the situations I have just mentioned I believe that there is a good deal of consultation that is not occurring between the various agencies and the National Park Service.

The Service freely admits that it cannot now adequately defend the parks from encroachments short of litigation or jawboning. In 1981, the Service proposed a number of actions which could be taken to address the threats arising inside park boundaries, but indicated that it lacks the ability to deal conclusively with external threats.

In a January 1984, document entitled "Assessing Encroachments," the National Park Service stated that the top priority goal is: "The National Park Service should aggressively seek to reduce the external encroachments (threats) to parks resources." In its conclusion the report includes two important recommendations: (1) Increase the congressional appropriations for dealing with encroachment problems, and (2) initiate new legislation to provide for the protection of the national park system.

Now, since we are faced with a $200 billion deficit I think for the time being we have to pass over the first recommendation but we can followup on the second. In fact, the legislation I propose will not only provide a greater degree of protection for park fish and wildlife populations but it could also save the Federal Government millions of dollars in the long run.

Mr. President, the legislation I am introducing today insures that the Federal Government will not spend funds in a manner which is inconsistent with the protection of the native fish and wildlife resources in the units of the national park system. This approach is environmentally sound and fiscally responsible.

The requirements set forth in the bill are simple. They only affect new Federal expenditures or financial assistance that would occur within the established park system units or a federally managed area that is contiguous and ecologically related to the units.

The bill would generally prohibit new Federal expenditures in these areas unless the Secretary of Interior found that such expenditures would not have a detrimental effect on the native fish and wildlife populations of the affected system unit. It is important to note that the general funding prohibition is limited in its application.

First, I want to make it clear that we are seeking to protect only native species. According to the National Park Service management policies guidance document, native species "are those that occur, or occurred due to natural processes on those lands designated as the park. These do not include species that have moved into areas, directly or indirectly as the result of human activities." In other words we are not talking about protecting species like rats or starlings that may have invaded a park area as a result of man's activities.

Second, the native species would have to locate within the park boundaries to qualify for the protection afforded by this bill. This means a species must utilize or require habitat that is predominately within the park boundary.

Next, only Federal expenditures to be spent in federally managed areas contiguous and ecologically related to the affected park system unit would be subject to the prohibition. This does not include all the Federal lands or other areas contiguous to the system unit but only those areas (wildlife resource habitat areas) that are necessary to restore or maintain optimum population levels of native fish and wildlife species primarily found within the unit.

Last, the legislation limits the number of national park system units affected to those which are over 5,000 acres. What the legislation contemplates is protection of fish and wildlife population in the larger National Park System units. We do not want to involve areas like the Edgar Allen Poe National Historical Site in Pennsylvania or Rock Creek Park in Washington, D.C.

Under section 605 of the bill, certain activities are exempted from the general prohibition. New Federal expenditures or new financial assistance would be permitted for military activities, land acquisition, scientific research, fish and wildlife restoration programs, emergency actions, and maintenance of infrastructure or existing facilities.

Within 1 year of enactment the Secretary would be required to prepare a report advising the Congress as to the areas designated as wildlife resource habitat areas; identify other areas on non-federally managed areas; recommend additional Federal incentives for development that should be removed and Federal incentives that should be authorized to protect park wildlife habitat areas; and determine whether the application of this legislation would be suitable for units of the National Wildlife Refuge System.

The Department of the Interior shall also prepare a biannual report which shall identify detrimental effects to native fish and wildlife resources; planned actions to deal with such detrimental effects; and a review of the affected national park system units to determine if there are adequate safeguards to protect their native fish and wildlife resources.

Mr. President, I want to make it very clear this bill does not give the Secretary any new authority over activities on private lands outside the boundaries of the system units of the national parks. Any activity or project funded with or without Federal funds on these lands would not be affected by this legislation.

Only new federally funded projects or programs on private lands within the established boundaries of the parks and contiguous ecologically related federally managed areas would be affected. Private landowners within park boundaries, however, would be free to build or develop on their land with non-Federal funds so long as it is consistent with applicable authority.

On the contiguous ecologically related federally managed areas, Federal agencies could not spend funds to go forward with projects if the Secretary determined that such projects were detrimental to the native park wildlife.

To insure that the funding prohibition would not reduce the value of an inholders land, the legislation includes a provision which states that the funding prohibition shall not be considered in establishing just compensation in the event of Federal acquisition of the land.

Mr. President, new authority is needed to establish parameters for the protection and conservation of the native fish and wildlife population in the national park system units. I believe the Wildlife and the Parks Act is a sound and well reasoned approach. Simply stated it says:

> Before we go off and spend a lot of Federal tax dollars that may damage wildlife resources, which incidentally could cost a lot of dollars to restore, let's decide if this expenditure will have a detrimental impact on the native fish and wildlife populations in the park unit.

If the answer is "yes" the project cannot go forward and we have certainly saved Federal tax dollars and have given greater protection to the fabulous wildlife heritage found in our parks.

Finally, some may ask why I am offering this legislation as an amendment to the POWDR bill, S. 978. It is important to note that POWDR, like the Wildlife and the Parks Act, contains a funding prohibition mechanism which is the key to the further protection of areas important to wildlife.

The Environment and Public Works Committee did not pursue the POWDR bill because it applied the

funding prohibition to wetland areas that are difficult if not impossible to delineate. As such, POWDR and the application of the funding prohibition concept to wetlands is premature. In 1982, the committee and the entire Congress overwhelmingly supported the Coastal Barrier Resources Act because the funding prohibition was applied to clearly delineated coastal areas.

The amendment I am introducing today would apply the funding prohibition to clearly delineated areas, units of the national park system and calls for the clear delineation of additional areas—wildlife habitat resource areas—to which the funding prohibition would apply. Attaching my amendment to the POWDR bill, which has the support of the administration, will help frame the discussion on this issue and hopefully draw the endorsement of those who have supported both the POWDR initiative and the Coastal Barrier Resources Act.

We need to look at new and creative approaches to wildlife conservation and protection which will be effective and less costly. This legislation moves in that direction and deserves the support of all Senators. As it winds through the legislative process I look forward to working with my colleagues to make it a reality.●

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold an oversight hearing on the food stamp program.

The hearing will be held on Wednesday, March 21, 1984, at 10 a.m. in room 328-A Russell Senate Office Building.

For further information please contact the Agriculture Committee staff at 224-0014 or 224-0017.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Ms. Ruth Peters and Ms. Frieda Waldman to be Governors of the U.S. Postal Service on Wednesday, March 21, at 2 p.m. in SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will hold a hearing on S. 1858, a bill to amend the District of Columbia Self-Government and Governmental Reorganization Act and for other purposes.

The hearing will be held on Wednesday, April 25, 1984, at 9:30 a.m. in room SR-385 of the Russell Senate Office Building.

For further information, contact Eileen Mayer of the subcommittee staff at 224-4161.

SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Subcommittee on Labor will hold an oversight hearing on April 23 and April 30 to discuss occupational disease. The hearing will be in room 430 of the Dirksen Senate Office Building and will begin at 1:30 p.m. on April 23 and at 9:30 a.m. on April 30. Persons wishing to testify should submit a written request to Chairman DON NICKLES, Subcommittee on Labor, 428 Dirksen Senate Office Building, Washington, D.C., by March 23. If you have any questions concerning the hearing, please contact Rick Lawson, on the subcommittee staff, at 202-224-5546.

SUBCOMMITTEE ON ENERGY REGULATION

Mr. MURKOWSKI. Mr. President, I would like to announce, for the information of the Senate and the public, the scheduling of a public hearing before the Subcommittee on Energy Regulation to receive testimony on North American natural gas reserves and resources. This oversight hearing will be held on Friday, April 6, beginning at 9 a.m. in room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Energy Regulation, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

For further information regarding this hearing you may wish to contact Mr. Howard Useem of the subcommittee staff at 224-5205.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL CREDIT AND RURAL ELECTRIFICATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Credit and Rural Electrification of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 20, at 9:30 a.m., to hold a hearing on S. 1300 and H.R. 3050, legislation to amend the Rural Electrification Act of 1936, to insure the continued financial integrity of the rural electrification and telephone revolving fund.

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

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services, be authorized to meet during the session of the Senate on Tuesday, March 20, to hold a hearing on mix of Active and Reserve Forces, and to review fiscal year 1984 Department of Defense.

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

SUBCOMMITTEE ON MILITARY CONSTRUCTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Military Construction of the Committee on Armed Services and the Subcommittee on Military Construction of the Committee on Appropriations be authorized to hold a joint hearing during the session of the Senate on Tuesday, March 20, to consider S. 2364, fiscal year 1985, military construction.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, March 20, at 2 p.m., to hold an oversight hearing on the President's budget on the Department of Energy's research programs.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 20, to consider the nomination of Harry Shlaudeman, to be Ambassador at Large.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 20, to hold a hearing on foreign aid.

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

SUBCOMMITTEE ON BUDGET AUTHORIZATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Budget Authorization of the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 20, at 2 p.m., to hold a closed hearing on the fiscal year 1985 Intelligence Budget.

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

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 20, in order to re-

ceive testimony concerning the following nominations:

Robert B. Beezer, of Washington, to be U.S. Circuit Judge for the Ninth Circuit.

H. Russel Holland, of Alaska, to be U.S. District Judge for the District of Alaska.

Edward C. Prado, of Texas, to be U.S. District Judge for the Western District of Texas.

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

ADDITIONAL STATEMENTS

LIFE INSURANCE ACT OF 1983

● Mr. LAUTENBERG. Mr. President, I have joined as a cosponsor of S. 1992, the Life Insurance Act of 1983.

The framework for insurance taxation established in 1959 is clearly obsolete. It no longer corresponds to the economic and financial realities of the 1980's. The changes of the last several years have disturbed the balance between the mutual and stock segments of the industry and sharply reduced its tax liabilities relative to its real economic income. In addition, the old "three-phase" system, with its vast array of special rules and accounting gimmicks, was excessively complicated and suspect from the standpoint of tax equity.

Mr. President, the Life Insurance Act would move the insurance industry toward normal corporate tax treatment, while making some allowances for its special characteristics. It would tax the industry at a rate of about $2.9 billion, roughly $1 billion more revenue than it paid last year, and double its share of total corporate liabilities over the 1959 law it would replace.

Mr. President, S. 1992 is the product of many long hours of hard work and careful negotiation. While not perfect in every particular, it is a constructive solution to a very difficult, complex, and contentious set of issues. It certainly is preferable to current law. To avoid serious dislocation, S. 1992 should be enacted this year. I urge early and favorable action on S. 1992 or comparable reforms, such as the provisions in the tax bill recently reported by the Finance Committee, which preserves the concepts in S. 1992 but raises slightly more revenue from the industry.●

RESOLUTIONS OF NATIONAL ADVISORY COUNCIL ON SMALL BUSINESS

● Mr. WEICKER. Mr. President, on Thursday, March 15, the national advisory Council to the Senate Committee on Small Business held its fourth annual day-long meeting on Capitol Hill, heard several insightful and valuable addresses, and unanimously passed resolutions supporting action to reduce the Federal budget deficit, reconvene the White House Conference on Small Business in 1985, and enact legislation which would serve to increase competition in the bidding for Federal contracts to include small businesses and allow small business owners to pay unemployment insurance premiums on themselves.

The council, which is made up of 25 small business owners and operators from around the country, was established in 1981 to bring a firsthand view of small business problems, issues, and concerns into the deliberative process of the Small Business Committee, which I chair. Once a year, the members of the council travel to Washington at their own expense to sit down with committee members and give us the benefit of their thinking, as people who deal with the realities of small businesses on a day-to-day basis. In turn, the meetings give council members an opportunity to hear experts from the business community, administration officials, and the Members of Congress most involved in small business matters.

Last week's meeting included morning sessions with Preston Martin, Vice Chairman of the Federal Reserve Board, Rudolph Penner, Director of the Congressional Budget Office, and Joseph Petrillo, a government procurement specialist with Bowman, Conner, Touhey & Petrillo, and a luncheon address by Senator ROBERT DOLE, chairman of the Committee on Finance. In the afternoon, the council held its formal working session with the committee and approved the resolutions that they had drafted.

Mr. President, the advisory council has made an important contribution to the congressional deliberations on small business matters. I urge my colleagues to carefully review these resolutions. They accurately reflect some of the major concerns of small business owners in this Nation. As chairman of the Small Business Committee, I am deeply grateful to all the Members who participated in this conference. I ask that the full text of the four resolutions, a list of the council members who attended the annual meeting, and a story from the Washington Post of March 16 be printed in the RECORD following this statement.

The resolutions follow:

RESOLUTION ON FEDERAL DEFICITS

Whereas, large federal deficits threaten the continuance of the current economic recovery, and definitely contribute to higher interest rates, higher inflation, and higher unemployment;

Whereas, small businesses will be particularly hard hit if higher interest rates persist, and if the current economic recovery stagnates;

Whereas, the Congressional Budget Office estimates that without any action by the President or Congress deficits will exceed $250 billion by Fiscal Year 1987;

Whereas, these deficits are a result of both uncontrolled federal spending and reduced revenues;

Whereas, any effective deficit reduction package should include both spending reductions, and revenue increases, provided that any revenue package steer away from provisions with retroactive application, or any other provisions that fail to take into account the planning needs of small businesses;

Therefore, be it resolved that the National Advisory Council to the Senate Committee on Small Business calls upon the President and the Congress of the United States to take comprehensive action this year to reduce the federal deficit, in order to keep interest rates at a level at which small businesses can grow.

RESOLUTION ON RECONVENING THE WHITE HOUSE CONFERENCE

Whereas, the small business sector is the engine that drives the economy;

Whereas, small businesses are responsible for 80 percent of the new jobs created and 50 percent of all new innovation;

Whereas, the 1980 White House Conference on Small Business set forth an agenda of sixty recommendations for federal action to improve the environment for small businesses;

Whereas, four years have elapsed since that White House Conference on Small Business and a large majority of these recommendations have been acted upon;

Whereas, the small business community recognizes the need to update and review its role in the economy and its relationship with the Federal Government;

Whereas, in 1979 Congress appropriated $4 million to provide funding for the White House Conference;

Whereas, the Advisory Council to the Senate Committee on Small Business believes strongly that the small business owners of this nation contribute significantly to the general health and prosperity of our country;

Therefore, be it resolved that, the National Advisory Council to the Senate Small Business Committee calls upon the President and the Congress of the United States to reconvene the White House Conference in 1985, and urges the Congress to appropriate funds necessary to insure a successful conference.

RESOLUTION ON FEDERAL PROCUREMENT

Whereas, the public funds expended by the United States Government for the procurement of supplies, services, research and development, and construction have increased annually, while the percentage of these funds awarded to small business has steadily declined in recent years;

Whereas, the publicized revelations concerning the procurement of spare parts, documented abuses, in the current procurement system, caused in large part by the lack of competition, especially by small business;

Whereas, the effective elimination of so many highly qualified small businesses from the federal procurement market has contributed to the erosion of the Nation's industrial base, and especially its ability to respond in time of national emergency;

Whereas, the effective elimination of so many highly qualified small businesses from the federal procurement market has resulted in all too many contract awards at all too often exorbitant prices, encouraging fraudulent practices and gross inefficiencies;

Whereas, the lack of competition in public purchasing and the resulting waste in tax-

payers monies has diminished public confidence in government management; and lessened competition, uniformity and the ability to compete for government contracts by small businesses;

Therefore, be it resolved that the National Advisory Council to the Senate Committee on Small Business calls upon the Committee, the entire Congress, and the President to propose and promptly enact legislation eliminating those procurement procedures and practices which have acted as obstacles to small businesses, entry in and competing for government contracts, and to take other steps to simplify the procurement process.

RESOLUTION ON UNEMPLOYMENT PREMIUMS PAID BY SMALL BUSINESS OWNERS

Whereas, current federal legislation denies states the option of allowing owners of businesses to choose whether or not they desire to pay unemployment insurance premiums on themselves;

Whereas, federal law dictates that small business owners must pay unemployment insurance premiums on themselves; the only time they may collect unemployment insurance is when their business closes and ceases to exist; and they are not permitted to lay themselves off during seasonal downturns in business;

Whereas, the initiation and enactment of appropriate legislation correcting this current injustice would be most consistent with our government's expressed desire to eliminate unnecessary and encumbering regulations, regulations so punitive to those investing both time and capital in business endeavors;

Whereas, currently, federal regulations work to prohibit individual states from initiating legislation making the payment of premiums a voluntary decision and, if such legislation were enacted at the state level, the various states would lose eligibility for federal funds;

Whereas, members of the small business community throughout the nation have expressed their desire to be excluded from eligibility for unemployment insurance;

Whereas, insofar as the limited application of the current law is of minimal value to the owners of small businesses, and the fiscal impact of allowing the owners of businesses to choose whether or not they desire to pay unemployment insurance premiums on themselves would be negligible;

Therefore, be it resolved that the National Advisory Council to the Senate Committee on Small Business, calls upon the President and the Congress of the United States to enact legislation granting individual states the opportunity to extend a measure of just relief to business owners, who are currently ineligible to collect unemployment insurance under state law, the right to choose whether or not they desire to pay unemployment insurance premiums on themselves.

PARTICIPANTS IN THE FOURTH ANNUAL NATIONAL ADVISORY COUNCIL MEETING, MARCH, 15, 1984

Ball, Asta, Mrs., Vice President, Sales, Miniature Nut and Screw Corporation, 436 Hartford Avenue, Newington, Connecticut 06111.

Bowden, R. Herb, Mr., President and Chief Executive Officer, Sencore, Inc. 3200 Sencore Drive, Sioux Falls, South Dakota 57104.

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Fletcher, Bill, Mr., Termiflex, Inc., 18 Airport Road, Nashua, New Hampshire 03063.

Floss, Walter, Mr., Jr., Floss Insurance Agency, 6465 Transit Road, East Amherst, New York 14051.

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Mertz, Forrest H., Mr., Mertz, Inc. 731 Monument, Ponca City, Oklahoma 74601.

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Mudge, Shaw, Mr., Sr., chairman, National Advisory Council, Shaw Mudge & Company, Post Office Box 1375, Stamford, Connecticut 06904.

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Walters, James, Mr., President, General Business Forms, Inc., Post Officer Box 311, Bentonville, Arkansas 72712.

[From the Washington Post, Mar. 16, 1984]

FED MAY TIGHTEN MONEY SUPPLY, MARTIN SAYS

Federal Reserve Vice Chairman Preston Martin yesterday said the Fed's monetary policy makers will tighten credit conditions slightly when they meet later this month if the majority feels the economy is beginning to overheat.

Martin, speaking before the National Advisory Council of the Senate Small Business Committee, said he didn't know what the Fed policy makers—members of the Federal Open Market Committee—would decide to do about monetary policy when they meet. But he gave no indication that he thought the Fed would tighten.

"I personally think we have to be very careful about moving toward less accommodation" in the supply of credit, Martin said.

In the past few weeks, interest rates have been creeping upward, partly because of stronger than expected economic growth, the faltering dollar, little progress on deficit reduction, increasing demands for credit by businesses and consumers and uncertainty about what the Fed will do when the FOMC meets.

Martin said he recognized that interest rates have risen between 0.5 and 0.7 percentage points and that the Fed will have to determine what to do about it. But Fed action has not been to blame for that. "The market has tightened those rates," Martin said.

Martin said the Fed "is very accommodative now," meaning the supply of money and credit to the economy is not being overly restricted. "There is a lot of money in the banks and savings and loans."

The economy has been growing faster than many economists predicted. Many private and government economists are saying the growth of real gross national product for the first quarter of this year could exceed 6 percent. Consumer spending and new business investment are strong, and borrowing demands are increasing.

Many economists have expressed concern that, because the economy is moving along so robustly, the Fed may consider becoming less generous in providing the money reserves needed by the nation's financial institutions. Such action would moderate the expansion and prevent a resurgence of inflation.

Martin said if the economy is growing at a rate of 6 percent during the first quarter, it doesn't mean that quick a pace can be sustained throughout the year. It might, therefore, be improper to pursue a more restrictive monetary policy now, he said.

The vice chairman also said businesses need to make new investments to remain competitive with their foreign counterparts. But such improvements would be difficult if credit became tight. America needs "a long expansion this time" to allow companies to retool and take advantage of new technology, Martin said.

Martin also said the high value of the dollar needs to be corrected in an orderly way. He said he hopes the dollar's exchange value declines slowly and not sharply.

If the currency did fall sharply, Martin said, the Fed would not try to stop it, although it would attempt to stabilize disorderly trading conditions if Treasury Department officials so requested. However, Martin said he didn't think the currency would fall rapidly.

Meanwhile, Rudolph Penner, director of the Congressional Budget Office, addressing the same group yesterday, discussed the possibility of triple-digit inflation if the budget deficit isn't reduced and the interest on the national debt grows faster than the government can raise taxes or cut spending.

Penner said that although such a frightening occurrence is unlikely, "You have got to worry about it."

Penner rejected the notion of some supply-siders that rapid economic growth eventually will eliminate the budget deficits. "We are pretty hostile to the notion we can somehow grow our way out of this situation," Penner said.

Triple-digit inflation would occur if the government had to print money to meet spending and debt service bills.

In other comments, Martin said large corporate mergers such as those in the oil industry don't hurt domestic credit markets because funds are only shifted around for a few days and don't go into a "black hole."●

TRIBUTE TO MICHAEL BONGIOVANNI

● Mr. LAUTENBERG. Mr. President, I am pleased today to pay tribute to Mr. Michael Bongiovanni, whose achievements and dedication to his community are worthy of our praise and admiration. Mr. Bongiovanni is being honored on Saturday, March 24, 1984, with the Lifeline Achievement Award of the National Cooley's Anemia Foundation, and I wish to join those honoring Mr. Bongiovanni for his many accomplishments.

Mr. Bongiovanni's commitment to public service is indicated by his participation on the boards of such respected institutions in my State as Rutgers University, the Princeton Medical Center, Rider College, and the Trenton Symphony. However, Michael Bongiovanni's most notable contributions have come in the pharmaceutical field. Mr. Bongiovanni has been with

the Squibb Corp. for 37 years. He has risen to the position of president and chief executive officer of the Squibb Specialty Health Products Group. He is a vice president of the Squibb Corp. and a member of its board of directors. He is also chairman of the American Foundation for Pharmaceutical Education and past chairman of the National Pharmaceutical Council.

Mr. Bongiovanni's many accomplishments do not overshadow his valorous service to this country. During World War II, Mike Bongiovanni rose to the rank of captain in the Army Air Corps. For his heroic service, including 67 combat missions, he was seven times awarded the Air Medal, and also earned two Purple Hearts, two Distinguished Flying Crosses and the Presidential Citation for Bravery.

Mr. President, this is a record that speaks for itself, a record of a man who has devoted his life to helping others. I am proud to have the opportunity today to commend Mr. Michael Bongiovanni.●

SOCIAL SECURITY

● Mr. MOYNIHAN. Mr. President, 1 year ago, the Senate began its consideration of H.R. 1900, the Social Security Act Amendments of 1983. At this benchmark, it is instructive to reflect on the reform legislation enacted last April.

I call my colleagues' attention to the recent report by the Committee for Economic Development, entitled "Social Security: From Crisis to Crisis?" CED, a private nonprofit, nonpartisan organization of business executives, has suggested that the 1983 amendments to the Social Security Act "provide very little margin of safety." It contends that, should economic and demographic trends be less favorable than assumed in the 1983 amendments, the system could face another financial crisis in this decade. The economic assumptions on which Congress relied for these amendments, it is claimed, "fail to cover a realistic range of possibilities" with respect to actual economic performance.

This simply is not the case. The National Commission on Social Security Reform, on which I served, based its recommendations on economic assumptions generally considered to be quite cautious. The intermediate assumptions were thought by some to be less favorable than our best estimates would have suggested, but we were wary of the perils of over optimism.

I submit for your attention, then, an editorial which appeared in the Washington Post on February 25, entitled "Social Security False Alarm," and a letter to the editor of the Washington Post written by Robert M. Ball and Robert J. Myers. These two pieces give an accurate first year report card on the Social Security Amendments of 1983, one that ought to be considered by all.

Mr. Ball, the distinguished former Commissioner of Social Security and a member of the National Commission, and Mr. Myers, the highly respected former Chief Actuary and Deputy Commissioner of Social Security who served as executive director of the Commission write that the economic assumptions used by the National Commission were—

> Slightly on the pessimistic side (and currently economic conditions are more favorable. Moreover, even under the pessimistic assumptions, the financing of the system will be reasonably adequate in the 1980's, and it would take much more than a small unfavorable wiggle in basic trends to produce a financial crisis.

Mr. Ball and Mr. Myers make a second point of considerable importance:

> The social security program, which will be part of the unified budget until 1992, will not be a part of the deficit, but rather will be part of its solution.

At a time when it has become fashionable to advocate cuts to run-away entitlement programs in order to reduce the deficit, we must recognize precisely how, or if, entitlement programs are contributing to the deficit. I submit to you that after 1985, social security will not contribute 1 cent to the Federal deficit—in fact, it will be part of the solution.

I hope that my colleagues will take the time to review these articles. There is no way to guarantee that social security will never need additional financing changes. But as the Post editorial concludes, "there is no sense in sounding a general alarm while sailing in untroubled waters." Mr. President, I request unanimous consent that the following articles from the Washington Post, "Social Security False Alarm" and "Social Security is in Good Shape" appear in the RECORD.

The articles follow:

[From the Washington Post, Feb. 25, 1984]

SOCIAL SECURITY FALSE ALARM

Less than a year ago Congress enacted a bipartisan reform program to put the Social Security retirement system on sound footing for the foreseeable future. Now comes a report from the Committee on Economic Development, a national business policy group, warning that Social Security may be in trouble before the end of the decade.

Before you pick up your pen to dash off a worried letter to the president or Congress, you should know that the CED's report is not based on any new analysis or insight. The projections it cites are taken from last year's report of the Social Security Trustees, and are essentially the same as those used by Congress and the bipartisan Social Security commission in framing the reforms put into law last March. True, things have changed somewhat since that time—but not in the way that the CED's report would suggest. They've gotten better.

The important thing to remember about last year's reforms is that, for once, they were not based on a rosy view of the future. The reform package was designed to see the Social Security trust funds through this decade under a very pessimistic economic forecast—unemployment remaining above 10 percent until 1985 and not dipping below 8 percent until almost the end of the decade, and wages barely outpacing inflation.

Of course, the economy is already much better than that. And, as the Congressional Budget Office's new projections show, even if the economy heads back into a recession a year or so from now, the trust funds should have sufficient reserves to make it through the tightest period before legislated tax increases begin to build up the funds later in the decade. And, if economic conditions become very bad, the law now contains a safeguard that keeps benefit cost-of-living adjustments from outpacing wages when trust fund reserves are low.

Beyond this decade, it's important to remember, the retirement trust fund is headed toward a period of surpluses. That's because the generation that will be retiring in the mid-1990s was born in the low-birth-rate years of the Depresssion, while the labor force, which pays Social Security taxes, will still be swollen by the baby-boom generation.

Sometime in the next century, when the baby-boomers reach retirement, the surpluses will disappear, as the CED warns. However Congress' brave decision to go beyond the commission's recommendations and phase in a delay in the retirement age makes it less likely that drastic changes will then be needed. In the meantime, building up enormous reserves in the trust funds—which would offset deficits in other parts of the budget—would only discourage needed budget discipline.

There is no way to put a system as big and important as Social Security on automatic pilot for all time. But there is no sense in sounding a general alarm while sailing in untroubled waters.

[From the Washington Post, Feb. 10, 1984]

SOCIAL SECURITY IS IN GOOD SHAPE

(By Robert M. Ball and Robert J. Myers)

Hobart Rowen ["Social Security: It's Not So Secure," op-ed, Feb. 16] asserts that the Social Security system is once again likely to run into financial difficulties despite the reform legislation enacted last April. A large part of his conclusion is drawn from the recent report by the Committee for Economic Development entitled "Social Security: From Crisis to Crisis?"

We disagree strongly with Rowen's conclusions. We refer only to the Social Security program (Old-Age, Survivors and Disability Insurance—OASDI) and not to the Hospital Insurance portion of the Medicare program. The National Commission on Social Security Reform recognized, and we agree, that under present law Hospital Insurance has a serious financing problem some five or more years from now. It was not the assignment of the national commission to deal with this problem, but rather with the more immediate problem of the Social Security programs.

Rowen claims that eventually Social Security and other entitlement programs will require further changes for two reasons: first, "to keep them financially healthy and, second, to help cut the dangerous federal deficits." We believe that it is highly probable that the Social Security system will be financially healthy over at least the next two decades. For the period 20 to 75 years

after that for which estimates are traditionally made, we believe the estimates underlying the financing of the program are reasonable and even somewhat on the conservative side.

As to Rowen's second point, the Social Security program, which will be part of the unified budget until 1992, will not be a cause of the deficit, but rather will be part of its solution. This is so because, under any reasonable assumptions, income to the self-financed OASDI trust funds will exceed outgo during the near-future years and for a couple of decades thereafter. It would not seem reasonable to further help reduce the general federal deficits by cuts in the Social Security program which, in itself, is in a state of positive fiscal balance.

The CED report leaves the implication (which Rowen latches on to) that, if economic conditions are only slightly worse than the intermediate assumptions, the system will be insolvent before the end of the 1980s. This is not correct, because the intermediate assumptions are, we believe, slightly on the pessimistic side (and currently economic conditions are more favorable). Moreover, even under the pessimistic assumptions, the financing of the system will be reasonably adequate in the 1980s, and it would take much more than "a small unfavorable wiggle in basic trends" to produce a financial crisis.

This is not to say that there is no possible scenario that would cause the Social Security system to have short-term financing problems. What it would take is something like double-digit unemployment, with wages rising no more rapidly than prices. This we believe to be very improbable.

Even under the pessimistic assumptions of the 1983 Trustees Report, the OASDI trust funds would have a balance of at least two month's outgo at all times in the 1980s, while under the intermediate assumptions this ratio would, desirably, build up and would amount to about five months' outgo at the beginning of 1990, and increase rapidly thereafter.

We see no reason to make changes in the benefit structure in order to provide an even wider margin of safety than now exists.●

STRENGTHENING AMERICAN EDUCATION

● Mr. LAUTENBERG. Mr. President, few issues have more importance to the future of our country than education. Our ability to compete in the international economy in years to come, our ability to continue as a nation of opportunity for all, and to advance together as a nation, is dependent on the education provided our young people.

Recent reports from the Commission on Excellence on Education and others highlight existing weaknesses in our educational programs. Indeed, the National Commission on Excellence in Education has likened the situation in American education today to unthinking, unilateral education disarmament.

If such an indictment had been leveled at the Defense Establishment in this country, the cries of dismay from the White House and the Congress would have been loud and instantaneous.

Reaction to the harsh assessment of the Education Commission has been more temperate. Nevertheless, Mr. President, I, for one, must express my deep charging over the state into which our educational system has fallen. As the Commission on Excellence report rightly notes, citizens look to educators and elected officials to provide leadership to reverse educational trends in our country.

Providing more money for education is by no means the only answer to difficulties in education today. However, approval of increased educational expenditures can give encouragement to educators doing their best under difficult circumstances in the Nation's classrooms. It can provide increased resources for existing programs that have proved their effectiveness. It can help initiate new programs.

This year I have been working in the Senate as part of a special working group on education set up by Minority Leader ROBERT BYRD. Our group will be seeking a consensus on the appropriate spending levels for education in the fiscal year 1985 budget. After allowing for inflation, the President's budget request is about $5 billion below what education spending was 4 years ago. While we may not be able to make up this entire shortfall, I certainly think an increase over the President's proposed budget is needed.

I have introduced legislation to provide a Federal matching grant program for computer education and teacher training. I think that computer education can serve to enhance the teaching of more traditional academic and intellectual skills. Putting computers in classrooms will not be a solution for the problems in education. However, with careful planning, computers can provide a new tool for teaching writing, mathematics, social studies, and other courses, and analytical skills.

Reauthorization of the Vocational Education Act must be a top priority for 1984. Solid vocational training is important in preparing students for productive careers.

Another major unfinished item on the education agenda is legislation to improve math and science education. The House of Representatives passed a math and science bill last spring, but the Senate has not yet scheduled consideration of its version of the bill.

The present unhappy state of American education has not developed overnight, nor will it be improved immediately. But there must be a starting point on the road to recovery.

We must not fail our children by refusing to heed the harsh message of the Nation at Risk report. We owe them the bright promise of a good education. We owe their teachers our strong support. And we owe the Nation an adequate investment in our educational system if we hope to prosper and maintain U.S. leadership in the world economy.●

YEAR OF THE OCEAN

● Mr. CHAFEE. Mr. President, the ocean environment remains one of our country's most precious natural treasures. In order to encourage better understanding and appreciation of the need to preserve ocean and coastal resources, I am pleased to join Senator STEVENS as a cosponsor of Senate Joint Resolution 257, designating the 12-month period beginning July 1, 1984, as the "Year of the Ocean."

I represent the Ocean State. The sea figures prominently in Rhode Island's heritage. Narragansett Bay remains our preeminent natural, commercial, and recreational resource. Rhode Islanders cherish the ocean for its beauty, for its rich abundance of marine life, and for what it contributes to our State's economy.

Rhode Islanders are also keenly aware of the fragility of delicate ocean and coastal habitats. The problems posed by pollution, waste disposal, coastal development, and energy exploration constantly threaten the ocean environment and require action to preserve marine resources.

As we continue to exploit the wealth of the ocean, it is our responsibility to plan now for the prudent management of the marine environment. The University of Rhode Island's distinguished Graduate School of Oceanography is making an important contribution to marine resource management through research and field services designed to promote the development, use, and conservation of ocean and coastal resources.

By designating the "Year of the Ocean" Congress can renew its commitment to addressing the problems which threaten the ocean and coastal zone. Passage of this resolution can enhance public awareness of our tremendous reliance upon marine resources, as well as the consequences of failing to manage them wisely.

The ocean is essential to the life of the world. The "Year of the Ocean" program can help us to focus on its importance in each of our lives. I hope my colleagues will join in supporting the passage of this resolution and promoting its observance.●

HONORING JACK DEMPSEY

● Mr. D'AMATO. Mr. President, I rise to ask this body to honor one of America's greatest sports legends, the late Jack Dempsey. A legend in the boxing ring as well as in everyday life, Jack Dempsey's rise to heavyweight champion made him an example of the American spirit throughout the "Golden Age of Sports," the 1920's.

Like other legendary sports figures of that era, such as Babe Ruth, Bobby Jones, and Johnny Weissmuller, Jack Dempsey's style and accomplishments in his sport were revolutionary. Dempsey's aggressive "bob and weave" style ended the era of standup defensive style boxing forever and turned boxing into a top drawing spectator sport.

Winning the heavyweight crown for the first time in 1919, Dempsey retained the title until 1926. But his loss did not affect his popularity with the American public. Jack Dempsey remained a hero because he found success in his failures, an accomplishment endearing to many people who viewed Dempsey's rise to champion as representative of the everyday battles of most ordinary Americans.

His life before becoming champion also adds to the legend his name carries. The son of an impoverished Midwestern family, a miner at 13, a veteran of hobo jungles at 19, and heavyweight champion of the world at 24, Jack Dempsey's struggle is a true symbol of the American dream.

His legend is further supported by his unfailing kindness outside of the ring. From his restaurant on Broadway, Jack Dempsey played the role of host to the city of New York, as well as of a gentle, charitable man, always willing to help the unfortunate and the needy.

Touted as the greatest fighter of the half century in 1950 and inducted into the Boxing Hall of Fame in 1954, Jack Dempsey is still remembered as one of the greatest fighters of all time. But his legend is incomplete without mention of his kindness out of the boxing arena. Jack Dempsey was perhaps one of the last true heros, a man who represented something far greater than succeeding financially, in fact, a very symbol of success in all aspects of his life: a symbol which I hope this body will help preserve so that it can continue to inspire and guide those in the world of sports, as well as all people hoping to succeed everywhere.●

GOLD MEDAL FOR ELIE WIESEL

● Mr. LAUTENBERG. Mr. President, it is an honor for me to join in cosponsoring Senate Joint Resolution 231, a resolution to authorize a gold medal for Elie Wiesel. Elie Wiesel is a friend and counsellor to me, but it is his contribution to all of us in the world that makes a gold medal appropriate.

Elie Wiesel witnessed firsthand the depths to which mankind can fall and he has chronicled how man's capacity for inhumanity threatens not only lives, but human strength and human faith, itself. As an historian, author, and lecturer, he has devoted his life to dispelling our illusions about ourselves so that we might strengthen our prospects for peace.

Elie Wiesel's message is one of hope, one of peace. That his experience includes survival of the attempted destruction of his people by another makes this message compelling. And it reminds us constantly that we live in a time when the power of nuclear weapons gives us the potential to extinguish human life and the human spirit.

I have had the privilege of knowing Elie Wiesel personally for many years and of knowing and traveling with him as a member of the U.S. Holocaust Memorial Council. He works from the understanding that our capacity for peace makes hope possible, but our capacity for gross injustice makes peace imperative. It is an understanding that the Congress of the United States can both recognize and endorse.

I urge my colleagues to support Senate Joint Resolution 231 and I ask that the text of the resolution be printed in the RECORD following my statement.

The text of the resolution follows:

SENATE JOINT RESOLUTION 231

Whereas Elie Wiesel is internationally esteemed for his accomplishments as novelist, teacher, philosopher, critic, historian, humanitarian, and distinguished citizen of the United States and the world;

Whereas the twenty-five published works of Elie Wiesel include novels, testimonies, short stories, and essays which fuse the richness of centuries-old religious traditions with the insights of modern philosophy;

Whereas the life and writings of Elie Wiesel have been the subject of at least eleven books and his work is taught in high schools, colleges and universities throughout the United States;

Whereas Elie Wiesel in his role of "spiritual archivist of the Holocaust" encourages an understanding of the horrors of the past in order to offer humanity hope for a better and more secure future;

Whereas Elie Wiesel served with distinction as Chairman of the President's Commission on the Holocaust and as Chairman of the United States Holocaust Memorial Council;

Whereas Elie Wiesel has traveled, written, and worked for the cause of human rights in Biafra, Lebanon, Cambodia, the Soviet Union, and Central America; and

Whereas Elie Wiesel has received the International Literary Prize for Peace and the Prix Medicia, two of the most prestigious literary awards of Europe, and honorary degrees from twenty-five universities of the United States and Israel: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President is authorized to present, on behalf of the Congress, to Elie Wiesel a gold medal of appropriate design, in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

(b) For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury.

(c) There are authorized to be appropriated not to exceed $22,000 to carry out the provisions of this section.

SEC. 2. (a) The Secretary of the Treasury may cause duplicates in bronze of the medal provided for in the first section to be coined and sold under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, overhead expenses, and the gold medal.

(b) The appropriation used to carry out the provisions of the first section may be reimbursed out of the proceeds of such sales.

SEC. 3. The medals provided for in this joint resolution are national medals for the purposes of section 5111 of title 31, United States Code.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 which would permit Ronald L. Tammen, of the staff of Senator PROXMIRE, to participate in a program sponsored by the North Atlantic Treaty Organization, in Brussels and Turkey, from April 16-20, 1984.

The committee has determined that participation by Mr. Tammen in the program in Brussels and Turkey, at the expense of the North Atlantic Treaty Organization, is in the interests of the Senate and the United States.●

LOW INCOME ENERGY ASSISTANCE

● Mr. PRYOR. Mr. President, last Thursday, March 15, the Senate considered House Joint Resolution 493, the Department of Health and Human Services supplemental appropriations bill. I am pleased that the Senate approved funding for the low-income energy assistance program—LIEAP—a program of major importance to senior citizens, the handicapped, and others.

During the sixties and seventies, Congress enacted and expanded many programs which greatly improved the quality of life for older Americans. The medicare and medicaid programs, Older Americans Act programs, retirement income benefit expansions, and other efforts are testimonials to Congress recognition of the special needs of the elderly and increased concern over their standard of living.

In 1973, with the imposition of the Arab oil embargo, American households began to feel the painful crunch of rising fuel bills. Older Americans were particularly affected by this development. They were forced, as they never had been before, to choose between heating fuel and other necessities, such as much-needed health care and even food. The crisis has continued, and created such problems that Congress created the low-income energy assistance program and the weatherization program. These are the two major Federal programs which provide relief against the overwhelming increases in energy prices over the last decade. Senior citizen and handicapped households are given priority assistance over other populations.

According to the 1983 annual report of the Special Committee on Aging, "the rise in energy costs in relation to income has been the impetus behind congressional enactment of the low-income energy assistance program and the low-income weatherization program. In the 5-year period, 1972 to 1979, electricity costs rose 84 percent, gas 150 percent, and fuel oil costs 258 percent. These figures were well above the overall increase of 74 percent in the Consumer Price Index for the same period," and "low-income households typically spent about 20 percent of their income on energy compared with 3 to 4 percent expended by high-income households."

These figures clearly indicate the difficulty of lower income households to meet their energy needs. And the situation for low-income elderly is particularly serious—for our elderly are particularly susceptible to hypothermia and heat stroke, two very real life-threatening conditions. In fact, up to 25,000 elderly people die each year from causes related to hypothermia. And each year thousands of our elderly die from heat stroke. Many of our elderly have been forced by factors beyond their control to neglect their health needs as a result of the high cost of energy.

Mr. President, the low-income energy assistance program, in conjunction with the weatherization program, serves very real and crucial needs of our elderly population. I am pleased that the Senate approved the $200 million supplemental appropriation for this program.●

THE EQUAL RIGHTS AMENDMENT: MYTHS AND REALITIES

● Mr. HATCH. Mr. President, Dr. Walter Berns, one of the Nation's leading constitutional scholars, testified last year in opposition to the present text of the proposed equal rights amendment. I would like to call to the attention of my colleagues this thoughtful statement and ask that it be printed in the RECORD at this point.

The statement follows:

STATEMENT OF WALTER BERNS[1] ON SENATE JOINT RESOLUTION 10, THE PROPOSED EQUAL RIGHTS AMENDMENT

I must say at the outset that I agree with the effort to abolish all statutes, ordinances, and regulations that discriminate against women. As someone who has taught constitutional law for thirty years, it has always seemed to me that the Supreme Court's decision in *Bradwell* v. *State of Illinois* (16 Wall. 130 [1873]), upholding the right of Illinois to exclude women from the practice of law, had to be ranked, if not, like *Dred Scott* v. *Sandford*, among the most pernicious decisions ever to come down from that Court, then, surely, among the least enlightened. It is astonishing now to notice that only one member of the Court (Chief Justice Chase) saw fit to dissent in that case and that even he was too timid to write an opinion. But, as the cigarette ads say, we've come a long way since then.

In fact, we've come a long way since 1972 when the Congress first proposed this amendment in this form. At least sixteen states now have constitutional provisions similar to the proposed ERA; Title VII of the Civil Rights Act of 1964 has been used effectively to extend the right of women to equal employment opportunity; and, in a handful of Fourteenth Amendment-equal protection cases, the Supreme Court has invalidated state-based discriminatory provisions. In this connection, it is of interest to note that one of the subjects debated here in 1970 had to do with the right of young women to be accepted as students in the service academies at Annapolis and West Point. A policy that then seemed ill-advised to many has since been implemented to the satisfaction of almost everybody.

My opposition to this proposed Equal Rights Amendment is limited to its ambiguous wording: I don't know what it means—or, to state my objection more precisely, there is no agreement as to what it means. In fact, I would wager that a survey of congressional opinion would disclose that there is no agreement here as to what it means, not even among the resolution's co-sponsors. It speaks of equality of rights without identifying those rights. In this respect it should be compared with Article I, section 8, where Congress is authorized to secure for limited times the "exclusive right" of authors and inventors to their respective writings and discoveries, and with the Nineteenth and Twenty-sixth Amendments which specifically protect the right to vote. Such specificity is lacking in S.J. Res. 10. If adopted, it would be the only provision in the Constitution bestowing or protecting a right without identifying the right.

It might, of course, be said that identification is unnecessary; that the language, being absolute in its terms, permits no exceptions or qualifications; that it means that the rights enjoyed by men cannot be denied to women or, conversely, that the rights enjoyed by women cannot be denied to men. That is to say, as drafted, this constitutional language forbids all laws, federal as well as state, that classify by sex. But I know of no one who in fact favors this interpretation, not even the authors of that landmark article in the Yale Law Journal.[2] They say the "constitutional mandate must be absolute," but they don't really mean to say that all gender classifications must be forbidden. Their constitutional amendment would permit laws taking account of physical characteristics unique to one sex or the other—for example, laws respecting wet nurses and sperm banks.[3] It would also permit laws resting on some other constitutional right, such as the right to privacy.[4] (This was intended to reassure those opponents of the ERA who feared that its adoption would outlaw the separation of the sexes in public restrooms.) Thus, while insisting that the mandate must be absolute, they would permit exceptions which they call qualifications. Is this what the co-sponsors of S.J. Res. 10 mean? I don't know and, I submit, neither does this committee.

Other supporters of the proposed amendment are even less absolutist in their reading of its terms. Generally speaking, their intention is to make sex, like race, a suspect classification, suspect—and therefore harder to justify—but not absolutely forbidden, or suspect and therefore subject to a stricter judicial scrutiny. What this implies is that it is not necessary to know what the language means because in due course the courts will tell us what it means, and that it is altogether proper to delegate this authority to the courts. If this is the intention of S.J. Res. 10, I would ask its co-sponsors whether they are willing to accept any meaning the courts give its language. If so, I would charge them with treating the Constitution with contempt; if not, I would ask them to point to the standard on the basis of which they could charge the courts with having misinterpreted the language.

If it is said, as it was when the ERA was last debated here, that the courts will be guided by "legislative history," I would reply that what is being debated here is not a piece of legislation. It is a constitutional provision, and the Constitution does not derive from or come out of the legislature. The Constitution derives from the people in their sovereign capacity; as Hamilton made clear in Federalist 78, it is an expression of the people's will, and it can be amended only by a "solemn and authoritative act" of the people. That it is the people (and not the courts or the Congress) that may so act was described by Hamilton as the "fundamental principle of republican government." By Article V, Congress is authorized to propose amendments to the Constitution, but it is the people, acting through their representatives in the state legislatures or in the state conventions, who adopt amendments. And they ought to know what it is they are adopting. Or, they ought to know, and to know precisely, what it is they are being asked to adopt. Are the co-sponsors of S.J. Res. 10 willing to say to the people of the United States that by adopting this constitutional amendment they would be making sex a suspect classification, that they cannot be sure as to what that means, but that, in due course, the courts will let them know what that means?

Let me be more precise. Are the co-sponsors willing to say to the American people, "We don't know whether this amendment

[1] Resident Scholar, American Enterprise Institute; Professorial Lecturer, Georgetown University.

[2] Barbara A. Brown, Thomas I. Emerson, Gail Falk, and Ann E. Freedman, "The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women," The Yale L. J., vol. 80 (April 1971), pp. 871-985.

[3] Ibid., p. 894.

[4] Ibid., p. 901.

will invalidate a male-only draft, but, not to worry, the courts will tell you"? That we haven't been able to agree as to whether the states would still be entitled to require separate dormitories in their colleges and universities, but that in time the courts will decide, and that if they can't come to a common decision, a majority of the Supreme Court will settle the matter? That, truth to tell, some of us are of the opinion that the ERA will outlaw separate junior high schools, one for boys and one for girls, and that others—that is to say, other cosponsors—are of the opinion that it will not outlaw them, but you the sovereign people of the United States ought not to let that bother you? That we all agree that Congress is already entitled to withhold financial support from private schools that segregate on the basis of race, but we haven't been able to make up our minds as to whether the ERA will require Congress to withhold it from private schools that segregate on the basis of sex? That most of us are persuaded that the courts are already authorized to grant affirmative relief in order to remedy the effects of past racial discrimination—for example, most of us believe that benign racial quotas are acceptable—but we are not sure about benign sex quotas, but, again, we are content to allow the courts answer that question, and answer it one way or the other? That we confess that we never thought about the issue of sex entitlements similar to racial entitlements—that is to say, whether the right of women to vote will now be equivalent to the right of a racial minority to vote which, as we all know, now includes the right to be represented by a member of that racial group? (Or, to be more accurate, we haven't thought about whether a gender group's right to vote can, like a racial group's, be "diluted" when the group is not sufficiently represented.) That—and this will be my last example—we have not wondered as to the effect of the ERA on what might be called the second-generation abortion cases, but we are delighted to leave that issue to the courts? [5]

I said at the outset that I am opposed to laws that discriminate against women, and I meant what I said. I also said that, even without an Equal Rights Amendment, we have made considerable progress toward the complete elimination of such laws; but I did not mean to suggest that we had succeeded in eliminating all of them. There is still work to be done. But to do that work does not require a constitutional amendment. All vestiges of discrimination can be eliminated by simple legislative enactment, many of them by acts of Congress. If, for the most obvious example, it is the will of Congress to draft women as well as men into the armed forces, thereby putting an end to a practice that discriminates against men, Congress need only say so. (And if the President vetoes the measure, it is clear from the number of co-sponsors of S.J. Res. 10 that the veto will be overridden.) And if the legislatures of the 35 States that, during the 1970s, ratified the ERA are truly determined to abolish single-sex public schools, equalize the laws respecting prostitution (by providing for the punishment of the men who purchase the services of the women), abolish maximum hour laws for women, and so on, they need only say so. And it is difficult for me to believe that the remaining fifteen states could long sustain their isolation from what would then appear to be a national public opinion in favor of equality of treatment. I urge you to leave the Constitution alone.

Contrary to what is sometimes said, it is not a "sexist" document. It is in fact remarkably free of references to gender. Not one of its provisions had to be changed before a woman could serve in House or Senate or on the Supreme Court, or would have to be changed to allow a woman to be elected President. Not one of its provisions had to be changed before women could vote. The Constitution may not be perfect, but it is a better document now than it would be with this ERA.

That amendment should be labeled a judiciary act, an act extending the jurisdiction of the federal courts, an act inviting the courts (and ultimately the Supreme Court) to decide the particular issues that members of Congress would appear eager to avoid. It would of necessity foster still more judicial activism, and I am no friend of judicial activism. Unlike the friends of judicial activism, I do not believe that the good judge is one who asks himself what is good for the country and then seeks "to translate his answers to that question into constitutional law." [6] Officials with the power to decide "what is good for the country" are officials that I want to be able to vote out of office when, in my judgment, they decide wrong. This, I close by saying, was also the desire of the Framers of the Constitution.●

[5] According to *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52 (1976), a husband may have a "deep and proper concern and interest * * * in his wife's pregnancy and in the growth and development of the fetus she is carrying," but, in the event of a conflict, his interest must give way to a wife's right to have an abortion. Read literally, the ERA would convert his interest into a right, a right equal to the wife's.

[6] Kenneth L. Karst, "Invidious Discrimination: Justice Douglas and the Return of the 'Natural-Law-Due Process Formula,'" U.C.L.A. Law Review, vol. 16 (June 1969), p. 720.

USE OF STRYCHNINE FOR RODENT CONTROL

● Mr. WALLOP. Mr. President, last October I wrote a letter to President Reagan, which 10 of my western colleagues signed, expressing strong opposition to any action that would reduce the availability of strychnine to America's farmers and ranchers for rodent control. Unfortunately, the Environmental Protection Agency ignored our arguments and later issued a decision to ban this rodenticide for use in controlling prairie dogs. An effort is underway to reverse what I consider an unwarranted and unfair decision. I urge my colleagues to support this effort.

Since EPA's decision, the States of Wyoming and South Dakota have joined in successfully petitioning the Agency to review the strychnine decision. A prehearing conference on that matter has been set for April 4, 1984, in Kansas City, Mo.

Recently I received a letter from Wyoming. Its author, Allen Mooney, is supervisor of Campbell County weed and pest control district. His humor expresses the frustration this decision has caused in the agricultural community only too well. It also displays the outlandish disdain in which some decisions are held by the practical American who is every bit as devoted to environmental protection as are EPA's occasionally misguided folk.

I urge Senators to read Mr. Mooney's tongue-in-cheek letter. Perhaps it will persuade Senators to join Wyoming and South Dakota in our efforts to reverse an unfair decision with harsh consequences on American agriculture and westerners in particular.

I ask that Mr. Mooney's letter be printed in the RECORD.

The letter follows:

CAMPBELL COUNTY WEED AND PEST DISTRICT,
Gillette, Wyo., March 5, 1984.

To: Wyoming Senate Members and House Representatives.

From: Allen Mooney, Supervisor, Campbell County Weed and Pest.

Agriculture continues to be dealt serious blows. The American public allows this under the disguise of environmental protection and will continue to do so until they become hungry and finally decide that food comes from somewhere other than the super market.

The EPA in their infinite wisdom has seen fit to cancel the use of strychnine treated grain bait for prairie dog control. This bait is the only really effective method ranchers have of ridding their ranges of this pest.

I have a few ideas that I feel would be worthy of your time. I think we should start an adopt a prairie dog program (APDP) such as has been so very successful (?) with the wild horses and burros. In order to make this program effective we would have to make it mandatory that everyone in the U.S. adopts at least one prairie dog or contributes to its upkeep. The IRS could handle this collection very nicely. On the 1040 form right under the line where it says check here for your contribution to the Presidental campaign fund, they could add a line that says if you have not adopted one prairie dog for each dependent (documentation would be mandatory of course) then you are required to make a tax free contribution of $1.00 per dependent to sponsor the upkeep of a prairie dog. This mandatory contribution would of course be the same as your Presidential campaign in that it would not affect your return if you overpaid your taxes nor would it affect the total amount of tax you would have to pay.

I can see many ways that this program could stimulate the economy. Since prairie dogs are known carriers of bubonic plague this program would surely give the medical profession, hospitals and doctors a shot in the arm.

The Pentagon would surely give their approval to the program as the prairie dogs could be used as a biological defoliant in jungle warfare. The little prairie dog could be used to replace the dreaded herbicides, 2,4,5-T and Silvex. Incidentially these chemicals have also been canceled by the EPA.

The prairie dog, as cute and loving as he is, would need medical attention. Surely then the veterinary medical profession would be in favor of the program. Consider how many flea collars and other pet supplies would be sold.

We have all been overlooking the possibility of using prairie dogs to take care of the lawn care needs of our country. I would suggest that enough of the little fellows be shipped to the White House, Camp David,

national monuments, etc. to do a complete job of mowing and clipping. You probably know how much this could save the taxpayers—I would guess it would stagger one's imagination. This doesn't even take into account the ability of the prairie dog to mow and fertilize in one operation. Can you imagine the amount of natural gas and raw material that could be saved that is now used in manufacturing fertilizer?

I can see how the economy could be stimulated with thousands of new jobs. Needless to say, it would take numerous people to catch and transport the prairie dogs to the adoptees. It would take quite a few people to oversee this operation to make sure the prairie dogs do not become emotionally strained or skinned up in any way. I would guess that volunteers from the Friends of Animals, etc. may be readily available for this job. I don't think I can over emphasize how important this job stimulation aspect will be to you in selling this program to Congress. I think you could even get Tip O'Neill's approval on this one.

As with any good program, there will probably be groups unhappy with this proposal. Several groups that I can think of that would probably lobby against such a program would include; 1) Lawn Mower and Fertilizer Spreader Manufacturers 2) Oil & Gas Companies 3) The American Groundkeeper Assoc. 4) Fertilizers Companies and 5) Even some of your Colleagues in our own government.

I can see how our Foreign relations programs could be affected somewhat because with the excess grass available on the western ranges enough beef would be produced here in our country that we would not have to import any ungraded beef and lamb.

In all seriousness, I'm afraid that our fourth branch of the Federal Government, the EPA, is entirely out of line on this strychnine grain bait cancellation. If there is anything you can do to help the ranchers in the Western United States keep the strychnine bait for prairie dog control it would be appreciated.

In Wyoming we estimate 560,000 acres of prairie dogs. This time of year there are two dogs per active hole with an average of 30 active burrows per acre—that's 33,600,000 dogs. Now if we wait until June when the little fellows start having puppies we can increase that No. to (6/active hole) or 100,800,000 prairie dogs. Wyoming is only one state with the problem but if you can make the proposed program work I'm sure that the Western states will be able to supply all of the dogs needed.

ALLEN MOONEY,
Rancher and Weed and Pest Supervisor.●

NATIONAL AGRICULTURE DAY

● Mr. PRYOR. Mr. President, today, March 20, 1984, is "National Agriculture Day," and I want to take a few minutes to say thank you to the men and women who work in agriculture in this country. We say it over and over again in the Senate Chamber, but agriculture is truly the backbone of our Nation's economy, and ours is more productive than any other agricultural economy in the world. It is fitting that we have a day to honor these men and women, and commend them for their excellent work. Additionally, it should give us time to reflect on the problems of rural America, and the many issues we have got to deal with.

Mr. President, agriculture accounts for about one-fifth of our Nation's gross national product (GNP) employs, either directly or indirectly, about 23 million people, and is one of the areas in which we enjoy a positive trade balance. Statistics released yesterday by the Commerce Department revealed a worsening trade deficit for our country, and the more troubling thought is where we would be without our excellent agricultural base.

The men and women who work on farms, and in agricultural-related businesses deserve our thanks. They have helped to make this country the wealthiest in the world and insure that our citizens have an abundance of food. However, Mr. President, there are problems in agriculture today, and I would hope that in the days and months ahead we could work to improve the economic picture for the farmers of this country. Many of them have gone out of business in the last couple of years, and many, many more are having a great deal of difficulty. As we consider new omnibus farm legislation next year, and as we debate other issues of importance to rural America, I hope we will consider and take into account the contribution of these men and women to our society.

Again, Mr. President, I commend them for their efforts, and I am pleased that this day has been proclaimed "National Agriculture Day."●

NATIONAL FARM POLICY

● Mr. ROTH. Mr. President, I am extremely concerned about the direction our national farm policy has moved in recent years. In 1980 Commodity Credit Corporation price support outlays were $3.3 billion, in 1983 dollars. In 1983, these outlays were $18.8 billion. The administration's proposed fiscal year 1985 budget anticipates outlays of over $10.6 billion but since we cannot anticipate all the factors that affect the years harvest we might just as readily anticipate a need for outlays again in the range of $18 to $20 billion.

There is no doubt that American farmers suffered with the rest of the economy in the recent recession. High interest rates and double digit inflation had devastating effects. In fact current interest rates are still too high and possibly it could be said that the recession is not over on the farm.

But what have we done in response? Have we merely encouraged expanded production as a means of making up for rising production costs? Have we depended on an outdated system of escalation target prices and other support mechanisms which were again built into a farm bill in 1981? We have, and though we realized very quickly that that system was not working we failed to take action to correct it. We failed to provide the Secretary of Agriculture with enough flexibility to make adjustments.

We have shown a lack of courage. When faced with increasing inventories of costly Government-purchased commodities we instituted the payment-in-kind program and idled millions of farm acres. But we failed to freeze target prices.

When we saw huge inventories of Government-purchased dairy products accumulating instead of allowing the Secretary to reduce the support price to a market clearing level we again approved what may have been a very expensive paid diversion. Fortunately—or unfortunately, whatever your view—dairy farmers were not interested and did not sign up. So we will not be paying them not to produce the milk we encouraged them to produce with substantial price guarantees.

Mr. President, today I understand we are considering a program in which we will pay wheat farmers not to produce this year and then this fall pay them not to produce next year. It has been suggested that this set aside program as barter for and in conjunction with target price freezes will bring about budget savings of $3.5 billion between now and fiscal 1987. But how can this be determined when commodity prices have only been established through the life of the current farm bill which expires after fiscal 85? And what are the costs of the new loan guarantees for export credit?

This Senator would enthusiastically vote for a phasing out of target prices. I join with the American Farm Bureau in calling for their elimination. I would be happy to look at proposals to reduce Government commodity purchases through expanded trade and in fact consider myself a leader in this area in the Senate. But I cannot support this bill. This bill does not face our farm problems honestly. It does not represent a serious effort to bring program costs under control. It does nothing to bring the American agricultural economy greater stability and at best appears to be a slight of hand that saves the taxpayer nothing.

Mr. President, this country faces deficits approaching $200 billion a year. Under the current farm legislation bumper crops can add another 5 percent to that deficit. On the other hand, responsible legislative action right here could reduce it by that amount. We can no longer wait to address these issues responsibly.●

THE CALENDAR

Mr. BAKER. Mr. President, I have a folder of items that appear cleared for action by unanimous consent. I have a request in respect to two calendar items. First, I say to the acting minori-

ty leader (Mr. BOREN), I welcome him in that role. I do not recall seeing him in that position before. I am sure he will discharge his weighty responsibilities with ease and grace.

Mr. BOREN. I shall certainly do my best, Mr. President, to live up to that expectation.

SENATE JOINT RESOLUTION 256 INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I believe this request is cleared on both sides. I ask unanimous consent that Senate Joint Resolution 256, Calendar Order No. 710, be indefinitely postponed.

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

NATIONAL SINGLE PARENT DAY

Mr. BAKER. Next, I say to the acting minority leader that we are prepared to pass by unanimous consent House Joint Resolution 200, which is Calendar Order No. 714, if there is no objection.

Mr. BOREN. Mr. President, there is no objection on this side.

Mr. BAKER. I thank the acting minority leader. I ask that the Senate turn to the consideration of that measure.

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

The joint resolution (H.J. Res. 200) designating March 21, 1984, as "National Single Parent Day," was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. BAKER. I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

SENATE JOINT RESOLUTION 250 PLACED ON CALENDAR

Mr. BAKER. This request has been cleared as well, I believe, on both sides. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 250, a joint resolution declaring the week of May 7-13, 1984, as "National Photo Week," and that that item be placed on the calendar.

Mr. BOREN. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution will be placed on the calendar.

Mr. BAKER. I thank the Chair.

SENATE JOINT RESOLUTION 247 PLACED ON CALENDAR

Mr. BAKER. Next, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 247, a joint resolution to designate March 25, 1984, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy," and that that item be placed on the calendar.

Mr. BOREN. Mr. President, that item has also been cleared on this side.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be placed on the calendar.

SEQUENTIAL REFERRAL OF S. 1400

Mr. BAKER. Mr. President, I ask unanimous consent that when S. 1400, the "Motor Vehicle Theft Law Enforcement Act of 1983," is reported by the Committee on Commerce, Science, and Transportation, it be sequentially referred to the Committee on the Judiciary for the purpose of its consideration of titles II and III only, for a period not to exceed 30 calendar days: Provided, That, if S. 1400 is not reported by the Committee on the Judiciary by such date, the Committee on the Judiciary be discharged from further consideration thereof and S. 1400 shall be placed immediately on the calendar.

Mr. BOREN. Mr. President, that request has also been cleared on this side.

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

JOINT REFERRAL OF S. 2435

Mr. BAKER. Mr. President, I now ask unanimous consent that S. 2435, a bill to place a moratorium on certain pension plan reversions and for other purposes, be jointly referred to the Committee on Finance and the Committee on Labor and Human Resources.

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

THE EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are two items on today's Executive Calendar which appear cleared for action by unanimous consent. May I inquire of the acting minority leader if he is in a position to proceed to the consideration of the two items under the judiciary which are the nominations of Mr. Wilkinson to be a U.S. circuit judge for the fourth circuit, and Mr. Hupp to be U.S. district judge for the central district of California.

Mr. BOREN. Mr. President, I am checking that matter and should have an answer momentarily.

Mr. President, I am told that the nomination of Harry Hupp, of California, to be U.S. district judge for the central district of California has been cleared, but we have not yet had an opportunity to get clearance on the other nomination that has been requested.

Mr. BAKER. I thank the acting minority leader.

EXECUTIVE SESSION

Mr. BAKER. In view of that, Mr. President, I ask unanimous consent that the Senate now go into executive session for the sole purpose of considering nomination No. 515, message No. 695, Harry L. Hupp, of California, to be U.S. district judge.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

THE JUDICIARY

The assistant legislative clerk read the nomination of Harry L. Hupp, of California, to be U.S. district judge for the central district of California.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Now I ask unanimous consent the President be immediately notified that the Senate has given its consent to the nomination.

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

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent the Senate now return to legislative business.

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

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 9 A.M.; FOR RECOGNITION OF SENATORS PROXMIRE AND PRYOR; AND FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it may be that we have some wrap-up we can take care of. In the meantime, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. tomorrow.

I further ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, special orders of not to exceed 15 minutes each be granted in favor of Senators PROXMIRE and PRYOR in that order, to be followed by a period for the transaction of routine morning business to go no longer than the hour of 10 a.m., in which Senators may speak for not more than 2 minutes each.

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

PROGRAM

Mr. BAKER. Mr. President, tomorrow, the Senate will convene at 9 a.m. After the recognition of the two leaders under the standing order, Senators will be recognized on special orders to be followed by a period for the transaction of routine morning business to begin at 10 a.m. After 10 a.m., the Senate will resume the unfinished business, which is H.R. 4072, the so-called wheat bill.

It is hoped, Mr. President, that we can further refine the arrangements for the consideration of the wheat bill in the morning so we can perhaps establish a time certain for passage during the day as early as possible.

Mr. President, Senators should be reminded that, at 1 p.m. tomorrow, the Senate will turn to consideration of the veto message on S. 684, on which a time limitation has already been entered providing for 1 hour of debate to be equally divided and a roll-call vote to occur at 2 p.m. The Senate will resume consideration of the wheat bill thereafter, unless it has been disposed of prior to that time.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition. Therefore, I move, in accordance with the order previously entered, that the Senate now stand in recess until 9 a.m. tomorrow.

The motion was agreed to, and at 6:09 p.m. the Senate recessed until tomorrow, Wednesday, March 21, 1984, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 20, 1984:

THE JUDICIARY

Harry L. Hupp, of California, to be U.S. District Judge for the central district of California.

HOUSE OF REPRESENTATIVES—*Tuesday, March 20, 1984*

The House met at 12 o'clock noon.

The SPEAKER. Today the Chair has the distinct pleasure of introducing as the guest chaplain the Most Reverend Bernard F. Law, Bishop of Springfield and Cape Girardeau, Mo., and the Archbishop-elect of Boston.

The Most Reverend Bernard F. Law, Roman Catholic Bishop of Springfield and Cape Girardeau, Mo., and Archbishop-designate of the Archdiocese of Boston offered the following prayer:

Almighty God, You have given us this great land for our heritage; You have given us a free nation through the sacrifices and determination of our forebearers: We ask You to make us mindful of Your favor to us that we may live in the spirit of concern for the welfare of one another, passing on to those who come after us the gift of a country made better by our efforts today.

Move the hearts and minds of the people of this land to break the barriers of injustice and discord among us; to make us ever more conscious of the poor and neglected; and to guide us to that peace which is Your will for all peoples everywhere.

Inspire in a special way the minds and hearts of the men and women in these Halls who bear the trust of the Nation so that they may be the willing instruments of all that we ask in the confidence of Your fatherly love. Amen.

THE JOURNAL

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

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

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

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

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

Mr. GINGRICH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 327, nays 22, answered "present" 9, not voting 75, as follows:

[Roll No. 47]

YEAS—327

Ackerman	Eckart	Lehman (FL)
Addabbo	Edgar	Lent
Akaka	Edwards (AL)	Levin
Albosta	Edwards (CA)	Levine
Alexander	Edwards (OK)	Levitas
Anderson	English	Lewis (CA)
Andrews (NC)	Erdreich	Lewis (FL)
Andrews (TX)	Fascell	Lloyd
Anthony	Fazio	Loeffler
Applegate	Ferraro	Long (LA)
Archer	Fiedler	Lott
Aspin	Fish	Lowry (WA)
AuCoin	Flippo	Lujan
Badham	Florio	Luken
Barnard	Foley	Lundine
Barnes	Ford (TN)	Lungren
Bartlett	Fowler	Mack
Bateman	Frank	MacKay
Bates	Frost	Madigan
Bedell	Fuqua	Marlenee
Beilenson	Garcia	Marriott
Bennett	Gaydos	Martin (NC)
Bereuter	Gekas	Martin (NY)
Berman	Gephardt	Martinez
Bethune	Gilman	Matsui
Bevill	Glickman	Mavroules
Bliley	Gonzalez	Mazzoli
Boehlert	Gore	McCain
Boggs	Gradison	McCandless
Boland	Gramm	McCloskey
Boner	Gray	McCollum
Bonior	Green	McCurdy
Bonker	Gregg	McEwen
Borski	Guarini	McGrath
Boucher	Hall (OH)	McHugh
Britt	Hall, Ralph	McKernan
Brooks	Hall, Sam	McNulty
Broomfield	Hamilton	Mica
Brown (CA)	Hammerschmidt	Mikulski
Brown (CO)	Hansen (ID)	Miller (CA)
Broyhill	Hansen (UT)	Mineta
Burton (CA)	Hatcher	Minish
Burton (IN)	Hefner	Moakley
Byron	Hertel	Molinari
Carney	Hightower	Montgomery
Carper	Hiler	Moody
Carr	Hillis	Moore
Chandler	Holt	Moorhead
Chappell	Hopkins	Morrison (CT)
Cheney	Horton	Morrison (WA)
Clinger	Howard	Mrazek
Coats	Hoyer	Murphy
Coelho	Hubbard	Murtha
Coleman (MO)	Huckaby	Myers
Coleman (TX)	Hughes	Natcher
Conte	Hunter	Neal
Conyers	Hutto	Nichols
Cooper	Jeffords	Nielson
Courter	Jenkins	Nowak
Coyne	Johnson	Oakar
Craig	Jones (OK)	Obey
Crockett	Jones (TN)	Olin
D'Amours	Kasich	Ortiz
Daniel	Kastenmeier	Owens
Dannemeyer	Kazen	Oxley
Darden	Kemp	Packard
Daschle	Kildee	Panetta
Daub	Kindness	Parris
Dellums	Kogovsek	Pashayan
Derrick	Kolter	Patman
DeWine	Kostmayer	Patterson
Dicks	Kramer	Pease
Dixon	LaFalce	Pepper
Donnelly	Lagomarsino	Perkins
Downey	Lantos	Petri
Duncan	Latta	Pickle
Dwyer	Leach	Quillen
Dyson	Leath	Rahall
Early	Lehman (CA)	Rangel
Ratchford	Skeen	Torricelli
Ray	Skelton	Traxler
Regula	Slattery	Udall
Reid	Smith (FL)	Valentine
Richardson	Smith (IA)	Vander Jagt
Ridge	Smith (NE)	Vandergriff
Ritter	Smith (NJ)	Volkmer
Robinson	Smith, Denny	Vucanovich
Rodino	Smith, Robert	Walgren
Roe	Snowe	Weber
Rogers	Solarz	Weiss
Rose	Spence	Wheat
Roukema	Spratt	Whitehurst
Rowland	Staggers	Whitley
Roybal	Stangeland	Whitten
Rudd	Stark	Williams (MT)
Russo	Stenholm	Williams (OH)
Sawyer	Stokes	Winn
Schaefer	Stratton	Wirth
Scheuer	Studds	Wise
Schneider	Stump	Wolf
Schulze	Sundquist	Wolpe
Schumer	Swift	Wortley
Seiberling	Synar	Wright
Sensenbrenner	Tallon	Wyden
Sharp	Tauke	Wylie
Shelby	Tauzin	Yatron
Shumway	Taylor	Young (FL)
Shuster	Thomas (GA)	Young (MO)
Sisisky	Torres	Zschau

NAYS—22

Bilirakis	Gingrich	Roemer
Chappie	Goodling	Sabo
Coughlin	Hawkins	Schroeder
Dickinson	Jacobs	Solomon
Dorgan	Livingston	Walker
Emerson	Miller (OH)	Yates
Evans (IA)	Penny	
Gejdenson	Roberts	

ANSWERED "PRESENT"—9

Clarke	Dymally	Ottinger
Crane, Philip	Gibbons	Sikorski
Davis	Gunderson	St Germain

NOT VOTING—75

Annunzio	Frenzel	O'Brien
Biaggi	Hall (IN)	Oberstar
Bosco	Hance	Paul
Boxer	Harkin	Porter
Breaux	Harrison	Price
Bryant	Hartnett	Pritchard
Campbell	Hayes	Pursell
Clay	Heftel	Rinaldo
Collins	Hyde	Rostenkowski
Conable	Ireland	Roth
Corcoran	Jones (NC)	Savage
Crane, Daniel	Kaptur	Shannon
de la Garza	Kennelly	Shaw
Dingell	Leland	Siljander
Dowdy	Lipinski	Simon
Dreier	Long (MD)	Snyder
Durbin	Lowery (CA)	Thomas (CA)
Erlenborn	Markey	Towns
Evans (IL)	Martin (IL)	Vento
Feighan	McDade	Watkins
Fields	McKinney	Waxman
Foglietta	Michel	Weaver
Ford (MI)	Mitchell	Whittaker
Forsythe	Mollohan	Wilson
Franklin	Nelson	Young (AK)

□ 1220

Mr. SIKORSKI changed his vote from "nay" to "present."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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

31-059 O-87-5 (Pt. 5)

BISHOP BERNARD F. LAW

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

Mr. TAYLOR. Mr. Speaker, it is with sincere pride and considerable honor that I speak of Bishop Law who gave our opening prayer this day.

When he headed the Springfield-Cape Girardeau Diocese the bishop touched the lives of thousands of people. He is a man of compassion, attuned to the changing times, yet holding dear the ancient values of the church. He proved himself to be an able leader, liked by all with whom he came in contact. He is a builder and an individual of considerable vision.

Boston's gain is Missouri's loss, however, we wish for Bishop Law good luck and Godspeed as he accepts this new challenge.

BISHOP BERNARD F. LAW

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

Mr. EMERSON. Mr. Speaker, we in the House of Representatives have been greatly honored today to have as our guest chaplain His Excellency Bishop Bernard F. Law of Springfield-Cape Girardeau, Mo., who has recently been named by His Holiness Pope John Paul II to become Archbishop of the Archdiocese of Boston.

As Bishop of southern Missouri, Archbishop-designate Law has provided all of us in Missouri—of all faiths—with a tremendous example of compassion, spiritual leadership, and selfless endeavor. His leadership, both in Missouri and prior to his service there, in the areas of human rights, civil rights, and ecumenical rapport has gained him the love, the admiration, and the sincerest best wishes of all of those who have come to know him.

Now, as he assumes his next task, I want to say, on behalf of the people of southern Missouri, that we will miss him, but that we are truly happy for those in the Boston Archdiocese who will now share in his good work. Having come to know Archbishop-designate Law over the past several years, I can assure the people of Massachusetts that they will come to love and respect him just as we have.

And to him, I can only say: Thank you for the tremendous contribution he has made to the quality of life in southern Missouri, and best wishes as he moves on to do the same for others.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FRANK L. HULSEY

The Clerk called the bill (H.R. 719) for the relief of Frank L. Hulsey.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SENSENBRENNER. Mr. Speaker, I object.

Mr. BROWN of Colorado. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

The bill is recommitted to the Committee on the Judiciary.

RESTORATION OF COASTWISE TRADING PRIVILEGES TO THE VESSEL "LA JOLIE"

The Clerk called the Senate bill (S. 1015) to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade.

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOUNTAHA BOU-ASSALI SAAD

The Clerk called the bill (H.R. 936) for the relief of Mountaha Bou-Assali Saad.

There being no objection, the Clerk read the bill as follows:

H.R. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mountaha Bou-Assali Saad shall be held and considered to have satisfied the requirements of section 312 of the Immigration and Nationality Act relating to knowledge and understanding of the English language and the history, principles, and form of government of the United States and, notwithstanding the provisions of section 310(d) of such Act, may be naturalized at any time after the date of the enactment of this Act if otherwise eligible for naturalization under the Immigration and Nationality Act.

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

The SPEAKER. This concludes the call of the Private Calendar.

CONSENT CALENDAR

The SPEAKER. Pursuant to the order of the House of March 15, 1984, this is the day for the call of the Consent Calendar. The Clerk will call the bill on the Consent Calendar.

MAKING TECHNICAL AMENDMENTS TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT AND OTHER ACTS

The Clerk called the Senate bill (S. 1530) to make technical amendments to the Indian Self-Determination and Education Assistance Act and other acts.

There being no objection, the Clerk read the Senate bill as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 88 Stat. 2203) is amended by inserting after section 8 the following new section:

"SEC. 9. The provisions of this Act shall not be subject to the requirements of the Federal Grant and Cooperative Agreement Act of 1977 (Public Law 95-224; 92 Stat. 3): *Provided,* That a grant agreement or a cooperative agreement may be utilized in lieu of a contract under sections 102 and 103 of this Act when mutually agreed to by the appropriate Secretary and the tribal organization involved.".

SEC. 2. The Act of October 15, 1982 (Public Law 97-344; 96 Stat. 1645), relating to certain restricted land in Kansas, is amended by striking out "the southeast quarter northwest quarter" in paragraph (2) and inserting in lieu thereof "the south 20 acres of the east 60 acres of the northwest quarter".

SEC. 3. The first section of Public Law 97-386, relating to the reservation of the Pascua Yaqui Tribe of Arizona, is amended by inserting "located in township 15 south, range 12 east, Gila and Salt River Meridian," after "tracts of lands".

SEC. 4. (a) Subsections (a) and (b) of section 2415 of title 28, United States Code, is amended by striking out "Indians Claims Act of 1982" each place it appears and inserting in lieu thereof "Indian Claims Limitation Act of 1982".

(b) The last proviso in the first paragraph under the heading "Administrative Provisions", relating to the Bureau of Indian Affairs, of title I of Public Law 97-394 is amended by striking out "The following" and inserting in lieu thereof "Sections 2 through 6 of this Act".

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

The SPEAKER. This concludes the call of the Consent Calendar.

ELECTION DAY IS JUDGMENT DAY

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

Mr. COELHO. Mr. Speaker, as we all know, President Reagan never hestitates to publicly blast so-called welfare cheats and food stamp cheats. Indeed, we are all farmilar with his story about the food stamp recipient who was seen by the Republican lookout squad buying a bottle of vodka with his food stamps and who then walked out of the grocery store and drove home in his cadillac. Of course, none of us denies that there have been some abuses.

But this same President, who had deliberately placed religion and morality on the front burner of this election

campaign, obviously has a moral blind spot when it comes to his own closest aides and country club cronies.

They view their jobs not as stewards of the public trust, but as opportunities to feed at the public trough. Once again, we hear about hit lists, secrecy oaths and lie detectors, illegal tapings and lying, and numerous cases of financial improprieties. And, once again, allegations of official misconduct are followed by pronouncements of Presidential support.

Well, President Reagan may have this moral blind spot, but the American people certainly do not. Election Day is judgment day, Mr. President.

□ 1230

IT IS TIME FOR AN INDEPENDENT INVESTIGATION OF ED MEESE

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

Mr. RATCHFORD. Mr. Speaker, the time has come for the appointment of a special, independent prosecutor to examine charges of wrongdoing by Edwin Meese, the Attorney General-designate.

The law clearly requires an independent prosecutor in this case—the Attorney General must be above suspicion, and a review conducted by the Department Mr. Meese is supposed to head is simply not good enough.

Mr. Speaker, if Mr. Meese is innocent of any wrongdoing, then he deserves an independent, nonpartisan investigation to clear his name. If Mr. Meese has broken the very laws that the Attorney General is required to uphold, then his nomination should be rejected by the Senate.

Either way, the public has a right to know the truth, and an independent investigation is the best way to get it.

FORTIETH ANNIVERSARY OF D-DAY

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

Mr. MONTGOMERY. Madam Speaker, during World War II, many battles were fought to preserve freedom. One battle will never be forgotten. It occurred on June 6, 1944, when American and allied forces joined together to regain a foothold in Europe. June 6, 1984, marks the 40th anniversary of D-day, the day of the allied assault on Normandy, France.

Today, Mr. HAMMERSCHMIDT and I are introducing a House Joint Resolution to designate June 6, 1984, as "D-day National Remembrance Day," and that the President issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The D-day assault involved over 5,000 naval vessels; 11,000 sorties of allied aircraft; and 153,000 American, British, and Canadian troops. Our troops landed on five separate beaches. A quick foothold was gained and within 24 hours, the allied troops had breached Hitler's Atlantic Wall. The losses in both men and material were heavy. Allied casualties totaled more than 10,200. American troops suffered 1,465 killed, 3,184 wounded, 1,928 missing in action, and 26 captured.

Madam Speaker, the successful landing at Normandy was a key turning point in World War II. I urge my colleagues to join us in cosponsoring this legislation.

HOW HIGH IS THE WATER, MOMMA?

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

Mr. ROEMER. Madam Speaker, I am worried about the House this morning. I wonder how many of you can swim.

You remember the old folksong made popular by Johnny Cash and others years ago, "How High Is the Water, Momma?" Well, it is 5 feet high and rising.

Interest rates are just like the water in that song; real interest rates are too high and they are rising.

The evidence is all around us; T-bill rates are at a 2-year high and the prime was up half a point yesterday, to 11½ percent. Do not fool yourself, rising interest rates are bad for this economy.

The market knows that if we do not control fiscal policy then monetary policy will have to carry the fight against inflation alone. That means higher rates, that means no recovery, that means no jobs, that means no improvement in the quality of life.

That is bad news for America.

If any Member had any reservations about joining us to reduce the deficit fairly and with a sizable number, let today's news be a warning. Doing nothing is the wrong action. It would lead to higher rates. Phony cuts is the wrong action. It will lead to higher rates.

We must reduce the increase in military spending, we must reduce the entitlement COLA's.

We can protect the neediest among us while the rest of us sacrifice in a small way together.

"How High Is the Water, Momma? It is 11½ percent and rising.

NATIONAL AGRICULTURE DAY

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

Mr. McNULTY. Madam Speaker, today is National Agriculture Day, and I believe that all Americans should extend their appreciation to the agricultural sector of our Nation. The majority of Americans live in cities or suburbs and fail to realize the importance of the agricultural community.

Madam Speaker, less than 3.5 million Americans actually raise the crops and animals that give us the world's largest and best food and fiber supply, but more than 23 million persons are employed in agriculture related industries. One out of five jobs are related to agriculture—that makes agriculture our Nation's No. 1 industry.

Agriculture does not only contribute to the health of our economy, by selling great quantities of food abroad but to our personal health and the health of our Nation. America began as an agricultural heartland, and I believe that, despite our notable achievements in science and technology, we remain today a people closely tied to the land.

Madam Speaker, without food there is no life and without agriculture, there is no food. Everyone in our society must understand the need to develop and continue sound agricultural policies.

DO NOT DABBLE AROUND THE DEFICIT—LET US SLASH IT

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

Mr. AUCOIN. Madam Speaker, last week, the Commerce Department reported that housing starts in February jumped 11.2 percent to the highest annual rate since 1978. But few are jumping for joy in Oregon. And that is because my State's housing economy has been left out.

While conditions may have improved in general national terms, in Oregon, people whose livelihoods depends on mills, builders, and small businesses continue to struggle. Once a boom State where thousands came to find work, today thousands of Oregonians have left the State in order to survive.

Major corporations are leaving. Major builders are beginning to turn homes—some in the hundreds—back to the bank.

Builders, realtors, and financial leaders tell me that housing starts will remain at about 11,000 units per year in Oregon for several years, compared with 40,000 units per year in the late 1970's.

And that is the problem with the so-called good news the Commerce Department has announced. More than 50 percent of the housing gain in 1983 was in the Sun Belt and southeastern regions of the United States. As for

Oregon and similar States, housing experts at a recent workshop in Portland predicated that their economies will "continue to suffer."

Madam Speaker, I want to say this to the White House: There is only one way to create a housing recovery for everyone to enjoy—slash the deficit. Cut the Pentagon, raise revenue, freeze domestic spending—and slash the deficit.

The administration and its allies in Congress are wrong if they think these new national housing figures mean they can just dabble around with the deficit.

If they continue to, they will be writing off economic growth for Oregon for years to come—and Oregonians will not be pacified knowing that Florida, Texas, and the Sun Belt are doing just fine.

TOURISM, SECOND LARGEST INDUSTRY, NEEDS STIMULATION

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

Mr. REID. Madam Speaker, often we think of "travel" merely as the "getting-to" or "coming-from" part of our activities.

Yet the travel and tourism business is the second largest industry in this Nation. In terms of retail sales it produces nearly $200 billion annually. And as the second largest private employer this industry provides more than 5 percent of the total U.S. payroll employment.

As a member of the Travel and Tourism Caucus Steering Committee I am keenly aware of the need to encourage and stimulate travel and tourism in this country.

While the number of the inbound tourists has increased during the past two decades the U.S. share of this world travel is trending down. Our current market share of 11 percent is down more than 2 percent since the midseventies. In economic terms for every 1 percent share of loss there is a $1 billion loss of receipts and $155 million loss of Federal, State, and local taxes.

At a time when our Government is talking about the need for economic progress, tax relief, and fuller, employment we should seek and encourage new ways to stimulate this industry, an industry that contributes so positively to our Nation's well-being.

DEFICIT COMPROMISE—A STEP IN THE RIGHT DIRECTION

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

Mr. RICHARDSON. Madam Speaker, the unilateral compromise the President announced that he reached over the budget deficit with Republican Senators is a step in the right direction, but does not go far enough, $180 billion is a start but just a dent in the huge deficit. Credit for this compromise must go to Republican Senators like Mr. HATFIELD and the leadership of this House exemplified by Mr. JONES and Mr. WRIGHT.

Madam Speaker, this is the first time that the President has given in on two issues that he said previously were taboo; one was military spending, the other was tax reform.

□ 1240

We must now look at tax reform and reduce efforts to continue this deficit.

Madam Speaker, if we are going to do something about the deficit, we have to continue cutting military waste. We have to have a significant tax reform package. We have to have entitlement reform and we are going to have to control medical costs. And we should do this in a bipartisan spirit this election year.

THE PLIGHT OF RAOUL WALLENBERG

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

Mr. WEISS. Madam Speaker, 40 years ago yesterday, on March 19, 1944, German troops overran the Hungarian border and occupied Hungary. For Hungary's 800,000 Jews, March 19 marked the day they entered the hell of Hitler's "Final Solution."

Within weeks trains filled with thousands of Jews began their trek from Budapest to the gas chambers of Auschwitz and Birkenau. Among those carted away, never to return, were all four of my grandparents, most of my parents' sisters and brothers and their children, as well as a large number of other relatives. By July of 1944 only 200,000 Jews remained in Hungary.

To save those Jews the Swedish Government, at the urging of the United States and the World Jewish Council, sent Raoul Wallenberg to Budapest in a special ambassadorial capacity. Wallenberg, the man known as the Angel of Rescue, helped save the lives of nearly 100,000 Hungarian Jews, until he himself was taken prisoner by the Russian Army a year later. Wallenberg's whereabouts have remained a mystery to this day.

By our remembering today both the slaughter of the Hungarian Jewish community and the heroic individual who kept that slaughter from being total, perhaps we can stir the conscience of Raoul Wallenberg's captors. After so many years of silence the Soviet Union must release Wallenberg or inform the world of his fate.

IN HONOR OF CLARENCE MITCHELL

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

Mr. DIXON. Madam Speaker, on behalf of the Congressional Black Caucus, I would like to add our condolences to those expressed in Congress yesterday on the passing of Clarence Mitchell, Jr.

This man was a giant in the struggle for equal opportunity and civil rights.

For nearly 30 years Clarence served as the chief Washington representative for the NAACP, and his efforts were instrumental to virtually every civil rights gain during this period. Among his many achievements were the Civil Rights Acts of 1957 and 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

He also was the leading architect of the Leadership Conference on Civil Rights. This organization formed a new coalition among national organizations committed to civil rights, and today comprises over 165 groups representing the concerns of women, minorities, the handicapped.

Esteem for Clarence Mitchell was such that he became known as the 101st Senator. Despite the setbacks and turbulence of the 1960's, this legendary leader was undaunted in his effort to obtain equal protection under the law for all. His counsel was sought by leaders of both parties and he was respected for the strength of his reasoning and the grace of his manner.

Our Nation has been made better because of Clarence Mitchell, and we offer our sympathy to his wife, Juanita, his brother and our colleague, PARREN MITCHELL, and all the members of the Mitchell family.

If we are truly to honor Clarence Mitchell, Jr., then let us be strengthened by the memory of his work, guided by his convictions, and grateful for his legacy—a body of law to secure equal rights for every American.

MR. MEESE SHOULD NOT BE ATTORNEY GENERAL

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

Mr. GLICKMAN. Madam Speaker, our colleague from Connecticut (Mr. RATCHFORD) has called for a special prosecutor to investigate the nomination of Ed Meese as Attorney General.

I think rather instead of doing that it is time for the President to withdraw his nomination. Mr. Meese may not be a bad guy, but he has gotten himself over his head financially and now the Department of Justice the agency he is supposed to head, is going to investigate him.

I fully expect the President to appoint as chief legal officer of this country a person who agrees with his conservative views and he should be permitted that right. It is just that his choice should be the most competent person possible. His public and professional record should not be open to any criticism and he should have impeccable credentials. Mr. Meese does not fit that mold.

NATIONAL AGRICULTURE DAY

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska, Madam Speaker, I am honored again to take part in this day of recognition for American agriculture. As a cosponsor of the resolution calling on the President to proclaim National Agriculture Day, I want to make sure that the Nation does not lose sight of what agriculture means in our everyday scheme of things.

The food and fiber produced on the farms and ranches in this country is absolutely vital to our existence. Therefore, the husband and wives and their children who are responsible for the commodities we need and use, are special. When we observe National Agriculture Day we are bowing respectfully in the direction of this special breed.

These are the people who put in the long hours from sunrise to sunset and beyond. They take all the risks. They battle the elements; they go in debt; they cooperate with their Government; they persist against great odds that exist in no other business.

Indeed, a significant number of good producers, often through no fault of their own, today are facing financial disaster because of years of governmentally caused galloping inflation, runinous interest rates, high taxes, low prices for farm commodities, and those tragic embargoes that impoverished our farmers and ranchers and ended up enriching the middlemen speculators.

It may not occur to our farm and ranch families that they are in the country's largest industry, providing for themselves and millions of others here and abroad. They may not be aware that they constitute such a tiny minority as far as the work force is concerned. They may consider it as irrelevant that they represent just 3 percent of the U.S. population.

To them the farm life is the good life. They will take the good with the bad and trust that tomorrow will be better. They want to remain in farming. They have a job to do. But we must not take them for granted. We must make sure that is is possible for them to be there; that they can realize a profit from their investment and the fruits of their labors so that the good life will also be the secure life.

In the Congress we have the obligation to make sure that farm programs work equitably and fairly and that there is emergency help when it is needed. National Agriculture Day is a reminder to us to fulfill our obligation. It is an assurance for those engaged in the pursuit of agriculture that their contribution will be remembered.

THE MUCH NEEDED ANTICRIME BILL

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

Mr. LOEFFLER. Madam Speaker, for weeks the Democratic leadership of the House Judiciary Committee, in explaining to the American people why the much needed anticrime bill has been pronounced dead on arrival in the House, has repeatedly stated that this legislation takes time to consider and that the committee process must be allowed to function and work its will in a deliberate fashion.

In light of this concrete position, I find it absolutely perplexing and inexplicable that the chairman of the Judiciary Committee, Mr. RODINO, is moving his own judiciary bill concerning union contracts to the floor of the House with the speed of lightning and without any consideration or deliberation by the House Judiciary Committee whatsoever.

Today, Federal judges are not allowed to consider the danger to the community of a criminal when releasing him on bail pending his trial. The pending anticrime package would allow judges to keep dangerous defendants off the streets, and would bring a new measure of security to America's neighborhoods.

The American pepople want the chairman of the House Judiciary Committee to treat the safety of the American people with the same urgency which he provides select special interests.

CHILDREN'S DAY

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

Mr. MARTIN of North Carolina. Madam Speaker, I would like to take a moment to thank those 70 Members who have become cosponsors of House Joint Resolution 205, which would establish March 20, the first day of spring, as Children's Day.

In a world of tension, and class struggle, and confrontation between great powers and small, and amid conflicting personal obligations, how fitting it would be to set apart this day as a reminder of our love for our children. Not only would it express to them our care and hopes for their future, but it also would remind ourselves of the sacrifices others made for our own future; and it would symbolize our noblest thoughts.

Had this bill been moved through the committee and the Congress, today could have been the first annual Children's Day. Perhaps years from now, after I have left this House, the bill will be enacted posthumously, and the first day of spring will take on new meaning.

□ 1250

FAA SHOULD BE REQUIRED TO ELIMINATE UNDUE RISKS AT NATIONAL AIRPORT

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

Mr. BOEHLERT. Madam Speaker, the Senate will vote today on whether to allow prayer in schools. But in the meantime, the action—or more accurately, the apparent inaction—of another arm of the Federal Government has assured that there will be prayers in planes—and in certain newspaper buildings.

I am referring to the Federal Aviation Administration. Despite continual prodding from the National Transportation Safety Board, prayer still seems to be a necessary part of preparing for the approach to National Airport.

That unfortunate fact was demonstrated twice on March 8, when two planes approaching National flew considerably below minimum altitudes and came perilously close to the USA Today building.

The two incidents prompted Safety Board Chairman Burnett to reiterate his concern, saying, "If we do not do something, we will have an accident."

Congress has an obligation to see that we do indeed do something. Passengers should not be arriving at National on a wing and a prayer. That the FAA should be required to eliminate undue risks for passengers should be self-evident.

Unfortunately, that does not seem to be self-evident to the FAA. That is why, at my request, the Science and Technology Subcommittee on Transportation, Aviation and Materials will hold hearing at 2 p.m. tomorrow on the recent incidents that occurred over Rosslyn. Representatives of the Safety Board and the FAA will be among the witnesses.

I hope the hearings will be the occasion for the FAA to report implementation of policy changes necessary to make the Nation's 10th busiest airport a safer place to land.

SCHOOL PRAYER

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

Mr. WALKER. Madam Speaker, elsewhere in this Congress today, a vote is scheduled to be taken on the issue of school prayer. However, such a vote will not occur here.

The American people may never know how the Members of this body would vote on the issue of school prayer because the majority leadership determined to keep us from voting on that issue. But we can continue to try, as we have tried on days previous, to get that issue to this floor.

Madam Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of a voluntary school prayer constitutional amendment. The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Once again, although I would love to yield to the gentleman from the minority side, as I assured the House, the minority has already responded, there is silence again from the majority side.

That should, again, make it clear to the American people who stands in the way of bringing this issue to the House floor—the Democratic leadership of the House.

THE NATIONAL AGRICULTURAL SOIL PROTECTION ACT—A COMMEMORATION OF NATIONAL AGRICULTURE DAY

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

Mr. DAUB. Madam Speaker, as commemorate National Agriculture Day, I would like to invite my colleagues to join me in cosponsoring the National Agricultural Soil Protection Act.

There is no better time than today to reflect on the efforts our Government has undertaken to conserve one of our Nation's greatest resources—our valuable topsoil—which has given us the most productive agricultural system in the world. It is only appropriate that today we consider—why have over 40 years of soil conservation efforts failed to eliminate the soil erosion which plagues 133 million of our Nation's 413 million acres of farmland. The National Agricultural Soil Protection Act is a comprehensive package of proposals which gets at the very heart of the problems which hinder our continued progress on soil conservation.

Later today, in this RECORD I will discuss this legislative package in more detail and I invite my colleagues to join me in commemorating National Agriculture Day by cosponsoring the National Agricultural Soil Protection Act.

FUEL ASSISTANCE

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

Mr. GREGG. Madam Speaker, what happened to it? On March 6, this House passed the $200 million fuel assistance program for those areas of the Nation which need fuel assistance to serve the needy and save them from the cold weather.

It is back here in the House, and we cannot find it, and it has not passed. What happened to it?

It may be the first day of spring today, but in the Northeast and New England, if you had returned there recently, you would notice that there is still snow on the ground. It is still cold. The people up there need this fuel assistance money.

What happened to it? Well, essentially, as a result of camaraderie and committee comity, you have decided to hold this bill at the desk. Why? Why can we not get this on the floor? The people of the Northeast need this assistance. You accused the President of having ice in his veins when he said that he might tie this to another bill. Well, he has now agreed to sign this bill, and it is the people of New England and the Northeast who are suffering from the ice and the cold of late winter because you refuse to allow this out of the House.

LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

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

Mr. MACK. Madam Speaker, at a time when the country is riveted or appears to be riveted on the issue of deficit reduction, I was somewhat surprised to pick up the paper the other day and read that one of the leading Democratic contenders for President, GARY HART, had proposed a $2 to $3 trillion program to help rebuild our highways and bridges and other public works. That is roughly $100 billion a year.

But again, maybe I should not have been surprised, since just a few days ago a number of the House committees reported out their recommendations on spending. Those five committees actually came out with about $16 billion in additional spending over and above what the President had recommended.

I ask this: Is this the same group that comes out here day after day yelling about the deficits and then recommending more spending?

Because of these kinds of things, I would at this time hope to offer a unanimous-consent request calling for consideration of a line-item veto constitutional amendment. The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. I have approval from the minority. I would now yield to a spokesman from the majority leadership for appropriate clearance.

It ought to be clear, then, who is blocking the will of the American people.

DEMOCRATIC LEADERSHIP OF THE HOUSE STANDS IN THE WAY OF A BALANCED BUDGET

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

Mr. WORTLEY. Madam Speaker, I, too, would hope to offer a unanimous-consent request calling for the consideration of an amendment to require a balanced budget.

The Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership. I would now yield to my esteemed colleagues of the majority leadership for appropriate clearance from their side.

Madam Speaker, I hear no response. Silence prevails. That should make it clear to the American public who stands in the way of a balanced budget. It is the Democratic leadership of this House.

EDWIN MEESE—AN HONEST AND DECENT AMERICAN

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

Mr. McCAIN. Madam Speaker, I had not intended to speak this morning until I heard the disparaging remarks made by our colleagues on the other side of the aisle concerning Mr. Edwin Meese. I have known Mr. Meese for 11 years. I know him as an honest and decent American, who has devoted his entire adult life to public service. I see him now being tried in the press and by my colleagues through the use of innuendo and rumor.

It is unfortunate that Mr. Meese is not a multimillionaire either by inheritance or through amassing millions of dollars before entering politics as his attackers and detractors are in the other body. I ask that the American people give Mr. Meese the same inalienable privilege according to our Constitution that every citizen in our Nation should be accorded and that is

that he be judged innocent until proven guilty.

THE BANKRUPTCY BILL

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

Mr. LUNGREN. Madam Speaker, today we are now in recess in the Rules Committee considering a rule being requested for a bill to be brought forth tomorrow, the bankruptcy bill.

I am a member of the subcommittee and committee that has dealt with the issue. I might tell you that yesterday, through staff, we requested that we be given a copy of the bill that will be considered on this floor. We were told by majority staff we could not have a copy of that bill. That bill was entered into the hopper during our 16-minute session yesterday. Those of us on the Republican side were not even given the courtesy of a copy of the bill until 4 o'clock yesterday afternoon. We are being told that we should have a largely closed rule so that an issue that the Supreme Court decided on the 22d of February by a 9 to 0 decision, with Mr. Thurgood Marshall and Justice Brennan both supporting, can be overturned with absolutely no opportunity to amend the bill that was thrust upon us yesterday.

A number of Members have asked if they might not be given the opportunity to have their own amendments, and they were told. "We cannot have this, because the Judiciary Committee has not had the chance to have a hearing on it."

I would suggest to my colleagues that we have had no hearings on the labor question whatsoever.

FAIR PLAY

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

Mr. HUNTER. Madam Speaker, the Members of the House who have kicked Mr. Meese around today on the House floor have done a great disservice to the American notions of fair play and presumption of innocence.

Is not Mr. Meese allowed to have personal friends? It is very perplexing that a group of millionaires are allowed to grill Mr. Meese for moving from San Diego, with all of the attendant costs, and for borrowing money from personal friends so that he can feed and house his family while serving America.

Let us be fair with this fine public servant.

□ 1300

SCHOOL PRAYER AMENDMENT DESERVES DEBATE IN A FREE SOCIETY

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

Mr. RUDD. Madam Speaker, the so-called war of the crosses is continuing in Poland despite the Communist authorities' attempts to harass and intimidate the overwhelming majority who favor returning crucifixes to the classroom walls.

A similar debate is raging here in the United States where the Federal Government has banned prayer from the classroom. A September 1983 Gallup poll revealed that 81 percent of Americans favored voluntary school prayer. At the very least, in a free society, the school prayer issue deserves to be openly debated.

At this time, I hope to offer a unanimous consent request calling for consideration of a voluntary school prayer amendment. The Chair has rules that in order to make this request, I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority. I yield now to a spokesman from the majority for clearance.

Madam Speaker, I hear no response.

It should be clear to the American people who is standing in the way of open debate on voluntary school prayer.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *March 19, 1984.*

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5, Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:00 p.m. on Monday, March 19, 1984 and said to contain a message from the President wherein he transmits a report pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)).

With kind regards, I am,

Sincerely,

BENJAMIN J. GUTHRIE,
Clerk, House of Representatives.

CONTINUATION OF EXPORT CONTROLS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of Monday, March 19, 1984, at pages 5842-5843.)

RECLAMATION SAFETY OF DAMS ACT OF 1978 AMENDMENTS

Mr. WHEAT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interior and Insular Affairs now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. WHEAT) is recognized for 1 hour.

Mr. WHEAT. Madam Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), for purposes of debate only, pending which I yield myself such time as I may consume.

Madam Speaker, House Resolution 453 is an open rule providing for the consideration of H.R. 1652, a bill amending the Reclamation Safety of Dams Act of 1978. The rule provides for 1 hour of general debate to be divided equally between the chairman and ranking minority member of the Committee on Interior and Insular Affairs and makes in order an amendment in the nature of a substitute

which is recommended by the committee and is now printed in the bill. This amendment in the nature of a substitute shall be considered as original text for the purpose of amendment under the 5-minute rule.

All points of order against the committee substitute for failure to comply with clause 7 of rule XVI, that is the rule which requires amendments to be germane are waived. This waiver is necessary because the bill as introduced was a one paragraph extension of the authorization. The substitute expands the scope of that bill and contains provisions not germane to the bill as introduced.

The rule also waives clause 5(a) of rule XXI, that is the rule which prohibits appropriations in an authorizations bill, to permit consideration of the substitute. This waiver is necessary because section 12 of the bill adds new projects and purposes to the original act.

The provisions of section 12 could be considered reappropriations since they make funds previously appropriated for one purpose available for other purposes. However, such waivers are often granted to bills of this type. Indeed, it would be very difficult to make changes in any multiyear funding program without technical violations of clause 5(a) of rule XXI.

Finally, Madam Speaker, the rule provides for one motion to recommit, with or without instructions.

H.R. 1652 is a measure which amends the Reclamation Safety of Dams Act of 1978 by authorizing $650 million additional for fiscal year 1984 and ensuing years for work to be done pursuant to the Reclamation Safety of Dams Act. That act provides authority for the Secretary of the Interior to perform modifications on dams identified by the Bureau of Reclamation to be structurally unsafe.

H.R. 1652 also provides the Secretary with authority to perform safety modification work on seven dams in the Pacific Northwest. These dams were incorporated into reclamation projects by acts of Congress, however title was never secured by the Federal Government.

Finally, Madam Speaker, H.R. 1652 amends section 5 of the act to allow the Secretary to proceed with safety modification work costing $750,000 or less without having to prepare and transmit a modification report to Congress.

Madam Speaker, I urge that we adopt the rule so that we may proceed to consideration of this bill.

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

Madam Speaker, this bill is badly needed. Some 40 dams are in need of repair. After the Teton Dam broke and cost 11 lives, displaced thousands of people and cost the Federal Government $350 million, a new look has been taken at the safety of the dams in this country.

The $650 million authorized in this measure is badly needed. This bill should be enacted into law and these dams repaired to prevent other loss of life, other loss of property, and the displacement of thousands of other people as a result of the collapse of another dam.

Madam Speaker, the provisions of the rule are simple, and need no further explanation. I urge the adoption of the rule and the passage of the measure when it is debated on the floor of the House.

Madam Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. WHEAT. Madam Speaker, I yield 5 minutes, for purposes of debate only, to the gentleman from Pennsylvania (Mr. EDGAR).

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

Madam Speaker, I take this time, although there will be time during the course of the general discussion of the amendments which will be offered following the general debate, to talk for a moment about an amendment which will be offered to this very important piece of legislation dealing with dam safety.

Let it be clear that there is a problem with the safety of many of our dams throughout the Nation. Many of these dams were put in place 35, 50, and in some instances 75 years ago, and need major corrections or additions. While I support the thrust of the legislation, I want to also make it clear that it is the intention of the gentleman from New York (Mr. SOLOMON) and myself to coauthor an amendment which would provide for a reasonable amount of reimbursement of the expenditures placed in this legislation.

There is the safety issue. No one has denied that there are important safety considerations involved in the measure, and that is why I supported this particular bill, which passed the House by 335 to 9 in the last Congress. It was the intention of that Congress to move the bill very swiftly, but I think because of the success of the amendment offered by the gentleman from New York (Mr. SOLOMON) which also passed the House by 212 to 140, which placed a provision in this bill mandating recovery of the costs for the repair of these dams that are placed in 17 Western States, that the Senate failed to act, that this bill did not become enacted into law, and that we find ourselves here today dealing with this legislation.

I would also point out that this bill passed in committee almost a year ago, and it waited until today to get consideration on the House floor. Some of us suspect that the reason for the wait was to get clarification from the administration as to what the administration's position was. Two years ago, when we offered the Solomon amendment, the administration was strongly behind concept of cost sharing. All of the environmental community, many of the fiscal conservatives throughout the country who want to get handles on the Federal budget, believe that it is very important for us to have a reasonable cost sharing placed in all measures before this body and want to support the legislation with a provision for reimbursement.

But I think many of my colleagues are aware that the administration has changed its position. It is now opposed to the Solomon amendment and we will argue, when we offer the amendment, that their reason for their change, their deviation from their earlier support, has more political ramifications than substance ramifications, and that, in fact, Democrats and Republicans, conservatives and liberals, ought to join again, as they did 2 years ago, in supporting a very modest and reasonable amendment to this legislation.

Any of us who have been in the water area for many years trying to weed out reform believe very strongly that we ought to have a reasonable amount of reimbursement not just on dams that need to be repaired, but on new structures that are dealt with in other legislative initiatives like the omnibus water bill.

So I would hope that my colleagues, as we support the rule, as we get into general debate, and particularly as we move to amendment and support of the amendment offered by the gentleman from New York, the Solomon amendment, that we will do what we did 2 years ago, that we will pass this legislation with strong bipartisan support, but we will add to it a provision that will say that the Bureau of Reclamation is asked to move quickly in repairing these facilities, but that the local communities and States are asked to recover some of those funds and return them to the Federal Treasury.

Mr. SOLOMON. Madam Speaker, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Madam Speaker, I thank the gentleman for his support for the Reagan-Solomon-Edgar amendment. It is good to know that the gentleman in the well, Mr. EDGAR, is still supporting the Reagan-Solomon-Edgar amendment, even if the President is not.

I think the gentleman in the well knows that I am probably the strongest supporter of the President on this floor, and I am very disappointed that he has withdrawn his support from

this amendment, but let me just say this:

The last thing that I want to do is pit one section of the country against another, and we do not intend to do that here. I strongly support the intent of the legislation because there is need for reclamation of the dams named in this legislation, but the problem is that we are faced in this country with deficits that are running $200 billion.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. EDGAR) has expired.

Mr. WHEAT. Madam Speaker, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. I thank the gentleman for yielding me this additional time, and I yield further to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. I thank the gentleman for yielding.

Madam Speaker, one of the reasons that we have those kinds of deficits is because of legislation like this before us today. Back in 1978, this Congress, using its infinite wisdom, decided to waive the reimbursement clause and appropriate $100 million for the reclamation and repair of dams. Now, here we are 6 years later, and we are faced with another bill which raises that $100 million up to a figure of $650 million. Where will we go from there?

My amendment simply would say that those people who derive the benefit from the water and the power that is provided by the dams should pay the costs for the reclamation. When the dams were originally built, all of the people who derive the benefits today wanted those dams built. They agreed to pay for them over a long-term, 50-year contract at very low interest rates. They could afford to pay for them in those days; they can afford to pay for them now.

The point is, I come from an area in the Adirondack Mountains where the temperatures even today are in the low teens, where yesterday and the day before we had over a foot of snow, and the people I represent have to pay extremely high electrical bills and nobody subsidizes them and they do not want to be subsidized. I am sure that the people who derive power from these dams do not want to be subsidized either. I think they want to pay their fair share, which is really what the amendment does, and I really do thank the gentleman for his support and I feel confident we are going to pass the amendment, as we did 2 years ago, overwhelmingly because it is a very fair amendment that is going to accomplish what the people who sponsored the legislation want it to, the repair of those dams.

Mr. EDGAR. Let me commend the gentleman for his leadership. It is an important concept, an important principle. This amendment is the first legislative test of the principle that local beneficiaries of water projects should make a reasonable contribution toward repayment of the Federal investment.

I support the amendment offered by the gentleman from New York (Mr. SOLOMON), and I hope my colleagues will support it as well.

Mr. QUILLEN. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. MCCAIN).

Mr. MCCAIN. I thank the gentleman for yielding to me.

Madam Speaker, I was also going to wait until the general debate on this bill, but since the gentleman from New York brought up the subject of the Reagan-Solomon-Edgar amendment, I think it would be appropriate at this time to enter into the RECORD two letters, one from David Stockman, the Director of the Office of Management and Budget, and the other one from Secretary William Clark, Secretary of the Interior.

The first one, from Mr. Stockman, is addressed to the Hon. RICHARD CHENEY, and it says:

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost-sharing issue.

The committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

The rest I will enter into the RECORD.

The full letter follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 13, 1984.

Hon. RICHARD B. CHENEY,
Ranking Minority Member, Subcommittee on Water and Power Resources, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost sharing issue.

The Committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

I welcome the opportunity to clarify the Administration's position on this issue.

With all best wishes,

Sincerely,

DAVID A. STOCKMAN,
Director.

Mr. MCCAIN Madam Speaker, the next letter is from Secretary Clark, and he also supports the compromise of the gentleman from Wyoming (Mr. CHENEY) and I like, for the benefit of the gentleman from New York, to let him know that Mr. Clark says:

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

The fact of the matter is, both gentlemen should know that what this amendment will be is a killer amendment because the beneficiaries for whom the money will be appropriated for the safety of these dams are not required to share in the cost of these repairs, and probably will not. And if they will choose simply to wait until one of the dams break, and then, as has long been established, the Federal Government will pay for whatever damages accrue.

The full letter from Secretary Clark follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 14, 1984.

Hon. DICK CHENEY,
House of Representatives,
Washington, D.C.

DEAR MR. CHENEY: You have asked me for the Department's position on an amendment which you plan to offer when H.R. 1652 comes to the floor of the House of Representatives. I appreciate you giving me this opportunity.

Having carefully reviewed your amendment, I believe it is consistent with the President's policy regarding safety of dam's modifications enunciated in his January 24, 1984, letter to Senator Laxalt. Therefore, the Department supports the amendment and will be happy to work with you and others in the House and Senate to fashion a legislative resolution for this critical issue.

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

I am informed that the Office of Management and Budget concurs in this position.

Thank you again for the opportuntiy to provide our views on this matter.

Sincerely,

WILLIAM CLARK.

□ 1320

We should fully understand what this amendment is about, and I am sure we will have ample time to make everyone aware of it.

Madam Speaker, I yield back the remainder of my time.

Mr. QUILLEN. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, let me, in response to my good friend, the gentleman from Arizona (Mr. MCCAIN), read a statement which was given by Assistant Secretary Garrey Carruthers, the Assistant to Secretary Clark, back on April 25, 1983. He goes on in strong support of the Solomon amendment of 2 years ago and the one being offered today, and he summarizes by saying this:

We do not believe that safety costs per se should be exempted from reimbursement or cost sharing. This would be inappropriate as safety considerations permeate every aspect of dam design and construction. If the dam develops defects over time or if additional work is needed to meet current safety standards, there is no reasons to forego the cost sharing or reimbursement that would have been due had the remedial work been incorporated into the initial construction.

Madam Speaker, it is signed by Garrey E. Garruthers, Assistant Secretary, speaking for the Secretary of the Interior.

Mr. CHENEY. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to my good friend, the gentleman from Wyoming.

Mr. CHENEY. Madam Speaker, I thank my good friend, the gentleman from New York, for yielding.

That was, of course, under a previous Secretary of the Interior, who is no longer with us.

Mr. SOLOMON. What was his name?

Mr. CHENEY. He was a constituent of mine. I am pretty familiar with him.

Mr. SOLOMON. A pretty good man?

Mr. CHENEY. Yes, he was.

I would remind everybody again that in the letters that the gentleman from Arizona read into the record earlier, dated March 13, 1984 and March 14, 1984, the policy of the administration, the policy of the current Secretary of the Interior, the policy of the Director of the Office of Management and Budget, and the policy of the President is to support the Cheney-Udall amendment, to oppose the Solomon amendment, and to support the bill.

Mr. EDGAR. Madam Speaker, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Madam Speaker, I think the gentleman has done a service in trying to clarify the fact that it is true that the administration has changed its position, but I think, if you go back and read the original debate of April 29, 1982, you will see letter after letter and issue after issue where this very administration has now changed its position.

The SPEAKER pro tempore. The time of the gentleman from New York (Mr. SOLOMON) has expired.

Mr. QUILLEN. Madam Speaker, I yield 1 additional minute to the gentleman from New York (Mr. SOLOMON).

Mr. EDGAR. Madam Speaker, will the gentleman yield further?

Mr. SOLOMON. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Madam Speaker, the administration gave very articulate arguments and in fact helped to draft some of the language in the cost-sharing provision, and they have come to change that position, I think, more out of the pressure of political concerns in the Western States, not out of the sense of merit.

I would also point out that David Stockman, when he was a Congressman here in the House, was one of the leading advocates for the whole concept of cost sharing in water policy and one of the stronger advocates for reform in this whole area.

So, Madam Speaker, I think there is a difference of opinion here, and I would hope the House would stick to its position.

Mr. WHEAT. Madam Speaker, I yield 2 minutes to the distinguished chairman of the committee, the gentleman from Arizona (Mr. UDALL), for the purposes of debate only.

Mr. UDALL. Madam Speaker, I had supposed that we were going to wait until general debate and the action on the bill itself to debate this particular amendment, but since we expect a close vote and we hope we can win this time around and we were caught unprepared 2 years ago, let me get in just a couple of points that Members might want to ponder before we actually get to the amendment.

My friends, the gentleman from New York and the gentleman from Pennsylvania, are fighting the wrong war. They have won on the idea of cost sharing. Three consecutive administrations now have said we are going to cost share, but we are going to cost share on new dams.

This bill addresses the repair of old dams. We will fight shoulder to shoulder when we get into new water projects on the idea of cost sharing, but we are dealing here in this bill with old dams, some of which were built going back 50 and 60 and 70 years ago. The Cheney-McCain-Udall-Kazen-Reagan-Clark amendment which will be offered by the gentleman from Texas (Mr. KAZEN) says, where the Federal design failure has caused the dam to be unsafe, repairs will be the responsibility of the Federal Government, just like the repair and recall of a defective automobile is not the responsibility of the manufacturer.

Second, where the repair work involves new and additional economic benefits, those benefits will be paid for by the users. It is a good two-part formula. We have got to get on with repairing these dams. We have wasted 2 years.

Sacramento, Calif., sits downstream of the Folsom Dam and could be wiped out, and very serious damage could be done if the dam failed. This is much worse than the situation we had at Teton Dam. The city of Phoenix has six or seven dams on the two rivers above Phoenix, and one of them, Stewart Mountain Dam, nearly failed in the flood we had a couple of years ago. Failure of Stewart Mountain would create serious losses.

So there is not any argument here about cost sharing on new dams and new water projects. There is no environmental argument here. This is one of those days when I have a disagreement with some of my friends in the environmental community. This is not saving wild rivers or anything. The rivers have been dammed, long dammed, and in fact I am trying to save the upper 50 miles of the Verde River, which is involved with one of these potentially unsafe dams.

So, Madam Speaker, I hope we can get on with the main business, which is to get action to protect the safety and property and the lives of American citizens near these 50 dams and not go off on some side street here relating to something else when we are dealing with dam safety only.

Mr. WHEAT. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Madam Speaker, I wonder if the committee chairman would remain standing for a second. I want to commend the chairman for his leadership on many environmental issues and suggest to the gentleman that I, too, want to walk arm in arm with the gentleman on the concept of cost sharing.

I appreciate his declaration that the gentleman from Pennsylvania and others have won the war on cost sharing. I would point out, though, that the letter to the Honorable PAUL LAXALT, which was sent by the White House to him to clarify western water issues does not, as the gentleman would hope, suggest that new water projects would have cost sharing involved. I think the letter states a new position of the administration backing away from that cost sharing issue, and I would hope that the administration, if its concern is only in the area of dam safety, would clarify that. But in the letter that is dated January 24 to Senator LAXALT, they make no attempt to clarify that, and I think it causes many of us great concerns at the successes we have had in putting a minimum amount of cost sharing on the projects is not being frittered away.

Mr. WHEAT. Madam Speaker, having no further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1652.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, with Mr. FRANK in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Texas (Mr. KAZEN) will be recognized for 30 minutes and the gentleman from Wyoming (Mr. CHENEY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

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

Mr. Chairman, H.R. 1652 amends the Reclamation Safety of Dams Act. The principal amendment to the act increases the authorization for appropriations contained in the original 1978 act by an additional $650 million. Another provision of the bill authorizes safety modification work at seven dams in the Pacific Northwest which have been incorporated into Federal reclamation projects by act of Congress. The bill also changes the reporting requirement of the act so that work can proceed on modifications costing $750,000, or less, without a 60-day delay beyond the date of transmitting a report on the proposed work to Congress.

In 1965, the Bureau of Reclamation initiated an examination of the dams which impound over 200 reservoirs for which it has responsibility. By 1978, the Bureau had identified 27 dams which would require structural modification to make them safe. The 1978 act authorized the appropriation of $100 million for the necessary safety work. However, the Bureau has since identified an additional 40 dams requiring some safety modification and the authorization contained in the 1978 act is simply inadequate to permit funding for this additional work.

The law now provides for reimbursement to the Government for safety modification expenditures which result from age and normal deterioration, or from the failure to perform reasonable and normal maintenance of the structure. These costs are allocated in the same manner as were the project costs at the time of initial construction.

Costs which are incurred because of new hydrologic or seismic data or changes in state-of-the-art criteria, are nonreimbursable. The location, adequacy of storage capacity and design of a dam constructed as a part of a Federal reclamation project are matters within the control of the Federal Government and not the control of the so-called project beneficiaries. In considering dam safety legislation in 1978, therefore, Congress determined that the Federal Government should bear the cost of safety modifications occasioned by those matters solely within its control or caused by it.

The act also specifically provides that safety modification work is not to be done for the purpose of providing additional project benefits.

Mr. Chairman, the damage which can be caused by the failure of a dam of even moderate size is awesome. The most recent such disaster occurred on June 5, 1976, when Teton Dam in Idaho failed with a resulting loss of 11 lives. In addition, to date, the Federal Government has paid some $350 million in claims for property losses attributed to the Teton Dam failure. A dam failure can result in a major disaster. Just 20 years ago, 1,800 lives were lost in Italy when a dam failed. In this country, a single dam failure cost 450 lives in California in 1928.

Mr. Chairman, it is unfortunate that some of the material which has been circulated relative to this legislation exhibits a lack of understanding of both the legislation we are considering and the Federal reclamation laws. Some of that material is, at best, misleading.

To begin with, this legislation does not authorize the construction of any new dams. Many of the dams which are to be repaired under the authority of the act, as it would be amended by H.R. 1652, were completed in the 1930's and 1940's. Some were constructed as long ago as 1911. To the extent that they supply water for irrigation, hydroelectric power generation, and water for municipal and industrial purposes, the United States will be, or has been, fully reimbursed by the project beneficiaries for the cost of initial construction and the operation and maintenance costs have been borne by those same project beneficiaries. The dams remain, however, the property of the United States except in a few specific instances.

Further, Mr. Chairman, as I have pointed out, where the safety work is required because of normal deterioration, age or improper maintenance, the cost will be borne by the project beneficiaries even though they may have long since completed the required payment of initial construction costs.

To require that the so-called project beneficiaries bear the total cost of dam safety work, irrespective of the factors which make that work necessary, ignores the fundamental fact that many others will benefit through the work authorized by the legislation under consideration. These other beneficiaries are those whose lives will be saved, those whose properties will be protected and, of course, the taxpayers who will be relieved from the payment of damages resulting from the failure of a federally constructed dam. Those who are concerned should also know that repair of an unsafe dam will protect the natural environment from the destructive force of a failure.

Mr. Chairman, I know that there are some Members who have a very genuine concern that the dam safety work authorized by the 1978 act, as it would be amended by H.R. 1652, could result in substantial new economic benefits to the project beneficiaries. Because of this concern, an amendment to the bill will be offered to make it crystal clear that, if such new benefits do, in fact, result, those who gain thereby will bear their cost. I hope the House will approve the amendment and, having done that, give its final approval to this important legislation.

□ 1330

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

Mr. Chairman, I rise in support of the bill, H.R. 1652.

The difficulty we face all over the West, of course, is that we have a number of unsafe dams now that ultimately the Federal Government must bear the responsibility for. In Wyoming alone we have two dams that are currently on the endangered list, one that sprung a serious leak, and another that is threatened in the event of an earthquake, and Wyoming is not alone in this regard.

We will have testimony later today from a number of my colleagues on the committee who will make clear the nature of the threat that exists in many communities all over the West if we fail adequately to deal with this problem.

The administration has completely reevaluated its position on cost sharing since this issue was last debated before the House in 1982. There is no question about the issue of whether or not there will be cost sharing on new projects. We all basically agree with that.

The only project, the only new start that has been authorized by this Congress and signed into law by the President since 1976 is in my district, the Buffalo Bill Dam outside Cody, Wyo. That facility specifically required a better than 40 percent cost-sharing requirement from the State of Wyoming. That money has already been appropriated by the State legislature. It is in the bank. The State of Wyoming has done a better job of meeting its obligations under cost-sharing provisions than has the Federal Government, frankly.

But we are not here today to debate the merits of cost sharing with respect to new facilities. We all agree, and the administration agrees that that is in

fact the policy we will pursue in the future.

What we are here to deal with is the problem of the very real threat that exists with respect to communities that find themselves downstream from dams that are unsafe, built by the Federal Government, sometimes on an earthquake fault, sometimes threatened by the potential for serious break at some point in the future.

We have an obligation, it seems to me, based both on previous experience of the Teton Dam failure in 1976, as well as legislation passed by this House in 1978, to move forward now to see to it that we fulfill, our responsibilities to see to it that those dams do not fail.

There is no question about the ultimate responsibility; there is no question but what the Federal Government will in fact be liable in the event of dam failure.

Overall, it seems to me that it is extremely important that we move forward today, first of all to approve the amendment that has been agreed to by the President, agreed to by the Office of Management and Budget, and Interior, that specifically provides that any new benefit that pertains to the additional construction or the repair of an existing facility will in fact come under cost-sharing provisions. But to the extent that the project involves restitution of an unsafe dam, that it involves repairs to make certain that the dam does not fail, then the Federal Government ultimately will bear that responsibility.

The amendment is sound. It is my understanding it will be offered by the gentleman from Texas (Mr. KAZEN), chairman of the subcommittee.

It is my intention to support the amendment and to urge my colleagues on both sides of the aisle to support this very important piece of legislation.

Mr. KAZEN. Mr. Chairman, I yield 5 minutes to the chairman of the full Committee on Interior and Insular Affairs, the distinguished gentleman from Arizona (Mr. UDALL).

□ 1340

Mr. UDALL. Mr. Chairman, I would like to allude first to the colloquy that started out between Mr. EDGAR and myself. Apparently there is some misunderstanding about the administration's policy on new water projects. And I quote from the letter that the gentleman from Pennsylvania was referring to earlier on the bottom of page 3, in which the President says, "The water project financing and cost-sharing policy of this administration is" and then they go on to the bottom of page 3 and to the top of page 4 and among the points that are made is that cost sharing of "all proposed projects," the word "proposed" meaning, and this was my clear understanding, new water projects. The letter goes on: "Each such agency will negotiate reasonable financing arrangement for every project within its respective area of responsibility," speaking again of the new projects.

On page 4, it says "Project beneficiaries, not necessarily Government entities, should ultimately bear a substantial part of all costs of project development." They are talking about future water project development.

So very clearly the administration, while the letter is not as explicit as I would like, has come down on the side of cost sharing. The formula they suggest is not one that I would approve but it is a big step forward on the part of the administration.

I think perhaps we will want to review and maybe revise, when the appropriate bill is before us, this cost-sharing proposal. But it is very clear now that the administration does support cost sharing for new projects and underlines the distinction I tried to make earlier between old projects, repair of old unsafe dams, and the planning and construction of new projects and the payment by the beneficiaries.

There seems to be one other misunderstanding with regard to this amendment that Congressman MCCAIN alluded to previously. This is not an environmental issue; there is not an environmental issue here as far as I can see.

When you press some of the organizations supporting the Solomon amendment they say, "Well, the environmental issue is that we have to jack up the price of water and that will force conservation of water and conservation is good environmentalism, and therefore that is the importance of this amendment."

Well, the fact is that in Phoenix, for example, which is threatened by two unsafe dams, the people who use water and who under this kind of an amendment, would be supposedly going to bear the additional costs are the farmers and there are maybe 3,000 or 4,000 or 5,000 of them in the Phoenix area. They are not going to get hurt, most of them, by a dam that fails. They are served by canals that are 20 miles, 10, 15, 20 miles away from the river, itself.

The people who are going to get hurt are the tens of thousands of people in the low-lying areas of Phoenix who would be drowned and have their homes and other property destroyed in the event of a failure of that dam.

This amendment is not going to produce cost-sharing of repair of dams; it is going to stall actions for the future because the main water user groups are really not the ones going to be affected by flood.

I think the time has come to get on with this legislation. We passed it 2 years ago, but it never emerged from the other body on the other side of the Capitol, largely because of this amendment and largely because of the hostile position of the administration.

I am glad to see the administration has come around on this and I hope we can pass this legislation today.

I really worry about regional divisions in our country. We in the West think maybe that some folks would like a double standard. When you improve the harbor in Philadelphia, or when you build a levee along the Mississippi or the Ohio, or when you build the St. Lawrence Seaway, the great Intercoastal Canal, all of this is in the infrastructure, all of this makes us better America.

And we do not say to every little town in Missouri along the Mississippi River, "You got to pick up and pay for your share of the levee that protects your town." We do not say with the Intercoastal Waterway that the local people have to pay. There we do not even hit the users very hard.

The locks and dams that make all this barge traffic along the Ohio and Mississippi system possible, these are paid for by the taxpayers of the whole country, the idea being that we build our resources and undegird ourselves with a sound infrastructure that helps all of America.

Yet we come to the West, which has got more problems than most areas of the country, and out there they have to collect every nickel.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

Mr. KAZEN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman.

There is a feeling that you have to collect every dime from every little farmer or small businessman in every community benefited by some Federal project.

The whole idea of the Interstate Highway System was that we need a network that ties us together as a country and lets us exchange goods and products.

Similarly, I see the repair of these dams not as some kind of a boondoggle that we have to fob off on the local people but as strengthening our country and protecting our people. I do not underestimate the damage that could occur in a place like Phoenix, Ariz., or Sacramento, or some of the other communities.

Teton Dam was in a rural area and held 300,000 acre-feet, or a little less, of water. It killed 11 people and cost $350,000,000, more than half the cost of this whole bill, that one dam failure.

Believe me, the cost in Sacramento or a place like Phoenix would not be in

the hundreds of millions but in the billions of dollars.

It is time we got on with this job. I think we have a good sound bill.

I hope you will support the Kazen-Udall-Cheney and everybody else amendment when we get to the proper point.

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

Mr. CHENEY. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I thank the gentleman from Wyoming for yielding time to me for this purpose.

Mr. Chairman, I rise in support of H.R. 1652, an amendment to the Reclamation Safety of Dams Act of 1978.

In the arid West, we face a feast or famine situation with regard to our water supplies. We either have too much, or too little.

Since our ancestors first settled in the West, we have worked, and fought, first on our own, and then in conjunction with the U.S. Bureau of Reclamation since the turn of this century, to capture the water and store for dry times for our livestock, and farms, and industry, and hold it back from destroying those same things during wet times. This is a battle that is fought from week to week, season to season, year to year.

In 1978, this body recognized that there were safety problems related to some of the dams that were constructed by the Federal Government. Since that time, both the Corps of Engineers, and the Bureau of Reclamation have been conducting surveys of Federal dams to insure their safety. In the same year, the Reclamation Safety of Dams Act was passed which authorized $100 million for work to be done on those dams that were thought to be unsafe. It is important to point out that these dams are owned by the Federal Government, although over 85 percent of the actual costs of the dams have been paid back by the downstream beneficiaries and millions have been poured into the Treasury in terms of increased revenues from irrigated farms, and increased productivity due to the availability of water.

In 1978, a Federal dam, the Grand Teton collapsed, resulting in loss of life and destruction of property and over $350 million in claims against the Federal Government. The Teton Dam was many times smaller than many of the dams that need repair. The potential for disaster of some of the older Federal dams would make the claims for the Teton Dam look insignificant, indeed.

Since 1978, the Bureau of Reclamation has identified over 40 more dams which need repair. That is why we are here today. H.R. 1652 would amend the good work done by Congress in 1978 by adding the necessary funds to see that the dams built by the Federal Government, for which the Federal Government is liable, are made safe.

It is not just the fear of liability on the part of the Federal Government that makes passage of this bill imperative. Nor, the fact that millions of people and millions of dollars in property are potentially in danger. These dams represent an investment in America. They helped reclaim the arid West and turn the desert into a garden. Where once only scrub weeds and cactus stood, now cotton, wheat, cattle, and citrus fruits are raised to put on this Nation's dinner table.

Where once only coyotes walked, whole new industries and cities have sprung up, cities and industries which are leading this great Nation into the 21st century.

The $650 million for dam safety added by this bill represents an insurance payment on the already paid back investment we have made in flood control and conservation, and an investment in the continued growth of this great Nation.

I urge my colleagues to vote for this bill.

□ 1350

Mr. CHENEY. Mr. Chairman, I yield 5 minutes to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, I rise in support of H.R. 1652, legislation to authorize an increase of $650 million in the ceiling for the Reclamation Safety of Dams Act of 1978.

After the failure of Teton Dam—a single dam failure which has cost the Federal Government some $350 million in claims—Government safety experts fully recognized that many older, existing dams in the West have not been engineered to modern safety standards for flooding and earthquakes. In short, these dams, which had been designed and built by the Federal Government, probably could not withstand severe earthquakes or floods.

For this reason, in 1978 Congress authorized $100 million for the repair of these structures, providing that Federal Government project builders should pay for repairs where their errors caused the safety problem, and project users should pay for repairs where the dam was too old or had been poorly maintained. In H.R. 1652, we are asking for an increase in authorization ceiling designed to allow similar work to be performed at remaining major dams throughout the West. I served in Congress at the time Teton Dam failed—and I believe we have a responsibility to act decisively now to prevent another such tragedy.

The bill is necessary. Many of the dams are clearly unsafe, and major damage will result if repairs are not undertaken. As a practical matter, these dam failures may cost the Federal Government billions of dollars in claims if they occur. As has been pointed out, the Bureau of Reclamation has provided the subcommittee with information to the effect that dam failures above Phoenix could result in hundreds of millions, perhaps even billions, worth of damage to metropolitan Phoenix.

After reevaluating its entire cost sharing policy, the administration now agrees with the Interior Committee that it is fair for the Federal Government to bear the cost of repairing these dams where the Federal Government's errors caused the dam safety problem. And the committee agrees with the administration that where new benefits, not part of the original project, would occur as a result of work undertaken in connection with dam safety repairs, then significant cost sharing requirements should be imposed in effect treating that part of the work as if a new structure were being built.

Again, we must act now to resolve a critical public safety problem. This is clearly a "pay me now or pay me later" situation, and the consequences of inaction will likely be loss of life and property, and costs of the Federal Government running into billions. The committee's proposal is fair to the taxpayer and to the citizens who live near the unsafe dams. It deserves your support.

Mr. KAZEN. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. COELHO).

Mr. COELHO. Mr. Chairman, I would like to rise in support of the bill and urge my colleagues to support it.

As one who does not have a project in this bill, but as one who comes from California and recognizes the need for water and the need for dams, but particularly the need for safety, this is something that we need to do. We need to do it now and take those necessary precautions to prevent a great disaster.

I applaud the committee for bringing it forward.

Mr. KAZEN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I would like to address a comment and a question to the chairman.

I notice that there is an important change in the language of H.R. 1652 as opposed to the language in the dam safety bill of 1982. The 1982 legislation contained not only an authorization for modernization of existing projects, but also contained specific authorization for the Secretary to construct replacement dams at some of the project sites.

My question is this: Since the bill now before us contains no specific language authorizing replacement dams, can we be assured that none of the

funds now being authorized in this bill will be committed to construction of new dams.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from Texas.

Mr. KAZEN. There is no provision, absolutely no provision in this bill that will authorize the construction of new dams.

Mr. EDGAR. I thank the gentleman for his comment.

Mr. Chairman, we are going to have a great deal of debate this afternoon on the Solomon amendment. I would just urge my colleagues to read it very carefully. There have been references made by several of the speakers in support of the legislation that somehow the Solomon amendment is going to hold up construction of very necessary repairs and improvements on these dams which may in fact cause additional loss of life.

I draw the Members' attention to the paragraph (d) of the amendment on page 2 that says:

> Notwithstanding any other provision of law the Secretary may initiate construction of any modification of structures under this act prior to entering into any contract providing for the repayment of reimburseable cost.

It is not the intention of the authors of this amendment to say that any project, any necessary dam safety project, be held up. Movement can go, construction can take place, modernization can take place with no hesitation.

We simply put in place a mechanism whereby recovery of that cost can take place over a 50-year period. That contract can be entered into later.

Mr. KAZEN. Mr. Chairman, if the gentleman will yield further, the Secretary can go along, as the gentleman has stated, but if he does not have a repayment agreement, ain't nobody going to pay for it.

Mr. EDGAR. That is correct. The gentleman is correct. The point is that the gentleman and others have been arguing that somehow this amendment will hold up the Secretary from authorizing construction and modernization and renovation of projects that are threatened.

Nothing in this amendment does that. The Secretary has the authorization do do that even before he has in hand reasonable repayment schedules and contracts from those who will benefit most from these projects.

That is an important provision because you cannot argue that this amendment somehow says to the Secretary do not build until you have a contract in hand.

Mr. CHENEY. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. McCAIN).

Mr. McCAIN. Mr. Chairman, I address my question to the gentleman from Texas.

Is the amendment in accordance with or not in accordance with reclamation law, as the gentleman understands it, that construction for the purposes of safety can be commenced or any work can be commenced without an agreement made for reimbursement of cost by the beneficiaries?

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Yes, but you cannot deliver water. It is just impossible to under the law until they have a repayment agreement.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

The fact that the gentleman from New York has added this section to his amendment admits that he has a problem. The problem is that the water users can refuse to agree to repay. But these are not the parties that will be liable for the failure of the dam. Therefore, there is no incentive or little incentive for them to enter into any such agreement. Without a repayment contract, the United States cannot do the work, and the dams will not be repaired.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. KAZEN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Without a repayment contract, the United States cannot do the work. The unsafe dam is left standing and the United States, as owner and operator of the dam, is the party left with potential liability.

In addition to admitting the problem, the Solomon paragraph still does not solve the problem. It says only that the Secretary can initiate construction. That does not allow completion of the work.

What if work is initiated, but the United States cannot force the water user into a contract? Then what? Does the work get stopped? Or where do we go from here?

□ 1400

Mr. CHENEY. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. CRAIG).

Mr. CRAIG. Mr. Chairman, I stand in support of H.R. 1652 today and amendments that will be coming forth from the chairman of the subcommittee, the gentleman from Texas (Mr. KAZEN).

Let me relate briefly to you an experience that I do not think many of you have had. In the early summer of 1976, I was en route from our small ranching community of Weiser back to our ranch, having gone down to pick up some supplies in the early morning, when I heard a news bulletin on the car radio. The news bulletin was that it was rumored that the Teton Dam had just burst and was flooding the valley below the dam.

As a member of the State Senate at that time—and 2 weeks prior to that I had flown the area and had been on the site of the Teton Dam because construction had been completed and the Corps of Engineers and the Bureau were at that time ready to fill the reservoir. I thought to myself how impossible that could be, that just is not happening, nor could it happen—that the Teton Dam could give way.

Well, ladies and gentlemen of this body, it did happen. And many of our speakers today, in reference to this bill and the concern for dam safety, have referred to the Teton Dam disaster and some $350 million and 11 lives that were lost and a tremendous amount of property destruction that resulted.

What I think many of our colleagues fail to recognize is the very real and intricate role that these structures and this type water impoundments play in the West as to the economy of the West and the people of the West.

One of the problems we face, and we have faced it since 1981, as we have attempted to address budget deficits and budget issues, is that those real and important issues that have been traditionally the responsibility of our Government—and by that I mean the adequate funding of infrastructured development—have, in large part, gone by the wayside. If you look at our budgets over the last 3 years, you will find that those areas that do not have lobbyists, those areas that do not cry out as concerns of human need, have gone lacking for adequate funding. This area of Federal funding has dropped nearly $35 billion, in this Government's role and responsibility for infrastructure development and infrastructure safety.

This legislation is absolutely critical, not just to the West that is largely dependent upon it, but to the entire economy of this country that has reaped the benefits decade after decade as a result of wise development of water resources in the arid West that has ultimately resulted in the expansion and growth of this Nation's economy. It is a critical and important piece of legislation.

I hope that this Committee and the whole House recognizes it. It is essential that we get on with the business of making sure that these kinds of impoundments are safe, not only for

water storage but from the real human damage that could result if these problems were to go uncorrected.

Mr. KAZEN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. McNULTY).

Mr. McNULTY. Mr. Chairman, one of the dams covered by this bill has sluice gates that are not operable. One of the dams covered by this bill has got a powerhouse so dangerous that the Bureau of Reclamation told its employees to stay away from it. One of the dams in this bill has got metal overflow tubes that have been rusted away. And one of the newest dams owned by the United States of America and the Colorado River has a concrete spillway with a right angle turn in it, and at the elbow of that turn the action of the water and tiny bubbles popping in that area have eroded away altogether the cement.

Now, all of these things are not a matter of finding fault or attributing blame. The job of the Congress is to address those problems and to address them sensibly. This bill, as amended by the Kazen, Udall, Cheney, Lujan, McCain, McNulty, Craig, and anyone else who would like to have credit for that amendment, makes a lot of sense. It is a threshold in a new direction in reclamation projects. It initiates a substantial and sensible way, cost sharing, and it is a decent compromise that ought to be adopted by the Congress.

Mr. CHENEY. Mr. Chairman, I yield 7 minutes to the gentleman from Arizona (Mr. McCAIN).

Mr. McCAIN. Mr. Chairman, I rise today in strong support of H.R. 1652, legislation to amend the Reclamation Safety of Dams Act of 1978. The amounts of money involved in this legislation have been previously described, and the need for repairs is critical. We cannot afford further delay. We cannot afford to wait until we are confronted with a national emergency. We cannot afford to wait until lives are lost and property damages reach well into the hundreds of millions of dollars. Instead, we can act today as a responsible, responsive governing body whose primary goal is to protect the well-being of the citizens of this country from possible catastrophe, much like the one that occurred in Idaho on June, 5, 1976, where $350 million in claims have been adjudicated, and the claims continue, and, more importantly, where 11 lives were lost.

I would draw attention of my colleagues to the following picture: In a space of half an hour, between 7:30 in the morning and 8 o'clock in the morning, on the Teton River, in Madison County, Idaho, the first major leak was discovered. The sequence of pictures describes what took place. Within a half hour there was a catastrophic failure during which hundreds of millions of dollars of damage and 11 lives were lost. This tragic scene could be reenacted in 53 reclamation projects throughout America unless we act and act quickly.

The burden of responsibility for this disaster was clear in 1976 and remains so today. The dams cited in H.R. 1652 were built by the Federal Government, the Federal Government owns them, and it is the Government which has imposed new safety standards.

Additionally, our Government's policy on liability for the safety of its dams has been further established and clarified by President Reagan's recently announced cost-sharing policy which the majority of my colleagues on the Interior Committee have endorsed and coalesced around.

The policy calls for the Federal Government to bear the responsibility for safety modifications to existing federally owned dams while specifying that the cost of any benefits—recreational, flood control, water storage—that will accrue from these modifications or repairs will be borne by the beneficiaries. This, I believe, is a just and equitable balance between the Federal and local interests.

Mr. Chairman, in my own city of Phoenix, Ariz., I would like to point out a critical situation that exists today. Forty miles east of the city of Phoenix is a series of dams, two of which have been judged unsafe, one of them Roosevelt, the other one Stewart Mountain Dam. I wrote a letter to the Bureau of Reclamation requesting the impact of a failure of the Stewart Mountain Dam today.

The reply which I just received from the Bureau states:

> The failure of Stewart Mountain Dam is expected to result in the inundation of a substantial portion of the city of Phoenix and vicinity. Failure of the dam from a large thunderstorm could result in about 800 cubic feet per second flowing through the city of Phoenix. The flooded area would emcompass 43 schools, 4 hospitals, the Capitol Building, and Sky Harbor Airport. The resulting damages are estimated between $750 million and $1.4 billion.

Phoenix, Ariz., is not the only city that would be involved in a catastrophe. Above Fort Collins, Colo., is the Horse Tooth Reservoir. The Horse Tooth Reservoir is comprised of Horse Tooth Spring Canyon, Dixon Canyon and Soldier Canyon Dams, and Sant Anka Dike. Recent hydrologic studies indicate that the dams could be overtopped, washing out the embankments and releasing the stored water along with flood waters. Failure of any of the structures would result in loss of life and property damage to Fort Collins, Colo., just 5 miles downstream of the reservoir. Presently Fort Collins has a population of 70,000 people and a projected population of 150,000 for the year 2000. Colorado State University is located within the city. Failure of the Horse Tooth Reservoir Dam would result in university property damage.

□ 1410

In addition, Fort Collins has 4 high schools, 6 junior high schools, 20 elementary schools, 12 day nurseries and preschools, 1 major hospital, and numerous residences which would be inundated from a dam failure. Property damage would be in excess of $1 billion.

The inundation map depicts the failure of Dixon Canyon, which would be the worst-case situation. Failure of one of the other dams would cost less, but would still cause significant damage. A multifailure would increase the extent of the flood damage.

I cannot stress too strongly that failure to ignore the needed repairs to this and other reclamation dams is little more than courting physical disaster. The Western States have enjoyed the majority of benefits from Federal reclamation projects; however, it has been a profitable arrangement for the Federal Government as well.

Since the turn of the century, reclamation has returned 85 percent of its cost to the Federal Treasury. That does not begin to consider the return to the Federal Government in the form of income from farming, industry, and commercial enterprise made possible through these reclamation projects.

In 1983, of the 4,000 water service and repayment contracts, only 25 contractors were delinquent in their repayment obligation. Additionally, if the $10.5 billion Federal investment for Bureau projects were funded today, the price would be $45.5 billion.

I think this legislation is an excellent example of a fiscally sound and responsible investment in our Nation's future. The fact remains, that those who are the beneficiaries, the agricultural interests, will and can refuse to pay for the safety modifications that will be made to these dams under the Solomon amendment.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. CHENEY. Mr. Chairman, I yield the gentleman an additional 1 minute.

Mr. McCAIN. While those who will be affected by it will suffer tragic loss and damage.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from New York.

Mr. SOLOMON. I just want to commend the gentleman on an excellent presentation, and I agree with the gentleman 100 percent. As I did 2 years ago, when the Solomon was successfully added to this bill, I will vote "yes" for the legislation, which is good legislation, and is needed badly.

Again, I just want to commend the gentleman on a very excellent presentation. I hope that it helps to pass my amendment and pass the bill and get the dams repaired, as we all want.

Mr. EDGAR. Mr. Chairman, will the gentleman yield,

Mr. McCAIN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I want to join my colleague from New York in indicating my strong support for the legislation with the Solomon amendment on it.

The gentleman began his statement by talking about the urgency, and there is a sense of urgency for many of these dams. You have the layout there of the Teton Dam and the emergency there. This bill passed the House in the last Congress and languished in the Senate. It also came up in committee 1 year ago.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. KAZEN. Mr. Chairman, I yield the gentleman from Arizona 1 additional minute.

Mr. EDGAR. Mr. Chairman, will the gentleman yield further?

Mr. McCAIN. I yield again to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman.

I sense the urgency that we had at the horror of Teton Dam, and I feel the urgency and I wonder why the Senate and why the committee has delayed bringing the action to the House floor in a timely fashion? If it is as urgent as it is, the fact that over a 50-year life period the original Solomon amendment would have given ample opportunity for these dams to be already under construction and repair.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

Speaking for the committee, one of the reasons we let it sit over there for a year is that we got rolled 2 years ago by the gentleman from Pennsylvania and the gentleman from New York. We did not know what the position of the Reagan administration was, and I did not want to bring a bill to the floor we were going to lose.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from New York.

Mr. SOLOMON. I wonder if the gentleman would explain what he means by being rolled. The gentleman at that time was a sophomore Congressman. The gentleman from Arizona (Mr. UDALL) I think had been here for 28 years. You mean to tell me the sophomore Congressman rolled this Congress and the gentleman from Arizona.

Mr. UDALL. We were taken by surprise, actually.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. McCAIN) has expired.

Mr. CHENEY. Mr. Chairman, I yield the gentleman from Arizona 2 additional minutes.

Mr. McCAIN. I thank the gentleman for yielding me more time.

Mr. Chairman, in response to both the gentlemen here, I certainly would say it is ample testimony to the effective legislative skills of both gentlemen, whether they be sophomores or having been here 30 years.

The fact remains that we needed very badly, as my colleague from Arizona said, a policy statement from the administration and we also realized that beneficiaries will not pay for the safety of those dams and those repairs made for them. So, effectively, we had no chance to proceed with the issue which we all agree remains urgent.

I would like to yield to the gentleman from Wyoming and then the gentleman from Pennsylvania.

Mr. CHENEY. Mr. Chairman, in response to the question the gentleman from Pennsylvania asked earlier, the fact of the matter was that with the old Solomon amendment, as adopted previously, the law was absolutely unworkable. There was no way to initiate construction on unsafe dams; there was no independent authority for the Federal Government to fix unsafe dams or provide any incentive whatsoever for local interests to agree to pay to fix them.

There was no way, because the Solomon amendment was then unworkable, and I think it will be clear today in the debate, that even the revised Solomon amendment offered this year is also unworkable.

Mr. McCAIN. I appreciate very much what both the gentleman from New York and the gentleman from Pennsylvania are trying to achieve here, and I just believe that we can do it different ways.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has some very good pictures of the Teton Dam, and I just for the record want to clarify something. You know, a lot of people think that the Teton Dam failed because it was a big rain storm or rain squall; the fact of life is that the dam failed shortly after its construction. It was a bright, blue, sunny day. New construction by the Army Corps of Engineers, and everybody was very pleased that it was done, and I think the factors involved were: First, bad siting from a geological standpoint; and second, inadequate grout curtain, and also an overly accelerated construction schedule that caused important tests to be curtailed. Those were the facts that came out through the investigation and I just think that ought to be clarified for the record.

Mr. KAZEN. Mr. Chairman, the colloquy that we just heard from the gentleman from Pennsylvania, he is correct: That criteria fit the breaking of the dam. That is exactly what we are saying in this bill. The dam was the responsibility of the Federal Government, and the Federal Government should be responsible for fixing it to where there will not be any more catastrophies. That is all we are saying in this bill.

The gentleman has made our case for us.

● Mr. FRENZEL. Mr. Chairman, today we have under consideration H.R. 1652, the amendments to the Reclamation Safety of Dams Act.

This bill authorizes an additional $650 million for safety improvements at Bureau of Reclamation dams, mainly in the West, but also in the Pacific Northwest. This legislation would increase the authorizations levels to a total of $750 million.

The question that we must also decide, in conjunction with this legislation, is: Who will pay for these safety improvement projects? Currently, the Federal Government bears the entire cost of correcting defects in these dams structures, and the project beneficiaries pay for improvements that are necessary from normal wear that time also brings to them.

Technological advances now tell us that there must be a substantial investment made into correcting defects to avert potential disasters down the road. However, it is also no secret that Congress cannot continue to carry such financial burdens by itself, or we will soon be faced with a far more serious economic crisis.

It seems apparent, Mr. Chairman, that those who will benefit from any improvement project on Bureau of Reclamation dams, regardless of whether they receive direct benefits, or simply the benefit of not having the threat of floods hanging over their region, ought to pay their fair share of this work. This policy is being applied in all other comparable Federal programs such as flood control projects. Beneficiaries simply must be taking a greater share of the responsibility for these expenditures.

Therefore I am supporting the amendment being offered by Mr. SOLOMON, which would require that all beneficiaries of these improvement projects pay for their costs. I cannot support the amendment that the House Interior Committee is offering today which would distinguish between those who receive direct, and indirect benefits.

I understand that the administration, which supported Mr. SOLOMON's efforts the last time around, is now supporting the Interior Committee's amendments. This sudden switch in approach possibly reveals more about the pressures of legislating during an election year than it does about any well thought out national water policy.

In any event, Mr. Chairman, I plan to support Mr. SOLOMON's amendment to this legislation, and I hope that my colleagues will do the same.●

● Mr. STARK. Mr. Chairman, I rise in support of the Solomon amendment. I think that it is only fair that the people who have been benefiting from the Bureau of Reclamation projects contribute something to their upkeep.

But beyond that, many of these projects subsidize giant farming businesses and conglomerates. These projects are pouring additional profits into these businesses. This is true in the Central Valley of California. The General Accounting Office examined this situation. The Delta Mendota Canal is a prime example. Water costs the federally subsidized Central Valley project $9.30, yet irrigators pay only $3.50 for the water, which does not even cover the operation and maintenance costs of the canal.

At the same time, Federal programs such as the PIK program, costing billions, are put into effect to reduce farm surpluses. In the Central Valley, an individual farmer was paid $3.7 million not to grow cotton on land in irrigated areas. Two other Central Valley farmers raked in $2.5 million apiece. If the true cost of the water were paid by the irrigators, the farm surpluses would not be so large. And the Federal Government and the taxpayers would make out on both ends, with reduced subsidies for the water projects and less money given away to reduce surpluses.●

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

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

The CHAIRMAN. All time has expired.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment.

The Clerk read the substitute committee amendment as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Reclamation Safety of Dams Act of 1978 (98 Stat. 2471, 43 U.S.C. 506, et seq.) is amended as follows:

(1) In the first sentence of section 5 strike the comma and all that follows through *"Provided,* That no funds" and insert in lieu thereof: "and, effective October 1, 1983, not to exceed an additional $650,000,000 (October 1, 1983, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to carry out the provisions of this Act to remain available until expended if so provided by the appropriations Act: *Provided,* That no funds exceeding $750,000".

(2) After section 11, insert the following new sections 12 and 13:

"SEC. 12. Included within the scope of this Act are Fish Lake, Four Mile, Ochoco, Savage Rapids Diversion and War Springs Dams, Oregon; Como Dam, Montana; Little Wood River Dam, Idaho; and related facilities which have been made a part of a Federal reclamation project by previous Acts of Congress. Coolidge Dam, San Carlos Irrigation Project, Arizona, shall also be included within the scope of this Act.

"SEC. 13. The cost of foundation treatment, drainage and instrumentation work planned or underway at Twin Buttes, Texas, shall be nonreimbursable and nonreturnable under Federal reclamation law.".

Mr. KAZEN (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 3, after line 7, insert the following new paragraph:

(3) Section 4 is amended to read as follows:

"SEC. 4. (a) Costs hereafter incurred under this Act shall be allocated to the current functions served by the dam, project, unit, or division, as determined by the Secretary at the time of completion of the work undertaken pursuant to this Act. Costs allocated to irrigation water service and capable of being repaid by the irrigation water users shall be reimbursed within fifty years of the year in which the work undertaken pursuant to this Act is substantially complete. Costs allocated to irrigation water service which are beyond the water users' capability to repay will be reimbursed in accordance with existing law. Costs allocated to recreation or fish and wildlife enhancement shall be reimbursed in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

"(b) Costs allocated to the purpose of municipal, industrial, and miscellaneous water service, commercial power, and the portion of recreation and fish and wildlife enhancement costs reimbursable pursuant to the Federal Water Project Recreation Act shall be repaid within fifty years with interest. The interest rate used pursuant to this Act shall be determined by the Secretary of the Treasury, taking into consideration the average market yields on outstanding marketable obligations of the United States having terms of fifteen years or more remaining to maturity, during the month preceding the fiscal year in which construction is initiated for work undertaken pursuant to this Act.

"(c) The Secretary is authorized to negotiate appropriate contracts with project beneficiaries providing for the return of reimbursable costs through water charges, ad valorem taxes, account charges, or other means he deems appropriate. Such contracts shall not be deemed new or amended contracts within the meaning of section 203 of the Reclamation Reform Act of 1982.

"(d) Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this Act prior to entering into a contract providing for the repayment of reimbursable costs. The Secretary shall not enter into any new or amended repayment or water service contract with the beneficiary of any structure where the repayment of reimbursable costs previously incurred by the Secretary for dam safety improvements under this Act is not secured by contract.".

Mr. SOLOMON. I thank the Chairman.

Mr. Chairman, again, let me just state that it is most difficult and awkward for me to be standing up here in opposition to this administration. I have been a longstanding supporter of President Reagan, and I still am, and I am again very sorry that he has withdrawn his support from the Reagan-Solomon-Edgar amendment that passed this House overwhelming 2 years ago.

However, I am going to stick to Reaganomics and I am going to support this amendment. I am going to follow through with it because I think it is vitally important that we establish a precedent here once and for all.

Mr. Chairman, I wish to explain the amendment first by addressing the concerns that are expressed by some that my amendment would somehow prevent or delay important dam safety work. I hope that this is the last time I have to say that these claims are totally false. My amendment will allow for prompt action to improve the safety of reclamation dams.

The amendment includes the following language, and I wish the Members would listen to this, it is on page 2 of the amendment in case you have it in front of you.

Notwithstanding any other provisions of law, the Secretary may initiate construction or any modification of structures under the Act prior to entering into a contract providing for the repayment of reimbursable costs.

That is law, or will be law. This means that the Secretary has the authority to undertake important safety work to protect the lives and property prior to contract agreements between the Secretary and the beneficiaries. Thus, under the terms of my amendment, the Secretary can act immediately to repair any and all of these unsafe dams.

□ 1420

The structural safety of reclamation dams, many of which were built in the early part of the century, is rightfully considered a high priority, and on this I am in complete agreement with my

colleagues on the Committee on Interior and Insular Affairs.

I would also like to state that although I disagree with Chairman UDALL, I fully understand and respect the concern that he and the gentleman from Wyoming (Mr. CHENEY) and others have expressed on this issue from the very beginning. I am disappointed, however, that the committee totally ignored the overwhelming support of this House, as expressed by the 212-to-140 vote 2 years ago that safety improvements should be borne by those who must directly benefit from the projects.

I do not think anybody was rolled. We had an extensive debate. Congressman John Rhodes at the time was in opposition to the administration's viewpoint and carried the bill on our side, and I think the gentleman from Arizona (Mr. UDALL) on the other side. There are two gentlemen with some 60 years of service in this House, so I hardly think that anybody was rolled.

The only legitimate issue involved in this issue today is the question of who should pay for the safety modifications on these projects. Although we disagree, I appreciate the important work on this bill which has been done by the Chairman and the members of the committee.

On the other hand, I deeply resent—I deeply resent—the lies that are being spread about my amendment by officials of the Department of the Interior. These officials are telling Members of this House that my amendment would prevent important safety work from being done, and in the process jeopardize American lives. I would like to know where these hypocrits were 2 years ago when these very same people recommended that the House vote for my amendment. Is the Department of the Interior and their band of born-again dam builders trying to tell us that the President of the United States recommended support for an amendment which would jeopardize the lives of thousands of Americans? I do not think so. Are they trying to tell us that 212 Members of this House voted for an amendment, with their full support, which would jeopardize the lives and property of citizens? Why, of course they were not; 212 Members of this House would not do such a thing.

For political reasons, and solely for political reasons, these born-again dam builders at the Department of the Interior have sold out any conservative principles that they have had and are now hiding behind their new-found concern over public safety, and I resent it, as my colleagues can tell.

Ironically, page 6 of the committee report still contains the administration's language in support of my amendment. Gentlemen, you forgot to take it out. It is still there. The committee report reads:

> The (third) amendment would modify the repayment requirements for safety-of-dams work. This Administration is committed to reducing the Federal budget and believes that beneficiaries of Federal projects should, in most cases, contribute to those projects.
>
> * * * * *
>
> If the dam develops defects over time, or if additional work is needed to meet current safety standards, there is no reason to forgo the cost sharing or reimbursement that would have been due had the remedial work been incorporated into the initial construction.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 5 additional minutes.)

Mr. SOLOMON. Mr. Chairman, 2 years ago the House voted overwhelmingly for reimbursement, but under this bill recently reported from the committee, the Secretary would be powerless to recover any of the costs of dam safety improvements, a sum expected to reach three-fourths of a billion dollars, almost $1 billion. The committee amendment dealing with additional economic benefits merely gives lipservice to the reimbursement authority which was mandated by the House 2 years ago. The committee amendment is useful, and I agree, to clarify the intent of Congress on a very narrow point, but must not be considered a substitute for the reimbursement required by my amendment.

The Bureau of Reclamation—and Members ought to listen to this if they are going to be voting on this amendment—has informed me that virtually none of the dam safety improvement projects funded by this bill will provide additional economic benefits. Thus, unless my amendment is adopted, nearly all of the $650 million authorized by this bill will never be repaid to the U.S. Treasury—will never be repaid.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. When I am finished, I will be glad to yield to the gentleman from Wyoming.

Mr. Chairman, I dispute those claims that this amendment will unfairly penalize local interests. What this amendment really does is prevent undue favoritism for the beneficiaries of the reclamation program, at the expense of the American taxpayers. It simply puts the users of water and power from the reclamation dams on the same footing with their colleagues elsewhere in the private sector. Dam safety is a recognized cost of doing business for water and power users around the country and there is absolutely no reason why we should exclude the users of reclamation dams.

Mr. Chairman, I would like to point out that the Federal Energy Regulatory Commission now requires the safety of non-Federal hydropower dams be completely reevaluated at 5-year intervals. If safety improvements are necessary, the FERC requires that these improvements be made. They require it.

There is no Federal program that spares local interests from the cost of meeting the FERC's safety requirements, none, even when these improvements are necessitated by new hydrologic or seismic data or change in state-of-the-art engineering criteria, the very reason, my colleagues, for the reclamation dam safety repairs authorized by this bill.

My amendment will require that costs for dam safety be allocated among the various recipients of water and hydroelectric power supplied by these dams and repaid in a manner similar to the repayment requirements for the construction of the original dam itself, and that is the way it should be.

I wish to point out that existing repayment arrangements are already quite generous, particularly for agricultural irrigators. My amendment would simply establish that dam safety repair costs would be repaid over a 50-year period, in a similar manner as when the dams were originally built.

Although the amendment I am introducing is virtually identical in intent and practical effect to the one approved by the House in 1982, there are three technical and clarifying revisions to the text that I want my colleagues to understand here today.

First, the formula included in the amendment for computing the rate of interest that is applicable to reimbursable costs over the duration of the 50-year repayment period has been changed. Our intent, both then and now, has been to establish a formula that closely reflects the costs to the Treasury of funding water project construction on a reimbursable basis over the long term. For this I have looked to the administration for guidance, even though they deserted me on this issue.

The formula specified in the 1982 amendment was recommended by the administration and included a somewhat novel provision for the recomputation of interest rates at 5-year intervals. As we know, the dam safety bill as amended by the Solomon amendment was not enacted into law, and I know of no other instance where this interest rate formula is being applied at the present time.

The amendment now offered carries a slightly different formula for determining interest rates, this one also intended to reflect the actual cost to the Treasury of borrowing to finance dam safety expenditures. It is also embraced by the administration. The for-

mula contained in the amendment is the formula adopted in October of 1983 by the Secretary of Energy for computing interest rates for repayment of the cost of Federal water projects allocated to hydroelectric power users. This interest rate formula is based on the Treasury's average yield rate, as was the 1982 amendment that we all voted for, but does not contain the 5-year recomputation feature.

A second difference in this amendment from the language adopted in 1982 is a disclaimer provision that will work to the advantage of irrigators, which many of my colleagues from the Western States are most interested in.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. SOLOMON. Mr. Chairman, following the adoption of the Solomon amendment in 1982, Congress went on to enact the so-called Reclamation Reform Act of 1982, and that was Public Law 97-293. This measure modifies various aspects of the reclamation program, and in some cases requires a higher level of repayment for water users.

□ 1430

And although existing contracts are to remain in force, the requirements of the bill regarding acreage limitations and repayments are to be triggered whenever an irrigation district enters into a new or amended contract with the Secretary.

An additional sentence has been added to new subsection (c) of my amendment so that the execution of contracts for the reimbursement of dam safety costs will not trigger the additional requirements of the Reclamation Reform Act, which is a benefit to all the Members from Arizona and Nevada and all those States that are concerned about this legislation.

It has been my intention all along that the cost of dam safety improvements should be reimbursed in the same manner as the costs of the dam itself, and this is exactly what the amendment says. This additional language simply assures that no new operational or financial requirements stemming from the Reclamation Reform Act will be placed upon irrigators simply by virtue of the dam safety work performed by the Secretary.

Finally, and in summation and perhaps most importantly, let me just say that this amendment has been modified to dispel any doubt that the Secretary can move promptly to initiate dam safety repairs, even before local interests agree to a contract covering reimbursement. A new subsection (d) adds language safeguarding the Secretary's authority to take timely action. And that means, do it today if he wants to.

However, if a local beneficiary balks at executing a repayment contract, then other measures would be taken to assure repayment to the Treasury for reimbursable costs, as it should be. Specifically, the language would bar the Secretary from entering into any new or amended contracts with any such non-Federal entities that might initially decline to repay its share of dam safety costs. Over the long run, I believe the Secretary will prevail, and the relatively modest repayment obligations established by the amendment will certainly be secured.

Mr. EDGAR. Mr. Chairman, will the gentleman yield at that point?

Mr. SOLOMON. I will yield in just 30 seconds.

Mr. Chairman, with this added language, we can have no doubt that the adoption of my amendment will allow for prompt action to improve the safety of reclamation dams. The benefits of most of these projects and the need to construct and maintain worthy projects are obvious and they are very important. Yet the magnitude of the deficits we face today and the calls from both the administration and the Congress to curb wasteful spending require that we seriously review the traditions of the past in order to eliminate unnecessary expenditures.

Nearly all other Federal programs, including defense, are feeling the need for spending restraints.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, this large water program must bear its fair share. The President's own private sector survey on cost control, the Grace Commission, has indicated that substantial savings could be found in the Federal water program through the implementation of cost-recovery proposals such as my amendment. And to quote the National Taxpayers Union—

> When deficits are hovering around $200 billion, it is imperative that we restore fiscal discipline to spending practices. We urge you to support the Solomon amendment to the Reclamation Safety of Dams Act.

Mr. Chairman, in no way do I want to tread on the benefits of another part of the country, but we have to establish this pay-as-you-go benefit of these kinds of programs if we are ever going to straighten out the financial straits of this country.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. First, I will yield to the gentleman from Pennsylvania (Mr. EDGAR), who asked me to yield first, and then I will be glad to yield to the chairman of the subcommittee.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for yielding, and I will be brief.

I would like to commend the gentleman in the well for his amendment. The gentleman drew attention to page 6 of this very brief report—it is only 12 pages—and as I studied the 12 pages, 4 of them support the gentleman's amendment. In fact, on pages 8 and 9, if I compare this language with the language of the first three paragraphs of the gentleman's amendment, they are almost identical, and they were written not by the gentleman's amendment, they are almost identical, and they were written not by the gentleman in the well but by the administration itself.

I am really strongly supportive of the gentleman's effort to take the administration's own language to capture that final fourth paragraph which allows for an emergency action to take place for the protection of lives and safety, and I think that our colleagues ought to recognize the fact that this is not a quick-action amendment. It is an amendment that was supported by a bipartisan group of Members in the House just 2 years ago. It was supported up to a year ago by the administration which in fact wrote most of the first three paragraphs of the amendment.

Mr. Chairman, I want to commend the gentleman for the amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(On request of Mr. KAZEN, and by unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, let me ask the gentleman, what options are there for the Government in case the beneficiaries do not want to sign a reimbursement contract?

Mr. SOLOMON. Mr. Chairman, as the gentleman knows, we have existing contracts now, whether they be for irrigation purposes for water, whether they be for industrial electrical usage or resident electrical usage. Those contracts have a period of time to run. They have been renewed over a period of years, and when the dams were originally constructed, at the request of the beneficiaries, they were given a long-term, 50-year interest rate.

Mr. KAZEN. That is correct. That is exactly what I am after.

That is exactly what I am after, and a right has vested in them, and if the Government takes it away from them, if the Government dries up that lake because they cannot leave that structure standing because of the danger, if the Government dries up that lake,

they are responsible to reimburse those people for their rights.

Mr. SOLOMON. Mr. Chairman, the gentleman is right, and the Government has no intention of drying up the lakes.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(On request of Mr. CHENEY, and by unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Wyoming.

Mr. CHENEY. Mr. Chairman, I thank my good friend, the gentleman from New York (Mr. SOLOMON), for yielding.

I would like to say at the outset that he has done yeoman duty on this specific piece of legislation. His work of 2 years ago had a major impact on the thinking of the committee as we moved the bill this time around and developed the amendments. I am only sorry that he cannot support our approach today, but he has been extremely conscientious on this point.

I would like to follow up on the issue raised in part by the chairman of the subcommittee, the gentleman from Texas (Mr. KAZEN), and that is the issue of what would happen if in fact the beneficiaries that the gentleman would like to have repay the Government for the cost of repairing the dam in fact refused to do so.

I have a particular situation in mind. In Wyoming there is a dam inside Grand Teton National Park operated by the Bureau of Reclamation. The dam itself is now threatened as a result of a potential earthquake, and there is a significant possibility of failure. The beneficiaries who reaped the benefits of that water storage project live in Idaho. They are farmers and irrigators. The people who would be devastated if in fact the dam failed and whose communities would be severely damaged and whose farms and ranches would be destroyed and who are not currently beneficiaries under the meaning that I think the gentleman uses would in fact have no way to either get the Government to repair the facility or to force the project beneficiaries downstream if they chose not to agree to some kind of repayment.

What would we do in that event?

Mr. SOLOMON. Mr. Chairman, let me just say to the gentleman that I was concerned about that. I was also concerned with some Members of Congress who wanted to absolutely prohibit any work from being done on the dams unless a contract had been previously entered into. I think that was grossly unfair and could have created serious problems because it could have jeopardized the work being done.

In most of the cases the gentleman asks about, let me say that on line 10 of my amendment we talk about "Costs allocated to irrigation water service which are beyond the water users' capability to repay will be reimbursed in accordance with existing law," which means the Federal Government will probably pay for it, especially when we start transcending State lines and areas where there is questionable usage for that property, where they are not the initial beneficiaries of that.

Consequently, I fought against an amendment being introduced today that would prohibit this work from going ahead without the contract being in hand. And as the gentleman from Wyoming (Mr. CHENEY) can see, on the second page of the amendment it states:

> Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this Act prior to entering into a contract providing for the repayment of reimbursable costs.

So that there is no question that the work can go ahead today, and I want that to happen.

The CHAIRMAN. The time of the gentleman from New York (Mr. SOLOMON) has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, all I am saying is that the beneficiaries who are currently gaining benefit from the need of the water or the power produced by the dams are presently entering into a contract. If there is an inability to pay, they are not charged anything. If there is an ability to pay a little bit, they are charged very little, as the gentleman knows, and those large industrial users or other users pay a fair share.

So we have not changed anything in the law. All we are saying is that for the cost of the repair of the dams, which may be a continuing cost over the years, those people that benefit from it shall pay a portion of the cost of it.

□ 1440

I pointed out in my own district we have nuclear plants where we do not have any hydroelectric power. Nobody is underwriting those costs, and those people are having to pay astronomical costs. It is not fair to ask those people to pay a proportionate amount of the cost of power to residential or commercial users in the western part of the country we do not have anybody subsidizing ours.

So in all, we are just asking to be treated fairly. I do not think the people in the gentleman's State and others would object to this. I think if they want to have safety, then that is what we provide.

If my amendment passes, I will certainly support the legislation.

The last thing I want to say is that the gentleman mentioned that I do not support the amendment of the gentleman from Texas (Mr. KAZEN). I do support the Kazen amendment and I would hope that rather than having that offered as a substitute for mine, which would knock out the reimbursable costs for reclamation, that we would let both of them stand on their own.

Both gentleman have said that there is virtually little difference between our amendments; so therefore, let us pass my amendment and let us pass the gentleman's amendment, too. I will vote for the amendment of the gentleman if he will vote for mine and we will have a bill that everybody can live with. The President will sign it and we will get these dams repaired, as we all want them to be.

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I am glad to yield to the gentleman from Wyoming.

Mr. CHENEY. The gentleman is eloguent, but I think I have been filibustered. I would like to come again.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. CHENEY, and by unanimous consent, Mr. SOLOMON was allowed to proceed for 3 additional minutes.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman.

Mr. CHENEY. Mr. Chairman, I thank my good friend, the gentleman from New York.

Again, the question is: Can the Secretary permit the repair of the facility even though he has not successfully renegotiated a contract with the beneficiaries for reimbursement of the cost of the safety repairs to the dam?

Mr. SOLOMON. Yes, he can.

Mr. CHENEY. Not just initiate, he can, in fact, completely authorize the complete repair of the dam, complete the money for it, even though there has been no reimbursement.

Mr. SOLOMON. He can authorize the work for the dam, that is right.

Mr. CHENEY. Then why do we need the gentleman's amendment?

Mr. SOLOMON. We need the amendment so that before any future contract could be entered into with the beneficiaries from the power and water for those projects, they would have to agree to the terms, which is only fair.

Mr. CHENEY. But again, I would remind the gentleman that we find ourselves in a situation in many cases, not only in Wyoming, but Arizona as well, we have a situation in Arizona where there are a few farmers who are

the beneficiaries as irrigators from the water storage facility who may or may not choose to participate in paying for the safety repairs to the dam. If they choose not to, there will be no repair for the dam and the people downstream in Phoenix are the ones who ultimately are vulnerable, if, in fact, the dam collapses.

In Wyoming, if the farmers in Idaho choose not to participate in the process of entering into a new contract to reimburse for the safety repairs to the dam, my constituents in Wyoming are left holding the bag. There would be no repair for the dams, as I read the gentleman's amendment.

The gentleman says the Secretary may initiate, but you do not give him the authority to go forward to complete the safety repairs to the dam.

Mr. SOLOMON. Well, I thank the gentleman for his remarks.

I disagree with the gentleman. I think when we say he may initiate, that means he may initiate and go ahead and complete.

I do not think the people the gentleman is talking about right now are under a contract right now. Does the gentleman have a specific group of people who are beneficiaries, who are paying into a contract presently that is about to expire? Can the gentleman give me an example of one?

Mr. CHENEY. Specifically, farmers in Idaho who are the beneficiaries of the water that is stored in the Jackson Lake Dam.

Mr. SOLOMON. And they are paying into the project right now?

Mr. CHENEY. They have an ongoing contract at present; but the cost of repairing the dam under the gentleman's amendment, as I understand it, would have to be borne by them.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

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

Mr. EDGAR. I think the gentleman has clearly stated it. It is the intention to initiate the repairs necessary to protect life and safety without having the Secretary enter into a contract. Even in the language of the committee bill, you simply authorize the Secretary to go ahead and make those necessary repairs.

We intend the same thing, that those repairs for life and safety purposes can proceed. All we are simply stating is that at a reasonable time a contract must be entered into and that contract must be for the reimbursement of those funds over a very generous period of time.

Mr. CHENEY. Would the gentleman specify what that period of time is or what a reasonable time is? Is that after the repairs have been completed?

Mr. EDGAR. I think the first priority of the gentleman on the committee and the gentleman from New York is to protect life and safety. That is first.

A reasonable time is within the reason of each of those projects.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(By unanimous consent, Mr. SOLOMON was allowed to proceed for 1 additional minute.)

Mr. SOLOMON. Mr. Chairman, I might just say to the gentleman from Wyoming that the reason I took so much time in the well was to establish legislative intent which will guide this legislation.

The reason that I inserted on line 14, subsection (d) was because there were members of this House who wanted to prohibit any of this work from going ahead without a contract already being in hand by the Federal Government. I did not want that to happen, because of the gentleman's concerns. We do not want to see the loss of life.

This is why the Reagan administration strongly supported this bill, this amendment, 2 years ago. This is why in my conversation with the Bureau of Reclamation and with the Interior Department, we came up with this language which would allow, which says:

Notwithstanding any other provision of the law, the Secretary may initiate construction of any modification and go ahead and do the work.

That is all that we are concerned about is having that work done and then going back in.

Mr. CHENEY. Mr. Chairman, if the gentleman will yield further, it does not say complete. It says only "initiate."

Mr. SOLOMON. And construct.

Mr. CHENEY. May initiate construction?

Mr. SOLOMON. Yes.

Mr. CHENEY. But it does not do my folks any good to have a half-completed safety repair. We have got to have the whole project and the gentleman's amendment would not permit it.

AMENDMENT OFFERED BY MR. KAZEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. KAZEN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. KAZEN as a substitute for the amendment offered by Mr. SOLOMON: Page 2, line 8, insert the following new subsection (1):

(1) At the end of subsection 4(b), strike the period after the word "law" and insert te following: ": *Provided*, That, if the Secretary finds that conservation storage, power generation, water supply or flood control benefits in addition to those which would have been provided by a safe structure will result from such modification, he shall allocate a proportionate share of the cost of the modification to such benefits which shall be further allocated to those purposes for which the structure was initially authorized and shall be reimbursable as provided by existing law; *Provided further*, that no irrigation district which may be required to pay a part of such a cost shall, by reason of such requirement, become subject to acreage limitation provisions of the Federal reclamation laws, as amended, unless such district is otherwise subject to such limitations.".

Redesignated subsections (1) and (2) accordingly.

Mr. KAZEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. KAZEN. Mr. Chairman, the substitute amendment which I have offered is intended to implement the policy on dam safety work announced by the President in a letter to Senator LAXALT dated January 24. The letter said:

Safety problems at Federal dams should be corrected as expeditiously as possible. The cost of safety work should be borne by the Federal Government. However, if additional economic benefit results from the modification, appropriate cost sharing among the beneficiaries shall be allocated by the appropriate Secretary.

In essence, the substitute amendment provides that, even though the modification work is necessary because of new hydrologic or seismic information, or changes in the state-of-the-art criteria, if new conservation storage, power generation, water supply or flood control benefits, over and above those for which the project was originally constructed, result, the cost attributable to those new benefits will become reimbursable to the Government.

In point of fact, if the substitute amendment is approved, as I hope it will be, the act would then go beyond even the very reasonable policy announced by the President because it already provides for the reimbursement of modification work costs which are attributable to normal deterioration and age.

The substitute amendment if offered, Mr. Chairman, as a reasonable compromise between those who believe that all safety modification costs ought to be fully reimbursable to the Government and those of us who believe that dam safety work which is necessary because of some error on the part of the Federal Government ought to be paid for by the Government.

If, Mr. Chairman, we impose any heavier burden on the project beneficiaries than the act would impose with the adoption of this amendment, then I am fearful that, as a practical matter, much of the needed work will not be done and we will be placing in jeopardy the lives and property of many of our citizens.

The substitute amendment, Mr. Chairman, is offered in the spirit of compromise and to enable us to get on with this necessary and important work, I urge its adoption.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I am delighted to yield to the gentleman from California.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the Kazen substitute amendment to H.R. 1652 to require the Federal Government to bear the cost of the safety repairs and modifications on several Bureau of Reclamation dams throughout the West.

Certainly, our advancing technology in the area of dam design requires the improvement and modification of these structures to reduce the risks of dam failure to the minimum we are currently able to achieve. However, the question arises as to who is responsible for the expense of the repairs. I believe that in this instance, the Federal Government who originally constructed the dams, has an obligation to insure their safety, and likewise, the safety of those individuals residing in close proximity to these structures. Therefore, I feel the Government should incur the cost of the repairs. This amendment would achieve this purpose. In addition, the amendment would require that any increase in benefits as a result of the modification, other than safety, would be paid by the beneficiaries.

I believe this amendment is a fair and reasonable compromise on the issue of reimbursement of costs and I urge all of my colleagues to support it. I also urge the support of H.R. 1652 to insure the timely modification of these potentially hazardous structures.

□ 1350

Mr. LOEFFLER. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I will be delighted to yield to the gentleman from Texas.

Mr. LOEFFLER. I wish to thank my colleague, my neighbor from Texas, for the time and the leadership that he and the ranking minority member, the gentleman from Wyoming (Mr. CHENEY) have put into this legislation.

Particularly I rise in strong support of the chairman's amendment and ask that the Members of this body give overwhelming support for it as we vote on it in the moments ahead.

Mr. KAZEN. I thank my colleague for his support.

Mr. Chairman, I think the amendment speaks for itself. It is fair.

Those that gain any additional benefits will be charged, will be made to reimburse their particular share of the cost. Those who have nothing to gain, those beneficiaries who have already obtained rights that you cannot take away from them, will continue to have those rights. The gentleman from New York's amendment is just not workable because you are not going to construct or to reconstruct or to modify the dams to keep a catastrophe from happening. There is no way on Earth that his amendment would be able to be enforced.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I will be delighted to yield.

Mr. SOLOMON. I thank the gentleman. In spite of his strong language against my amendment, I am going to say that I still support his amendment, even if he does not support mine.

Mr. KAZEN. I appreciate the gentleman's support for my substitute.

Mr. SOLOMON. Let me just ask a question. In reading the gentleman's amendment we are authorizing $650 million of expenditures. How much in dollars and cents do you think would be recovered by the Treasury under your amendment?

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(On request of Mr. SOLOMON, and by unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. I yield to the gentleman.

Mr. SOLOMON. How much money would be returned to the Treasury under your amendment? In other words, how much in dollars and cents would there be in new economic benefit to these areas?

Mr. KAZEN. It depends. It has got to be determined at the time that the modifications are made. Certainly if a beneficiary does not gain any additional benefits he should not be called upon to pay what would under the gentleman's amendment be his share when he has no share to pay.

Mr. SOLOMON. In trying to keep an open mind on your viewpoint and the viewpoint of the gentleman from Wyoming (Mr. CHENEY) and the rest, I looked into this matter and the Bureau of Reclamation informed me that virtually none, I say none of the $650 million for the dam safety improvement projects funded under this bill would provide any additional benefit. So then if we are talking about maybe $5 million of $650 million, that is the difference between the Kazen amendment and the Solomon amendment. The Solomon amendment would recover $450 million to the Federal Treasury. Your amendment would recover something less than $5 million. I was told this by the Bureau of Reclamation.

Mr. KAZEN. I will just answer the gentleman to say that we could not get a figure from the Bureau. I do not know where the gentleman got his figure or who in the Bureau he got his figure from, but we could not.

And if that were true, then, that would show conclusively that the beneficiaries do not have anything to gain and, therefore, should not be forced to pay.

AMENDMENT OFFERED BY MR. EDGAR TO THE AMENDMENT OFFERED BY MR. SOLOMON

Mr. EDGAR. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. EDGAR to the amendment offered by Mr. SOLOMON: On page 1, line 10 of the amendment, strike "substantially".

(By unanimous consent, Mr. EDGAR was allowed to proceed for 5 additional minutes.)

Mr. EDGAR. Mr. Chairman, the action of the gentleman from Pennsylvania is simply a parliamentary maneuver, has no substance in terms of the debate, except that the first vote that we cast today will be an up or down vote on the Solomon amendment and we will get a recorded vote on that and be able to discover exactly what people believe about the Solomon amendment, similar to what they hopefully believed 2 years ago when they overwhelmingly endorsed that concept.

This is an amendment in the third degree and it is simply a way in which we can get back to the original intention, which is to get a substantial amount of the funds recognized as reimbursable funds.

Mr. Chairman, I rise to join the gentleman from New York in offering this amendment to secure reasonable repayment provisions for the needed dam improvements that we are authorizing here today.

Let me review what I think are the issues at the heart of this debate. First, there is a safety issue. No one has denied that there are important safety considerations involved in the measure we are considering today, nor is it the intention of the supporters of the Solomon-Edgar amendment to delay the improvements and modifications which the Bureau of Reclamation has recommended for many of the Federal dams in the Western States. According to the committee report, the Bureau first initiated an inventory of Federal dams in 1965. Using modern scientific and design data, the Bureau was able to identify needed improvements in many Federal dams, some of which are more than 50 years old. One thing should be made clear: The committee report does not indicate that these improvements are needed because of defects or mistakes made by the Government in original construction of these dams. These improvements are simply the result of advances in data and technology being

applied to some of these older structures. If this modern data and technology had been available when the dams were initially constructed, the dams would have been built to modern specifications and the costs would have been reimbursable under the normal reclamation laws.

We should also retrace the history of the dam safety bill before us. This same bill to increase funding for dam improvements was before the House almost 2 years ago and was approved by the House on a vote of 335 to 9. I voted for the bill on final passage, as did Mr. SOLOMON. The bill was almost unanimously supported at that time because the concerns of all Members had been satisfied by the adoption of the Solomon amendment and we agreed that the bill ought to be enacted quickly and these projects ought to go forward. But what happened over the past 2 years? Who has delayed consideration of this measure since 1982? Project supporters seem not to have wanted quick enactment of this bill if it contained the cost-reimbursement provisions which were added in 1982. In fact, supporters of the dam safety measure used the intervening time to persuade the Reagan administration to withdraw its support for cost recovery for the modifications included in the bill. Even though the House Interior Committee reported the bill almost 1 year ago, the committee has waited until now to bring the bill to the floor. This delay in consideration can only be viewed as an effort by supporters of the bill to provide funding for these modifications at full Federal cost or not at all.

A second important consideration is whether this authorization of 100 percent Federal funding for improvements for Western water projects is fair in light of the treatment of other Federal programs. Take the example of the EPA construction grants program which assists in the funding of construction of wastewater treatment plants throughout the country. This program, which is vital to the water quality and public health of my area of the country, requires a 45-percent up front local share. Other programs can similarly be cited.

The Bureau of Reclamation program operates solely within the 17 Western States. There is no Federal program to assist with water supply problems in most of the Eastern States. Yet, in Pennsylvania we are currently experiencing a water supply emergency in many of our towns because our older water supply and treatment systems are inadequate. Burst water mains and outbreaks of disease due to contamination of our water supply are becoming increasingly common. The Public Works Committee has moved to address this problem by approving legislation to provided Federal assistance for water supply system rehabilitation, but this legislation would not provide full Federal funding for such projects. Assistance would come in the form of Federal loans to be repayed in full, and the local sponsor of a project would be required to finance at least 20 percent of the cost up front. Yet, even this modest program to try to address the legitimate water needs of all regions of the Nation is placed in jeopardy by the enormous Federal deficits we now face and by our continuing policy of providing full Federal funding for projects such as those addressed by this dam safety bill.

Those of us who have been calling for responsible reforms in water policy had believed that we had made our point on this bill the last time the House considered the dam safety issue. We thought that we were moving toward agreement on a fair allocation of the enormous cost burden of these projects. Even the House Interior Committee leadership has tried to appear to accept the cost-sharing argument by supporting the Kazen amendment.

But we should examine the Kazen amendment for what it really is. The amendment provides for local cost reimbursement for the so-called additional economic benefits that might be provided by the modification projects funded under the bill. It must be pointed out, however, that neither the committee nor the Bureau of Reclamation have provided the Members of the House with the specifics of what benefits would be reimbursable and at what cost. On the other hand, the Bureau has provided us with a very detailed breakout of the costs that will be recovered under the provisions of the Solomon amendment. According to the Bureau, over $438 million of the total costs of projects funded through this legislation would be recovered by the Federal Government if we adopt the Solomon amendment. Little or none of that amount would be recovered under the so-called cost-recovery provisions of the Kazen amendment. it is clear that those Members who wish to reaffirm the earlier action of the House and support a provision to require substantial cost recovery for these dam improvement projects must support the Solomon-Edgar amendment.

To sum up my presentation, it should be clear to those Members who wish to support a strong dam safety measure to protect our western citizens but also wish to recover a reasonable portion of the expense of the modifications called for in this bill will support this amendment. The adoption of this amendment will in no way delay the needed modifications for these projects. On the contrary, it will end the delay in implementing these programs by putting in place a reasonable and responsible dam safety program which all of us can support.

□ 1500

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman. I just want to thank the gentleman for that excellent presentation. I would also like to again pay tribute to our opponents on the other side of this issue, Congressman UDALL, Congressman KAZEN, Congressman CHENEY, and Congressman MCCAIN; because I certainly know that they mean well. Maybe if the shoe were on the other foot I would be fighting as hard as they are. But I think we do have to once and for all establish a precedent.

I would just point out that we talked about organizations that were opposed or in favor of this legislation; that National Wildlife Federation strongly, strongly supports the Solomon amendment. The National Audubon Society, the Friends of the Earth, and so on, as far as environmental groups are concerned.

National Taxpayers Union says that a "yes" vote on the Solomon amendment saves the Treasury a half billion dollars. And it goes on to explain why they so strongly support it.

And last, I have laid on the desk of the Republican side and will lay on the Democratic side a list of the vote that took place 2 years ago in case many of you who are in your offices and listening have forgotten how you might have voted. I think it is important we always be consistent here in the Congress. I will make this voting record available to you.

Again, I congratulate you gentlemen on the other side, you are rough apples and you certainly were not rolled today.

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

I conclude by saying we have a good opportunity for an up or down vote on the Solomon amendment. I think the Members are clear as to what it does. We have available some additional information.

I just think we need to be clear that 1 year ago the committee reported this bill and at that point in history the administration strongly supported amending this legislation to include the very language that the gentleman from New York has included in his amendment and I commend the gentleman for his action.

Mr. BONIOR of Michigan. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

Mr. Chairman, I rise in support of the Solomon-Edgar amendment. Let me say at the outset that the structural integrity of dams is a high priority and I support increasing the authorized expenditures to carry out any nec-

essary work to improve the safety of reclamation dams. But the issue before us today is not whether dams should be safe or not, but rather who pays for the work.

As a matter of basic water resources policy—and what we are dealing with here is a fundamental question of water policy—I believe the beneficiaries of water resources projects should share in the costs of building and maintaining those projects. Dam-safety-related work is a cost of doing business: It is part of the maintenance and upkeep of the dam. The maintenance and upkeep work should be shared by the project beneficiaries.

The Solomon amendment simply requires that the cost of this work be allocated among the various beneficiaries in the same manner that repayment for the original structure is being made. The repayment will be stretched out for 50 years and will be on the same generous terms that projects are now being financed. It is not an onerous burden.

The matter of who pays for water resource development is the cornerstone of any relevant reform in water policy. Congress has been moving closer to making basic reforms in water policy. We have come a long way, but still have a long way to go. I note, for example, that the omnibus water resources bill contains some important cost-sharing proposals for the corps.

This is a beginning for us. But while we work on our omnibus bill, we must be mindful of the other legislation which may undercut the goals we are striving to achieve.

The bill before us today is one such bill. It simply would continue subsidies to the already heavily subsidized reclamation program.

Adoption of the Solomon-Edgar amendment would continue our progress toward reforming water policy—by requiring that the beneficiaries pay a portion of the costs. To reject the Solomon-Edgar amendment, in my view, is rather like saying some projects and programs are excused from reforms and others are not.

I would like to commend Mr. SOLOMON, in particular, for his leadership on this issue. I recall he offered this amendment several years ago and it passed the House by a large margin. The bill, however, never made it out of the Senate—so we stand once again debating this issue.

There is one difference. Previously, Mr. SOLOMON's own administration had supported him. Now, we all know, in an apparent case of election year jitters, the President wrote his campaign manager, Senator LAXALT, in January and reversed the administration's policy on this issue, as well as other important water policy reform measures.

I find it ironic that an administration so adept at decrying the budget deficit and Federal subsidies has chosen to do a major flip-flop when it comes to western water issues. I am pleased that Mr. SOLOMON is sticking to his guns—and to what I believe is the proper course.

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

Mr. CHENEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Kazen substitute and in opposition to the Solomon amendment.

Mr. Chairman, I think it is important before we come to a vote on this issue to make certain all of our colleagues understand exactly what we are talking about today. This authorization before us, the legislation before us does not authorize any new water projects; it is meant merely to deal with unsafe situations where as a result of engineering problems or poor design or seismic problems of various kinds there is a danger of a dam, for which the Federal Government is responsible, collapsing.

When those dams collapse, we then find ourselves in a situation where the Federal Government will be held liable as was the case in the Teton failure in 1976 in Idaho.

It has been suggested that somehow we are trying through this legislation to authorize the payment for repairs to projects that are simply the result of old age. That is clearly not the case. I would like to cite for my colleagues, if I might from the Reclamation Safety of Dams Act of 1978, a statute already on the books. Section 4 paragraph (a):

> Costs heretofore or hereafter incurred in the modification of structures under this Act, the cause of which results from age and normal deterioration of the structure or from nonperformance of reasonable and normal maintenance of the structure by the operating entity shall be considered as project costs and will be allocated to the purposes for which the structure was authorized initially to be constructed and will be reimbursable * * *.

If you have an old dam that is simply worn out or if the operating entity has not taken proper care of it, then those costs have to be reimbursed. That is already in the books; it is already law.

The Kazen amendment would say if there is any new benefit to accrue to the beneficiaries of the project then those costs, too, are to be reimbursed.

I would emphasize that the administration did modify its position. They no longer support the Solomon amendment. The President has made it abundantly clear that he does in fact support the Kazen-Udall-Cheney substitute.

The Director of the Office of Management and Budget has sent a letter addressed to me which I include in the RECORD at this point as well as a letter from Secretary Clark:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 13, 1984.

Hon. RICHARD B. CHENEY,
Ranking Minority Member, Subcommittee on Water and Power Resources,
Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost sharing issue.

The Committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

I welcome the opportunity to clarify the Administration's position on this issue.

With all best wishes,

Sincerely,

DAVID A. STOCKMAN,
Director.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 14, 1984.

Hon. DICK CHENEY,
House of Representatives,
Washington, D.C.

DEAR MR. CHENEY: You have asked me for the Department's position on an amendment which you plan to offer when H.R. 1652 comes to the floor of the House of Representatives. I appreciate you giving me this opportunity.

Having carefully reviewed your amendment, I believe it is consistent with the President's policy regarding safety of dam's modifications enunciated in his January 24, 1984, letter to Senator Laxalt. Therefore, the Department supports the amendment and will be happy to work with you and others in the House and Senate to fashion a legislative resolution for this critical issue.

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

I am informed that the Office of Management and Budget concurs in this position.

Thank you again for the opportunity to provide our views on this matter.

Sincerely,

WILLIAM CLARK.

Mr. CHENEY. Both of these letters were written last week; one dated March 13 and the other dated March 14, 1984. This is currently the administration's position.

Specifically, David Stockman says:

> I wanted to let you know how much we appreciated your efforts to work with the administration to device an acceptable compromise on the dam safety cost-sharing issue.
>
> The committee amendment, the Kazen amendment, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

□ 1510

And finally, Secretary Clark in a similar vein, having carefully reviewed the amendment:

I believe it is consistent with the President's policy regarding safety of dam's modifications enunciated in his January 24, 1984 letter to Senator Laxalt. Therefore, the Department supports the amendment—

The Kazen amendment—

and will be happy to work with you and others in the House and Senate to fashion a legislative resolution for this critical issue.

You should be aware that the Administration opposes the adoption of any amendment similar to that adopted by the House during consideration of H.R. 3208 in April 1982.

Specifically the administration opposes the Solomon amendment.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Alabama.

Mr. BEVILL. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Solomon amendment and support the Kazen-Udall-Cheney substitute.

Dam safety is nothing new to me. As a matter of fact, in 1977, my committee put $15 million in appropriations for the first appropriations ever made for dam safety. And this directed the Corps of Engineers to make an inventory of the dams all over this country that are not safe. Ironically, before they could even get started we had a dam failure down in Georgia there. Many lives were lost, much property damage. So this is nothing new.

Now I do not think this Congress really wants to be passing any kind of legislation that is going to delay funding for these dams that mean death to many people and much destruction of much property. Just one dam, the Teton Dam that failed, that one dam cost more in damages than all the appropriations we are talking about for the whole country.

The CHAIRMAN. The time of the gentleman from Wyoming (Mr. CHENEY) has expired.

(By unanimous consent, Mr. CHENEY was allowed to proceed for 1 additional minute.)

Mr. BEVILL. If the gentleman will yield further, I do not think this Congress ought to be tying the hands of the U.S. Army Corps of Engineers and the Bureau of Reclamation that are interested in doing something about these dams that are not safe. That is exactly what the Solomon amendment does. There are not going to be any local funds if the Solomon amendment passes. There just will not be any safety action taken. The gentleman and I know, as a practical matter, that is what is going to happen.

I urge the Members to vote against the Solomon amendment and vote in support of the Kazen-Udall-Cheney substitute.

Mr. Chairman, water is the lifeblood of America's agriculture, industries, and homes. Without adequate supplies of clean, usable water, our Nation could not have prospered. And if we fail to use caution and concern in maintaining and expanding our water resources, this country will not remain the producer of the world's most abundant harvests.

The Congress should be proud of its role in providing for the control and conservation of our water resources. The TVA, the Soil and Water Conservation Service, the U.S. Army Corps of Engineers, and the Bureau of Reclamation have created a vast network of federally constructed dams throughout the country, which enable farmers, ranchers, city dwellers, and industries to make efficient use of water. And these dams have harnessed the power of water to create electricity to energize the areas surrounding many of these dams.

Additionally, raging flood waters have been brought into check due to these dams, saving lives and property each year.

Today, we debate an issue of great importance to an area of our Nation in which the true value of adequate water supplies is the chief fact of life. Because in the towns, and cities, and on the plains, and mountains, and valleys surrounding these dams, without water, there is no life.

Today we debate whether we should require those who use water from these dams, and who pay for that water and have reimbursed the Government for about 85 percent of the costs of constructing those dams, should now have to pay to correct construction techniques which have been proved, by today's standards, to have been insufficient to safeguard against dam failure.

I want to commend my good friends, MO UDALL and CHIC KAZEN, for their leadership in water-management issues. They have time and again demonstrated their concern that our entire Nation has an adequate and clean supply of water. The bill which my friend, CHIC KAZEN, brings before us today is wise legislation which will serve the people of America.

I share their concern that the modifications necessary to make these dams safe and structurally sound might not be done if those who purchase the water from these dams are forced to pay for correcting construction practices they were not responsible for. Many of these users have been hard-pressed by the lingering and deep recession and they are unable to assume a costly 50-year debt to correct someone else's mistakes.

And if these dams are not modified, those living below these dams face the looming danger of a dam failure. Since the Federal Government is responsible for any damages from such a failure, the costs of Congress failing to act wisely today could be enormous. The value of this Federal investment to insure the safety of these dams would seem like a bargain-basement deal when compared to the costs in lives and property if just one of these dams failed.

We are talking about commonsense to save America dollars and cents. The Kazen amendment is a sound amendment. It fairly requires beneficiaries of reclamation projects to pay for any safety modifications to their dams which would result in additional benefits to the water users. It does not give anything away. And it does not penalize anyone.

I support the Kazen amendment and I oppose the Solomon amendment. Under the Solomon amendment we face the real prospect of failing to repair these dams and risking the lives and future of the people those dams were built to help. That is not proper. I urge my colleagues to support the Kazen amendment and to oppose the Solomon amendment.

Dam safety is not a new concern of mine. It is an issue which I have long been involved with and which I consider to be of enormous importance to our country.

When I first became chairman of the Energy and Water Development Appropriations Subcommittee, my committee and I included $15 million in our bill in 1977 to be used by the Corps of Engineers in checking all existing dams in the country as to their safety. Shortly after that, I remember there was a private dam in Georgia which gave way and took the lives of many people. It was a tragedy. And it underlined the urgency with which this inventory of dams needed to be undertaken.

This bill, which is before us today, is an outgrowth of that study. And as chairman of the first committee to provide any funding for the study of dam safety, I am proud, indeed, of the legislation which CHIC KAZEN brings before us today.

The bill, and his amendment, are necessary and are wise pieces of legislation. They deserve our most enthusiastic support because they will help improve our great land.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. CHENEY. I yield to the gentleman from Arizona.

Mr. STUMP. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Kazen substitute.

Mr. Chairman, I also support H.R. 1652, increasing funding under the 1978 Reclamation Safety of Dams Act to $650 million. In passing the 1978 act, Congress recognized the need to bring 13 U.S. Bureau of Reclamation dams up to today's safety standards,

and appropriated $100 million to do the job. Amending the 1978 act, by passing this legislation, will recognize that since 1978, 40 more dams have been added to the unsafe list. The Bureau says it will now take $650 million to modify all 53 dams.

The issue here should not be whether the Federal Government has a responsibility to pay for the modification. Certainly, I believe that it does. The dams were built by the Bureau of Reclamation. The Bureau still owns them, and it is the Bureau which is requiring the upgrades. Congress declared the safety of dams a Federal responsibility in the 1978 act. The obligation was recently restated by President Reagan in announcing his water policy.

The issue here is whether we can afford to delay action on this amendment. I say we cannot. By designating 53 dams as unsafe, the Bureau has said that the structures cannot withstand the pressure of water inflows from a maximum probable flood or tremors from a maximum credible earthquake. Both of those terms refer to worst-case disasters possible, according to the Bureau's state-of-the-art calculations.

In Arizona, we are more likely than some to believe that worst-case scenarios easily become realities. We have experienced flooding in the last 6 years that previously we would not have thought possible. Twice in 1978, central Arizona was ravaged by flooding from the Salt River. Then, in the second week of February 1980, six storms out of the Pacific slammed into the State, dumping 10 to 16 inches of rain on the 13,000-square-mile watershed of the Salt and Verde Rivers. In normal times, six Bureau of Reclamation dams on those rivers impound enough water to serve the agricultural, industrial, commercial, and residential customers of a 250,000-acre service area. But in February 1980, the spillways on those dams were wide open. The result was unprecedented flooding downstream in the Phoenix metropolitan area. At the peak of the storms, 170,000 cubic feet of water per second was pouring into the normally dry Salt River bed, which slices Phoenix in half. Officials of the Salt River project, which operates the dams, and the Bureau of Reclamation discovered a severe scouring at Stewart Mountain Dam, the southernmost dam in a chain of four dams on the Salt River. It appeared that a worst-case situation was only hours away. Another storm was heading for the watershed, and officials feared the pressure of any more runoff would cause the dam to collapse. Inundation maps were drawn. Evacuation shelters were opened. Citizens living in the flood plain were advised to prepare to leave their homes. The dam was spared only because the expected storm veered south at the last minute.

The experience, however, reinforced previous studies which resulted in Stewart Mountain Dam being one of the original 13 dams on the unsafe list. Based on calculations from the 1978 storms, the 1980 storms, and other modern hydrologic and seismologic studies, the other five dams on the Salt and Verde Rivers have been also placed on the list.

According to the Bureau, if Stewart Mountain Dam alone were to collapse, 360,000 cubic feet per second would roar down the Salt River. The flood plain through Phoenix would be 1 mile wide. Damages would exceed $630 million. The 1980 flood alone resulted in business losses, property damage, and emergency costs adding up to more than $60 million.

We cannot stop natural weather occurrences such as record snowfalls and high precipitation, but we can take steps to protect our citizens from the impacts. That is what those of us who support this legislation are asking our colleagues to do. A vote in favor of this legislation will protect those who live below the 53 unsafe dams. Lives are at stake, Business and property is at stake. And, Federal dollars which originally built the dams are at stake. Finally, I would remind my colleagues of the Teton Dam failure of 1976; 11 people died, and more than $400 million in property was lost. To date, the Federal Government has paid more than $350 million in claims. There is a lesson in that catastrophe. I urge you to vote for this legislation before nature teaches us another lesson.

Mr. CHENEY. Mr. Chairman, by way of closing, again I would urge my colleagues to support the Kazen substitute. It does provide cost sharing for those benefits that are new and it does permit us to get on with the very important business of preparing those safe dams for which the Federal Government is ultimately liable.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Pennsylvania, who supports the amendment to require full reimbursement for all dam and safety work accomplished under the 1978 act, argues that the people who live in the area and not the taxpayers should pay the cost of these safety repairs.

Now, to me the gentleman seems to take inconsistent positions. The gentleman is a principal sponsor of H.R. 3678, which is the water policy bill that we have just heard about. It was recently approved by his Committee on Public Works and Transportation. He is a member of the subcommittee and a member of the full committee. That bill has just come to my subcommittee this morning, was referred there by the Speaker. It was referred after it came out of the gentleman's committee, sequentially referred.

And lo and behold, the gentleman's position that he takes on this floor was much lacking in that bill. Mind you, he is a member of that subcommittee that wrote the bill and a member of the full committee that passed it out of the committee. Yet, we find that these are just a few of the items that we hurriedly went into. A water supply project for the metropolitan area of Atlanta, Ga., $24½ million, nonreimbursable, paid altogether by the Federal Government. Where is your cost sharing, Mr. EDGAR?

Lava flow control, the island of Hawaii, $3,948,000, all federally funded. No reimbursable. Where is your consistency, Mr. EDGAR?

Removal of silt and growth, Albert Lee Lake in Minnesota, $4,270,000, paid for fully by the Federal Government. Where is your consistency, Mr. EDGAR?

And so on. I could stay here all during my time that I have been allotted and give the Members example after example of the type of work that the opponent to the Kazen-Udall-Cheney amendment, the arguments that he makes on this floor. How come he did not make that argument in his own subcommittee, in his own bill, that he coauthored, that he marked up, and that he passed out of the full committee.

Now, I ask the gentleman why taxpayers in other parts of the country should bear the cost of these projects which are obviously of local benefit. Where is that consistency?

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I am delighted to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I appreciate the vehemence of the gentleman's point.

Mr. KAZEN. It is not vehemence, these are the facts.

Mr. EDGAR. If the gentleman would have taken the time to talk to Congressman BOB ROE from New Jersey, the subcommittee chairman, the gentleman in the well would know that every one of those projects that the gentleman has named the gentleman from Pennsylvania attempted to put cost sharing. In fact, the gentleman from Pennsylvania was successful in placing in that bill a $3.2 billion, 4-year authorization, with 100 percent reimbursement, for urban, municipal, and investor-owned water systems. The gentleman does not mention that.

The gentleman does not mention the fact that the gentleman from Pennsylvania helped put 25 percent cost sharing on all new flood control projects.

Mr. KAZEN. Mr. Chairman, reclaiming my time, the gentleman is not talking about Government structures,

about those built by the Government. He is talking about all of them in general.

Let me tell the gentleman one other thing that my substitute does that was not done last year. I will tell the gentleman from New York that I remember how I voted on this bill last year, as does every other Member who was here and voted, but I will remind the gentleman that circumstances have changed, that there is a new element that has been injected into this debate and into this legislation, and that is this amendment that we have offered.

Where there is a benefit to beneficiaries, they ought to pay for it. In addition to that, when the gentleman says that he was given some figures by the Bureau on what his bill would bring back and not what ours would, let me tell the gentleman that for the first time in history, the first time, that an amendment has ever been offered to make flood control reimbursable—flood control.

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(By unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. That has been an item that has never been reimbursable. In my amendment flood control is there.

And if that figure, whatever it may be, I do not see how anybody could foretell and give accurate figures on how much my amendment would bring back because they do not know. There is no way of figuring at this point what would be attributable to flood control.

So I tell my colleagues, as far as the amendment of the gentleman from Pennsylvania is concerned, I have no objections to it. I would urge the adoption of the gentleman's amendment to the Solomon amendment. I have absolutely no objection to that.

Mr. LUJAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. KAZEN), and in opposition to the amendment offered by the gentleman from New York (Mr. SOLOMON).

□ 1520

I think we forget what the whole purpose of this legislation is, Mr. Chairman. It is simply to repair those damaged dams that may cause loss of life and damage to property. That is the basis of this legislation, the fact that there are some dams out there that are unsafe that should be repaired.

Now, the Solomon amendment calls for the users to pay part of the costs which are caused by Government error.

The fact of the matter is that the users have no incentive to pay for those costs. Most of the users are not within the flood path. Most of the users of the hydropower are hundreds and thousands of miles away from where that dam is. So there is no incentive for the users to pay for those costs. That means that they will never be repaired, and we are back where we were, that there are some damaged dams out there that will cause damage eventually.

The Kazen amendment does, as a matter of fact, offer quite a reasonable substitute. The Government will pay for its errors and the users, the beneficiaries, will pay for any enhancement that occurs as a result of the work done. It is only fair. I think it is a reasonable way to go about it, and I urge my colleagues to support the Kazen amendment.

Mr. MOODY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Solomon-Edgar amendment. It seems to me that in a period of fiscal stringency we should exercise every available opportunity to impose user fees whenever the beneficiaries of a Federal spending program can be clearly identified. In this case, it seems to me that the beneficiaries are identifiable, and I find it hard to explain why taxpayers around the whole country that are not direct beneficiaries and can be identified as not direct beneficiaries should pay any of the cost of having these dams brought up to safety standards.

So I commend it on purely fiscal grounds and fairness grounds and on the ground that, whenever possible, we should turn now to user fees. It is a way of cutting the deficit, it is a way of conserving our resources, it is a way of avoiding overspending.

The Government has been likened to a bunch of people going out to a restaurant, and if it is agreed that everybody would order whatever they wished and divide the bill equally, a lot more food and drink will be ordered than if everybody has to pay for their own meal. That is a well-known principle. And every time that we can get the cost of dams or highways or anything else completely shuffled nationwide off to everyone else, we are going to end up with a lot more spending than we would otherwise do. Maybe all these dams should be fixed. Maybe they would be less likely to be all fixed. We would have a more careful, cost-conscious, decisionmaking process if the beneficiaries had to come up with the support to do so.

So on those kinds of grounds, I would urge that we adopt an amendment to require the known beneficiaries to pay as much as possible of the cost.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman in the well, Mr. EDGAR.

Mr. EDGAR. I thank the gentleman for yielding. I would like to commend the gentleman for his leadership on this issue of cost sharing.

The gentleman who has just spoken is also a member of the Public Works Committee.

The chairman of the committee has made some accusations here in the well about consistency. I think the gentleman from Wisconsin (Mr. MOODY) would agree that when we passed 49 to 0 the omnibus water bill, including good and bad projects, it was the first time in history that our committee worked on the issue of cost sharing. That bill does not include all of the cost sharing that I would like, but it does include 100 percent cost sharing for urban water supply replacements over the same 50-year period. It does include 25 percent cost sharing on all new projects. It does include 50 percent cost sharing on all port development that goes below 45-foot depths. It does have in that legislation environmental mitigation. It does have an attempt at a process of developing a national water policy that is not only based on merit but is based on the concept of sharing reasonable and recoverable cost with the Federal Government of those Federal projects.

The gentleman, if he had understood the process, would have recognized that he is probably a strong supporter of that legislation, as is the gentleman in the well, not because it is perfect, not because it has cost sharing on every project to a reasonable level, but because it is the best compromise we could get. And the gentleman in the well has participated in holding up omnibus water legislation for the last 7 or 8 years. It is now time to act. And because of that delicate compromise between environmentalists and those who want to construct and because of the ability to put a fashioned water policy together, the gentleman in the well, working with Congressman ROE and Congressman HOWARD, has fashioned a reasonable compromise.

I am not satisfied with every provision in that bill, as the other gentlemen here are not satisfied with every provision in the legislation. But to say that we are inconsistent because we are offering this amendment is the height of hypocrisy, and I resent the gentleman's statement. I think the gentleman ought to be clear on what the issue is. The issue is: Can the Federal Government, at a time of $180 to $200 billion deficits, begin to recover over a reasonable time at a reasonable rate some limited amounts of money for the costs that the Federal Government incurs through the Army Corps

of Engineers, through the Bureau of Reclamation, through the Soil Conservation Service in the construction of very needed and very worthy projects? And can we in fact develop a methodology for doing that?

Two years ago we agreed to the Solomon amendment which begins to move in that direction. I commend the gentleman from New York for his amendment. The vote that we are about to cast by recorded vote, while it is a vote on the Edgar amendment, is essentially a vote on the Solomon amendment. I commend the gentleman for agreeing to it. It is a vote on that amendment, and it is a vote for reasonable recovery of those costs.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. MOODY) has expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 3 additional minutes.)

Mr. EDGAR. If the gentleman will yield further, it ought to be clear that the vote that we cast is a vote on the Solomon amendment. We will dispense with that, and then if that is successful, we will move to consideration of the Kazen amendment.

Mr. KAZEN. The gentleman is wrong.

Mr. EDGAR. The gentleman in the well suggests to all of you the reason for offering the Edgar amendment was simply procedural, so that we have a chance to vote on the Solomon amendment as amended by only one word. That is an up or down vote on the substance of the Solomon amendment. Then we will have a chance to vote on the Kazen amendment. I urge my colleagues to support Congressman SOLOMON in his efforts.

I thank the gentleman for yielding.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to my colleague, the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, I want to remind the gentleman from Pennsylvania that one of the few times, or one of the first times that we have had cost sharing in anything that has come up here from the Interior Committee on projects is on this bill.

As I have just pointed out, never—never—have we had reimbursable costs for flood control. For the first time we have got it in this bill. We are going to have reimbursable costs.

Furthermore, let me ask the gentleman one question: When he talks about identifiable beneficiaries, how does he identify the beneficiaries in the city of Phoenix who are below a dam that might break and all that city lay in shambles? Now, are they beneficiaries?

Mr. MOODY. I would say they are.

Mr. KAZEN. All right. Then how are we going to make them pay for the restructuring of the dam? Has the gentleman got any ideas on how we are going to make them pay? The gentleman has already identified them as beneficiaries.

Mr. MOODY. Mr. Chairman, I would yield to the gentleman from New York (Mr. SOLOMON) on that point.

Mr. KAZEN. Oh.

Mr. SOLOMON. They are already paying, and they will continue to pay.

Mr. KAZEN. They are not paying.

Mr. SOLOMON. But let me, if I may, just take this opportunity to say to the gentleman, in defense of my colleague from Pennsylvania, I served for a number of years on the Public Works and Transportation Committee before I left to go to Foreign Affairs, and I can tell you that even though the gentleman and I disagree philosophically on many issues, and Mr. KAZEN, the gentleman and I agree on a lot more philosophical issues than does the gentleman from Pennsylvania, Mr. EDGAR and myself. Let me defend him in saying that if it were not for him, there would be more political, pork-barrel boondoggles go out of that Public Works and Transportation Committee than anything you have ever seen.

□ 1530

I have seen the times that he and I have had to stand up on the floor of that committee and fight against this kind of fiscal irresponsibility. I think that your criticism is undue to the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. MOODY) has expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Texas.

Mr. KAZEN. I still want an answer to my question. The people in the example I gave the gentleman, the people of Phoenix, are not paying for the dam at this time.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

I do not think that the gentleman from Pennsylvania is suggesting that we are omnipotent in knowledge, we simply suggest that those who bear the benefit, whether they are the farmers or the people below the dam, ought to be entered into in a reasonable cost recovery over a long period of time for reimbursable costs.

If the people of Phoenix use any of the benefits, in terms of that particular dam, they ought to provide some of the reasonable response and reasonable cost. We are not talking about a specific city or a specific project; all projects and cities are different. We are simply asking that the Secretary have authority to enter into contracts for the reimbursement of those improvements on those who in fact receive the benefits.

Mr. MOODY. Mr. Chairman, I would like to associate myself with the effort of the gentleman from Pennsylvania and the gentleman from New York.

I think that reimbursing the public for those costs which are clearly beneficial to a set of people is the heart and soul of fiscal responsibility, and there has been far too little of it in the public works area. I want the gentleman from Texas to note the omnibus water bill, which has come up here in this discussion, contains a new dam safety program which is entirely on a reimbursable basis, and that is an important breakthrough. As we make these breakthroughs one-by-one, I think we will establish fiscal responsibility that is so sorely needed in this area.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not propose to get into an argument with the gentleman from Pennsylvania or the gentleman from Texas, who is one of the finest members of our Interior Committee, and the chairman of this great subcommittee. I will say to my friend from Pennsylvania that he has been tenacious on cost-sharing; I have never seen him when he was not in favor of it, and he has brought about some healthy results, and I think that the new policy that we are going to have on new projects will be due in no small part to his tenacity over the years.

I disagree with my friend from Pennsylvania on the impact of his amendment. As far as I am concerned, Mr. SOLOMON and his allies here, who have had about half the time today, are entitled to present the Solomon amendment in any form they wish. I did not like it the way it was originally proposed by Mr. SOLOMON, and I do not like it with the one word changed any better, by Mr. EDGAR, and so, on our side, I think I speak for leadership on the other side, we accept the amendment. If you want to have a vote, it will be 435 to nothing. A vote to say that you have the right to present your amendment in any form you wish. So, I hope we can get on; we spent most of the time in general debate on this particular amendment. I hope we can get on with the vote.

Before we do, I want to make just a couple of points. It has been said here today that we have got a terrible deficit and we should not be spending money on Federal dams. Well, let me tell you one way to really increase

that deficit; that is to do nothing and just have one Teton Dam, or just have one Salt River Dam break and wipe out Phoenix. You are talking about several billions of dollars which we cannot afford to pay and which we will be required by law to pay, and we are going to be in a lot worse trouble fiscally if we do not do something about these unsafe dams.

Let me emphasize, because I detect some confusion among some Members I have talked to around the floor today, we deal today with the question of who shall pay. Let me emphasize that these are Federal dams; these were designed by the United States; these dams we are talking about were built by the United States; these dams are owned by the United States; these dams are maintained by the United States, and the question is if that something has gone wrong with these dams over the years, who is going to pay to make it safe? The poor people who are about to be flooded in Phoenix or Sacramento? The farmers who use the water? Or the Government who has the responsibility for keeping the dams safe and reimbursing anyone who is damaged by it.

There is a danger. We have talked about it here today. There is a danger, and the gentleman from Texas' (Mr. KAZEN) figures underline this very well. There is danger of a regional split in this country.

We in the West, we are kind of sensitive. We see it is a double standard many times. I have here a report handed me today that the Fire Island Inlet flood control project in New York has received $10 million a year for the last several years; nonreimbursable Federal funding.

If you live in the West, you pay, you pay through the nose. The little farmer trying to get by and the city down the line trying to get by, you pay.

If you live in the Eastern part of the country and you have a harbor, or a dam, or a levee, the Federal Government pays. If 2 miles of levee are wiped out along in Iowa or Mississippi or Tennessee somewhere, nobody says to the local folks you got to tax yourselves and come up with the money to build the levee.

Nobody says to the local people you have got to rebuild that levee, it is done at Federal expense. We have had the idea that we are one big country, and we develop our resources in a logical, and fair way. That the Federal Government when it invests in the St. Lawrence Seaway or one of these great navigation projects like the Intracoastal Waterway, that we have made ourselves a better country and tied ourselves better together.

It is as though the roof collapsed in your house, you go back and find it was the designer and the builder that made a mistake, who pays for that? The man who designed and built the house pays for it, and not the poor guy who happens to be living in the house. That is essential.

Let me make just a couple more points. I said earlier today that the proponents of the Solomon amendment are fighting the wrong war. This is not cost sharing for new water projects; it has nothing to do with it. We are talking about old projects that are dangerous and unsafe. We are not talking about the big corporate forms, we settled that issue last year, that big corporate forms should not get cheap, subsidized water.

We are not really talking about environmental issues. I have not understood quite why the environmental groups get so excited, when you press them down and say where is the environmental issue, it is not that you are going to flood some beautiful valley, the lakes are already there. It is not destroying some river, the rivers have already been destroyed is that is what a dam does. We are talking about what we are going to do with new dams and new projects, new water projects in future.

Stay with us on the Kazen-Udall-Cheney and all the rest substitute. It is a fair way to go. It is the right way to go, and I urge a positive vote for Edgar, a negative vote for Solomon and then let us pass the bill with the Kazen substitute.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman.

There are two things that kind of disturb me about the gentleman's statement.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. UDALL was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for again yielding.

Mr. Chairman, I wonder if the gentleman would care to tell us the amounts of Bureau of Reclamation moneys that have gone to New York and the neighboring States compared to the amounts that have gone to the West.

The gentleman is really talking about equity. Clearly, it seems to me that the preponderance of those funds have gone to the West.

Mr. UDALL. I would disagree. I do not have figures, but my impression is that if you take in harbors and navigation, the St. Lawrence Seaway, and all the harbors along both of our coasts, I think a lot more money has gone into harbors than has ever gone into these irrigation dams in the West.

Mr. OTTINGER. Well, I would doubt that.

The other thing that bothers me is the gentleman said that the issue here involves very closely whether the people below these dams, these old dams, will continue to be in jeopardy. It is my understanding that the dams are going to be repaired in either case. Really the sole question here is who is going to pay eventually for that cost; is that not correct? The dams will be repaired either way.

Mr. UDALL. Under our amendment, the dams are going to be repaired by the Federal Government and they will bear the cost of repairing a dam that the Federal Government designed and built and operated. Any additional benefits, and there will be some, if you are going to generate more electricity by repairing that dam or get more flood storage by repairing that dam, or having other advantages, then the recipients of those advantages will pay for them, and they should.

Mr. OTTINGER. But the question of liability in case the dam breaks is no more a question with one amendment or the other?

Mr. UDALL. There is no argument on that. These are Federal dams, every one of them; there are no private dams here. The Federal Government will be stuck with the bill. If you take 50 dams, the odds are that we are going to have one of these in the next 2 or 3 years.

Mr. OTTINGER. Either way, in either case, the dams are going to be repaired.

Mr. UDALL. I understand the gentleman's point.

□ 1540

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

(On request of Mr. KAZEN and by unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman, on that last question, under the Solomon amendment there is no guarantee that these dams are going to be repaired. That is what the whole process is.

Mr. OTTINGER. If the gentleman will yield further, it is my understanding that under the Solomon amendment, the Federal Government goes in and repairs the dam and the only difference is that the costs are reimbursed over a period of 15 years under

the Solomon amendment and they are not reimbursed generally.

Mr. UDALL. The gentleman was not here today. We went into that at great length, and the Solomon amendment simply does not require, and we cannot require the beneficiaries of the water project. In Phoenix, these are 3,000 or 4,000 farmers who are the beneficiaries, so-called, but the people who are going to get hurt live and work in the flood plain and are going to be drowned and have their property destroyed. There is no incentive for the water users themselves to sign a burdensome contract to pay for something the Federal Government has liability for.

Mr. OTTINGER. If the gentleman will yield further, the language of the Solomon amendment says:

> Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this act.

Mr. UDALL. We debated those words for a long time this afternoon.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has again expired.

(On request of Mr. CHENEY and by unanimous consent, Mr. UDALL was allowed to proceed for 1 additional minute.)

Mr. CHENEY. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Wyoming.

Mr. CHENEY. I thank the gentleman for yielding.

Mr. Chairman, to follow on the point of the gentleman from New York (Mr. OTTINGER), in response to the gentleman's question on the issue of whether or not the Solomon amendment would work, as offered in 1982, it was not workable. Many of us would argue today, although certainly the gentleman from New York (Mr. SOLOMON) would disagree, that the Solomon amendment, as revised, is still unworkable because it does not say the Secretary is authorized to complete repair on the project, only that he is authorized to initiate it.

Many of us, as pointed out by the distinguished chairman of the committee, the gentleman from Arizona (Mr. UDALL), are in situations where the people who are hurt by a flood when the dam collapses are not the beneficiaries of the project and, therefore, are not in any position to be able to pay, and those who are the beneficiaries of the project that the gentleman from New York (Mr. SOLOMON) would seek to have pay for the repair of the unsafe dams will simply refuse to participate.

Many of us believe the Solomon amendment is simply not workable and, if it is adopted, we will not repair unsafe dams and ultimately the Federal Government will be liable.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. I would inquire of the Chair, who has the time?

The CHAIRMAN. The time of the gentleman from Arizona (Mr. UDALL) has expired.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR) to the amendment offered by the gentleman from New York (Mr. SOLOMON) and in opposition to the substitute amendment offered by the gentleman from Texas (Mr. KAZEN) and in favor of the amendment offered by the gentleman from New York (Mr. SOLOMON) to the bill before us.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I just want to clarify a point. The gentleman from Texas (Mr. KAZEN) was asking a question about the people of Phoenix and whether or not they would pay.

We did a little research and discovered the answer to the question of the gentleman from Texas (Mr. KAZEN) is the following: The people of Phoenix downstream from the dam are municipal water users and they will pay the lion's share of the cost under the Solomon amendment through their municipal water bills, and I have a chart here that explains exactly what will happen, and I will share that with the gentleman

Mr. VENTO. Mr. Chairman, I think the gentleman from Pennsylvania has added tremendously in terms of answering that question.

I think that the issue of suggesting that becasue someone is at risk with regard to the bursting of a dam or breaking of one of these Federal irrigation project dams, that somehow they automatically then pay, is not necessarily true, not unless they are users and beneficiaries of that particular facility.

We have before us today a very interesting topic, the question of reclamation dams that have been built over a long period of history. The basic justification, of course, for these dams and the beneficiaries who have enjoyed the benefits of them, whether they be flood control, municipal users, farm use, or whatever it is, was that they were a help and a necessary function that the National Government step in and give some assistance in this area because of the general benefits in terms of economic development, and so forth and so on.

The question, I think that comes to us today is not a static question. As some would say, once the Federal Government is on the hook, we have to keep them on the hook, that there is no way that we can ever revisit the improvements or modifications of these dams, no matter what their age, no matter what their safety, no matter what engineering problems rest with those particular dams. Once the National Government is on the hook with regard to these costs, that we should be there in 1984 just like we were in 1934 or 1944, whatever the case may be; that we can never revisit those particular questions; that we made a commitment. It goes on to infinity.

But I think that at some point we have to break step with those particular issues and revisit whether or not the economic terms and conditions that existed in Phoenix, Ariz., or existed in Texas or in California where these dams might exist, or Idaho, are the same today as they were in 1934 in the depths of the depression, whether or not we can come up now and say we have to change the program or we are going to have to do something different.

We have a problem here, a very serious problem, with respect to safety. All of us, I think, admit that we should deal with it. But yet you say that the Solomon amendment, which we all voted for in 1982, is unsatisfactory. It is unsatisfactory to whom? It has not been tried. It was not given a fair chance because the Senate never took up the bill.

That, my friends and colleagues, is just about what has always happened. We have had issues with regard to cost reimbursement placed in a bill, it goes to the Senate and they veto it, they limit it. That is the end of the consideration that that gets. Dam safety is about as important until you have to start paying for some of the repairs and maintenance yourself, and then all of a sudden it is not important any more. It is only important if you can get Washington, D.C., to foot the bill. Then it is important.

I think we deserve better in terms of this particular issue. I think the people we represent and who we are trying to safeguard deserve better. I think this Nation has a problem with respect to facing up to this issue. We cannot afford the type of cost that is involved here. We have gone a great deal and we are probably going to have to do some more. We are not going to make any progress if the bottom line is that the National Government, Uncle Sam, is going to be on the hook. Once he is on the hook, we are never going to change those particular policies. We are not going anywhere with regard to that particular attitude, especially when we are faced

with a $200 billion debt every year like we have now.

We are going to have to change some things, and this is one of them. Members can start today by voting for the Solomon amendment. It may not be perfect, but it is a darn sight better than doing nothing, and that is what, I am afraid, it comes down to in terms of the Kazen substitute amendment. With deference to my friends, I realize their problems, but I think it comes down to doing nothing. I think the Solomon amendment will carry forward and will allow us to deal with the problem. It may not be perfect but it is the best thing going, so I hope we will vote it up.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to my friend, the gentleman from New York.

Mr. SOLOMON. I thank the gentleman from Minnesota for yielding.

Mr. Chairman, let me just make one clarification. Many of my colleagues who are watching back in their offices and many who have just come on this floor did not hear my previous presentation. Earlier when I introduced my amendment, I spent 20 minutes in the well establishing legislative intent so that there would be no question but that work could go forth immediately on the repair and restoration and reclamation of these dams.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. VENTO) has expired.

(On request of Mr. SOLOMON and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. SOLOMON. Mr. Chairman, will the gentleman yield further?

Mr. VENTO. I yield to my friend, the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Chairman, I had said before that there were Members in this House who did not want to go along with my language, which would have allowed that work to proceed immediately. They wanted a contract in hand. I refused to go along with that recommendation out of deference to the gentleman from Arizona and the gentleman from Wyoming.

That is why I built into my amendment the legislation which says, and let this be the legislative intent hereafter. It says:

> Notwithstanding any other provision of law, the Secretary may initiate construction of any modification of structures under this Act prior to entering into a contract providing for repayment or reimbursement of costs.

That is the legislative intent. Mr. Chairman, let us vote on this legislation and let us get on with it.

● Mr. CONTE. Mr. Chairman, I rise in strong support of this amendment to require local cost sharing for safety improvements in dams, and commend the gentleman from New York (Mr. SOLOMON) and the gentleman from Pennsylvania (Mr. EDGAR) for their leadership on this issue. I believe this amendment is fair, and most importantly, will make this important legislation more equitable for the Nation as a whole.

Mr. Chairman, dam safety is a recognized cost of doing business, wherever dams are supplying water and power. Non-Federal dams are subject to State inspection, and costly repairs remain a non-Federal responsibility. These costs are then reflected in the price of water supplied by such dams.

Hydroelectric dams licensed by the Federal Energy Regulatory Commission are subject to Federal inspection, and may also require costly remedial work. The FERC reports that major rehabilitation projects have been carried out by non-Federal interests at 91 dams in the past 3 years. Many of these safety projects have been the direct result of new hydrologic or seismic data that demonstrated a need for improvement in the structure. Such costs are reflected in the cost of electricity produced at these dams.

Also, the Corps of Engineers requires users to repay the costs of dam safety work at corps dams. While relatively little of such work is currently going on, the corps has a very large stock of dams that may need improvement in the future. If H.R. 1652 is passed without this amendment, a costly precedent will be set that could come back to haunt us 10 or 20 years down the road.

Finally, I note that the omnibus water resources bill, H.R. 3678, as reported by the Public Works Committee, contains a new dam safety program. However, this program, through which the Corps of Engineers would be authorized to make safety improvements at non-Federal dams, is on an entirely reimbursable basis, for both technical assistance and actual construction.

In short, the cost of water and power provided by our Nation's dams must necessarily reflect the cost of maintaining these structures in a safe condition. This is true everywhere, both east and west, north and south.

Everywhere, that is, except for the local interests served by Bureau of Reclamation dams. They have carved out for themselves an exception to this rule, ever since passage of the 1978 Reclamation Safety of Dams Act. The Interior Committee now seeks to increase the spending authority under that act by more than sevenfold, from $100 to $750 million, without eliminating this position of special privilege for the local interests served by these Bureau of Reclamation projects.

Mr. Chairman, I believe that it would be the height of irresponsibility, as we face continued deficits in the $200 billion range, to provide an additional $650 million for dam safety without requiring local reimbursement. A similar amendment passed the House 2 years ago by a vote of 212 to 140; I urge passage of this amendment today.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR) to the amendment offered by the gentleman from New York (Mr. SOLOMON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDGAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 0, not voting 51, as follows:

[Roll No. 48]

AYES—382

Ackerman	Coughlin	Gore
Addabbo	Courter	Gradison
Akaka	Coyne	Gramm
Albosta	Craig	Gray
Alexander	Crane, Philip	Green
Anderson	Crockett	Gregg
Andrews (NC)	D'Amours	Guarini
Andrews (TX)	Daniel	Gunderson
Anthony	Dannemeyer	Hall (OH)
Applegate	Darden	Hall, Ralph
Archer	Daschle	Hall, Sam
Aspin	Daub	Hamilton
AuCoin	Dellums	Hammerschmidt
Badham	Derrick	Hansen (UT)
Barnard	DeWine	Hartnett
Barnes	Dickinson	Hatcher
Bartlett	Dicks	Hawkins
Bateman	Dingell	Hefner
Bates	Dixon	Hertel
Bedell	Donnelly	Hightower
Beilenson	Dorgan	Hiler
Bennett	Dowdy	Hillis
Bereuter	Downey	Hopkins
Berman	Duncan	Horton
Bethune	Dwyer	Howard
Bevill	Dymally	Hoyer
Biaggi	Dyson	Hubbard
Bilirakis	Early	Huckaby
Bliley	Eckart	Hughes
Boehlert	Edgar	Hunter
Boggs	Edwards (AL)	Hutto
Boner	Edwards (CA)	Jacobs
Bonior	Edwards (OK)	Jeffords
Bonker	English	Jenkins
Borski	Erdreich	Johnson
Boucher	Evans (IA)	Jones (NC)
Breaux	Fascell	Jones (OK)
Britt	Fazio	Jones (TN)
Brooks	Feighan	Kaptur
Broomfield	Ferraro	Kasich
Brown (CA)	Fiedler	Kastenmeier
Brown (CO)	Fields	Kazen
Broyhill	Fish	Kemp
Burton (CA)	Flippo	Kildee
Burton (IN)	Florio	Kindness
Byron	Foley	Kogovsek
Campbell	Ford (MI)	Kolter
Carney	Ford (TN)	Kostmayer
Carper	Fowler	Kramer
Carr	Frank	LaFalce
Chandler	Franklin	Lagomarsino
Chappell	Frost	Lantos
Chappie	Fuqua	Latta
Cheney	Garcia	Leach
Clarke	Gaydos	Leath
Clinger	Gejdenson	Lehman (CA)
Coats	Gekas	Lehman (FL)
Coelho	Gephardt	Leland
Coleman (MO)	Gibbons	Lent
Coleman (TX)	Gilman	Levin
Conable	Gingrich	Levine
Conte	Glickman	Levitas
Conyers	Gonzalez	Lewis (CA)
Cooper	Goodling	Lewis (FL)

Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Marlenee
Marriott
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Pritchard
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NOT VOTING—51

Annunzio
Boland
Bosco
Boxer
Bryant
Clay
Collins
Corcoran
Crane, Daniel
Davis
de la Garza
Dreier
Durbin
Emerson
Erlenborn
Evans (IL)
Foglietta
Forsythe
Frenzel
Hall (IN)
Hance
Hansen (ID)
Harkin
Harrison
Hayes
Heftel
Holt
Hyde
Ireland
Kennelly
Lipinski
Lowery (CA)
Lundine
Markey
Martin (IL)
Michel
Mitchell
O'Brien
Paul
Price
Pursell
Rostenkowski
Roth
Savage
Shannon
Siljander
Simon
Thomas (CA)
Volkmer
Weaver
Wilson

□ 1600

Mr. WHITTAKER changed his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. KAZEN) as a substitute for the amendment offered by the gentleman from New York (Mr. SOLOMON), as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 192, not voting 47, as follows:

[Roll No. 49]

AYES—194

Akaka
Alexander
Anderson
Andrews (TX)
AuCoin
Badham
Barnes
Bartlett
Bateman
Bates
Bennett
Bereuter
Bethune
Bevill
Biaggi
Boggs
Boner
Bonker
Breaux
Brooks
Brown (CA)
Brown (CO)
Burton (CA)
Carney
Chandler
Chappell
Chappie
Cheney
Clarke
Coelho
Coleman (TX)
Courter
Craig
Crockett
Dannemeyer
Daschle
Daub
Derrick
Dickinson
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Duncan
Edwards (AL)
Edwards (OK)
English
Erdreich
Fazio
Fiedler
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Franklin
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gonzalez
Goodling
Gore
Gramm
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hawkins
Hefner
Hightower
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Jones (NC)
Jones (OK)
Jones (TN)
Kazen
Kogovsek
Kolter
Kramer
Lagomarsino
Lantos
Leath
Lehman (CA)
Lewis (CA)
Livingston
Lloyd
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Marlenee
Marriott
Martin (NC)
Martinez
Matsui
McCain
McCandless
McCurdy
McEwen
McKinney
McNulty
Mica
Miller (CA)
Mineta
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Nichols
Nielson
Ortiz
Packard
Panetta
Pashayan
Patman
Patterson
Pepper
Perkins
Pickle
Porter
Pritchard
Quillen
Rahall
Ratchford
Regula
Reid
Richardson
Roberts
Roe
Rogers
Rose
Roybal
Rudd
Sabo
Sawyer
Schaefer
Schroeder
Seiberling
Shelby
Shumway
Skeen
Skelton
Smith (IA)
Smith (NE)
Smith, Denny
Smith, Robert
Snyder
St Germain
Stangeland
Stenholm
Stump
Sundquist
Swift
Synar
Tauzin
Taylor
Torres
Udall
Valentine
Vandergriff
Vucanovich
Watkins
Waxman
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wise
Wright
Wyden
Wylie
Young (AK)
Young (MO)

NOES—192

Ackerman
Addabbo
Albosta
Andrews (NC)
Anthony
Applegate
Archer
Aspin
Barnard
Bedell
Beilenson
Berman
Bilirakis
Bliley
Boehlert
Boland
Bonior
Borski
Boucher
Britt
Broomfield
Broyhill
Burton (IN)
Byron
Campbell
Carper
Carr
Clinger
Coats
Coleman (MO)
Conable
Conte
Conyers
Cooper
Coughlin
Coyne
Crane, Philip
D'Amours
Daniel
Darden
Dellums
DeWine
Dingell
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Evans (IA)
Fascell
Feighan
Ferraro
Fields
Fish
Florio
Frank
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hamilton
Hartnett
Hatcher
Hertel
Hiler
Hillis
Horton
Hughes
Jacobs
Jeffords
Jenkins
Johnson
Kaptur
Kasich
Kastenmeier
Kemp
Kildee
Kindness
Kostmayer
LaFalce
Latta
Leach
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (FL)
Long (MD)
Lundine
Mack
MacKay
Madigan
Martin (NY)
Mavroules
Mazzoli
McCollum
McDade
McGrath
McHugh
McKernan
Mikulski
Miller (OH)
Minish
Moakley
Molinari
Moody
Morrison (CT)
Mrazek
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ottinger
Owens
Oxley
Parris
Pease
Penny
Petri
Rangel
Ray
Ridge
Rinaldo
Ritter
Robinson
Rodino
Roemer
Roukema
Rowland
Russo
Scheuer
Schneider
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shuster
Sikorski
Sisisky
Slattery
Smith (FL)
Smith (NJ)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stark
Stokes
Stratton
Studds
Tallon
Tauke
Thomas (GA)
Torricelli
Towns
Traxler
Vander Jagt
Vento
Volkmer
Walgren
Walker
Weber
Weiss
Wheat
Williams (MT)
Wolf
Wolpe
Wortley
Yates
Yatron
Young (FL)
Zschau

NOT VOTING—47

Annunzio
Bosco
Boxer
Bryant
Clay
Collins
Corcoran
Crane, Daniel
Davis
de la Garza
Dreier
Durbin
Emerson
Erlenborn
Evans (IL)
Foglietta
Forsythe
Frenzel
Hall (IN)
Hance
Hansen (ID)
Harkin
Harrison
Hayes
Heftel
Holt
Hyde
Ireland
Kennelly
Lipinski
Markey
Martin (IL)
McCloskey
Michel
Mitchell
O'Brien
Paul
Price
Pursell
Rostenkowski
Roth
Savage
Shannon
Siljander
Simon
Thomas (CA)
Weaver

□ 1620

Messrs. ROWLAND, CONYERS, SLATTERY, RODINO, SOLARZ, FEIGHAN, and ARCHER changed their votes from "aye" to "no."

Mr. WILLIAMS of Ohio and Mr. GARCIA changed their votes from "no" to "aye."

So the amendment offered as a substitute for the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentle-

man from New York (Mr. SOLOMON) as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. KAZEN. Mr. Chairman, I ask unanimous consent that, in the committee amendment to H.R. 1652, on page 2, line 23, section 12, the word "war" be stricken and in lieu thereof the word "warm" be inserted.

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

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FRANK, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1652) to amend the Reclamation Safety of Dams Act of 1978, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

GENERAL LEAVE

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

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1630

APPOINTMENT OF CONFEREES ON S. 1852, DEFENSE PRODUCTION ACT OF 1950 EXTENSION

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1852) to extend the expiration date of the Defense Production Act of 1950, with a Senate amendment to the House amendment thereto, disagree to the Senate amendment to the House amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island? The Chair hears none, and appoints the following conferees: Messrs. ST GERMAIN, MINISH, LAFALCE, and LUNDINE, Ms. OAKAR, and Messrs. VENTO, WYLIE, BETHUNE, and SHUMWAY.

PRESIDENT'S REPORT ON STATE OF SMALL BUSINESS

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

Mr. BILIRAKIS. Madam Speaker, I come before this body of the first day of spring with some good news. The recently released President's report to Congress on the state of small business confirms what many of us have believed for some time. The economy of this Nation is undergoing a strong recovery, and the state of small business is proof. We are all aware that small businesses have been hampered more than any other segment of our economy by Government regulatory practices, paperwork, and the basic tax structure. This administration has made a concerted effort to alleviate these burdens—through deregulation, tax reform, and paperwork management—and the small business sector has responded. The President's report shows that during 1982 and 1983, business startups increased in the deregulated industries faster than in the overall economy, rising 33 percent in the deregulated financial services sector and 15 percent in the transportation and communications sector, compared to 13 percent in the general economy. Small business is leading the way in job creation. Between 1980 and 1982, small businesses generated all of the 984,000 net new jobs in this Nation, which more than offsets the 1.6 million jobs lost by large businesses.

Madam Speaker, the state of small business is proof of the success of this administration's policies and attitudes toward the limited role that Government should play in our lives. However, we must not lose the momentum now that we are seeing positive results of deregulation and tax reform.

The report follows:

PRESIDENT'S REPORT ON THE STATE OF SMALL BUSINESS

1983 was a good year for small business. The strong performance of the small business sector during 1983 continued from its relatively strong performance during 1982. Small business showed an ability to adapt and grow in times of both economic stress and prosperity.

Between 1980 and 1982, small businesses generated all of the 984,000 net new jobs in the United States. Small business produced 2,650,000 new jobs, more than offsetting the 1,664,000 lost by larger businesses. The service sector accounted for about half of the employment increase.

Small business also is leading the way in job creation during the recovery. In six major industries for which small and large business-dominated sectors can be identified, small business-dominated industries registered a net employment gain of 2.6 percent from September 1982 to September 1983. Large business-dominated subsectors showed an employment gain of only 1.2 percent.

Small business dominated the fastest growing industries in the number of new enterprises between 1980 and 1982. New enterprises with fewer than 100 employees in many of the service sectors, such as education, legal and social services, increased between 10 and 15 percent annually.

The service industry continued to be the fastest growing job generator between 1980 and 1982, accounting for about 52 percent (1.2 million jobs) of the total increase in new jobs; small firms accounted for 89.6 percent of this growth. Together, the finance and mining sectors accounted for 30 percent of the total 1980-1982 employment increase; the trade, transportation, construction, and agricultural sectors accounted for the remainder.

Small business employs 47.8 percent of the private non-farm work force, contributes 42 percent of sales; and generates approximately 38 percent of our Nation's gross national product.

Business bankruptcies declined 14.7 percent during 1983 compared to 1982. For the six-month period from July through December, bankruptcies declined 30 percent from the similar 1982 period.

Small business proprietorship and partnership income grew 19 percent in 1983, compared to 1982. In contrast, wage and salary income increase 6.1 percent.

There are 14.3 million non-farm businesses in the United States. Approximately 99.7 percent of these businesses are small by the U.S. Small Business Administration's size standards.

Self-employed workers, who comprised 7.6 percent of the civilian work force in 1983, have made a disproportionately large contribution to the economic recovery. The number of self-employed workers increased by 497,000, representing a 6.6 percent rise, compared to a 3.7 percent rise in wage and salary employees.

From 1980 through 1982 larger firms lost 1.7 million net jobs; most of these losses were concentrated in manufacturing (−1.5 million), retail trade (−0.2 million), wholesale trade (−0.3 million), and transportation (−0.1 million). Employment gains by large businesses in the mining, finance, and service sector partially offset these losses.

Eighty-five percent of the new jobs created between 1980 and 1982 came from three regions of the United States: the Mountain States of Montana, Idaho, Colorado, New Mexico, Arizona, Utah, Nevada and Wyoming; the Pacific States of Washington, Oregon, California, Alaska and Hawaii; and the West South Central States of Arkansas, Texas, Oklahoma and Louisiana.

During 1982 and 1983, business starts increased faster in deregulated industries than in the overall economy, rising 33 percent in the deregulated financial services sector, and 15 percent in the transportation and communications sector, compared to 13 percent in the general economy. In nonbank credit agencies, starts rose 68 percent during 1982 and 1983; no major increases had occurred prior to 1982.

In 1983, new business incorporations rose by a record 600,000, indicating that more

and more Americans are going into business for themselves. The previous record, 580,000, was set in 1981. Between January and September 1983, business starts increased 12.9 percent over the same period in 1982, another sign of the increase in small businesses.

Ninety percent of the approximately 400,000 businesses that dissolve each year do so for voluntary reasons, such as retirement of the owner. Ninety-nine percent of failed businesses have fewer than 100 employees; over 80 percent are less than 10 years old.

Younger workers, older workers and female workers are more likely to be employed by small firms than by large firms. A major reason is that small firms are able to provide more part-time work opportunities. Large businesses are more likely to hire prime-age workers 25 to 54 years old.

New workers entering the work force are more likely to be women than men. Women are projected to increase from 42 percent of the civilian labor force in 1982 to 48 percent in 1995 and will probably account for nearly two of every three additions to the labor force over the next decade.

Establishments with 20 or more employees have a 20 percent greater chance of surviving than establishments with fewer than 20 employees.

In Fiscal 1982, the Federal Government purchased approximately $159 billion in goods and services from the private sector. Small businesses received $27.1 billion, or 17 percent of the procurement total.

About one-third of federal prime contract dollars received by small firms are through small business set-aside competition.

From 1977 to 1980, the number of female-owned sole proprietorships increased 33 percent.

From 1980 to 1982, the number of self-employed women rose from 2,096,000 to 2,309,000, a 10-percent gain.

In 1982, nearly half of all women who worked had preschool children, compared to 10 percent in 1948.

Most women-owned businesses are in the retail trade and service industries.

Blacks and other minorities are expected to account for nearly one-fourth of the growth of the labor force during the next decade.

The future growth of minority-owned small firms will be propelled by the fact that younger and better educated minority men and women are increasingly going into business for themselves.

The number of minority self-employed workers grew 42.8 percent in the 1972-82 decade—from 332,000 to 474,000. By comparison, the number of whites going into business for themselves over that decade grew 35 percent, to a total of 6.8 million.

March 1984.

STANDARD OF REVIEW UNDER WHICH SEX-BASED CLASSIFICATIONS WOULD BE CONSIDERED IF ERA WERE RATIFIED

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, this is the seventh special order of a series of nine which I have reserved to examine the effects of the ERA on various laws and social norms of our country. Previous special orders, which have been held on every Tuesday since the 98th Congress began its 2d session, have dealt with the effect of the ERA on abortion, the military, veterans preferences, private and parochial schools, and insurance rates. The subject of today's special order will be the standard of review under which sex-based classifications would be considered if the ERA were to be ratified. This is perhaps the single most important question that needs to be answered in regards to the ERA.

Unfortunately, a review of the legislative history will reveal that neither the congressional sponsors, constitutional experts nor the organizations supporting the ERA have been able to articulate a coherent, clear standard of review. This has led to much confusion as to what will be the effect of the ERA on our society, because different results could occur on a sex-based classification if a different standard of review were applied.

Under the 14th amendment's due process clause, most classifications will be upheld if there is a rational basis for the classification. This is known as the rational basis test. However, if the classification is based on race, religion, or national origin—suspect classification—the court will apply the standard of "strict judicial scrutiny" to determine if there is a "compelling State interest" for the classification.

Sex has not been held to be a "suspect classification" where "strict judicial scrutiny" will apply. The closest the Supreme Court ever came to denoting sex to a suspect classification was the case of *Frontiero* v. *Richardson* (411 U.S. 677), where four Supreme Court Justices argued that sex should be a suspect classification. On the other hand, the very liberal "rational basis test" was long ago relegated to the dust heap of history regarding sex classifications. Instead, the standard of review for a sex classification is currently somewhere in between rational basis and strict judicial scrutiny.

The Frontiero case was replaced in 1976 by the standard articulated in *Craig* v. *Boren* (429 U.S. 190 (1976)), where it was stated that a sex classification will be struck down unless it is "substantially related to the achievement of important government objectives." It was held that Oklahoma's 3.2-percent beer statute—which prohibited the sale of "nonintoxicating" 3.2-percent beer to males under the age of 21 and to females under the age of 18—was held to invidiously discriminate against males 18 to 20 years of age.

In a more recent case, the U.S. Supreme Court struck down as a violation of the equal protection clause of the 14th amendment the policy of the Mississippi University for Women of denying qualified males the right to enroll for credit in its school of nursing. In writing for the majority, Associate Supreme Court Justice Sandra Day O'Connor, in *Mississippi University for Women* v. *Hogan* (455 U.S. 1014 (1982)), articulated the "exceedingly persuasive justification" for gender-based classifications:

> Thus considering both the asserted interest [educational affirmative action for women in the field of nursing] and the relationship between the interest and the methods used by the State, we conclude that the State has fallen far short of establishing the "exceedingly persuasive justification" needed to sustain the gender-based classification.

As time goes on, the standard of review for sex-based classifications will continue to move away from this intermediate standard of review toward strict judicial scrutiny.

Part and parcel with strict judicial scrutiny is a requirement that the Federal or State government intentionally meant to discriminate when the law or policy was enacted in order for the due process clause of the 14th amendment to be violated. In the major case of Washington against Davis, the Supreme Court held that intent to discriminate was necessary in order to invalidate an employment test that was being used by the Metropolitan Police Department of the District of Columbia. The fact that blacks were disproportionately impacted by the test was not enough to render the employment test unconstitutional.

As I stated earlier, the standard of review of the ERA is unclear. Both the hearing record and the official record of the House Judiciary Committee markup of House Joint Resolution 1, held on November 9, 1983, is replete with differing views as to what is the standard of review under the ERA. Instead, it proved that the proponents of the ERA clearly do not know what the 52-word constitutional amendment means. Evidence of the confusion that surrounds the standard of review and that the supporters want an effects test to apply can be gleaned from the testimony. Therefore, I would like to read, paraphrase, and comment on portions of testimony received by the Subcommittee on Civil and Constitutional Rights that address the standard of review issue. Unfortunately, the full House Judiciary Committee has refused to file a report on House Joint Resolution 1, the proposed ERA, de-

spite the fact that it was reported out of the committee on November 9, 1983, almost 4 months ago. The committee, it seems, wants to keep the Congress and the American public in the dark as to the ERA's true meaning. The following should provide some insight, however:

GOVERNOR LAMM OF COLORADO

Judges generally have stayed with familiar legal theories by employing the strict scrutiny test to review laws which classify persons on the basis of sex. They have permitted the use of statistics to prove that, although an act is neutral on its face, it has a discriminatory impact.

In response to a question from Congressman DEWINE of Ohio, Governor Lamm stated:

A statute that is neutral on its face and in effect is discriminatory, that is, evidence that can be brought forward and be a basis of knocking down a statute under the ERA.

MARY FRANCES BERRY, COMMISSIONER, U.S. COMMISSION ON CIVIL RIGHTS

Ms. Berry agreed with a statement from Congressman DeWine that the standard of review for applying the Fourteenth Amendment to race classification would be the standard of review of the ERA when applied to sex classifications. She argued that strict judicial scrutiny would apply and that a compelling state interest would be needed for sex classifications.

JUDY GOLDSMITH, PRESIDENT, NATIONAL ORGANIZATION FOR WOMEN

[From written testimony]: . . . It is often impossible to prove the "intent" which courts often say is necessary to successful pursuit of six discrimination cases. A law which is facially neutral but has a punishing disparate impact on women raises the judicial question: "Did the legislative body in question intend to harm women in passing the law?" and this answer is likely to be, "Of cours not; women never entered our minds." [This suggests an effects test which is different than race discrimination which requires an intent test.]

DOROTHY ' ,DINGS, PRESIDENT, LEAGUE OF WOMEN VOTERS

[From written testimony]: Rules and policies that appear to be gender neutral, but which appear to have a disproportionately negative impact on women, will also be subject to *rigorous scrutiny* under the ERA. Such facially neutral policies may affect the status of women in jobs they share with men, but they are also likely to be factors that perpetrate the occupational segregation that isolates women into a few occupations with low status and low pay. [The standard of review is an effects test and rigorous scrutiny. Different from the standard for race discrimination under the Fourteenth Amendment.]

Ms. Ridings goes on to suggest that veterans preference laws will be overturned because veterans are 98-percent male and only 2-percent female.

She also notes "classifications based on physical characteristics unique to one sex" will be subject to "rigorous scrutiny." Thus, it appears that the Hyde amendment which affects pregnancy, a physical characteristic unique to one sex, will be overturned:

TISH SOMMERS, PRESIDENT, OLDER WOMEN'S LEAGUE

[From written testimony]: Ms. Sommers states that there are two types of laws that affect women unequally. The first is direct (de jure) discrimination, and the second is sex neutral laws which impact upon women in a discriminatory way. She states "all our retirement income policies fall into [the second] category because they were designed on the presumption of women's dependency."

She notes that:

More difficult [to overturn] will be those provisions which enforce inequality by their impact, such as social security, ERISA, and the Railroad Retirement Act, all of which have provisions of great economic importance.

She advocates "earnings sharing" under the social security law, equal pay for comparable work, and a revision of divorce laws:

Whatever they are, the disparate impact laws will certainly be scrutinized by women, who will have a constitutional tool to work with.

This suggests an effects test which is different from the standard of review for race discrimination under the 14th amendment.

DR. DIANA PEARCE, CENTER FOR NATIONAL POLICY REVIEW, CATHOLIC UNIVERSITY LAW SCHOOL

In her written testimony, Dr. Pearce argues that many of our welfare-type programs are discriminatory toward men. She cited the Comprehensive Training and Employment Act (CETA), work incentive program (WIN), and even AFDC as examples of a two-tier welfare system that disproportionately impacts upon women. She concluded her testimony with the following statement:

I believe that the Equal Rights Amendment will stimulate an examination of the disadvantating impact of government programs on poor women, and thereby begin the process of creating a unitary welfare system that will in turn help reverse the trend towards the feminization of poverty.

PROF. FRANCINE BLAU, UNIVERSITY OF ILLINOIS

While not directly coming out and stating that an effects test would be used, the examples cited in her testimony certainly lead one to believe that an effects test, as opposed to an intent test, will be used.

For example:

The ERA will have a direct impact on the employment policies of government at all levels prohibiting sex discrimination in pay and job opportunities. It would bring under scrutiny such governmental employment policies as overbroad veterans preference schemes which virtually exclude women from high-level jobs.

EUNICE COLE, PRESIDENT, AMERICAN NURSES ASSOCIATION

An Equal Rights Amendment will require scrutiny of sex segregation in governmental jobs that permits women in certain occupations to earn less than males in jobs requiring equal or less skill, effort and responsibility.

Ms. Cole very loosely used the term suspect class. Upon questioning, she stated the term suspect class did not have the meaning that has been given it by the U.S. Supreme Court.

CHARLES E. WIGGINS

Mr. Wiggins argued that the ERA means that men and women receive the same treatment or identical treatment. In other words, an absolutist standard of review would be applied:

. . . the Amendment will be, or there is serious risk that it will be, construed as adopting an absolute prohibition against classifications based on sex, except when unique physical characteristics are properly involved, and that exception will be subject to strict scrutiny.

Because of this absolutist standard, Mr. Wiggins argued that the entire Federal work force would have to be integrated. Thus, military job assignments would have to be sex-neutral, including garrison and combat situations. This is true because the ERA would allow for no exceptions.

Mr. Wiggins also noted that sex discrimination would thus be ranked as more offensive than race discrimination.

He testified that whether the standard of review would be absolute or strict judicial scrutiny, the Supreme Court decision of McRae against Harris, which upheld the Hyde amendment, would be overturned.

PROFESSOR KARLSON, INDIANA UNIVERSITY SCHOOL OF LAW

In response to questions from minority counsel, Professor Karlson stated that he believed an absolute standard would prevail. According to Professor Karlson, both an absolute standard or strict judicial scrutiny standard of review under the ERA would invalidate current veterans preference statutes.

JEANNE PAQUETTE ATKINS, WOMENS EQUITY ACTION LEAGUE

Ms. Atkins, the staff attorney for the Womens Equity Action League, mentioned several different standards for military classifications. She first stated that:

All explicit gender-based exclusions . . . [i.e.] the express exclusionary policies of the services, and the gender-based Selective Service . . . would fall.

This seems to suggest an absolute standard. She goes on to state that:

Moreover, any practices based on physical characteristics unique to one sex would have to be justified by a showing that the need was compelling.

This suggests strict scrutiny. Finally, she states that:

To the extent that such gender-neutral intent might disproportionately exclude women from participation, these criteria would be subject to rigorous examination.

This suggests a third standard. In her oral testimony, a fourth standard—a "sensible standard"—is suggested. How would a judge, given this kind

of explanation of standard of review, articulate whether a policy is constitutional under the ERA?

PROF. HENRY PAUL MONAGHAN, COLUMBIA UNIVERSITY LAW SCHOOL

Professor Monaghan testified that Congress should make clear in the legislative history the standard of review, something it failed to do in the old ERA.

He testified that the standard should be strict judicial scrutiny—the same standard that applies to race classifications and that the ERA is not intended to override other preexisting constitutional rights such as the right to privacy.

PAIGE CUNNINGHAM, EXECUTIVE DIRECTOR, AMERICANS UNITED FOR LIFE

Leading ERA interpreter Thomas Emerson of Yale Law School, former Columbia Law School Professor Ruth Bader Ginsberg, now a federal judge, and others argued in an amicus brief in *General Electric* versus *Gilbert* that pregnancy classifications under the ERA would be subject to strict scrutiny and would not survive the ERA.

Abortion and childbirth, according to Justice Brennan, in a dissent joined by Justices Marshall and Blackmun, said abortion and childbirth "are simply two alternative medical methods of dealing with pregnancy." Thus, an abortion regulation, under this line of reasoning, would be a pregnancy-related classification and therefore unconstitutional.

PROF. THOMAS EMERSON, YALE UNIVERSITY LAW SCHOOL

In his written testimony, it is unclear as to what standard of review the ERA will be subject to. Professor Emerson stated that the ERA establishes a "complete" bar against classification by sex. In his Yale Law Journal article, he argued that "constitutional mandate must be absolute" and that it "must be applied comprehensively and without exception."

However, in his testimony, he began to make exceptions to this absolute standard:

Nothing in the ERA would forbid a statute or regulation dealing with a physical characteristic unique to one sex . . . provided it did not produce inequality between the sexes.

A second exception would be made relating to the "right of privacy." A third exception would be made for the first amendment right to freedom of religion.

He noted that the ERA would, however, have to be reconsidered with the constitutional right to freedom of association. This, however, is according to Professor Emerson, "not beyond the power of the courts to resolve."

Professor Emerson suggested that an effects test would apply as opposed to an intent test.

Professor Emerson noted that five factors need to be considered under the ERA where a policy, law, or regulation has a disparate impact on one sex. Subsidicary factors to be considered in answering the question of whether the statute or regulation deserves "equality of rights under the law" include:

First, the relationship between the challenged statute or regulation and patterns of discrimination.

Second, the severity of the impact upon the sex adversely affected.

Third, the importance of the governmental interest sought by the statute or regulation.

Fourth, the extent to which the imposition of a burden upon one sex aids in the solution of the problem addressed.

Fifth, the existence of alternatives having a less serious effect upon the sex adversely affected.

He then stated that the Supreme Court case of Massachusetts against Feeney, which upheld veterans hiring preferences in the State of Massachusetts, would be overturned.

ANN FREEDMAN, RUTGERS UNIVERSITY LAW SCHOOL

Under the ERA, the government is prohibited from classifying on the basis of sex except in those narrow circumstances where such classifications are used to protect the constitutional right to privacy or prevent past sex discrimination to be remedied.

Strict scrutiny would be applied to classifications based on characteristics unique to one sex to assure that such classifications do not undermine the equality of the sexes.

Professor Freedman articulated an absolute standard with two exceptions: privacy and affirmative action.

She then suggested an effects test as opposed to an intent test, which is currently used for racial classifications, when she stated:

. . . another crucial aspect of the ERA is the insistence that government policies, practices, or laws that classify on some neutral basis but that have a disproportionately negative effect on only one sex only are under certain circumstances prohibited.

The Massachusetts against Feeney case, which upheld veterans hiring preferences in the State of Massachusetts, would be overturned.

When the ERA was considered by the Judiciary Committee, there was a bipartisan effort to more clearly define the scope of the equal rights amendment through amendments. All of these amendments were voted down. However, in the debate on these amendments, it became clear that the supporters of the ERA could not articulate what the standard of review would be for sex classification.

In the area of the impact of the ERA on abortion, the Judiciary Committee was assured by various opponents of the Sensenbrenner amendment—which, if adopted, would have made the ERA abortion-neutral—that is was unnecessary because the ERA already did not affect abortion rights. It was asserted that abortion issues including the legality of the Hyde amendment would continue to be decided under the privacy penumbra. In the next breath, however, the chairman of the Subcommittee on Civil and Constitutional Rights stated the standard of review for pregnancy classifications would be strict judicial scrutiny. There was much testimony and legal analysis done that indicated if the test for a pregnancy classification is strict judicial scrutiny—which the proponents of the ERA say it is—and if an abortion classification is a pregnancy classification—which proponents say it is—then the Supreme Court case of *Harris* v. *McRae* (448 U.S. 297 (1980)), which upheld the Hyde amendment, would be overturned. The recent case of Fischer against Commonwealth of Pennsylvania to which a special order was made last week shows the ERA will affect abortions.

Regarding the effect of the ERA on parochial-private schools, the various statements were made which showed a lack of understanding of how the standard of review would affect the impact of the ERA.

For example, on the one hand, it was argued by one proponent that strict judicial scrutiny would apply to private and parochial schools. However, it was emphasized that sex classifications and race classifications would have to be treated differently. Thus, it is unclear as to whether the "strict judicial scrutiny" test which is applied to racial classifications will be the same "strict judicial scrutiny" test to be applied to sex-based classifications if the ERA is ratified.

In the area of veterans preference, it was mentioned in the markup that the standard of review would be whether veterans preference programs could serve legitimate legislative goals if targeted to people who were involuntarily withdrawn to serve their country. One would look at the legislative reasoning when veterans preference statutes were adopted. If there is a rational reason, then the statute would be upheld. This seems to suggest a rational basis test. In the next breath, a strict judicial scrutiny test was said to apply.

I seriously question whether anyone really knows how the ERA will affect veterans preferences.

Before concluding, I would like to share excerpts of a CRS analysis that indicates the "effects test," which has been proposed by ERA proponents, would place sex discrimination on a higher plane than race discrimination.

The Congressional Research Service's American Law Division paper entitled "A Legal Analysis of the Concepts of Motivation and Disproportionate Impact," dated January 30, 1984, by Karen Lewis, stated:

Our research reveals that motivation or proof of discriminatory animus is required to make out a case of race discrimination under the Fourteenth Amendment. Evidence of disproportionate impact or of the effects of discrimination alone, given a facially neutral statute, is insufficient to

prove racial discrimination under the Constitution; however, such evidence can be used in helping to show that there was in fact intentional discrimination.

The study goes on:

Should the 98th Congress decide to import a disproportionate impact analysis (as opposed to an intent standard which is used for race discrimination), into the proposed ERA, it would be defining a different burden of proof from the one traditionally required under the Fourteenth Amendment. . . . If the Supreme Court follows such congressional mandate as expressed in the legislative history, then it would be conceivable for an intent standard to govern equal protection challenges in race cases, and an impact test to control equal rights challenges in gender discrimination cases. Thus it would be more difficult to prove race discrimination cases than sex discrimination cases.

The question of the standard of review for the ERA is clearly one that needs to be addressed. The Judiciary Committee markup and hearing record certainly do not provide much guidance as to the standard of review for the ERA on issues relating to abortion, the military, private and parochial schools, veterans preferences, and so on. Unless this is clearly articulated, the controversy will continue to rage over the effect of the ERA on sex-based classifications in our society. The answers will continue to be either "I don't know" or, as the chief sponsor of the ERA in the other body would say, "the courts will decide."

Mr. Speaker, I include at this point in the RECORD an op-ed piece appearing in the January 25, 1984, Wall Street Journal:

[From the Wall Street Journal, Jan. 25, 1984]

CONSTITUTION ISN'T PLACE FOR REMEDIATION OF BIAS

(By Carol Tyler)

I am a wife, the mother of two and consider myself a feminist. I have consistently supported the Equal Rights Amendment. In recent months, however, I have begun to wonder whether the ERA, which many in the women's movement endorse, would grant women constitutional rights that do not exist for blacks and other "protected classes."

To my mind, equality is achieved through the absence of discrimination. How we define discrimination therefore becomes critically important. The Supreme Court has always defined it under the equal protection clause of the 14th Amendment as a federal or state action that intentionally creates classifications based upon race, religion, color or national origin. What feminist leaders seem to want is a constitutional amendment that would reach far beyond the 14th Amendment by erasing laws that have the effect of treating women differently from men.

Last November, the House of Representatives failed in its rather hasty attempt to bring the ERA up for a vote and send it to the Senate in time for the 1984 elections. Neither the hearing record nor the committee report has been released, so we are left only with the words of the amendment's chief advocates to explain its otherwise simple language.

Rep. Geraldine Ferraro (D., N.Y.) was unequivocal. The ERA, she said, not only would strike laws that intentionally discriminate against women, but would also lead to challenges of "sex-neutral" laws that "disproportionately impact" on women. Similarly, Judy Goldsmith, president of the National Organization for Women, has tried to justify a constitutional effects test by saying an intent test, which has formed the basis for every successful equal protection claim brought under the 14th Amendment, is "often impossible" to prove. Rep. Patricia Schroeder (D., Colo.), one of the principal sponsors of the amendment, has played down the efforts to define the ERA by saying simply that its adoption would establish "equal rights" and that "everybody in America knows what that means."

It has been only within the past 25 years that blacks have begun to receive the kind of equality that was envisioned for them when the 14th Amendment was ratified in 1868. They, along with religious and ethnic minorities, have since become clothed in an interpretation of the equal protection clause that places all intentional classifications against them under strict scrutiny by a reviewing court.

Since intent clearly can be established by indirect proof, as it has often been in school busing cases in the North, any such classification is, then, subject to a two-stage analysis: it must make a deliberate distinction on the basis of race, religion, color or national origin, and there must be no "compelling and overriding state interest" to justify its retention. Today, despite great strides brought about in part through the national debate over ERA 12 years ago, gender-based distinctions still have not acquired this same level of constitutional protection.

When the ERA passed the Senate Judiciary Committee in 1972, Sen. Birch Bayh (D., Ind.) suggested that if the court upgraded the constitutional status of women then "part of the reason for the amendment would disappear." At that time, distinctions that laws made between men and women were not subject to the "compelling and overriding state-interest" test, and inequities were therefor far more widespread and obvious. But over the years, the constitutional status of women under the equal protection clause has gradually improved.

The most recent test was advanced in 1982 by the first woman to sit on the Supreme Court. In Mississippi University for Women vs. Hogan, Justice Sandra Day O'Connor wrote that distinctions based on gender may be approved *only* by establishing "an exceedingly persuasive justification" for their use. This sounds a great deal like a requirement for a "compelling and overriding state interest," but the semantic difference seems designed to enable the courts to continue certain unidentified distinctions based on sex that it cannot maintain with regard to race, religion, color or national origin.

Earlier, in 1976, the court reiterated its longstanding view that under a 14th Amendment claim of discrimination. In Washington vs. Davis, an employment test of the District of Columbia Police Department was challenged as unconstitutional because a greater proportion of blacks failed than did whites. The court responded by once more holding that disproportionate impact, or "effects," is not a violation of the equal protection clause. What Rep. Ferraro and Ms. Goldsmith have made clear is that they want the ERA to reverse Washington vs. Davis when women are involved.

I have always considered legislation as remedial in nature. It is created by Congress to meet a specific need and, when it meets that need, it will be ripe for repeal. By contrast, the Constitution is written in indelible ink and, while it grows with us through judicial interpretation, it forever serves to underscore our democratic devotion to broad rights and privileges.

When necessary, Congress has stepped in and expanded the role of the federal government through legislation aimed at specific problems; it has, from time to time, also created an effects test as part of that legislation. An effects test, for example, has been incorporated into the fair housing provisions of Title VIII of the Civil Rights Acts, and the language of Title VII has been broadened to set up affirmative action procedures based on "goals and timetables." In 1982, Congress adopted a new effects test as part of the Voting Rights Act. What is important is that the effects test has always been part of legislative remedies. Neither Congress nor the Supreme Court has ever endorsed an effects test as protection from discrimination under the 14th Amendment. NOW's interpretation of the ERA would set that precedent, but for women only.

The issue may be revived in this session of the House. Any ERA that passes Congress should grant rights that are no less—and no more—pervasive than those available to others victimized by discrimination. The Constitution and the ERA are too important to be abused on behalf of individuals who wish to prosper from the politics of group, as opposed to individual, rights. There is no justification for providing women with a level of permanent protection under the Constitution that does not, and never has, existed for anyone else.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5174, PROVIDING FOR APPOINTMENT OF U.S. BANKRUPTCY JUDGES AND AMENDING THE UNITED STATES CODE

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-626) on the resolution (H. Res. 465) providing for the consideration of the bill (H.R. 5174) to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1700

THE 163D ANNIVERSARY OF GREEK WAR OF INDEPENDENCE

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

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

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, it is an honor for me, Mr. Speaker, to have requested this annual special order to commemorate the approaching 163d anniversary of the Greek War of Independence. And, while this day has a special meaning for me—the son of Greek immigrants—and other Greek-Americans, this day also has become a day of celebration for all in the free world, marking as it does the rebirth of the nation known as the Mother of Democracy.

This Sunday, March 25, is the actual day that the Greeks declared their independence from the Turkish Empire. This historic date, however, was not chosen at random. Rather, March 25 was selected because it marks the feast day of the Annunciation—the day, according to Christian teachings, that God delivered mankind from sin.

Knowing full well the religious importance of March 25, the Greek leaders of the revolutionary movement chose it to announce to the world their emancipation from 500 years of darkness and slavery. And, in commemorating this historic event, Greek communities throughout the world rededicate themselves to the ideals of the war of independence: freedom and human dignity.

The struggle for independence by the Greeks was a long and difficult one, covering a 6-year period. The end result, though, was the glorious rebirth of the Greek nation.

Much like our own War of Independence, the Greek cause did not find a quick and easy resolution. Finances were scarce; confusion was the rule; individual revolutionary groups were often isolated and unable to coordinate their patriotic efforts in the battle for freedom.

Yet, despite all of these difficulties, the common cause of liberty united the Greeks and their allies. And, even though overwhelmingly outnumbered, the small bands of heroes carried on a form of guerrilla warfare, following the patterns of their ancestors. And, while most Europeans were dismayed by the hit-and-run tactics used by the Greek fighters, the methods were remarkably effective and militarily sound and, in the final analysis, proved to be rewarding.

The Greek cause is significant for all of us, as it was an event that clearly paralleled our own quest for freedom from a tyrannical monarchy. In this war of independence, the Greek people fought for the same principles we take to our own hearts—liberty, life, and the pursuit of happiness—the principles we espouse in our Declaration of Independence.

And as we Americans declared ourselves to be free and independent of the British rule, so, too, did the Greeks declare themselves to be free and separate from the Turks, throwing off the yoke of bondage.

The praiseworthy efforts of those Greek patriots did not go unnoticed. Their cause was soon given support by Europeans and Americans, who raised money, bought arms, and sent men to join the fight.

More important and significant were the words of Jefferson, Monroe, and Adams, who recognized the truth in the Greek Revolution and urged Americans to help Greece in her noble and sacred mission. And, in keeping with these initial bonds of friendship, America supported the efforts of the Greek people in their struggles against the Axis powers during World War II and against Communist forces at the end of that war. And, despite differences between our Government and the Government of Greece, that nation continues as a loyal NATO ally, working to safeguard the free world.

It is well-known that Greek-Americans, who are indeed proud to be Americans, have retained their ethnic identity. In communities throughout this Nation, Greek-Americans believe and work to keep forever America's freedoms and still maintain their cultural ties, mostly through the Greek Orthodox Church. And, through our church and its leaders—especially His Eminence Archbishop Iakovos, whom we in this hallowed hall honored a few short weeks ago—we continue to remember the historic struggle that brought our forefathers in Greece their freedom.

In fact, the words of Archbishop Iakovos on this historic occasion are too important to be forgotten or left unrecorded, and with your permission I will include parts of the Archbishop's pastoral letter on the significance of this event in this special order.

The letter follows:

Is it power, competition, love, faith, music, poetry, patriotism, sacrifice, bravery, God, the human race—what is it that raises up tropaia, an offering worthy, and leads to victory?

We are posing this question on the 163rd anniversary of the rebirth of our Hellenic nation, so that our response can be in accord with our historically attested faith which dictates that man, created by God, and endowed by Him to "subdue the earth," (Genesis 1,28), would receive his strength from the hands of God and reach the heights of victory and freedom.

And why? Because no "subduing" is possible if God's word does not echo in our hearts and motivates us toward this victory and freedom. St. Paul emphasizes this point in his letter to the Christians of Galatia: "For the sake of freedom Christ has set us free; stand fast therefore, and do not submit again to a yoke of slavery." (Galatians 5:1).

This is the kind of freedom that we Greek Orthodox Christians extol on March 25. It is the kind of freedom that arose from the sacred bones of martyred Greeks for the benefit of posterity. This is the freedom we are celebrating today, exalting it with the raising of our flags and with the proclaiming of freedom, in our Churches and in our hearts and souls. And we proclaim it as the most cherished aspect of human life.

This is the kind of freedom we ought to embrace with ardent zeal. Let no one deprive you of this freedom or take it away from you. Make no mistake about it; there are many who desire to see the Greek people "again under the yoke of slavery." This pertains not only to other human beings or military, dictatorial or totalitarian regimes, but also to ideas, movements, and false ideologies and revolutions that have perverted their original meaning and purpose. Many of the so-called revolutions of our time bear slogans and mottoes that in reality are destructive or are designed to undermine and overturn not only "the establishment," according to their own terminology, but also the life and soul of youth. This is being done by polluting the minds of the youth with attitudes of rejection, disdainment for patriotism, religious indifference and moral apathy. Their goal apparently has been to lull the soul of our youth into a state of spiritual lethargy.

The Revolution of 1821 was distinctly described as a "National Rebirth." This is a far cry from modern-day versions of the word "revolution," as applied by certain people, and it is fortunate that they are being applied rather awkwardly, with the additional descriptive words as "class" or "civil" to describe a revolution—words that are in no way derived from the Greek language or the historical reality and experience of the Greek people. Our people today are in need of a new national rebirth. This is obvious, in view of the fact that for nearly four centuries fear and slavery held our people in total bondage. Our people had need of a national rebirth. Our people had need of a national rebirth, one that would leave no lingering vestiges of extreme pressure, oppression and inhumane measures inflicted by their tyrranical overlords. The same measures are still being inflicted upon our people by the Turks in Turkey and Cyprus, and by Albanians in Northern Epirus.

Today, we are seeking what our forefathers sought: a true rebirth, purely, totally Greek, not conditioned by so-called friends and falsely guaranteed by those who view us as a "reed shaken by the wind." (Matthew 11:7). Greek Orthodox Christians have a soul that cannot be subdued or enslaved; shoulders that proudly hold the head high and proud, never to be crushed by any "yoke."

The words of Archbishop Iakovos should, and will, stand as the guiding light for Greece, for America, and for the entire free world. Greek Independence Day is a time for all who believe in the freedom of mankind to rise and call on those leaders in enslaving nations to lift the yoke of oppression.

□ 1710

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

Mr. BILIRAKIS. This gentleman will yield.

Mr. GEKAS. Mr. Speaker, I thank the gentleman very much.

For the second straight year in our freshman term, the gentleman from Florida has done the good deed of reserving some time on special orders for this important commemoration.

I must say that the gentleman has quite accurately portrayed the interconnection between the American democracy and the event which we are celebrating.

Many times, I am glad to say, I have stated how fortunate I am that I was born in the greatest country that the world has ever conceived, the United States of America. By virtue of my birth, immediately I was a free man. By virtue of my birth, all the tenets of freedom, of liberty, of ability to aspire and to achieve were given to me automatically.

How more beautiful in my formative years did that become to me and how much more did I appreciate the fact that I was an American than when I began to learn, as the gentleman himself has learned, through the teachings of my parents and my church of my heritage, that the American democracy which I cherish so much was born in Greece, in that cradle of democracy, the birthplace of democracy.

How much more meaningful it is to me today to stand as a Member of Congress, to reflect that as a Member of Congress of the greatest deliberative body in the world and the greatest Nation in the world, I was enriched as a youngster when I knew that my parents had a heritage which originally gave birth to these very same things about which I am so proud today.

Then when I learned, as the gentleman has learned and properly asserted, that the United States of America itself in its infancy was sympathetic to the struggle of the Greek nation to overthrow the Ottoman yoke, it gave me even more a sense of pride, because my own country recognized that it had its roots in the Grecian democracy formulated in that little country in the eastern Mediterranean.

The gentleman from Florida will be happy to learn, to expand upon what the gentleman has said about the United States of America and it sympathies toward Greece at that time, that no less a personage than Daniel Webster, a colleague of ours in previous history in these very Halls, rose on several occasions in 1823 and 1824 to bring to the attention of the world the sympathies that ought to be fostered for the struggle that was going on within Greece. As the gentleman has noted, on March 25, 1821, when Father Germanos, I guess it would be said in English, raised the flag of independence for Greece, when he raised it, it was seen across the world, in stages, of course, because of communications, but it was seen.

And what was the result of that? Daniel Webster, according to the CONGRESSIONAL RECORD, with page after page of perhaps special orders at that time, I am not sure exactly how he presented it, traced the history of Greece, attributed the American democracy's very foundation to what had been accomplished in the ancient kingdom of Greece at that time, the ancient country of Greece.

Then even Henry Clay was wont to get up to speak on the floor of the House to say that we must sympathize with and aid as materially and as vocally as we can the cause of the wretched Greeks who were under the yoke of the Ottoman empire.

So it was that in Philadelphia, the cradle of American democracy, if you will, bearing a Greek name, if you will, in that community in the 1820's, the St. Andrews Episcopal Church became the focal point of tremendous fund raising efforts, to which the gentleman from Florida has alluded, and a great amount of material help was sent from the City of Brotherly Love, Philadelphia, back to the country of Greece for their effort.

The successor of St. Andrews Episcopal Church today on the same site is the Cathedral of the Greek Orthodox Church in Philadelphia, St. George's.

This traces history back to 1821, I am compelled to say, and puts us in a position here today of retracing a glorious interweaving of American history and that of Greece.

The pastor of the Cathedral of St. George in Philadelphia told me today in a telephone conversation that it is the aspiration of that congregation some day within their area of Philadelphia to plant a garden and to erect a statue or some remembrance from the people of Greece, who to this moment in history are grateful for the efforts of American citizens in the help they gave during the 1820's, without which there would have been no successful revolution. The moneys they sent directly to General Kolokotronis, as we say in Greek, were materially important in the successful struggle that he helped wage.

In short, Mr. Speaker, the time that the gentleman has accorded me has given me this final opportunity to say once more this year, in keeping with the importance of the occasion, that I am today even more distinctly proud of the fact that I am an American, because I was able to have also by a gift of blood the essence and the heritage given to me by Greek parents.

Mr. Speaker, I think the gentleman.

□ 1720

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

Mr. BILIRAKIS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank our colleague from Florida (Mr. BILIRAKIS) for coordinating today's special order and giving Congress along with our Greek-American citizens the opportunity to recognize and support the March 25 anniversary of Greek independence from the Turks.

In 1821 Greece ended nearly 500 years of slavery and oppression under the Turks and establishes a democratic state. It is fitting that Greece chose March 25 as its day of declaration of independence, because it marks a major religious holiday for the Greek people. It is the end of winter, the beginning of spring, and the appearance of a new life on Earth. This imagery aptly depicts this democratic milestone and signifies the rebirth of the Greek nation. In fact, this experience is a reflection of America's own struggle for independence.

Thus, March 25 commemorates not only Greek independence but also a very important date in the history of the Free World. For, it was the Ancient Greeks who established the fundamental democratic ideals that we Americans hold so dear. Succeeding generations of Americans regard our Founding Fathers as protectors of freedom, justice, independence, and liberty. Undoubtedly, our Founding Fathers held the Ancient Greeks in high esteem, for those same ideals were first practiced during the time of Aristotle and Plato.

The reestablishment of a democratic Greece reinforces the strength and enduring values of freedom throughout the world. Although sometimes forced to follow foreign authorization rule, the Greeks have turned to their heritage and ancient philosophers ideals for solace, strength, and guidance. The perserverance and dedication of the Greek people to freedom, liberty, and equality have prevailed, and it is this commitment to freedom that we recall and applaud today.

It is unfortunate that to this day the Greeks and Turks still have major disagreements between them, especially over Cyprus. However, it is my hope and the hope of all nations that these differences be resolved peacefully in a constructive, cordial, and effective manner. Through free speech and diplomacy, we all pray for a peaceful resolution to this latest conflict of interests.

Hopefully, someday we will all adhere to the Ancient Greek ideals of brotherhood, comradery, freedom, liberty, and independence. It is not realistic to believe that the entire world can instantly attain this level of brotherly love, but it is imperative that, as citizens and guardians of the Free World, we try.

Mr. BILIRAKIS. I thank the gentleman from New York (Mr. GILMAN) for his great friendship of the Greek

people and commend and thank him and his predecessor, the gentleman from Pennsylvania (Mr. GEKAS) my fellow Greek American, for complementing this special order with their fine remarks coming from the heart.

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

Mr. BILIRAKIS. I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distinguished gentleman from Florida and appreciate the opportunity he gives me to join him and indicate my adherence to his purpose here in this special order, which I think is a very important matter.

Of course, the question of Greece and its independence has been one that has always agitated the minds of the English-speaking world. The gentleman a few minutes ago was reciting some of our previous Members, Daniel Webster to Clay, who made great allusion to the fight for Greek independence in the last century.

I think also the record should show that great patriots of England, Byron, Percy, Bishop, Kelly, Keats, were great proponents and exponents of the Greek independence and liberty in the last centruy, although America has I think by far and by large adhered to the cause and the continuing cause of Greek freedom. The very word "democracy," of course, as everybody knows, is of Greek derivation, and the great people of Greece continue to uphold these great and noble traditions, fight for them, still under the shadow of tyranny and victimized by great oppressive regimes that require our constant attention.

We should be just as committed to the continuing fight for Greek freedom today as we are to the defense and freedom of other nations that obviously were given great priority, too.

So I think the gentleman's special order and its purpose today are extremely important and I just simply want to add my name to his support for this great cause.

Mr. BILIRAKIS. I, too, thank the gentleman from Texas (Mr. GONZALEZ) for his very eloquent remarks.

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

Mr. BILIRAKIS. I yield to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Speaker, today we in the Congress are taking time to honor freedom, liberty, and independence. These ideals, which govern American society and motivate our people, are a legacy from ancient Greece.

Greece is the motherland of democracy. It is quite ironic that after developing the principles which place freedom, liberty, and independence at the center of a society, that the Greek nation should have been subjected to nearly 500 years of slavery and oppression, beginning in the 14th century.

On March 25, 1821, Greece finally regained its independence from the Turks, and was able to return freedom to the Greek people. We in the Congress are honoring March 25 as "Greek Independence Day" because all of us hold the principles of freedom and liberty so dearly.

The struggle for Greek independence during the 1820's was very similiar to the American War for Independence. Because of these parallel events, Americans felt a certain closeness to the Greek people and their struggle. Americans assisted in the Greek fight for independence, both physically and economically.

Our forefathers saw the Greek struggle for independence and freedom in the context of our own struggle for those sacred objectives. Thomas Jefferson suggested Greece give every consideration to our Constitution as a model for the revival of Greek democracy. This was most fitting, since our Government was based upon the philosophical verities distilled from the wisdom of the ancient Greeks.

The brotherhood between the people of Greece and Americans persists to this day. We are friends in every sense of the word—culturally, politically, economically, and militarily. As partners in NATO we work together to protect the freedom we both fought so hard to achieve.

Today as we honor Greek independence, let us remember our close ties to the Greek people and our continuing close alliance. Both of our countries have made many sacrifices to keep the liberties we enjoy. In many ways, we have our Greek friends to thank for originating our democratic system. It is my hope that we will continue to work together to maintain this freedom long into the future.

Mr. BILIRAKIS. I thank the gentleman from Virginia (Mr. BATEMAN) for his very fine remarks complementing this special order.

● Mr. DYSON. Mr. Speaker, today I rise to join my dear friend and colleague MICHAEL BILIRAKIS in celebrating the 163d anniversary of the independence of Greece, the motherland of democracy and civic virtue.

"That most civilized of nations," as Thomas Jefferson referred to Greece, laid the foundations for our understanding of aesthetics, ethics, and knowledge. The teachings of Greek philosophers and the dramas of Greek playwrights are still the first lessons undertaken by neophyte scholars.

From the Greeks we draw our understanding of law and justice. Across the Athenian agora could be heard the worship of moderation, the dialog of citizens engaged in forging and judging their laws. Men could meet to discuss their differences, to reason with one another. The Greeks were radically committed to collective decision-making, to the existence of a public good that could be known.

And they were committed to action; to putting into practice the decisions so carefully arrived at. They made reality conform to their vision of equality and fairness. We, therefore, owe much of our understanding of politics to the Greeks. They were the source of inspiration guiding the leaders of the British revolution against the Stuarts, of the American revolution against the House of Hanover. Jean Jacques Rousseau and the Jacobite revolutionaries rebeling against King Louis XVI drew their inspiration from the ideals and actions of the Greek polis.

The Greeks gave these ideals to the Western World some 2,500 years ago. And they continue to demonstrate the vibrant energy of a people dedicated to independence and autonomy. Just 163 years ago next Sunday, the Greek nation took up the cry against oppression and caste off the yoke of foreign subjugation. A small band of isolated patriots, they struck against the might of the Ottoman Empire. They broke free of a 500-year enslavement.

Mr. Speaker, I am pleased that my friend and colleague MICHAEL BILIRAKIS, has invited us to reflect on the admiration due to the Greek tradition. In that tradition statesmenship emerged as a moral science, and we, as legislators, can find much to admire and emulate.●

● Mr. GEJDENSON. Mr. Speaker, I am pleased to join my colleagues today in this special order commemorating the 163d anniversary of Greek independence from the Ottoman Empire.

It is especially appropriate, I believe, that we in the United States should celebrate the return of Greece to its ancient traditions of freedom and democracy. The profound influence of Greece, the cradle of democracy, on modern Western political institutions is well known to all of us. Greek artistic traditions have also left their mark on the cultural development of the entire Western World. And the contributions of Greek Americans continue today to enrich our life and culture.

In honoring this day, however, we must take a moment to remember that Turkish oppression continues on Cyprus, where only last November the illegal Turkish Republic of Northern Cyprus was declared an independent state. This region, from which thousands of Greek Cypriots were forced to flee during the 1974 Turkish invasion, continues to be occupied by some 20,000 Turkish troops. So long as those refugees cannot return to their homes and the country remains divided, the situation on Cyprus will remain a grim shadow on our celebration of democracy in the Mediterranean.●

● Mr. MOLINARI. Mr. Speaker, I also rise to join my colleague from Florida, Mr. BILIRAKIS, in commemorating the 163d anniversary of the Greek War of Independence.

It is important for us as Americans to remember this day because of the meaning it carries for us. It is a day much like our own July 4, 1776—the day we declared our independence, our desire for liberty and freedom.

The Greek people, who brought the word Democracy into being—a philosophy that we Americans adopted—were suffering all kinds of inequities at the hands of the Turkish Empire. These brave people, although few and poorly equipped, dared to challenge the might of the Turks.

We Americans can take pride in the support our leaders in 1821 offered the Greek cause. Jefferson, Adams, Monroe, and others spoke highly of the fight and encouraged Americans to help.

We can take pride in our help to those embattled Greeks, but we also can take pride that we continue to share common bonds with the Greek people.●

● Mrs. JOHNSON. Mr. Speaker, I am proud to add my voice to those commemorating the 163d anniversary of Greek independence from the Ottoman Turks in 1827. Greek civilization has handed down to us a legacy rich in depth and diversity. The arguments of Socrates, Plato, and Aristotle, the histories of Homer, Herodotus and Thucydites, the literature of Euripides and Aesop have served as the hallmark of an educated individual in Western society. The Greek concept of the city state and the tradition of an international olympics are rooted in the civilization of ancient Greece. The very buildings that we work in and govern from reflect our common heritage of the concepts of democracy, freedom and independence, ideals cherished by the Greek people for over 2,000 years.

This cultural and political legacy has had immeasurable influence upon our lives today, for the ideas and philosophies embodied by it serve as a touchstone for Western civilization to understand its past, its present, and its future. The commitment to these concepts is also present in Greece today, as the country continues to do battle for them on the Island of Cyprus.

Mr. Speaker, it is appropriate today that we pause and consider our origins as a democracy and our debt to the legacy passed down by Greece. In our musings, however, let us remember that a legacy must be maintained if it is to remain alive. As the Greek people struggle to maintain the freedom and independence of Cyprus, let us remember our commom heritage and our common vision for the future.●

● Mr. BROOMFIELD. Mr. Speaker, I eagerly support the House special order honoring March 25, the day in 1821 when Greece declared her independence from Turkish rule. Let me share some of my thoughts with my colleagues about the Greek people's war of independence from the Ottoman Empire, and Greece's contributions to the world. For free men everywhere, Greece will always be a special land.

As all of you know, the Byzantine Empire fell in 1453. For the next 400 years, the Greek people endured slavery under Turkish rule. Finally, the entire Greek nation embarked on a fierce struggle to regain the most cherished right of man—liberty.

A small number of brave men and women challenged the powerful Ottoman Empire. Expatriate Greeks and many foreigners supported the Greek cause. Notable among them were several Americans. Victory was had after 8 years of bloody struggle. Terrible hardships were imposed upon the Greek people. The modern Greek State was born on March 25, 1821. Freedom had finally returned to the land of democracy. The following year, the first modern Greek National Assembly was convened. This group declared the Greek people's desire to be free and their willingness to fight for that freedom.

The most dramatic evidence of this came in 1940, when the Greek people took a stand against fascism and injustice and rejected Mussolini's demand for the surrender of their country. After World War II, the battle for freedom continued when Greece was faced with a Communist civil war. After much terrible fighting of brother against brother, the Communists were expelled and Greece was free once again.

Who could begin to enumerate the gifts of the ancient Greeks to us who enjoy the liberties of life in Western democracies? The foundation of much of our scientific, philosophical, and political beliefs and knowledge is based on the thoughts of Socrates, Plato, Aristotle, Pericles, and many others.

The birth of our Nation, we must always remember, is based on the Greek ideals of equality, freedom, and democracy, creating an emotional bond of brotherhood between the Greek and American people.

There are more than 3 million Greek Americans living in our country today. As a community, they have reason to be proud of their contributions to our great land. The spark of ingenuity, intelligence and humanity survives today in the Greek people who have given much to this land. They have toiled in the factories and built America's great cities. Through hard work and a determination to succeed they built solid family structures and sent their children to institutions of higher learning to better themselves. I am proud to say that they have served America well at all levels of government, to include the House and Senate, and American industry. The modern art world has benefited from El Greco, the world of music from Maria Callas, and literature from Nobel Poet Laureate George Seferis, to name only a few.

The shared ideals between Greece and America are truly cherished by both nations. These ideals form the basis for our longstanding, close alliance and for the deep and abiding ties between our two peoples.

It is appropriate, then, that we in the House join in saluting the Greek people on this special day. May the flame of 1821 continue to shine brightly and may Greece always look forward to a free and prosperous future.●

● Mr. LEVITAS. Mr. Speaker, this Sunday, March 25, the cities and villages and hamlets of Greece will be alive with folk dances, parades, and special church services. Similar celebrations will be held by Greek Americans throughout this country. Indeed, it is a time for celebration. Sunday marks the 163d anniversary of the Greek War of Independence, a time when Greeks threw off the shackles of their Turkish masters, and proclaimed their freedom.

The spirit of freedom and independence evident in Greece in 1821, was a rebirth of the values of ancient Greece, the motherland of democracy. It was ancient Greece that planted the seeds of democracy which later have born fruit in modern Greece, and which indeed inspired the ideals of democracy and individual value at the birth of our great Nation. Our Founding Fathers used the democratic ideals of ancient Greece as the model by which they built our democracy. Their ideals were influenced by the great Greece philosophers, writers, and historians. It is even said there was a proposal at the time to make Greece the national language of our new country.

It is this common system of values and history of America and Greece—similar fights for freedom, parallel values of democracy—that create a special bond between the peoples of both lands. Greek Americans can especially be proud of their heritage. They or their ancestors emigrated to America to be part of our Nation which today is a symbol of liberty to the entire world. They cherish the freedom of expression, the human dignity America offers. To them, the Statue of Liberty is more than an iron statue. It is a shining light, a symbol in a troubled world that freedom does live.

It is only appropriate that we in America formally recognize Greek Independence Day, and the celebration of freedom and democracy that it inspires. But we do well to also remember on this day those who are not free. Even today there are Greeks who live in fear of the threat of force and op-

pression. Let us observe Greek Independence Day by honoring the heroes of the Greek fight for freedom, and the common ideals Greeks and Americans share. But let us also observe this day by vowing to work for the independence and freedom of all peoples of the Earth. That, indeed, is our greatest responsibility, and our greatest challenge.

When Socrates said, "I am not a citizen of Athens, nor Greece, but of the world," he was teaching the message of the universality of freedom. Likewise our common heritage of the Bible teaches us, in the Book of Leviticus, "To proclaim liberty throughout the land, to all the inhabitants thereof."

So today, as we commemorate Greek Independence Day, we too affirm our common debt to the ideals of ancient Greece which still today teach us of the universality of the dignity of free and civilized people.●

● Mr. ANNUNZIO. Mr. Speaker, 163 years ago, on March 25, 1821, the people of Greece declared their independence, and began their long and difficult struggle to become a free people once again. It is fitting that Americans join with Greeks to celebrate this day, not only because their valiant struggle inspired Americans of that historic period, but also because Greek philosophy, art, literature, and political thought have contributed immeasurably to our own civilization.

Although the Ottoman Turks had dominated Greek lands since the 1300's, a Greek national revival developed during the 1700's which led to an end to Turkish rule. Inspired by the American experience, the Greeks' desire for independence was strengthened by greater prosperity and education. In 1814, Greek merchants formed a secret organization, the Philike Hetairia, the Society of Friends, and a carefully planned conspiracy was hatched, which evolved into a general uprising of all Greek inhabitants of the European section of the Turkish Sultan's Empire.

Seven years later, in 1821, a full scale revolution broke out, achieving notable successes, as Greek nationalist fighters swept down from the mountains and defeated the Turks in the Peloponnesus, in Rumely in central Greece, and on many islands in the Aegean Sea. The Greeks heroically held out against repeated Turkish attacks to regain these regions. Against overwhelming odds, the Greeks fought courageously for 8 continuous years, and in the United States feelings ran high in support of the Greeks. In an address to Congress, President Monroe expressed the sentiments of our country when he said:

> Genius and delicacy in the arts, daring and heroism in action, unselfish patriotism, enthusiastic zeal, and devotion to public and private liberty, all these are connected with the name of ancient Greece. It is natural, therefore, that their contest should arouse the sympathy of the entire United States.

For its part, the Greek nation looked upon the United States with hope and admiration. In May 1821, the first Greek Senate addressed the American people, saying:

> Friends, fellow citizens, and brothers, having formed the resolution to live or die for freedom, we are drawn toward you by just sympathy, since it is in your land that liberty has fixed its abode. . . . Though separated from us by mighty oceans, your character brings you near us. . . . Our interests are of such nature as to cement more and more an alliance founded on freedom and virtue.

On October 20, 1827, at the battle of Navarino, the Turkish Fleet was soundly defeated and destroyed by the combined elements of the British, French, and Russian Navies. This victory gave the Greeks additional incentives in their fight against Turkish oppression. Finally, after many years of conflict and struggle, on September 14, 1829, the Turks were forced to recognize Greek sovereignty and independence at a conference in Adrianople.

Mr. Speaker, the idea of democracy, born in ancient Greece over 2,000 years ago, has prevailed and has inspired other nations in their struggle against persecution. In fact, possibly no other people since their beginnings has given more to the world in the fields of thought and beauty than the Greeks. Modern philosophy was born of the reasoning and logic of Socrates, Plato, and Aristotle. Medicine is indebted to Galen and Hippocrates, mathematics to Euclid and Archimedes, law to Nestorius, the arts to Aeschylus, Sophocles, and Euripides, and politicians emulate Demosthenes.

The contributions made and still being made to the growth and greatness of the United States by Greeks who have chosen to make their home in our country continues, and it is thus a pleasure to extend greetings to Americans of Greek descent in the 11th Congressional District of Illinois which I am honored to represent, as well as those across our Nation, on the occasion of Greek Independence Day, and to celebrate the precious heritage of freedom our two countries have shared in the century and a half of genuine friendship between the people of America and the people of Greece.●

● Mr. BIAGGI. Mr. Speaker, I rise to join with my colleagues today to note the observance of Greek Independence Day on March 25. Almost 163 years ago, Greece announced her intent to break the yoke of oppression at the hands of Turkey and declare independence. While the war for independence lasted from 1821 to 1829, the fiery Greek spirit and the quest for freedom prevailed over the Ottoman Turks and Greece was free for the first time in 500 years.

Mr. Speaker, our Nation has looked to Greece as the cradle of democracy and the country which has helped us appreciate the values of liberty and freedom. The history of the Greek Empire at the hands of the Ottoman Turks inspired the 1821 uprising and the establishment of an independent Greek state marked the beginning of a new era in Greek history.

Prior to this successful overthrow of Turkish domination, Greece lost its freedom to the Ottoman Empire in 1453, when Constantinople, the Byzantine capital was brutally overrun and conquered. The Greek people were forced to live under Ottoman rule yet despite this fact, they never lost their thirst for independence and liberty. A national revival began in the 1700's fueled by an increased prosperity and education. The Greek merchant class, supported by a large fleet, expanded not only their business operations, but their own cultural and educational institutions as well. The expansion of the society into new business ventures generated an increased interest at home for the traditions and values of the past and encouraged and nurtured a reawakening of Greek culture. In 1814, Greek merchants in Odessa, Russia joined to form the "Philike Hetairia" which would create the political base with which to declare war against the Ottoman Empire and fight for their freedom.

Mr. Speaker, today Greece continues to stand as a monument to the ideals of democracy. Our own War of Independence can be seen as a reverberation of the fighting Greek spirit of 1821. When we look to the traditions in our history which form the basis of our ideals of the Founding Fathers, we must be reminded of the fact that they themselves were inspired by the values of ancient Greece and those which prevailed during the Greek War of Independence.

While the history of Greece is replete with triumph over injustice and oppression on behalf of liberty and freedom—we must be cognizant of the status of Greece today and the situation on the island of Cyprus.

In 1974 Turkey once again displayed its historical contempt for Greek sovereignty and invaded the island of Cyprus. Today, some 10 years later, this situation continues to plague us for it has not been resolved to the satisfaction of the Greek minority living there—nor to the satisfaction of many Members of Congress, including myself, who support conditioning foreign aid to Turkey with some requirement that there be a settlement in the Cyprus situation.

I regret that the administration has proposed increasing foreign aid to Turkey to $755 million in fiscal year 1985 without recognizing that we have a moral as well as political obligation

to encourage a negotiated settlement on Cyprus. This situation has become especially acute since the 20,000 Turkish troops stationed there, on an island which has illegally declared itself an independent state, are financed, in part, through U.S. dollars. Further, Turkey continues to refuse to provide for an accounting of the 2,000 missing persons from the 1974 invasion. I commend the House Foreign Affairs Committee for reducing the administration's request for Turkish aid to $716 million—but still feel strongly that any dollars should not be provided without accountability. In this instance, failure to mandate Turkish accountability will only perpetuate the perception that we do not regard Greece, as a NATO ally, with the same regard as Turkey. An incremental tip in our balance of interests in this part of the world has not only negative strategic connotations—but moral ones as well. If we continue to support human rights as an important element in our foreign policy—we should be realistic enough to acknowledge the fact that human rights are being systematically violated on the island of Cyprus and we are in a position—through our financial and diplomatic channels—to do something about these violations.

Recognizing the intransigence of our own State Department in this matter, I have sent a letter to Secretary Shultz, along with 11 of my House colleagues, protesting the recent request by Turkey for $70 million in defense articles. The State Department erroneously claims that this sale will not affect U.S. efforts to negotiate a settlement on Cyprus. The State Department is undeniably wrong on that statement and as such, I believe should be urged to deny this request by the Turkish Government. For the benefit of my colleagues, I wish to insert a copy of this letter into the RECORD and advise them that a similar effort is being made by our colleagues in the Senate.

Letter submitted for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: We are writing to register our strong opposition to the proposed $70 million arms sale request by the Government of Turkey for 15 F-4E aircraft, as outlined in Transmittal No. 84-14, in the CONGRESSIONAL RECORD of February 21, 1984, page S. 1408.

Your policy justification for the arms sale states that this $70 million sale of defense materials will not "adversely affect . . . U.S. efforts to encourage a negotiated settlement of the Cyprus question." We contend that this sale would provide little, if any, incentive to Turkey to revise its current position on the issue of Cyprus and address the pressing human, civil, religious and economic questions that remain. In FY 1984, the United States provided $715 million to Turkey in military assistance. Despite this substantial level of aid and commitment of resources, the Turkish Government continues to refuse to negotiate a settlement of the Cyprus question that adequately serves the interests of the Greek Cypriot population there.

In addition, Turkey refuses to account for the 2,000 Greek Cypriots missing since its 1974 invasion of the island. The United States continues to refuse to seriously press for an accounting of these missing persons either through appropriate diplomatic channels or through specific conditions in our foreign aid. Approval of this $70 million sale would only further add to the intransigence of the Turkish Government in this matter.

Finally, the treatment of religious minorities in Turkey remains a serious concern. Section 502(b) of the Foreign Assistance Act specifically denies assistance to countries which systematically engage in persistent human rights violations. The Government of Turkey has been charged with the persecution of religious minorities living in Turkey by such groups as Amnesty International, the Helsinki Watch and the Churches Committee on Migrant Workers in Europe. Despite these long-standing charges, the Government of Turkey continues to receive economic and military assistance that contributes to its lack of movement in this area. Approval of this $70 million arms sale request would only further solidify the unwillingness of Turkey to seriously address these concerns.

We believe that this request is, contrary to your assertions, not in the best interest of our foreign policy objectives. We urge you to reject this request until such time as the Government of Turkey acts to address the aforementioned concerns.

Sincerely,

Mario Biaggi, Nicholas Mavroules, James H. Scheuer, George W. Gekas, Edolphus Towns, Edward F. Feighan, Frank Annunzio, Michael Bilirakis, Gus Yatron, Major R. Owens, Joseph P. Addabbo, Richard L. Ottinger, Members of Congress.

Mr. Speaker, I join with my colleagues in commemorating this important day for so many Greek Americans, including those in my own city of New York. I also wish to commend my colleague, MIKE BILIRAKIS, for organizing this special order so that we, as a body, may jointly pay tribute to the contributions of Greek Americans to this society, that were made possible by their forefathers in Greece in 1821. May the flame of freedom, that burned so brightly in the hearts and minds of the Greek peoples during their battles remain a source of inspiration to all of us today—and a reminder that freedom must be protected and nurtured wherever it exists. Where it does not exist let us use our strength as a nation to work toward justice for those who hunger for the same freedom yet lack the resources to achieve it on their own.●

● Mr. FLORIO. Mr. Speaker, I am proud to join my colleague, MICHAEL BILIRAKIS, in his special order commemorating the 163d anniversary of Greek Independence Day on March 25, 1984.

On March 25, 1821, a handful of very brave Greeks rose in rebellion against the mighty Ottoman Empire and declared the independence of the Greek Republic. This declaration began a long, bitter, and fierce 7-year struggle to regain the freedoms and values that have been associated with the Greek people since ancient times.

After 400 years of brutal slavery under the Turkish yoke, the Greek people exhibited their strong spirit of independence and their sense of liberty to rebel against the Ottoman Empire and regain the independence that had been quenched with the fall of the Byzantine Empire in 1453. Although their numbers were small, and although they were poorly armed, the Greeks of 1821 used their deep fervor and their love of independence as a weapon to emerge victorious in pushing back the Ottoman Turks and, in 1829, to begin the founding of the Republic of Greece.

One hundred and sixty-three years later, I join with Greeks around the world in paying tribute to not only the heroes of the Greek War of Independence, but also to the Greek people for their dedication and perseverance in this and subsequent struggles. I commend the Greek people for their long line of historic commitment to the concepts of democracy, freedom, and independence. It is this commitment that has allowed the Greek people to accomplish so much in the areas of art, architecture, literature, government, and sciences, and to offer countless valuable contributions to civilization through the centuries. Their contributions are evidence of the deep commitment of the Greek people to progress and advancement.

It is these admirable traits that will serve the Greek people in good stead in the difficult days to come for Greece and Cyprus. Mr. Speaker, we are fast approaching the 10th year anniversary of the Turkish occupation of Cyprus. It has been 10 years since the Turkish armies, in a repetition of the invasion of the Ottoman Turkish armies of 1453, invaded and subjugated the Cypriot people. I hope that the fierce tenacity and the vibrant love of independence and respect for civil and religious liberties that was so evident in the Greek people in 1821 will also come to the aid of the Greek Cypriots as they struggle, by diplomatic means, to remove the grip of the conquering Turks.

Despite the numerous indignities suffered by the Greek people during 400 years of slavery, despite the repression and the persecution that plagued their every day lives, the Greek people never gave up the hope that, one day, their courage and perseverance would be rewarded with free-

dom. I join with the Greek people in celebrating this joyous anniversary and continue to hope that, one day, the Greek Cypriots will similarly be able to celebrate their independence and enjoy peace and stability in their native land.●

● Mr. EDGAR. Mr. Speaker, March 25 marks the 163d anniversary of the beginning of the Greek War of Independence. This struggle, which lasted 8 years, led to the end of almost four centuries of Ottoman rule over Greece. I am pleased to be able to commemorate this event, the birth of modern Greek democracy.

During the war, the young United States was one of the nations which aided the resurgent Greek independence movement. Specifically, Americans raised funds to aid the valiant Greek people in their struggle, and expressed moral support for the Greek cause. Today that bond has been strengthened by decades of cooperation between the Greek and American people and by the thousands of Greek immigrants to the United States.

I am proud to have a large Greek community in my district; it is representative of Greek-Americans throughout the Nation in its success in business, the arts, education, and Government. Their accomplishments have gone together with emphasis on traditional Greek values of education, hard work, family, and church.

On this day I join Greeks here and in their native land in remembering the sacrifices made by a small band of Greek patriots who, against all odds, fought to reignite the flame of liberty. On this occasion we also mark the start of the modern kinship between Greece and America, a relationship founded on our highest ideals and linked by the mutual admiration of two freedom-loving peoples. I am pleased to have this opportunity of the Greek day of independence to recall the vital ties between our two nations, to commend the strength of Greek democratic institutions and their standards of social and economic justice, and to reaffirm our close friendship.●

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time.

BANKRUPTCY

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

Mr. GINGRICH. Mr. Speaker, I just want to take a few minutes this evening to talk about the extraordinary procedure by which tomorrow the House will begin considering overturning a ruling of the Supreme Court.

Many people who pay attention to the House wonder why we worry about procedure, why we ask the liberal Democratic leadership to allow us to bring up constitutional amendments, for example, to require a balanced budget or to permit voluntary prayer in school. I think that it is instructive to take just a few minutes to look at how this House operates and at some of the procedures.

For over 20 years, a vast majority of the American people have been interested in allowing their children to pray voluntarily in school. Nothing is currently scheduled in this House. There is no indication anything will happen in this House on that issue.

By overwhelming majority, as inflation and high interest rates have ravaged the American people, the American people have called for a constitutional amendment to require a balanced budget in peacetime.

□ 1730

There is no indication of any likelihood of that being voted on.

But recently the Supreme Court, by a unanimous decision, 9 to 0, held that the Bankruptcy Act written by this Congress in 1978 in fact permitted labor union contracts to be broken by a business about to go bankrupt.

Within less than 2 hours of the Supreme Court decision, the chairman of the Judiciary Committee, Mr. RODINO of New Jersey, had introduced a bill. This is the very same chairman who has been sitting on the immigration bill; he has been sitting on the Criminal Revision Act that President Reagan has asked for and the Senate has passed; he has been sitting on the voluntary school prayer amendment; he has been sitting on the constitutional amendment to require a balanced budget.

But suddenly, magically, within moments, he acts and a bill is introduced. It happens to be a bill that I think is worth looking at; a bill which, frankly, I cosponsored, a bill which would raise the question of whether in fact the Congress passed a bad law in 1978 by writing the Bankruptcy Act incorrectly.

But what happens? Are there hearings held? No. Are subcommittees called into order? No. Does the full Judiciary Committee meet to debate the issue? No.

What happens is, after several weeks of testing the water, after finding out, for example, apparently that Continental Airlines' lobbyists would be able to defeat the bill if it came up by itself, after learning that the fix was in and the bill could not quite be dealt with the way big labor wanted, yesterday afternoon, around 4 o'clock—according to one member of the Judiciary Committee I talked with.

The Republicans were given a bill, a new version of this Rodino repeal of the Supreme Court decision to help big labor—4 o'clock yesterday.

Well, now we have a new bill. This bill written to exclude Continental Airlines so that in fact the way the bill is currently written, it will not deal with what has been the most flagrant example, the example which has aroused the most public interest and the most concern over the misuse of the Bankruptcy Act.

Given that there is a new bill at 4 o'clock yesterday afternoon, is the house going to have one of its subcommittees meet? Are we going to take testimony from lawyers and from representatives of interest groups and from students of judicial reform? No.

Well, would the subcommittee meet to mark the bill up, to amend it, to look at it carefully? No.

What about the full Judiciary Committee, will the full Judiciary Committee have hearings? Absolutely not.

What then will happen? Today, in the Rules Committee, the very same committee chairman, Mr. RODINO of New Jersey, who is bottling up voluntary prayer in school, who is bottling up the amendment to require a balanced Federal budget in peacetime, who has blocked for months the President's criminal reform package, this very same chairman today walks in and, with a straight face, asks the Rules Committee to permit to come to the floor of the House a bill which he only gave to the Republicans less than 24 hours ago.

No hearings, no opportunity for amendment. Well, you might say, all right, so the House will look at it, then "the House will be able to focus on this brand new baby bill that came out in the last 24 hours and the House will have a chance to amend it."

Absolutely not. This bill will be unamendable. "You will pass it or you will defeat it."

All right. If that is the case, will the House at least have a chance to debate, to focus on it and look after it? After all, we are reversing a 9-to-0 Supreme Court decision; we are, in the matter of weeks, changing the way the law is written. "Oh, absolutely not."

In fact, what will happen is, if the chairman of the Judiciary Committee, Mr. RODINO, has his way, if the liberal Democratic leadership of this House have their way, we will adopt a rule which will smother this bill up in other details, which will prevent a direct vote and which will in fact require the House Members vote on an entire package of many issues, only one tiny part of which is this reversal of a Supreme Court decision.

Now, let us look at this process a little more carefully. What has really happened? Well, the reality is that the fix is in, that the same kind of big city boss, labor union boss, oldtime ward politician mentality that rewrote the Democratic Party rules to make it hard on the gentleman from Colorado

and the gentleman from Chicago to gain many votes, so that neither Mr. HART nor Mr. Jackson are getting the votes that are being voted for them, are getting fewer because the system is rigged; the same mentality which has rigged the House of Representatives so that Republicans get fewer seats on committee than they deserve, they get fewer staff than they deserve, they have less access to the calendar than they deserve based on a straight percentage; that same mentality is now rigging the rules again.

What we are seeing is a specific deliberate effort by oldtime machine politicians, precisely the people that GARY HART talks about as the "politics of the past," the same kind of people who have endorsed Mr. Mondale, the same kind of people who believe in rigging the rules for the Democratic Convention, the same kind of people who believe in rigging the rules of the House—once again they are rigging the rules.

They are willing, on 24 hours notice, to introduce a bill to overturn the Supreme Court decision; they are willing without a single hearing to come to the floor of the House and have that bill voted on. In fact, they are willing to bury that bill so it will never be voted on except as part of a giant package, to smother it and surround it with all sorts of other legislation.

This kind of machine boss political behavior, this kind of rigging the system, this kind of sudden surprise package is precisely what poisons the legislative processes in the House of Representatives.

It is this willingness to constantly use the Calendar, to constantly cheat, to only show the Republicans a bill 12 hours before going to the Rules Committee, to set up the Rules Committee so it is stacked in such a way that the Republicans have no choice. To then come to the House floor and in a highly leveraged rule which will make it impossible to focus directly on this issue, it will make it impossible to deal directly with this issue; it is, in fact, an absolutely disgraceful process.

There is not a parent-teacher organization in America, there is not a civic club in America, there is not a local student body in America which would conisider these fair rules. The game here is rigged and if people want to know why we get angry when the liberal Democratic leadership cheats on the calendar, when it cheats on Calendar Wednesday, when it refuses to come to the floor and have a fair, decent bipartisan effort, they need merely look at this latest joke.

This is a travesty of the way in which this House should be organized. It is ridiculous to have committees, if in fact the committee becomes one man, the chairman, that chairman acts whenever he wants to; he then goes to the Rules Committee which acts based on the will of the Speaker, who is now the most powerful Speaker since Cannon was dictator in 1910.

What we have is a pure and simple dictatorship of the House in a dictatorship by people who have basically made a deal with big labor. So that big labor calls and says, "We want this decision overturned," and within minutes, a new bill is written, that bill is introduced, and the end result is that the people of America do not have a chance to see a debate, the people of America do not have a chance to go to a committee hearing, the news media does not have a chance to cover the news story, because there is no story; it is all done in secret.

A bill was written in secret by a handful of people, it was introduced in secret, it was delivered after working hours for all practical purposes yesterday, it was taken to the Rules Committee today, and the Rules Committee deliberately meets in a small room.

Every citizen who comes to this House should go upstairs and look at the Rules Committee hearing room. It is a joke. It is deliberately small; it is deliberately crowded; it is deliberately hard to get into; it is deliberately hidden away because it is one of the two secret sources of power in this House. The other is the Speaker's own office.

Between the Speaker's office and the Rules Committee, it is possible to run virtually everything.

So what happens? The chairman of the Judiciary Committee, who has ignored the will of the American people: He has blocked the will of the people on a balanced budget amendment; he has blocked the will of the people on the voluntary prayer school amendment; he has blocked the will of the American people on immigration for months, he has blocked the will of the people on the Criminal Code reform; he turns like a ballerina and he hands out a brand new bill cleverly written by his staff, that was clearly written with the input of big labor, and they say to the Speaker's hand-picked Rules Committee: "Why don't you pass this."

With the Speaker's approval, the Rules Committee agrees to put it out.

So, in effect, tomorrow we will see the spectacle of the Members of the House of Representatives being asked to vote on overturning a Supreme Court decision without a single hearing, without a single witness, without any kind of opportunity for opponents and critics to look at it; under a rule which will, in effect, hide the bill so that it will pass or not pass based on a general vote on an entire, large omnibus package.

□ 1740

Is that any way to govern? Is that any way to legislate? No. Does it help explain why there are so many things wrong with the Bankruptcy Act of 1978, which came out of the same committee from the same chairman? I think it does. Does it help explain why the American people are outraged at the way this House is run? I think it does.

There could be no better example of narrow, special interest domination of the House of Representatives through a handful of liberal Democratic leaders than the fiasco of the last 24 hours. Actually the last 25 hours and 40 minutes. In the last 25 hours and 40 minutes, we have seen the popular will obstructed, we will see deliberate due process destroyed, we have seen rule by a handful of dictators from a closed room in the House of Representatives.

Tomorrow, the Rules Committee will report that rule. If there is any sense of decent due process on this floor, if there is any sense of the average Member being given a chance to raise questions, that rule will be defeated and an open rule will be substituted.

If we are not to have any hearings in subcommittee, if we are not to have any hearings in full committee, if the subcommittee members are not to make the bill up, if the full committee members are not to mark the bill up, if only the committee chairman matters and only the Rules Committee chairman matters and then only the Speaker matters, then we could save the American people a great deal of money by dismissing the other 432 Members of the House and dismissing the 10,000 staff members who keep the Congress running and allow those three gentlemen to decide everything for the American Nation in the House of Representatives.

But, if in fact we are going to go back to due process, if we are going to make the committees real, if we are going to have a serious look at a Supreme Court decision, which was, after all, a 9 to 0 decision, then I think this bill deserves being looked at seriously. As I said earlier, I cosponsored this bill. I think that the Bildisco decision is too strong a decision. I think that the Congress never intended for the Supreme Court to do what it did in that decision.

But the Congress wrote a bad law. The Congress wrote a law so loosely written, so badly drawn from this very same Judiciary Committee, that the Supreme Court felt it compelled to make that decision.

Now, for us to take a badly drawn law from the Judiciary Committee and decide to rewrite it on 24-hour notice, without ever having a hearing is ridiculous. It is exactly what is wrong with the House of Representatives. It is one more example of everything wrong with the special interest, backroom politics that has made this country

tired of Washington as an imperial capital.

So I would hope that tomorrow my colleagues would join in voting "no" on a closed rule and voting to open the rule up so that at least on the floor of the House we can have a reasonable debate, so that if we are going to overturn a Supreme Court 9-to-0 decision, we can at least overturn that decision with some chance of the Members focusing on it.

I would appeal to everyone in this country and everyone in this Chamber who wants to see due process, who wants to see a deliberate and reasoned legislative approach, urge a "no" vote on the rule so that we can at least look seriously at this particular bill which is buried in the much larger omnibus package which is coming to the floor.

NATIONAL AGRICULTURE DAY

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

GENERAL LEAVE

Mr. DASCHLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today.

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

There was no objection.

Mr. DASCHLE. Mr. Speaker, this is National Agriculture Day today, a day in which we pause to take stock in American agriculture, to congratulate the greatest producers the world has ever known, to examine the current state of affairs, to spread the message of our farmers to those areas within the country that do not always hear, to look into the future and what it holds for farm policy, for farm income, and for farmers themselves.

Today I think we have a right to boast about agricultural productivity, about productivity that is on the decline in virtually every aspect of our economy, agricultural productivity is actually on the rise. Today, in spite of an incredible adversity, one American farmer produces enough food and fiber for 78 people. Total production has increased more than 2½ times since 1930. In 1 hour a farm laborer produces 16 times as much food and other crops as 60 years ago.

The consumer here is the beneficiary. The American farmer is the best friend the consumer ever had. And it is better now than it has ever been. For 1 hour of pay in 1950 a factory worker could buy 8 quarts of milk. Today it is 15. He could buy two and a half dozen eggs. And now it is nearly 10 dozen eggs. In fact, Americans spend approximately 13 percent of disposable income for food, but in Italy, it is 29. In the Soviet Union it is 34. And in India, 56.

Nowhere in the world can food be bought for a lower price than right here in the United States of America. But something is happening, something very serious is happening across this land on this Agriculture Day, 1984. While consumers are spending less and while the consumer spending has actually increased, the farmer's share is falling.

In late 1973 farmers and ranchers received 37 percent of a dollar spent on food. Today it is only 26. And while their income is declining, their costs are rapidly escalating. Every farmer in this land has to buy at retail and sell at wholesale. The net result is debt, lots of it.

More than ever before we have seen farmers accumulate debt like at no other time in American history. In 1973, the total aggregate farm indebtedness was $53 billion. In 1983, it was $216 billion.

Lester Brown is a well known author. He is the president of World Watch and he recently testified before the House Agriculture Committee. Mr. Brown said that the total indebtedness in our agriculture sector today was equal to the foreign indebtedness of Mexico, Brazil, and Argentina. He said that the total net worth of soybeans, corn, and wheat would not even pay the debt service on agriculture debt today.

While debt continues to rise, the value of the farm assets has declined in recent years. Actually reducing net worth. The largest reduction in more than 40 years. Net income from farming in America was 48 percent less than in 1979 in real spending power. In fact, farm parity last year was 56 percent, the lowest in history, lower than even in 1932 during the depths of the Great Depression.

So let there be no mistake about it, agriculture today is not in a recession. Agriculture is in the depths of a depression equal to, if not exceeding, that of 50 years ago. And it is dramatically changing the face of the Nation's largest industry. It is dramatically changing the whole structure of rural America today.

In just 2 years, from 1981 to 1983, bankruptcies have increased 400 percent in South Dakota. Four hundred percent in South Dakota farms alone. Every day, for the last 3 years, we have lost on the average of one farm or ranch a day in our State. And as farms go, so do our towns. First on Main Street, then the churches and schools and then the people themselves. Auction sales are everywhere, four to five a day in one county.

In one of our South Dakota newspapers just 3 weeks ago we had three pages of farm auctions in one of our daily issues. And in the course of a few hours what has taken a generation to accumulate, in some cases three and four generations, are gone, are sold in a matter of 2 or 3 hours.

Mr. Speaker, this has to stop. These giants of the Earth are being forced from their land, being forced from their chosen professions, they are being forced from their way of life not because they cannot farm, not because they cannot manage, not because they lack the will, the record proves that; they are being forced because of the high cost of money. They are being forced because of an incredibly low price and because of tax policies that rip off the taxpayer while creating unfair tax breaks and impossible competition. And because of a farm program that just flat out is not working.

So on this National Agriculture Day, let us recognize these facts. Let us again sound our warning to all who will listen. American agriculture today is in trouble. Let us attempt to bring about a better understanding between consumers and producers.

□ 1750

Today I am proposing a new farmhouse to townhouse effort to do just that—to match consumers' questions with the producers' response, to bring about a better understanding and a better appreciation and, hopefully, then a much better support for the things that we must do.

Farmers today, in 1984, deeply need relief; they need loans at a reasonable cost; they need prices at a reasonable return; and they need markets that allow a reasonable competition. But for many, there just is not much time.

Let us hope today that we use this time to bolster their hope, to bolster an appreciation of the problems that they are currently confronting and to bolster the kind of support in this House of Representatives that they so desperately need.

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

Mr. DASCHLE. I yield to the gentleman from Oklahoma.

Mr. WATKINS. Mr. Speaker, I wish to first commend the gentleman for calling this special order to create even a greater awareness, we hope, of the American people about the plight of the American farmer and the American cattleman on this National Agriculture Day.

Mr. Speaker, I appreciate the opportunity to join my friend and colleague, the gentleman from South Dakota, and others of this body who have a concern for agriculture, the Nation's largest industry.

The agriculture industry employs more people directly and indirectly than the next three largest business groups in the Nation. Agriculture is larger than the domestic automobile, housing, and steel industries combined. And at the present time, it is

the industry which has not realized that the recession is over.

That realization will come only when profitability is returned to agriculture. I, last week, received a letter from Donald E. Wilkinson, Governor of the Farm Credit Administration. I had written him asking that farmers with equity be allowed to refinance short term, high repayment loans for longer-term loans with lower repayments in order to improve their cash flow. The Governer responded that they were accomplishing this, and then said, "We would also point out that credit cannot be used as a substitute for profit."

For too long, farmers in my district and throughout the Nation have had to use credit as a base upon which to operate. For too long, the producers of this Nation have been operating without a profit margin and it has caused the greatest turmoil down on the farm and in the small cities and towns of this Nation since the Great Depression. For too long, the index ratio between prices received and prices paid has been disproportionate. For too long, the American farmer has been living on the hopes for next year and on the appreciation value of their land.

There was a constituent of mine down at Wapanucka who was arguing about which year had the worst drought. He said that beyond a doubt, the drought of 1954 was the worst. When he was asked when it finally did rain, he responded, "It never did rain."

That, of course, like all good stories, is a stretching of the truth. It did rain, but the farmers of America today are facing the prospects of it never raining again.

Let me point out some facts: The Department of Agriculture's General Counsel told the subcommittee on which I sit that Farmers Home Administration has 270,000 farm borrowers and 25 percent of those are in a distressed category. A FmHA report dated January 1, 1984, showed that there were 1.4 million active borrowers, representing $58 billion of that amount; 31 percent were delinquent. Almost 1 out of 3 cannot pay their bills.

FmHA, according to the Secretary of Agriculture, last year loaned more money than in history. In response to that, the gentleman from Mississippi, who chairs that Subcommittee on Appropriations, said that the Secretary had sustained his point: For a farmer to receive credit from the FmHA, he must prove that he cannot get credit anyplace else. For FmHA to have record loan volumes now just indicates how desperate the situation has become.

As of last September 30, FmHA had over 1,000 farms on national inventory which had been either foreclosed or voluntarily surrendered. They represented almost one-half million acres. Oklahoma's inventory is 57 farms totaling 18,300 acres or 28½ sections of land. Missouri FmHA has an inventory of 81 farms of an average size of 536 acres. The Inspector General said that FmHA had an inventory of 13,000 homes nationwide.

The State of Texas has reported that last year 170,000 U.S. producers went out of the farming business. And given that Texas has 182,000 producers, that means this country lost the services and knowledge of agricultural producers representing 91.4 percent of those in the great State of Texas.

And, the official figures from the Department of Agriculture show that the index ratio of prices received to prices paid for February was 86 on a basis of 100, a 3-point increase over a year ago but still a long way from a profit. This body and the other side are at the present time crafting an improvement vehicle for the 1984 and 1985 crop years. Hearings have already started on the 1985 farm bill which will be put in place in lieu of the 1981 bill which is to expire. It is well that much thought and preparation goes into this legislation because it may well be one of the most important documents for this Nation's future as any we could undertake to craft.

About 2 weeks ago, the Foreign Agriculture Service produced some figures which reveals that a large portion of the agriculturalists problems rests on the back of the Government. According to FAS figures, world grain trades are being consumated with about a penny a pound keeping the U.S. producer from making sales overseas. By aggressively securing these markets for Oklahoma peanuts, corn, and wheat, and those products which we produce so abundantly, the United States can provide for the increase in the gross national product to provide for health care, education, infrastructure construction, and the other services which our people should have.

Last week, I received some additional figures from the Foreign Agriculture Service which are even more revealing. The price of comparable grades of grain in the United States was in some cases lower than the prices at which sales were completed overseas. One case in particular, which was brought to my attention by my good friend and colleague, the gentleman from the 13th District of Texas, regards sales to Yemen of wheat by Australia. The price, which included ocean freight, was $158.75 per ton. The comparable price of U.S. grain was $134 a ton. How come? I am informed that the State Department had told the Secretary of Agriculture not to sell any more grain to Yemen on blended credit terms, but Yemen had told us that they had to have credit. So, Australia gets the sale and our Government gets to buy more grain to store.

There are many such instances in which we have not properly horse traded our products overseas. One of my former constituents, who lives out in Cotton County, Okla., was once asked if he farmed for a living. He thought a moment and replied, "Yeah, but it seems like I do an awful lot of farming and very little harvesting." Our situation is the opposite now. We do a great deal of harvesting but very little marketing.

On the immediate scene, I do have some ideas of my own to better provide delivery of services to the Nation's agriculturalists. I have, to this end, introduced H.R. 5024, the Rural Development Reorganization Act of 1984.

I am pleased to report today that in the 2 weeks and 1 day since H.R. 5024 was introduced, I have been assured the support for the concept by the American Farm Bureau Federation and the American Agriculture Movement, Inc. I have also had expressions of support from other areas in rural America, including those who are interested in rural development programs.

The farmer today, the ones in distress, need all the help they can get. If we can reorganize the Department of Agriculture so that services are more efficiently delivered, we will have helped farming as an entity. H.R. 5024 proposes to do that and is basically simple:

First, the current Farmer's Home Administration will become the Farm Administration and will continue to have jurisdiction over the present agriculture loan programs and continue to administer single family rural housing programs at the county level.

Second, the ingredients for rural development from the existing FmHA—except the single-family housing—associated measures from the Soil Conservation Service, and technical assistance and planning functions of the Office of Rural Development Policy, will be combined to form the Rural Development Administration. Programs transferred to the new RDA will include business and industry loans, community facility loans, water and waste disposal loans and grants, rural development and planning grants and loans, and all other programs dealing with rural development but not pertaining to agriculture production or farms, family size or not.

Third, current FmHA district offices and personnel, which usually serve from six to nine counties in each State, would be transferred to the new RDA. The RDA district offices will work closely with the people of the Resource Conservation and Development Councils and the people of rural America.

Fourth, RC&D Councils will continue as volunteer groups working with

local units of government and local people for the betterment of life in rural America. RDA district offices will have rural development technical specialists and, as is currently the case, SCS technicians who serve as RC&D coordinators, to work directly with the cities, towns, villages, and people of rural America. Authority is granted in H.R. 5024 to increase the number of RC&D project areas to 450, covering the Nation.

Fifth, transferred to the Soil Conservation Service would be two categories of loans currently under FmHA but dealing basically with soil and water conservation. Those are resource conservation and development loans and watershed protection and flood prevention loans. These are currently completed with technical assistance and planning by SCS and administered by FmHA.

Sixth, H.R. 5024 renames the Department of Agriculture "The Department of Agriculture and Rural Development" (ARD). City residents have a special Cabinet level of concern in the Department of Housing and Urban Development. It makes sense to me that one-third of America—80 million people living in rural areas—should have at least a part of a Cabinet officer dedicated to their well-being.

We also propose the transfer of such personnel as necessary on the State and National levels, plus FmHA district personnel, who are now providing these special services so that we may have a smooth transition to provide special programs for the agriculturalists and rural development advocates. It makes commonsense that those specialists now working with special programs will continue in that specialty at their new assignment.

The proposal leaves intact the Rural Electrification Administration and the Federal Crop Insurance Corporation.

Farmers to whom I have talked tell me that when they go to the FmHA office they frequently find the personnel busy with nonfarm programs. Home builders and community builders have the same remarks: When they go to FmHA, they find the personnel busy with farm programs and unable to attend to their needs. This proposal would clear the air for all and provide a much better delivery system to both producers and rural development advocates.

As I mentioned, this concept has already received the stamp of approval of the American Farm Bureau Federation Board and the national delegates of the American Agriculture Movement, Inc. I have also been assured that some rural housing groups are supportive of the concept which would be good for all concerned in my judgment.

Agricultural producers will not have the forces of their assigned personnel diluted and the delivery of agriculture programs will be streamlined. The role of the RC&D councils will be emphasized and strengthened. The proposal will give more comprehensive thrust to the Soil Conservation Service. And, finally, the proposal will for the first time provide a sole-purpose agency for the delivery of rural development programs to the 80 million Americans who live in rural America.

This can be accomplished with the same personnel and under existing appropriations and yet provide much better services to the people.

I commend the gentleman from South Dakota for this opportunity to express my concern and hopes for helping agriculture and rural America.

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Mr. DASCHLE. I thank the gentleman from Oklahoma for his statement. He has provided a great deal of leadership to us all as chairman of the Rural Caucus, and obviously, his demonstration once again today regarding the tremendous interest that he holds for rural America, and farms specifically, is a real service to us all. I thank the gentleman very much.

Mr. Speaker, I yield to the gentleman from South Carolina (Mr. TALLON).

Mr. TALLON. I thank the gentleman for yielding.

Mr. Speaker, I would like to thank my colleague from South Dakota and fellow member of the Agriculture Committee for arranging this special order today in observance of National Agriculture Day.

So often when we come here to speak, we are complaining about the negative circumstances surrounding agriculture, those over which our farmers have little or no control—the weather, increased production cost, export barriers and some short-sighted and misguided Government programs.

But today, I would like to be positive, to give credit and praise to our American farmers that they deserve. Their efficiency and quality in production are the standards by which world agriculture is judged.

Today, let us pay tribute to the traditional farm values and American farm way of life, one of strong beliefs and determination in self-employment.

Let us note the strong influence agriculture plays in our economy. Cash receipts from crops and livestock pumped in over $426 million into the economy of the 10 counties in my district. This money circulates through the community and forms the entire economic base for many small towns.

Let us reflect on what American agriculture means to those who live miles away from any farmland—available and affordable food, the highest quality of any in the world.

Today and every day, let us remember what American agriculture means to this Nation—its economic impact and the value of teaching self-sufficiency—making us the greatest and strongest Nation in the world.

Mr. DASCHLE. I thank the gentleman from South Carolina for an excellent statement, and I yield, if he is ready, to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON of Washington. I thank the gentleman for yielding.

Mr. Speaker, today has been proclaimed National Agriculture Day for 1984. It provides us with an opportunity to join the rest of the Nation in celebrating the achievements and strengths of agriculture in this country.

American farmers today produce over 80 percent more crop output on an acre than did their fathers. One farmworker now supplies enough food and fiber for 76 people. Only 10 years ago, the farmer was producing enough for 50. Because of the farmer's efficient output we can enjoy a satisfying quantity and variety of food and still make large quantities of farm products available for international trade.

Many of the specialty agriculture harvests I represent in central Washington have not become mechanized and the crops must be carefully stored for long-term availability. Because of the perishable nature of the commodities, two issues before Congress are of particular interest to me at this time.

I question whether the Immigration Reform and Control Act as reported out of the Judiciary Committee provides fair or enforceable answers for agriculture. The specialty work in my district is beginning now with asparagus cutting and will continue through October with the final phase of apple harvest. The Panetta/Morrison temporary guestworker amendment provides an insurance policy for growers for those times when there are not enough domestic workers for a specific harvest, and I hope all Members interested in continuing the success of American agriculture will take a close look at our reasonable proposal.

Another problem has come to the forefront of discussions with my farm constituents. With the recent strict standards and restrictions placed on the use of fumigants and additives, the agriculture community is looking for alternatives to combat disease and preserve product freshness. An old process is gaining new attention and shows great promise to be accepted around the world.

That process is food irradiation. The Food and Drug Administration recently published proposed regulations for using ionizing radiation for treating food. The FDA believes that the sources of radiation that would be allowed under their conservative proposal will not produce radioactivity in any food and it is absolutely safe. I look forward to further discussions and an

increased awareness of this valuable and necessary technology.

As we honor the American farmer today, let us recommit ourselves to providing the needed support to stengthen our agriculture community which will continue to provide for a strong Nation.

I appreciate the gentleman's yielding to me, and would add to my written statement only that we represent a wide variety of agricultural products; different flavors, textures, shapes, and each one of those particular products has its own particular need. I appreciate in my short time in this Congress a receptiveness among the Members to the special needs, and I mentioned two of those today in my comments, both as to harvest time help and to the need for new technologies to expand the distribution of our products.

Again, congratulations to our agricultural community; we are the best fed Nation for the most reasonable price anywhere in the world. The free enterprise system works, and yet, we do need a supportive mechanism that is part of our effort here in the Congress as we look forward to a 1985 farm bill.

Again, my thanks to the gentleman in the well for his leadership on saying to American farmers: Thank you.

Mr. DASCHLE. I thank the gentleman very much. He mentioned the needs of farmers throughout the country, and he certainly has done an excellent job on our committee in representing those needs and articulating the concerns of his farmers, and I commend him for his contribution.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. McCLOSKEY).

Mr. McCLOSKEY. I thank the gentleman.

Mr. Speaker, I would just like to briefly commend the distinguished gentleman from South Dakota on the contribution he is making today and highlighting the needs of American Agriculture and showing the contributions that this great industry has made.

Mr. Speaker, today I welcome the opportunity to join in a recognition and tribute to American farmers. March 20 is Agriculture Day, and it is altogether fitting to take a few moments today to reflect on the importance of farming industries to our Nation. Very often, the obvious is overlooked and unappreciated. In many ways this is the case with American agriculture. The occasion of this special order gives us a chance to spell out how essential agriculture is to national economic progress. For many of us from farming districts, it also represents an opportunity to renew our own understanding of the significance of the contribution of those who plant, nurture, and harvest America's food. It is also significant for another reason as well. Presently, we are preparing to enact a new farm bill next year. That action will require a careful evaluation of the importance of agriculture to our Nation. Concerns have been expressed by many about the increases in the farm budget. Not the least of such expressions have come from America's farmers themselves. Today, I am sure, we will be able to discuss certain of these problems. However, we will more appropriately be able to underline the great bargain that American agriculture continues to be for all of our citizens and millions more around the world.

"He who serves agriculture serves all mankind" is an oft-quoted motto describing the importance of farming to the Nation. Agriculture is basic to our economic strength. Incredibly, the value of all our farming assets—land, machinery, crops, barns, and everything else—exceeds the gross national products of almost every other country in the world. The $1.047 trillion of farm assets is just a bit less than Japan's GNP. More fundamentally, however, it is our ability to feed ourselves and provide food for others through superior productivity on a global basis which is the bedrock of our national security and the envy of the world.

But the American farm economy is changing. We have many fewer farms today than in the 1930's—the decline has been roughly from 6.8 million to 2.4 million. Still, the 89,000 Hoosier farms like the rest across the country produce food so efficiently that even after all the costs are added for processing, shipping, wholesaling, and stocking, the average American pays only a little more than 10 percent of the family income for groceries compared to almost 50 percent almost 40 years ago.

The tremendous benefits achieved through high quality, variety, and availability of food at reasonable prices produced by fewer farms has made agriculture increasingly complex and expensive. It has also meant that farmers have become more closely linked to the overall economy. Here in Congress, farm policy is much more than simply establishing target prices for certain crops. It is a mix of bank credit, scientific research, foreign policy, transportation, and tax policy issues—to name but a few.

Accordingly, huge Federal deficits keep the cost of money high and threaten cash flows necessary to buy extra equipment, livestock, feed grains, fertilizer, and other essential items. Such a situation becomes especially severe when unexpected disasters such as last summer's drought hit. It is then that the Government bureaucracy's responsiveness to emergency loan requests which determines whether some farmers will continue in operation.

Scientific research through facilities such as the Agriculture Experiment Station at Purdue University is also a vital concern and source of information and education which can assure successful farming in future years. Through programs such as these we can maintain a vigorous 4-H to encourage young people to stay in farming. This knowledge is also essential for the work of the Soil Conservation Service and the county conservationists and volunteers who help by working with fellow farmers to prevent soil erosion. Adequate support for these activities permit effective local participation at the county level to help preserve the fertility of the soil for future generations. This is especially important since topsoil loss is directly related to the productivity of the land. That loss of productivity will result in reduced farm income and the lower productivity will lessen the ability of the farming sector to fight inflation. It is, therefore, extremely important that we maintain a strong level of support for SCS activities. Finally, active support in agricultural research help to control potential problems with livestock by quickly controlling any isolated outbreaks of disease among cattle, hogs, and poultry.

Increasingly important to agriculture today as well, are transportation issues which are related to foreign trade. Cargo preference legislation is now being considered in committee which could result in an increase in the transportation costs of moving farm products overseas. Although we must be concerned about the decline in the construction of American-built ships, I do not think cargo preference is the best way to address this problem and have indicated my intention to oppose such legislation. Some estimates are that by requiring a certain percentage of bulk cargo to be carried on American-built ships the costs of U.S. grain might increase from $40 to $80 per ton. Considering the high exchange value of the dollar overseas which is already hurting farm exports, we do not need yet another barrier to expanded foreign trade. Fortunately, we are seeing movement toward strengthening contract sanctity protections in export legislation to assure foreign customers that they will not be threatened with another ill-conceived grain or soybean embargo. On a positive note, I am hopeful that Congress will approve legislation to expand the use of so-called blended credits in support of U.S. farm sales abroad. This policy of providing refundable Government credits to allow our farmers to compete for markets has proven successful. Also of concern, however, must be our support for international loans to countries such as Argentina which only provide fi-

nancial aid to foreign farmers for their export efforts.

On the matter of tax policies, farmers are certainly no strangers. Farmers pay about $3.9 billion in real estate taxes annually, $601 million in personal property taxes, $3.8 billion in Federal and State income taxes and about $344 million in sales taxes. In recent years, Federal tax policy has been changed somewhat to provide help in the areas of inheritance and estate taxes. This preserves the option of passing on future generations family farms and is certainly of vital concern to both large and small farmers. Likewise, the tax treatment of health insurance has become an issue and there is movement to provide a deduction to farmers for the cost of premiums for certain health insurance. This is another example of how issues once considered apart from agriculture—health care—is now very much a real consideration in the operations and finances of the modern farm.

This brief outline of what American farming has become concerned with in the 1980's still has not touched on the original concern prompting outcries for cutbacks in crop support and other programs. This year, the cost of such programs is expected to set a record—about $18.8 billion. As noted this is causing considerable concern among farmers and nonfarmers alike. But it must also be placed in the total budget perspective. When we do that, we find that this cost amounts to only around 2 percent of the entire Federal budget. Compared to the total value of all farm assets, it represents only eighteen one thousandth of farm value to date. So, while $18.8 billion is a lot of money and even though there may be places to cut the budget here without reducing support for agriculture, the facts are we will not balance the budget on the backs of the farming community. What we are doing with that $18.8 billion is supporting farm sales this year of over $140 billion, about an eightfold return on investment. But where does that leave the American consumer?

The answer to this question has to be measured in terms of a return on effort. For instance, what can an hour's worth of labor buy me? In terms of food we are talking about a lot. According to recent statistics, the average hourly wage of the factory worker can buy 16.3 pounds worth of bread (up from 10.1 pounds in 1950); 11.9 pounds worth of fryers; (compared to 2.5 pounds in 1950); 15.2 quarts of milk (almost double the 8 quarts buyable in 1950); and 9.8 dozen eggs (more than four times what the same wage could buy in 1950). Compared to most of the rest of the world, this kind of availability and affordability is undreamed of. For instance, in China 60 percent of income is spent on food, in Brazil 41 percent, the Soviet Union 34 percent, and Great Britain 20 percent. In each of these countries, amount of work required to buy much less of the products described above is measured in several hours and even several days. In addition, much more of the population in these countries are engaged in agriculture. For the U.S.S.R. over 17 percent of Soviet citizens work in agriculture and more than 60 percent in China. This compares with only 2 percent in the United States. Our abundance must therefore appear to them a modern economic miracle. But in the United States, we have come to regard it merely as the world's best bargain. I think this is the kind of perspective we have to constantly keep in mind as the Congress prepares to enact a major farm bill in 1985.

Mr. DASCHLE. I thank the gentleman very much for his contribution.

● Mr. DE LA GARZA. Mr. Speaker, all over the Nation today, people are conducting a wide variety of observances to mark the fact that today is National Agriculture Day for 1984. I am glad that Mr. DASCHLE and other colleagues have taken time today to remind the House of the importance of agriculture to our entire Nation, and to remind us of the fact that the men and women who make up our agricultural industry are still facing very deep and serious economic problems.

I regret that I was not able to be present on the House floor today to deliver these remarks in person. I have been participating today, however, in one of the many Agriculture Day observances being held in urban and rural areas all around the country. I have been taking part in an impressive and thought-provoking Agriculture Day celebration in Sacramento, Calif. on the steps of the California capitol.

We have many serious problems and responsibilities in this House. But I cannot at this time think of any domestic problem that is more important than the one the House Agriculture Committee has taken on—the job of developing legislation which will give us a long-term farm policy to succeed the Food and Agriculture Act of 1981.

It will be extremely difficult to develop and pass the kind of legislation we need unless we can also give the general public a sound understanding of what is happening to farmers, farmworkers, and others in agriculture today, and what will happen to the rest of us unless we can promote and preserve economic health in agriculture.

Last week, in remarks calling attention to the fact that Agriculture Day would be celebrated today, I reminded the House of the great contributions agriculture has made and is making to our Nation. Today I want only to remind my colleagues how much must be done to make sure that agriculture can continue to make its full contribution to our country and the world.

Farmers and others in agriculture must do all they can to help research and develop policies which will keep their industry healthy and will get support from the general public.

Consumers and others outside of agriculture should do all they can to get the facts about agriculture, because a sound farm policy is so vital to their well-being and to the welfare of future generations.

Here in Congress, we must be ready to work with all groups and all interests to develop a farm policy that will work—and a farm policy that can command enough support to be put into law. This is something we must do because the price of failure would be so high.

Mr. Speaker, the best summary of what this day and these observances mean is wrapped up in the slogan that has been chosen for this 1984 National Agriculture Day.

The slogan reads: "Agriculture, America's Heartbeat, Vital to Us All."

That is a lesson which this Congress and this Nation must take to heart.●

● Mr. JONES of Tennessee. Mr. Speaker, I feel privileged to take the floor today to pay honor to American agriculture, our Nation's largest single industry. I commend the gentleman from South Dakota for reserving this time so that we may all pause to give the recognition to our farm sector which it so rightly deserves.

March 20 is set aside from all other days as National Agriculture Day, but in truth most of us know American agriculture is the chief influence touching our lives each minute of every day. More than 20 million people in this country owe their jobs to some phase of agriculture, either in production, transportation, processing, or merchandising. The other 200 million Americans who awake each day benefit in countless ways from the most efficient and abundant food and fiber industry ever known to mankind.

In my home State of Tennessee, farmers make up only about 4 percent of the State's population, but their productivity affects every Tennessean. As a lifelong farmer from a small rural community in west Tennessee, I know firsthand what farming means to the economy of my State, and to the quality of life enjoyed by its citizens—both urban and rural.

Each of Tennessee's 4.6 million people must eat, and providing food and fiber is a primary job of the agricultural industry. Tennesseans spend about 16 percent of their disposable income for food, while people around the world spend much more. The Soviets spend 31 percent of their income for food; the British, 18 percent; and the Chinese, 40 percent. In many

Third World countries, the percentages are as high as 60 to 70 percent.

What is more, Tennesseans spend a lower percentage of income on food now than in 1960, when we spent 20 percent, or in 1970 when we spent over 17 percent. In fact, 1 hour of farm labor today produces 14 times more food than it did 60 years ago; and each American farmer produces enough for himself and 78 others.

Just as in the case of our national economy, agriculture is Tennessee's largest industry, contributing about $6 billion to the economy each year. This means jobs, not only for farm workers, but jobs in manufacturing, transportation, finance, mining, sales, and many other related areas.

A strong Tennessee agriculture means a healthy State economy. Tennessee is one of the top 10 States in exports of soybeans, cotton, and tobacco—commodities which help the United States pay for oil and other imports. The $40 billion annual value of farm sales overseas accounts for 20 percent of all U.S. exports.

Why is American agriculture so successful? Much of the credit must go to the farmer—striving for greater efficiency, always maintaining an attitude of optimism and faith in the elements, always looking ahead, and adapting to changing conditions.

In recent years it seems that all the elements have been working against the American farmer. Farmers have been assaulted by the worst global economic recession in 50 years; the worst cycle of weather disasters in decades; and, the worst paralysis in national farm policy in history.

Despite all of this, the farm life still remains the choice of thousands of young American men and women each year. It is these young people to whom I think we owe our deepest gratitude today. If not for them, the family farm way of life would surely disappear as we know it today.●

● Mr. GLICKMAN. Mr. Speaker, Charles Dickens wrote, in a line famous and familiar to us all, "It was the best of times, it was the worst of times." He was not, obviously, writing about American agriculture, but the line fits.

American agriculture is in many respects in its heyday. A mere fraction of our population, through the application of sophisticated techniques and equipment—the very epitome of high tech—has harnessed the vast natural abundance of our land. In under 50 years, American farming has been transformed from a mom and pop business into one of the single most important industries in the world economy. Centers of trade, finance, and industry revolve around American agriculture and its ability to feed the world.

For too many in rural America, however, these are the worst of times. Farm prices are dismal; they are steady at very best, and adjusted for inflation, that positive appearance vanishes. For some farmers, including the wheat farmers in my State, future prospects are no brighter. While prices are plunging, expenses—the costs of running this vital industry—are ratcheting up relentlessly. The supplier, the banker, the grain trader continue to reap the benefits of American agriculture, as do the American consumers. But many producers are reaping their bitterest harvest, the vagaries of weather are nothing these days when compared to the vagaries of the market, the high cost of doing business, and the vagaries of government policies. Flying across the heart of wheat country as I was just this weekend one sees fewer farm lights at night, rural newspapers carry more notices for sales and foreclosures; in fact, one county in Kansas will see one farm auction every day this month. The coffee shop talk is of just hanging on for another year in the hope things will turn around.

Mr. Speaker, let me suggest that both these pictures of American agriculture are true, and therein lies the message I hope this House will hear. I am not one of those who blames the Federal Government for all the farmers' problems, for it has been the synergism of Federal policy and American innovation and drive which has produced the agriculture we know today. At the same time, it has also been the policy which has not grown up with agriculture that holds farmers back in a time long passed and a policy that is something of an anachronism in today's markets.

Just as Mr. Dickens' sketch of good times and bad times finally led to the great upheaval of the French Revolution, the contrasts of today's agriculture and its policy are leading to a crossroad for future policy. The farm bill we will write next year, an effort already launched thanks to Chairman DE LA GARZA's foresight to hold initial hearings this year, will be a watershed. It will, I hope, steer the course toward the best of times for agriculture in the future.

Today, on National Agriculture Day, I hope we can focus our thoughts on the bounty of American agriculture, on the promise for the future, and on meeting the tough choices we will have to make for that promise to come true.●

● Mr. ENGLISH. Mr. Speaker, I am happy to join with my colleagues in recognizing America's farmers and farming concerns through National Agriculture Day. I am sorry that we can not today celebrate a financially sound agriculture sector in which farmers earn a fair return for their labor at no cost to the American taxpayer.

It is no secret that farmers throughout the country face critical conditions. Depressed commodity prices, higher production costs, tighter credit, foreclosures, looming interest rate increases, foreign market restrictions, and bad weather all plague farmers and severely threaten their ability to continue farming. More than ever before, agriculture has reluctantly been forced to seek Government's help. Unfortunately, that help has added significant costs to the American taxpayer while providing very little relief for the American farmer.

Much of this situation, however, was preventable. Mistakes in philosophy, policy, and program management brought on and aggravated agriculture problems. The Department of Agriculture has squandered huge amounts of resources without making improvements. Much of this arose from plain ordinary stubbornness. Agriculture Department officials refuse to use tools which do not fit philosophically with the Secretary's philosophy. Several existing programs which do not mesh with the Secretary's policies have been poorly managed, often defeating their intended purpose of aiding farmers.

As bad as the situation is, it is not hopeless. If we act now, utilizing all the tools at our disposal, we can reverse the current trend. If we take proper and cooperative steps, we can once again make it possible for farmers to stay in business at no cost to the taxpayer. I feel that this is the ultimate criteria for success by which we must judge the policies of any Secretary of Agriculture.●

● Mr. GUNDERSON. Mr. Speaker, I appreciate this opportunity to salute American agriculture on this first day of Spring and commend the gentleman from South Dakota (Mr. DASCHLE) for securing this time on National Agriculture Day to honor our agricultural producers.

Coming from the America's Dairyland—Wisconsin—I well know the impact of agriculture on our economy. After all, Wisconsin is not only the United States' leading producer of milk, cheese, and butter, but of snap beans, beets (for canning), sweet corn, hay, peas, and mink pelts as well. Wisconsin farms employ over 100,000 individuals alone and whose earned income exceeds $1.5 billion annually.

And as we begin the hearing process in anticipation of the 1985 farm bill, it is most proper that we set aside this day to recognize the accomplishments of the 23 million American men and women who, nationwide, directly and indirectly make up the human chain which provides the food chain that feeds our Nation and a hungry world.

At the same time, we must be evermindful that this productivity has created an overabundance of agricultural

commodities that threatens both the net income of producers and the stability of American agriculture as a whole.

While this surplus is not so much a function of Federal farm policy and Federal farm programs as it is a result of attempts to use food as a tool of Federal foreign policy in the late seventies, our experience in the last 3 years has taught us that our present farm programs, alone, are no longer adequate to meet the new challenges brought on by the aftermath of the grain embargo.

Yet, as different and as difficult as these challenges are, they are not insurmountable so long as we remember that we can no longer afford to have our eyes simply set on the end of this year or the next—or the end of the decade, for that matter. It is precisely such short-term thinking that contributed to many of the problems facing American agriculture today.

Rather, we must look ahead and anticipate the long-term future of not only today's farmers, but of the next generation of farmers as well. It is only in this way that we will bring a dynamic and healthy farm economy into the 21st century and truly establish a new agenda for the agricultural future of our country and, yes, a good portion of the world.

And, indeed, that is not only a challenge that confronts those of us who are here, today, participating in this tribute to American agriculture, but one that must be answered at all levels of government and by every consumer as well.

Clearly, agriculture is America's heartbeat. And as it has been said so many times in the past, the course of human history is determined not so much by what happens in the skies, but by what takes place in the hearts of men. So it will be with American history as well.●

● Mrs. JOHNSON. Mr. Speaker, today is National Agriculture Day. Many historians agree that agricultural productivity is the foundation on which advanced civilizations are built. Freed from subsistence farming, people can organize trade, and industry, and the arts flourish. But as this happens, over time, the farmer becomes the forgotten man. Citizens become further removed from the land and devote themselves to nonagricultural tasks and lifestyles. Gradually, they cease to understand the resource base on which civilization depends. History teaches us that agricultural productivity made nations like Eygpt, Greece, and the Roman Empire strong and sustained their military legions in the conquest of vast land areas and peoples. However, as these civilizations advanced, their agricultural productivity, and the soil and water resource base which supported it, was neglected and abused. This and not military inferiority, eventually led to the downfall of these early civilizations.

Today the American farmer produces enough to support more than 75 other people. The industry is capitalized at more than $1.5 trillion, larger than any two American corporations. But our agricultural community is not without serious problems. Dramatic increases in Federal costs, taxpayer outrage and ignorance of farm issues, escalating farm debt, serious cash flow problems, huge surpluses in both Government and farmer-owned reserves, and soft demand for agricultural commodities have brought American agriculture under keen scrutiny in Washington.

It is clear that some structural changes must be made in American farm policy. While the cost of farm programs has quadrupled since 1981, real farm income has declined due in part to worldwide recession, a strong dollar, and a shrinking share of the export market. In the last 11 years, three American Presidents have imposed embargoes or moritoriums on the export of American agricultural commodities. These actions severely disrupted export markets otherwise available to our farmers. Foreign agricultural producers used these embargoes and moritoriums to gain an advantage in the marketplace. Over this same period, our National farm policy asked farmers to produce, and supplied an abundance of cheap money and credit to expand production. Lastly, we citizens must understand that for the last 50 years American farm policy has been designed to supply an abundance of cheap food to all Americans. This is sometimes overlooked by nonfarm people in its criticism of national farm support programs.

In debating the issues it will be vitally important to build on the strength of American agriculture, or we run the risk of dismantling the very inner strength and fiber of the industry. American agriculture is a model of efficiency and productivity. It is not equaled anywhere else in the world. American farmers, like other businessmen, have enjoyed the benefits of a free market system that rewards maximum production. Moreover, our country has a unique and successful land-grant university system and a philosophy of a Federal-State-local partnership of more than 100 years in duration. It links teaching, research, and extension education throughout 50 States. We also have a vibrant, privately supported agricultural research and development sector, which may surpass that of the public sector, which supports a vast infrastructure for food processing, mechanization, chemical supplies, credit, and trade. There strengths will serve agriculture well as the industry looks to the future.

Too often the New England farmer is overlooked in legislating national farm programs. After talking with farmers in my district, I am convinced that future agricultural policy must better address regional differences. In Connecticut, for example, competition for limited open space has made farmland preservation an important issue to Connecticut farmers. Open agricultural land areas are a valuable State resource, not only to farmers but to all citizens. The woodlands provide forestry products and outdoor activity. Open agricultural land also provides a valuable surface area for the recharge of ground water aquifers and supplies.

In Connecticut, the decline of farming activity and the loss of valuable farmland has been so dramatic during the last 100 years that we are no longer self-sufficient in food production. Extensive Connecticut farmland acreages are now used for urban purposes to serve a populace that has grown to 3.2 million citizens. In spite of this, Connecticut still has an important agricultural base. There are 3,750 farms in Connecticut, covering about 450,000 acres in land area. This may seem small in comparison to other agricultural States, yet these producers, together with business which supports them, generate more than $509 million in annual farm-related revenues. Connecticut dairy farmers supply about 50 percent of the milk consumed by Connecticut's citizens and sillage corn supports this important industry. Our poultry producers supply 100 percent of the eggs consumed in the State. Vegetable growers find a ready market for fresh produce that has not been transported long distances. Nursery growers export shrubs and trees to many areas on the eastern seaboard. A significant sector of Connecticut's economy is tied to processing, transportation, marketing, and supplying needed support to our agricultural sector.

Connecticut farmers are proud, thrifty, and enterprising. The Connecticut farmer understands the problems facing agriculture and the complexity of the issues.●

● Mr. HARKIN. Mr. Speaker, it is my honor to join my colleagues today in observing National Agriculture Day, a day to pay tribute to the American farmer, and to salute this Nation's No. 1 industry, agriculture.

The United States has enjoyed the blessings of an abundant agriculture for so long that we tend to take the efforts of our farmers for granted. Our country is almost unique in the world for not having suffered through real food shortages within recent memory. Americans, unlike people in much of the rest of the world, do not know the fear of being unable to find food at any price. It is thanks to our rich natural resources and to the American

family farmer's extraordinary productivity, dedication, and skillful stewardship of our natural bounty that we enjoy this unprecedented food security.

As the number of farmers has declined over the past several generations, and more and more Americans are distanced from their farming roots, it is easy to forget how crucial agriculture is to the American economy, to see farming as a narrow special interest. But although active farmers now represent less than 3 percent of our population, agriculture generates jobs for over 22 percent of the U.S. work force, an estimated 23 million jobs ranging from farm suppliers to food retailers. The sale of agricultural products here and abroad accounts for 20 percent of our Nation's gross national product. A healthy farm economy lies at the very heart of a healthy national economy.

But our agricultural economy is not healthy. Farmers are hurting. Production costs have spiraled continuously upward, while farm prices have not followed suit, strangling farmers in an unprecedented cost-price squeeze. Tight credit, high interest rates, low farm prices, last year's drought, have left many farmers stranded. In my State of Iowa—Iowa, the Nation's No. 1 producer of hogs and of feed corn, a State where 4 out of 5 jobs are agriculture related—an alarming number of farms are expected to go under this spring, for lack of cash to cover planting expenses. I get letters every day from farm families who have worked hard and lived frugally for years, good farmers whose farms have often been in the same family for generations and who dream of passing them on to their own children. Farmers whose dreams are shattered because, despite their hard work, their skillful management, their deep commitment to their profession, they cannot make ends meet, and face liquidation. In my experience, family farmers do not quit easily. It takes a desperate situation to drive them off the land. But that is where we are now.

The tragedy goes beyond those men and women who see their farms teeter or fail. Precisely because family farming is so crucial to rural America, the national economy, the consuming public, we all will pay a heavy price if something is not done soon to restore health to this sector. As farms go out of business in unprecedented numbers, our rural communities and businesses are quick to follow suit, and the ripple effects go out from there. In one farm community in my district, 19 businesses have closed in the last 2 years. In another community, when the local farm implement dealer folded, 10 families, including 40 schoolchildren, faced unemployment and had to move elsewhere in search of work. Iowa's State banking superintendent sounded the alarm for the State's banks earlier this month, saying that problem loans had jumped from 16 percent to 40 percent of capital accounts in the last 10 years, primarily as a result of the poor farm economy.

The farmers I know in Iowa—and I believe this is true across the country—do not want charity. They do not want to be dependent on Government handouts. They simply want to be able to earn a living by working their land. It is in the direct interest of all of us—who need a stable and secure food supply, a sound national economy, and healthy rural communities—to work to find ways out of the current impasse.●

● Mr. OBERSTAR. Mr. Speaker, as a cosponsor of legislation designating today as National Agriculture Day, I welcome this opportunity to pay tribute to our Nation's farmers and to the millions of people who contribute to the enormous productive capacity of the agriculture industry. Agriculture is the backbone of our Nation's economy.

I take pride in coming from a State in which agriculture is the largest industry. With over 65,000 farmers in Minnesota, I know how important the farmer is to both the rural and urban economies of my State. The farmer is one of the principal reasons for the excellent quality of life in Minnesota.

Not only are our Nation's farmers the most productive in the world today, but their efficiency contributes to the fact that Americans spend a smaller portion of their income on food than citizens of any other country in the world. In fact, the percentage of income which the average American family spends on food has actually declined during the past two decades. The relatively high standard of living which most Americans enjoy would not be possible without the productivity and efficiency of our farmers.

The agriculture industry employs approximately 22 million people in jobs ranging from actually producing the food to transporting, processing, and merchandizing it. Moreover, farmers are very important consumers. In 1982, farmers spent $140.1 billion on goods and services, approximately 86 cents for every dollar of gross income from farming.

While it is important to honor farmers for the abundance of food which they provide, we must take time today to acknowledge the hunger crisis which exists in America. Although most Americans can take full advantage of affordable food prices, many low-income families and people on fixed incomes do not have enough to eat. We must do a great deal more to ameliorate the dire situation of these people by developing better food and nutrition programs and distributing the vast supplies of Government-owned surplus food to the poor.

We should also focus our attention on the major problems facing our Nation's farmers: the value of farm production exported from the United States has declined in recent years; many farmers are on the brink of bankruptcy; net farm income has declined nearly $8 billion since 1981; and the cost of Government programs to support farm prices and income has increased dramatically during the past 3 years. Unless farm programs are changed to correct these problems, more and more medium-sized, family farmers will be forced to quit farming.

This does not mean that we should abandon every aspect of previous farm policy, but rather modify these policies in order to address more adequately farmers' needs. We must develop a comprehensive 1985 farm bill which will help insure adequate levels of farm income, decrease agricultural surpluses, increase exports, and reduce the cost of Government farm programs.

I am very proud to be a friend of the family farmer and I am committed to providing the full level of Federal support necessary to make certain that our Nation's farmers continue to be the most productive in the world.●

Mr. DASCHLE. Mr. Speaker, if there are no other contributors this afternoon, I yield back the balance of my time.

VOICE OF DEMOCRACY WINNER FOR MISSISSIPPI

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

● Mr. MONTGOMERY. Mr. Speaker, as you know, each year the Veterans of Foreign Wars and its ladies auxiliary sponsor a voice of democracy contest. The entrants in this scholarship program write a short essay on democracy and I can say that it has grown into a very impressive event. This year more than 300,000 students nationwide participated, with the chance to win five national scholarships. The top prize was $14,000.

The winning contestant from each State was brought to Washington for final judging as a guest of the VFW. I am proud that the winner from my State lives in my congressional district. She is Susan April Smith of Ellisville. She is a senior at South Jones High School and is the daughter of Mr. and Mrs. Marvin Smith. Susan is an outstanding young leader in her community and I think you will agree that her essay, "My Role in Upholding Our Constitution," is very impressive. I want to share it with my colleagues.

The essay follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

The Constitution of the United States—our Constitution—a play written by fifty-

five men with millions of actors, past and present.

As we Americans approach the twenty-first century, the fine arts are most reflective in the hearts and minds of American citizens. I find it very fitting to exemplify my role in upholding our Constitution through representation of the arts. I will consider the Constitution a play and myself an actor.

Supporting collective efforts is one of the most important duties of an actor. Actors work together to form a successful union of characters. Likewise, I must work with others to uphold our nation's fundamental principles. I must co-operate and compromise for the improvement of family, community, state, and nation, I must work for the majority rather than for my individual desires.

We must realize that our play was not written by hasty writers but by flexible, intelligent men. William E. Gladstone, a past Prime Minister of Great Britain, once said the United States Constitution is "the most remarkable work to have been produced by the human intellect." Therefore, flexibility in the system is essential. I must not be afraid to be flexible or resist change if the change is to make the play more successful. Henceforth I have established two of my duties in upholding our Constitution, the supporting of collective efforts and flexibility.

As an actor in this play, I must be true to the script as the writers intended it, or I am not upholding my role in the play. Just as an actor must spend much time learning his script, I must also spend much time studying to understand the authors' intentions and learning my part in order to act and react productively to our nation's script and the changes it undergoes. Learning and thinking intelligently are what produced our great script and are the only things that will ensure its survival.

I realize how dull a play can be without the actors' having spirit and enthusiasm. Those actors who are successful in entertaining audiences are most definitely keeping their script alive and working. Our Constitution can be kept alive and working if we exhibit this spirit and enthusiasm as actors of the greatest script in the world.

The fourth important duty of an actor is recognizing and accepting responsibilities. In the theater each actor has his own responsibilities, but he is not indifferent to other actors and their roles in the play. We too must adopt this behavior, as each of us has different roles in our play. Responsible behavior is certainly a characteristic of a mature person. The more responsibilities we can assume, the more they will help us become better citizens.

Everyone has his own set of values and ideas. I consider my roles for upholding our Constitution to be the following: one, supporting collective efforts; two, being flexible; three, having spirit; and four, recognizing and accepting responsibilities.

I am proud to live in a country that is governed by such an award-winning script—the Constitution. But I am afraid that if the demanding roles of upholding our Constitution are not met successfully, the loss will be irreversible. Not only will the script be discarded and the actors left without direction, but also the final curtain will be pulled, the spotlights will be extinguished, and the whole stage will once again be dark.●

A TRIBUTE TO CLARENCE M. MITCHELL, JR.

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

● Mr. EDWARDS of California. Mr. Speaker, I was saddened to learn of the death this weekend of Clarence M. Mitchell, Jr. Clarence has been a dear friend and a constant source of inspiration to me throughout my tenure in Congress.

For decades, Clarence has served as one of the guiding forces of the civil rights movement as Chairman of the Leadership Conference on Civil Rights and as Washington representative for the NAACP. It was my good fortune and privilege to be able to work with Clarence in achieving enactment of many of the civil rights bills of the past two decades.

When I think of Clarence, two qualities come immediately to mind. The first is steadfastness. Through all the ups and downs, the victories and tragedies of the long and continuing struggle for civil rights, Clarence's vision of equality of opportunity for all Americans never wavered. His dedication, his determination, and his considerable energies never flagged. Others may have received more public notice for their work in behalf of civil rights, but no one—no one—worked with more commitment or perseverance than Clarence.

The other quality is optimism or faith. While it is easy to understand why some involved in the civil rights struggle would give in to frustration or bitterness, Clarence always maintained his hope for the future and an abiding faith in the ability of humanity to rise above hatred and bigotry and embrace equality. It was this faith in people that made him the heart and conscience of the civil rights movement and a source of hope and inspiration both for millions of black Americans and for countless others who shared his vision.

Clarence will be sorely missed, but his life's work will continue to inspire us. My deepest sympathies go to his brother, Parren, his wife, Juanita, and to his children.

Mr. Speaker, I also ask unanimous consent that the editorial in praise of Clarence Mitchell from today's Washington Post be included in the RECORD.

The article follows:

CLARENCE M. MITCHELL, JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation.●

HOME MORTGAGE LOAN ASSISTANCE PROGRAM

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

Mr. GONZALEZ. Mr. Speaker, I rise again this week to continue the discussions I initiated last week, and to flesh out some of the statements I made last week.

I have, through my political career, and even before, attempted never to make any statement of any categorical nature without as full documentation as is humanly possible to obtain to lay the predicate upon which the assertion is made.

We have just heard, interestingly enough, in a different sector of economic activity, from those spokesmen commemorating the Agriculture Day, Farmers Day, or week.

□ 1810

Last week, on the occasion of the remarks I made then, those orators and speakers preceding me from the industrial heartland of our Nation talked about the crisis there, the massive unemployment among the steelworkers, where we have over 200,000 unemployed as of now in this Nation. Now we have the heartland of the farm and the growing production area of our country, same story, pathetic, dismal notices, individual family farms going out in record numbers, foreclosures which, incidentally, has been a subject matter that has occasioned my rising to speak the last 2 weeks because of my continual notification to my col-

leagues who nobly and greatly passed last May the home mortgage loan assistance program, only to find it wallowing in indifference, languishing a slow death in the Senate, where we have several candidates for the Presidency of the United States, some of them with a strong possibility for nomination, but who, strangely enough, although they represent States in which we have reported to the colleagues the tremendous dilemma of home foreclosures in record numbers, the State of Colorado, for instance, where we have this pathetic situation also linked with the unemployed steelworkers because in Pueblo, Colo., about two-thirds of the work force represented by the steel mill that had been operational there being unemployed and the fact that our hearings and all showed the same situation in other parts of the country, and also in the urban and industrialized areas, as well as the rural, for when we passed out H.R. 1983, the Home Mortgage Assistance Emergency Act, we did so only after having many, many hearings in the subcommittee that I have the honor of chairing.

Yet, despite the fact that the House passed it, as I say and repeat, by a 115-vote margin, the Senate wallows in its indifference, callously indifferent to the continuing and growing need in this area. For what? For just a modicum and a very weak imitation of the Home Owners Loan Corporation Act during the depression, when we had faith then in the American. We do not seem to have it today, where the same Senators and the same opponents here in the House were against a bare $300 million at the most in loan assistance based on 10 percent interest, which was horrendous and over my objections, but I had to bow to the will of the majority.

Even at that, these same Members of the Congress, reluctant to vote that for Americans because they do not trust the ability to repay, although the depression record shows that such a program redemmed our faith in the American people. When the HOLC closed its doors, it reported a tremendous profit to the Treasury of the United States, for that time a huge profit, almost half a billion dollars. In terms of dollars then, that was the equivalent of $1 billion today, or more.

So these same Members of the Congress, the majority did not hesistate to vote for $8.4 billion for foreigners so poor they have not been able to pay the interest rates on these injudicious, foolish loans made by the principal banks of our country, to the point of foolishness and absurdity where they are actually insolvent because of that debt overhang, tremendous when nine of our principal banks in the United States have loaned out so much because of the greed of the interest rates, where they are going to get 35 percent interest, they think, they thought.

This delusion, just like the one after World War I that I referred to in the remarks last week and which I rise today in order to flesh out and bring in some historical testimony of that period, so that I would like to point out to my colleagues who report these dismal happenings in the case of the rural and the farmer, and in the case of the main industrial section of our country, the industrial heartland, the steel and other manufacturing heavy industries where we have many Americans wasting away.

I said and I repeat that we should not be surprised at why this is happening all over. It is based on the fact that no nation, no civilization, no society, no human activity, going all the way back to 7,000 years before Christ, we have some written history on those events, back to the era of Hammurabi, cannot exist with usury. It cannot have any kind of creative economic activity if it has to pay extortionate, usurious, wholesale thievery rates of interest, and this is what America is having to do today.

I would like to bring to the attention of these colleagues who have been so distressed, both from the heartland of the industrial and heavy manufacturing part, as well as from the ranches and farms and growing areas of our country, a little item which I offer for the RECORD at this point from today's Washington Post, page 1, headed "Banks Raise Prime Rate to 11½ Percent."

The President has been bragging about how, and I wish he had been right, how recovery is among us. I pointed out last week that we have been victims of mass delusions many times in man's history and we are in one now on this so-called economic recovery binge, but which in reality you cannot equate with what we have been hearing here from the heartland of our farm and our industrial part of the country.

Major banks across the Nation yesterday raised their prime lending rates from 11 percent to 11½ percent, the highest level since the recession ended more than a year ago. The increase in the prime rate, a key rate the banks use as a benchmark for business loans.

The full article follows:

[From the Washington Post, Mar. 20, 1984]

BANKS RAISE PRIME RATE TO 11.5 PERCENT

(By Jane Seaberry)

Major banks across the nation yesterday raised their prime lending rates from 11 percent to 11.5 percent, the highest level since the recession ended more than a year ago.

Stock prices plunged and the Dow Jones industrial average was off by as much as 16 points as the prime increase, initiated by First National Bank of Chicago, quickly spread across the country. At the close of trading, the Dow was down about 13 points.

The increase in the prime—a key rate that banks use as a benchmark for business loans—was the first since last August, and returned the rate to its level at the start of the recovery last January.

But economists said the increase probably would slow the nations economic growth only slightly, and discounted the danger of its plunging the nation into another recession.

White House spokesman Larry Speakes agreed with that view, telling reporters, "Their's no reason in our opinion to think that the increase in the prime rate today will hamper the recovery. But nevertheless we want interest rates to come down."

The dollar rose slightly against other currencies in active trading as a result of the prime rate increase.

Separately, the Commerce Department reported that the nation's current account deficit rose to a record $40.8 billion last year, largely because of deterioration in U.S. exports.

The department also reported that disposable personal income of Americans rose 0.7 percent in February, following a rise of 1.6 percent in January. But personal outlays declined 0.7 percent as consumers spent less and saved more.

An increase in the prime rate had been widely expected in recent days as other short-term interest rates edged upward. The strength of the economic expansion is viewed as contributing to the pressure on interest rates. But some analysts attribute the rise in rates to action by the Federal Reserve Board, and say the prime rate could rise to 12 percent before the summer.

In another sign of pressure on interest rates, the Treasury reported that yields on short-term bills rose at its weekly auction yesterday to their highest level since August 1982.

The increase in the prime rate was one of the few negative economic developments this year for President Reagan, who is seeking reelection partly on his claims of lowering unemployment and inflation and raising the level of economic activity.

At the White House, Speakes said that to get interest rates down, Congress should pass the $150 billion deficit-reduction package proposed last week by President Reagan and Republican congressional leaders and the Fed should "allow sufficient monetary expansion to assure noninflationary growth."

When asked whether the Fed was now allowing sufficient monetary expansion, Speakes replied, "I think we won't make a judgment on that because that would certainly be an attempt to tell the Fed what to do."

Speakes would not repeat Treasury Secretary Donald T. Regan's recent assertion that the Fed is providing sufficient money growth.

The prime rate was raised because banks are paying more for money, as reflected by the increase in short-term interest rates, which many analysts blame on uncertainty over the handling of the large federal budget deficit.

Economists also said they believed the Fed, in an attempt to keep inflation under control, had already begun tightening credit conditions. The Federal Open Market Committee—the Fed's policy-making arm—is scheduled to meet next week to review its policy for the coming months.

In addition, the robustness of the economy was also cited for the interest rate rise. Private credit demands, particularly business borrowing, have begun to climb, in-

creasing the overall demand for money and pushing interest rates upward.

"I believe that the Fed has been tightening market conditions since mid-February," said Elliott Platt, an economist with Donaldson Lufkin & Jenrette. "I think [the prime] is solid at 11.5 percent. I don't think the prime will be up for reconsideration from now through mid-May."

However, other analysts said yesterday's upward march is just the beginning.

"Unless there's some abatement in credit market pressures in the next few weeks" the prime could reach 12 percent by April or May, said William V. Sullivan Jr., senior vice president for money market research at Dean Witter Reynolds Inc.

In the past, economists have said a 1 percentage point rise in short-term interest rates tended to produce a 1 percentage point rise in mortgage rates and to reduce housing starts by 200,000 and reduce automobile sales by 500,000.

"At some point in time interest rates always have a braking effect on the economy," Sullivan said.

I pointed out last week that anywhere, my backyard back in San Antonio, anywhere else in the country, if a small businessman or a farmer goes out to try to borrow $1,500 for maybe a little bit of inventory in the case of a small tailor shop, or a small grocer, or in the case of a farmer to tide over some of the purchases he must make in equipment or other farm accoutrements that are necessary for the sustained conduct of that enterprise, there is no bank I know where he is going to get that loan at less than 17½ or 18 percent.

What this notice today means is that it will go back to what it was exactly a year ago, and that is close to 20 percent or so, because when they talk about a prime interest rate of 11½ percent, that is the prime interest rate for the favored customers, the big boys, not for the little, ordinary American, the backbone of our country, of course, but nevertheless, it is not for him. While they talk about 11½-percent interest, let me point out that the line of credit available on the basis of 11½ percent interest, not available to you and me and the ordinary, average American, much less the small, small businessman, is not what they are talking about when they have their huge, dinosaurial-like struggles for mergers and acquisitions, Exxon, Occidental, the recent Gulf merger. They have unlimited lines of credit, at what rates of interest, tying up bank resources involving as much as $35 billion to $50 billion that ought to be available to the mechanisms and the firing of the industrial furnaces of production, helpful to America, in order to have the farmers stay on their farms, enable them to exist.

That line of credit is shut off for them, but it is absolutely available. Why? Because the American people, as I have said repeatedly for years, have been stripped naked of the only protection that they could have, which is their Government, their Constitution, and the Government based on it.

□ 1820

With the subversion of the Federal Reserve Act of 1913, the American people simply have no protection and these bankers can have any kind of thing they want, and particularly now since they have become international, where their allegiance, if it ever was, certainly is not going to be American. It is going to be, like they say in Latin, "ubi pecunia ibi patria." Translated roughly, that is, "Where my money is, that is where my allegiance is," and the Federal Reserve is nothing more or less than a complete subservient servant of these powerful banking industrial leaders today, these big corporate super-super oligarchs. The decisions are not being made in the Congress. They are not being made in the halls of the President's White House. They are not being decided in the Treasury Department where it was intended it should have been originally. They are being decided by these super-super bankers that control the Federal Reserve.

You know, after all, the Chairman of the Federal Reserve Board, which incidentally is not a Federal agency, it is not a Federal Government agency. Let me repeat that. It is strictly a private, commercial bankers' entity and particularly the way it operates today where it is not accountable either to the Congress that created it, much less the President.

Oh, now and then they might make deals with a particular administration on the so-called money supply; maybe so, maybe not so, but it makes no difference. They act so, and the reason is very simple.

Who are the chairmen? Well, they come from in the case of the present one, he comes from Chase Manhattan. He has been on the payroll. When he leaves being chairman, he will go back on that payroll; like the former Secretary of State, Henry Kissinger, he is back on the Chase Manhattan payroll. He left temporarily when he was Secretary of State. He is back now.

The former Chairman of the Federal Reserve Board, same thing.

The Secretaries of the Treasury, well, here we have not had a real one that understands even the basic elementary mechanism of international finance since the days of Franklin D. Roosevelt. You always find Secretaries of the Treasury that come from the same stable, the Wall Street bond markets and their related compadres in the New York financial valhalla. Of the 14,500 or so commercial banks, which incidentally are going out, and it is predicted that by this time next year that there will be about 9,000 of them; just like in the case of savings and loans, the Congress has aided and abetted, wittingly or unwittingly, the process by which we now have such a homogenization of banking institutions that what we see here is a tremendous upheaval in which the average American is a victim because of the great, great power that has been at the heart of the key issue from the founding of this Nation. It was the issue during the Continental Congresses, the first two.

We must remember this, that the Office of the Presidency, wholly undreamed of as it has turned out to be now, and which was wholly unheard of the first 10 years of our existence as a nation, that is, the Continental Congresses; there was no such thing as a presidency or the equivalent. That is what the Founding Fathers thought of that kind of an office.

But what was the issue then? The issue was, who is going to control? What force, what select number in our society is going to control the credit financial resources of this great Nation, so that when the First Continental Congress created the Bank of North America they had to charter it in order that they could have their banker. Everybody has to have his banker, and that includes nations and organizations.

It was Thomas Jefferson who spoke out bitterly, very bitterly, and again in the Second Continental Congress. They were not about to let those bankers come in and say, "Well, we can save you if you pay 10 percent interest." They made sure they were not going to rue the day; but we had men of great courage, as we know and history tells us. It was the same issue later with Andrew Jackson and the first and second charter of the national banks, which he is given credit for destroying, for reasons similar to what we confront today, identical.

The Nation was structured different. The world was structured different. The basic issue is the same.

In 1865, right before President Abraham Lincoln was killed, that was the issue uppermost in his mind, as reflected in his statements and discussions. It was that year that the National Currency Act was passed. I wish my colleagues would take time to read that history and what happened, because that was the year that the control of usury on a national basis was eliminated.

Oh, I have heard all these chairmen and economists come in and say, well, tantamount to what they were saying and told me in the 22 years I have been here, every one of them I have served on the Banking Committee; so I have had first role exposure to these experts. They have come in and they have led the thought that announcements such as today's are acts of God. Oh, you cannot do anything about interest rates.

Now, just a year or two or three ago, the big devil was inflation. Why, you control inflation, interest rates will go down.

Well, the President is bragging how he brought down inflation. I do not know where he brought it down; certainly not at the grocery store, ask any housewife that. Certainly not on any household budget when they have to pay for fuel, light, and gas bills, they have not gone down, they keep going up.

Interest rates, have they gone down? Hardly, not real interest rates, not what you and I have to pay for money.

The obnoxious notion advanced by these same economic experts, the leading economists, I have heard them come up and say, well, interest, they talk like a lobbyist I heard when I was in the State senate of Texas, and incidentally, I will remind my colleagues that I was a member and chairman of the State of Texas Senate Banking Committee back home. I have always had an abiding interest in this subject matter, I think a primordial concern, and should be.

I remember this lobbyist telling me that money was like any commodity, and by golly, these usury laws of Texas just had to be abolished; because otherwise Texas would not have money in competition with what other States would allow where they had no control on usurious interest rates, and that money was like any other good, Well, of course, that is not true.

The interest rate, simply defined and which I have not heard these experts talk about that way, is a mechanism by virtue of which the wealth of any society is changed, changes hands. This is why the farmer is ailing. This is why the steelworker is ailing, whether he is in the manufacturing or heavy industry part or in the growing agricultural part. You cannot afford to live with extortionate interest rates and stay alive economically. That means nationally.

So we go futher and read this front page story, because it is interesting. It brings out some other points that I think are related to the discussions we heard from these other gentlemen in the special order.

Separately the Commerce Department reported that the Nation's current account deficit rose to a record $40.8 billion last year largely because of the deterioration in U.S. exports.

Well, those are 90 percent agricultural exports. This is why our farmers are hurting.

When some of us were raising our voices 20 years ago, 18 years ago, very specially in 1966 when the first so-called credit crunch was obvious, the handwriting to me was clear on the wall and we were anticipating, but never anticipating the tremendous tragedy of just about 3 years ago when the prime interest rate went as high as 21 percent. My colleagues have forgotten that. Presidents have forgotten that. And it is to the great woe of the American people and the destiny of our country that they continue to forget, because remember that if it could go to 21 percent with no restraint, it is possible, to, it will go to 30 percent, any percent, because the Congress and our national leaders have abdicated our serious responsibility in this respect.

□ 1830

But why would we have this tremendous deficit, unprecedented it say here, $480 billion?

There I want to go back to a 1932 historical, to me, publication. It is a little publication I have kept since I was 15 years of age, and see how, as I said last week, history has taught us nothing. We are like the Bourbon kings, we in this great democracy; we learn nothing and we forget nothing.

Here is a little section talking about what I first spoke and addressed in 1978 and 1979, and, as I said last week, at least brought the attention of the then Chairman of the Federal Reserve Board, who confided in me privately that I was right, but that he could not do anything about it.

I quote:

Of the new Latin American bond issues that had been recommended to investors by the very best Wall Street banks and their bond-selling affiliates, of these alone 56 issues aggregating more than $800 million were in default.

Now, $800 million by 1932 terms would mean at least not less than some $6 billion to $10 billion today.

And the fate of others not actually in default was very uncertain. In Europe, with a general moratorium on war debts and reparations, with a private moratorium running to Germany, another one to Austria, another one to Hungary, and with war debts and private debts involved in one great maelstrom of political controversy, the value of the American investment, present or ultimate, was very indefinite. Bonds of the German Government selling on the New York Stock Exchange at 30 cents to 60 cents on the dollar, bonds of the State of Prussia at 25 cents, bonds of the City of Berlin at 20 cents, Hungarian bonds at 15 cents to 40 cents, many of the private bonds of European industry a little better or a little worse, and they were all bonds that had been eminently sold to the American investor within 5 or 6 years at 95 and 99/100ths.

I describe what happened today, but no longer do you hear about Austria, Hungary, because all of those entities are something else today.

Then I continue:

Then one by one the international bankers appeared before a committee of inquiry of the U.S. Senate, all saying they thought the bonds were good, and all, alike, disavowing further responsibility.

Sounds familiar today. You should have heard the hearings we had last year in which we had not only the bankers, we had the Chairman of the Federal Reserve Board coming in begging, saying it was indispensable and the President saying he had to have $8.4 billion for these foreigners, these borrowers, that cannot pay the interest unless the American taxpayer helps them through the IMF. And all they were saying was the same thing as in 1932, that if we did not, then we lose jobs because they would not have the money with which to buy our goods. Same argument, as I said week before last, the famous brainstorm of that wizard of finances, Hitler's financial adviser, that great Dr. Hilmar Schock, the great Hitlerian financial wizard who first foisted the basic theory that we are doling out money for IMF in 1931, 1932, and 1933, and did a good job with the help of the American partners of the American cartels, which, incidentally, now, at this point, they are all back in place except they are not cartels anymore, they are multinationals. But the same people, same people, same folks.

They had not guaranteed the bonds or the validity of them. They were not responsible for how the money was spent or misspent. The borrowers were responsible, and as for the foreign bond delirium in this country, that was something the people, that is to say, the private investors, had done to themselves.

This is reflected in the Senate hearings.

Before the Committee on Finance of the U.S. Senate, the head of the second-largest national bank in Wall Street, who represented also the most aggressive bond-selling organizations in the world, appeared and said, and I quote: "We are merchants. With respect to bonds generally we are merchants." A member of the most powerful private international banking house said to the same committee, "We are merchants. That is what we are, just like any merchants in the grain business, in the cotton business, or anything else."

Let me say by way of parentheses to the gentlemen from the rural or the farm bloc that the principal grain companies today that deal in American grain, that determine whether this farmer is going to sell or not are foreign owned. They are not American grain dealers; they are foreign owned. The decisions are made at the corporate headquarters in Brussels, Belgium, in London, and even in Argentina.

Nowhere in the debates have I heard any mention, even in grain our Government says "Oh, no, private enterprise, free enterprise," and there is a lot of confusion between the two. Hitler and Mussolini had private enterprise until the day they died. We had better remember that and differentiate between private enterprise and free enterprise.

I continue my reading from this historical account written in that year of 1932.

The head of the largest national bank in Wall Street; one that owns also a very pow-

erful bond-selling organization, appeared before the Senate Committee on Manufacturers and he said to the committee, because the committee was hearing bankers on the question of establishing a national economic council—

That was a favorite gimmick. Hitler had established his Grand Council of German Economics. It is interesting to note that this same proposition is now circulating here in the Congress and among the private sector for the establishment of a grand, the equivalent of a grand American chamber of economics. So they were considering the establishment of a national economic council and they were asking this banker what the banker had done to restrain a wild use of American credit before the collapse, like today.

He said, and this is a direct quote, because it was his testimony to the committee:

Speculation was in the air and the speculators wanted to buy, buy, buy, and the bankers and the brokers dealing with securities supplied that demand. In other words, I do not think you would be justified in holding the bankers responsible for the wild speculative craze that worked through the country. I think they were trying to supply what the customer wanted. I think the banker is like the grocer, he supplies what his customer wants.

□ 1840

I will go over and I will read to you a quotation from Senator Carter Glass. He was a former Secretary of the Treasury. He was moving and speaking in behalf, in the U.S. Senate, on February 17, 1932, on what turned out to be the Glass-Steagall Act, which incidentally is still under attack today by many, many people, including the most powerful banks of this country.

The Congress has gone along with vitiating large chunks of the Glass-Steagall Act. It is interesting to note. I quote now from Senator Carter Glass:

The Federal Reserve System has been threatened with raids upon its gold supply by foreign nations, notably by France. There has been that threatening situation, the conjecture—

And it is a conjecture—

being that the country wanted to effect a situation with respect to reparations and with respect to her indebtedness to the United States. I do not make the assertion. I say that it is conjecture. The officials of the Bank of France have simply outwitted the officials of the Federal Reserve System of this country.

I want my colleagues to remember that I was chairman of the Subcommittee on International Finance just a few years ago under the regime of Mr. Nixon, who had a Secretary of the Treasury, Mr. Simon, who insisted on abrogating that part of the Glass-Steagall Act that was passed under this dictum that I just quoted.

In order to provide what? Private ownership of gold. And I was trying to bring out to the Members, and I did so unsuccessfully, and to the Secretary, that the wholesale repeal that he was asking for would have to be qualified in order to give the minimal protection to the American who would be dealing and speculating in gold, that we had in place in 1932 before the adoption of the prohibition.

Again, I had a call from the then-Chairman of the Federal Reserve Board who read my remarks and said:

You are right, but, gee, it is too bad you didn't carry the day.

In the meanwhile, I was so burned by my own chairman of the subcommittee, who had to use sort of a subterfuge in order to get that through without some objection of my part, and to the great hailing of the gold bugs and the then-free enterprise Secretary of the Treasury, Mr. Bill Simon.

I want to see how that sounds now and how Mr. Carter Glass' statement would be very much in harmony with today:

A more muddled argument was never imagined.

This was the same theory we are being given now by the IMF proponents, but he was referring here to the muddled argument by that great Hitlerian financial wizard, Dr. Jhalmar Schacht:

Our debtors can not pay unless we remove our tariff barriers. It stands us on a free trade leg. But if we remove the tariff barriers and let them pay our unprotected industry will be ruined. It stands then on the leg of a high protection. Perceive that if this were sound as a proposition in combination it would have to hold for the payment of international debts, in principle, not war debts only; and that if it does so hold in principle, international debts as such are reduced to a logical absurdity. But to say the reason it is necessary only to set an adjective before the word "goods."

That is exactly what is happening today. This is why we have $40.8 billion unbalanced trade deficit, against us, not in our favor.

Finally:

The poverty of Europe today is either political and imaginary like the crushing offset of the war debt to the American Treasury or an idea derived from envious comparision with the United States. The standard of living is higher than before the war, so much higher that a return to prewar conditions is unimaginable.

I am quoting from the book and he is referring to the European economic conditions.

This week statistics were put out in which in every range or index of standard of living, the European, the German, the British, and the French are better off for the first time than the average American worker.

I yield back the balance of my time.

JUDGE ALFRED ANDERSON—OUTSTANDING CITIZEN

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

● Mr. PANETTA. Mr. Speaker, I would like to bring to the attention of my colleagues the accomplishments of Judge Alfred Anderson, who has made an enormous contribution to the legal system in San Benito County, which is part of the 16th District, to law enforcement agencies, and to legal education.

Alfred Anderson's first law-related duties in the San Benito County area were as the county's deputy sheriff from 1953 to 1956. In 1956, he was named chief of police for the town of Hollister, which is located in San Benito County. Judge Anderson moved out of the area in 1959 and was elected and served as a judge in Amador County from 1962 to 1970. Then, he retired and moved back to Hollister, where he served for 6 years under judicial council assignment as a circuit court judge. In 1976, he retired as circuit court judge, and in 1978, Judge Anderson turned to teaching as an adjunct professor at the Police Academy of Gavilan College in Gilroy.

Mr. Speaker, on March 23 Gavilan College will honor Judge Anderson, with a surprise "roast." I know all of my colleagues join me in congratulating Judge Anderson, who is nearing his 82d birthday, on his long career and his substantial contributions to all levels of the legal system in San Benito County and elsewhere in California.●

COMPETITION IN CONTRACTING ACT OF 1984

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

● Mr. BROOKS. Mr. Speaker, today I am introducing the Competition in Contracting Act of 1984. The purpose of this bill is to increase the use of competition in Federal procurements. As a longstanding advocate of full and open competition in the Government marketplace, I have become increasingly concerned over the high level of sole sourcing that occurs throughout the Government.

While Federal procurement regulations require agencies to award contracts on a competitive basis, inventive procurement officials within the agencies have found numerous ways to circumvent or get around these requirements altogether. As a result, this problem is getting worse and there will come a time when competitive procurements become as rare and as hard to find as a balanced Federal budget.

At my request, GAO reviewed the purchasing activities of six civilian agencies and found that a large percentage of sole-source contracts could have been awarded competitively. For

instance, at the Department of Energy, 77 percent of its sole-source contracts could have been awarded competitively. At the Department of Transportation, the figure is 49 percent, and at Interior, it is 33 percent. This is happening in virtually every civilian agency and it represents a tremendous waste of the taxpayers' money.

The situation is even worse at the Department of Defense (DOD). Current statistics show that the majority of the Department's acquisitions are made on a noncompetitive basis. While DOD officials invariably assert that limiting competition is justified on the basis of national security, the Government's Operations Committee has found that the real reasons are generally: First, a reluctance to invest in competitive procurements; second, a lack of skilled personnel to conduct such procurements; third, dependence on incumbent contractors; and fourth, an inability to clearly define mission needs.

As a result of not using full and open competition, the Government is spending billions of dollars each year in excessive prices for its goods and services. The horror stories that we have all heard concerning DOD's acquisition of spare parts are a vivid example of the waste and abuse that it rampant within DOD. In this regard, the Government Operations Committee found that costs for spare parts decreased drastically when competition was used—by as much as 80 percent. For example, a seal used in aircraft engines when acquired on a sole-source basis cost $2,020. When procured competitively, the same item cost DOD $474, a savings of 76 percent. Reports of the Department paying $500 for a 60-cent light and $37 for a $1 screw underscore the magnitude of the abuses that are occurring.

Without a doubt, sole sourcing goods and services has done more than waste taxpayer dollars. It has had a serious effect on our entire military-industrial base. The sole-sourcing habit has reduced the number of firms available to provide goods and services to DOD. For instance, a meager 25 firms hold about 50 percent of all defense contracts. One result of this obvious favoritism for large defense contractors is that more than 2,000 aerospace industry subcontractors simply disappeared in the 1970's—most of them unique suppliers of critical defense components.

Rather than address these problems, DOD has consistently attempted to expand the definition of competition to include procurements which severely restrict competition or which eliminate it completely. In this regard, DOD asserts that sufficient competition exists as long as just two vendors are involved in the procurement. However, as long as a single qualified vendor is prohibited from competing, the Department will not be getting its money's worth. DOD also claims that follow-on contracts to an incumbent vendor are not sole-source procurements as long as the original procurement was in some manner competitive. This means that once a vendor lands a contract, he has it virtually forever.

We can no longer afford such sweetheart arrangements. With the huge deficits we are now facing, the Government must efficiently and economically procure its goods and services. Competition not only provides substantially reduced costs, but also insures that new and innovative products are made available to the Government on a timely basis. The bill which I have introduced will lay the foundation for the Government to clean up its act and eliminate the waste and abuses that are occurring daily within the Government's procurement system. I hope my colleagues will join me in support of this important legislation.●

NATIONAL AGRICULTURAL SOIL PROTECTION ACT

(Mr. DAUB asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAUB. Madam Speaker, today I am introducing comprehensive soil conservation legislation which, in some ways, my colleagues and officials within the Department of Agriculture may consider bold. Yet, after many months of meeting and deliberating with soil conservation experts, farmers, and constituents, I have reached several conclusions upon which this legislation is based:

Many people find fault with the direction, coordination and seeming redundancy of some aspects of Federal farm commodity and soil conservation programs at USDA;

Economic incentives to the producer are seen as perhaps the single most important factor in encouraging or discouraging better soil conservation efforts in agricultural production activities;

The unit of the watershed, as opposed to the county line or the fencepost, would best the most appropriate entity around which soil conservation programs should be organized and implemented at the local level.

The legislation I am introducing today will address these concerns through a multifaceted, long-term approach. First, this legislation will emphasize priority use of long-term—5- to 13-year—soil conservation contracts with producer incentives in the form of cash, payments-in-kind, or a combination of both to help producers who are farming highly erodible land to meet the costs of converting cropland to conservation practices. The program will be operated on a voluntary basis. The establishment of long-term contracts will become a priority for the Secretary of Agriculture, but he may limit participation by establishing county limits on the amount of land devoted to long-term contracts. Payments to producers can vary from 50 to 80 percent of the cost of applying conservation practices, but no producer can receive an annual per acre payment that is greater than the average per-acre land value in that particular county.

Second, the administration of commodity programs and soil conservation activities within the Department of Agriculture will be consolidated under the same Under Secretary thereby reducing the tendency for Government agricultural policies to be duplicative or to work at cross purposes.

Under this legislation, there will be an Under Secretary for Commodity Programs, Natural Resources and Extension, and an Assistant Secretary for International Affairs.

For years, soil conservation and commodity production programs have been conducted in a seemingly autonomous manner, with little coordination. Many have said that commodity programs have often been operated at cross purposes to our Nation's conservation ethic. For example, in 1983 only about 11 percent, or 4.5 million acres of the set-aside had established cover from the previous year which provided maximum protection from soil erosion, maintained water quality or benefited wildlife. About 20 percent, or 9 million acres had no cover crop at all and did nothing for soil erosion control, water quality, or wildlife. About 37 percent, or 17.5 million acres, had the previous year's crop residue and volunteer vegetation or only volunteer vegetation which provided inadequate soil and water protection and even less wildlife habitat. Some 32 percent, or 14 million acres, had newly seeded cover crops that produced less soil and water benefits than expected and poor wildlife habitat. The point of these figures is to illustrate the USDA's set-aside programs are only providing income to farmers and controlling commodity production—a noble goal but a shortsighted one.

There must be more effective coordination in the development and execution of USDA action agency programs relating to our food and fiber production and natural resource conservation and improvement. Therefore, my bill will place the Agricultural Stabilization and Conservation Service (ASCS), the Extension Service, the Forest Service, and the Soil Conservation Service (SCS) under the same leadership, beneath the Secretary of Agriculture.

A side benefit is derived by leaving the Assistant Secretary for International Affairs responsible only for

those agencies relating to foreign trade and international development. In the 1980's we are coming to realize that traditional approaches to domestic surpluses and exports will no longer address the problems we face and an Assistant Secretary for International Affairs will be free of domestic commodity program operation burdens and able to give increased attention to international trade activities, so important to a healthy agricultural sector.

This provision of my legislation is by no means intended to minimize the importance or value of Soil Conservation Service employees, the ASCS committee system, or the role of local conservation districts in conservation efforts currently being undertaken. It is an effort to improve effectiveness of the program being administered at the national level.

A third provision of this measure will create a bonus payment program to entice producer participation in conservation programs in areas where a significant erosion problem transcends property lines. By pinpointing special problem areas and those landowners within these areas, the Secretary will be able to offer a bonus payment, if all producers in that specified area simultaneously implement approved soil conservation programs. This provision could go a long way in circumventing the problems inherent with the artificial boundaries of fenceposts and county lines.

In this package, I have compiled provisions aimed at addressing many of the problems cited today with our Federal soil conservation programs. In this year as we look toward a new farm bill and hope to address agriculture's problems in the long term, this package of proposals is intended to stimulate thought, discussion, and debate, while at the same time provide us with some positive, pragmatic suggestions for the future direction of Federal agricultural policies and in preserving our Nation's resources.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. MITCHELL (at the request of Mr. WRIGHT), for this week, on account of a death in the family.

Mr. IRELAND (at the request of Mr. WRIGHT), for this week, on account of illness.

SPECIAL ORDERS GRANTED

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

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

Mr. WALKER, for 60 minutes, March 21.

Mr. GINGRICH, for 60 minutes, March 21.

Mr. WEBER, for 60 minutes, March 21.

Mr. MACK, for 60 minutes, March 21.

Mr. WALKER, for 60 minutes, March 22.

Mr. GINGRICH, for 60 minutes, March 22.

Mr. WEBER, for 60 minutes, March 22.

Mr. MACK, for 60 minutes, March 22.

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

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. EDWARDS of California, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. KASTENMEIER, for 60 minutes, today.

Mr. MURTHA, for 60 minutes, March 27.

Mr. LONG of Maryland, for 60 minutes, March 27.

Mr. STOKES, for 60 minutes, March 27.

(The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. LENT in two instances.

Mr. KASICH.

Mr. YOUNG of Alaska in two instances.

Mr. DANIEL B. CRANE.

Mr. LIVINGSTON.

Mr. RUDD in two instances.

Mr. SAWYER.

Mr. PHILIP M. CRANE in two instances.

Mr. LAGOMARSINO in three instances.

Mr. PAUL.

Mr. CHENEY.

Mr. LOWERY of California.

Mr. WEBER.

Mr. CONTE in two instances.

Mr. MCKINNEY.

Mr. COUGHLIN.

Mr. MOORHEAD.

Mr. SUNDQUIST.

Mr. YOUNG of Florida.

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

Mr. KOSTMAYER.

Mr. SKELTON in three instances.

Mr. HARRISON in two instances.

Mr. FORD of Tennessee.

Mr. COELHO.

Mr. MURTHA.

Mr. FASCELL.

Mr. RODINO.

Mr. ACKERMAN.

Mr. HANCE.

Mr. BONKER in two instances.

Mr. HAWKINS in two instances.

Mr. ERDREICH.

Mr. STARK in two instances.

Mr. MOODY.

Mr. FLORIO in two instances.

Mr. ADDABBO.

Mr. ROYBAL.

Ms. MIKULSKI.

Mr. ROE in two instances.

Mr. ANNUNZIO.

Mr. EDWARDS of California.

Mr. PATTERSON.

Mr. ST GERMAIN.

Mr. REID.

Mr. DELLUMS.

Mr. SISISKY.

Mr. TORRES.

Mr. RICHARDSON in three instances.

Mr. BARNES.

Mrs. SCHROEDER in two instances.

Mr. LAFALCE in two instances.

Mr. RATCHFORD.

Mr. OBERSTAR in two instances.

Mr. COLEMAN of Texas.

Mr. SOLARZ.

Mr. BONIOR of Michigan in two instances.

Mr. GEJDENSON.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title which was thereupon signed by the Speaker.

H.R. 4194. An act to extend the expiration date of section 252 of the Energy Policy and Conservation Act.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 241. Joint resolution to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week."

ADJOURNMENT

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

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.) under its previous order, the House adjourned until Wednesday, March 21, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

2941. A letter from the Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition reports and summary tables for the quarter ending December 31, 1983, pursuant to 10 U.S.C. 139a(b)(1) (96 Stat. 740); to the Committee on Armed Services.

2942. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting the defense manpower requirements report for fiscal year 1985, pursuant to 10 U.S.C. 138(c)(3) (93 Stat. 806; 94 Stat. 2840); to the Committee on Armed Services.

2943. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-118, "Right to Cure a Residential Mortgage Foreclosure Default Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2944. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-117, "Closing of Public Alleys in Square 290 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2945. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-116, "Closing of Public Alleys in Square 36 Act of 1984," and report, pursuant to Public Law 93-198, section 602(c); to the Committee on the District of Columbia.

2946. A letter from the Secretary, Federal Energy Regulatory Commission, transmitting the final valuations of properties of carriers subject to the act, pursuant to ICA, section 19a(d) (Public Law 95-91, section 402(b); Public Law 95-473, section 4(c)); to the Committee on Energy and Commerce.

2947. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on the President's intention to authorize additional economic support fund assistance for Grenada to be derived from funds statutorily earmarked for Lebanon, pursuant to FAA, section 614(a)(1) (94 Stat. 3140) and FAA, section 634A (92 Stat. 959; 95 Stat. 1544); to the Committee on Foreign Affairs.

2948. A letter from the Assistant Secretary for Human Development Services, Department of Health and Human Services, transmitting notice of a proposed new records system by the Office of Human Development Services (HDS), pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2949. A letter from the Chairman, Federal Election Commission, transmitting the Commission's annual report of its activities under the Government in the Sunshine Act in calendar year 1983, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2950. A letter from the Director of Administration, Department of Energy, transmitting notice of proposed revisions to two existing records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

2951. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting a report of the Agency's activities under the Freedom of Information Act for 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2952. A letter from the Director, U.S. Information Agency, transmitting a report on the Agency's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2953. A letter from the Director, Office of Management and Budget, transmitting a Soil Conservation Service plan for the Turkey-Clay Creek Watershed, S. Dak., pursuant to the act of August 4, 1954, chapter 656, section 5 (76 Stat. 609; 95 Stat. 1338); to the Committee on Public Works and Transportation.

2954. A letter from the Acting Administrator, General Services Administration, transmitting copies of nine lease prospectuses, pursuant to Public Law 86-249, section 7(a) (86 Stat. 217); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 2484. A bill to designate the air traffic control tower at Lovell Field as the "Harry Porter Tower" (Rept. No. 98-622). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4202. A bill to designate the air traffic control tower at Midway Airport, Chicago, as the "John G. Fary Tower" (Rept. No. 98-623). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transporation. H.R. 4665. A bill to name the social security building in Philadelphia, Pa., known as the Mid-Atlantic Program Service Center, The William A. Barret Social Security Building; with amendments (Rept. No. 98-624). Referred to the House Calendar.

Mr. HOWARD: Committee on Public Works and Transportation. H.R. 4700. A bill to designate the Federal Building and U.S. Courthouse at 1961 Stout Street, Denver, Colo., as the "Byron G. Rogers Federal Building and U.S. Courthouse" (Rept. No. 98-625). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 465. Resolution providing for the consideration of H.R. 5174, a bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, to amend title 11 of the United States Code for the purpose of making certain changes in the personal bankruptcy law, of making certain changes regarding grain storage facilities, and of clarifying the circumstance under which collective-bargaining agreements may be rejected in cases under chapter 11, and for other purposes (Rept. No. 98-626). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BONKER:

H.R. 5182. A bill to amend the Tariff Schedules of the United States to clarify the duty treatment of certain types of plywood; to the Committee on Ways and Means.

By Mr. BOUCHER:

H.R. 5183. A bill to direct the Secretary of Agriculture to convey certain National Forest System lands to Craig County, Va.; to the Committee on Agriculture.

By Mr. BROOKS (for himself and Mr. HORTON):

H.R. 5184. A bill to revise the procedures for soliciting and evaluating bids and proposals for Government contracts and awarding such contracts using full and open competition, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of Colorado:

H.R. 5185. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Cache la Poudre River in Colorado as a component of the National Wild and Scenic River System, to designate a segment of that river for potential addition to the system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FLORIO:

H.R. 5186. A bill to amend the Solid Waste Disposal Act to permit any State to regulate the transportation of solid waste into the State for purposes of storage or disposal in that State, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRANK (for himself, Mr. SAWYER, and Mr. LUNGREN):

H.R. 5187. A bill to amend title 11, United States Code, to improve the protections for shopping centers and their tenants under the Bankruptcy Code; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself and Mr. FRENZEL):

H.R. 5188. A bill to authorize appropriations for the U.S. International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative for fiscal year 1985, and for other purposes; to the Committee on Ways and Means.

By Mr. SAM B. HALL, JR.:

H.R. 5189. A bill to amend section 3056 of title 18, United States Code, to update the authorities of the U.S. Secret Service, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 5190. A bill to amend title XI of the Education Amendments of 1978 relating to Indian education, and for other purposes; to the Committee on Education and Labor.

By Mr. LEVITAS:

H.R. 5191. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5192. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Armed Services.

H.R. 5193. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Education and Labor.

H.R. 5194. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by

an enactment of the Congress; to the Committee on Education and Labor.

By Mr. LOWRY of Washington:

H.R. 5195. A bill to amend title XVIII of the Social Security Act to prohibit the revaluation of hospital facilities and equipment for depreciation and interest purposes under the medicare program because of the change of ownership of the facilities or equipment; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MOODY (for himself, Mr. DARDEN, Mr. DORGAN, Mr. FRANK, Mr. SPRATT, Mr. STENHOLM, and Mr. WON PAT):

H.R. 5196. A bill to amend section 3718 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on the Judiciary.

By Mrs. SCHROEDER:

H.R. 5197. A bill to amend the Foreign Service Act of 1980, title 5 of the United States Code, and the Hostage Relief Act of 1980, and for other purposes; jointly, to the Committees on Foreign Affairs, Post Office and Civil Service, and Government Operations.

By Mr. SILJANDER:

H.R. 5198. A bill to expand markets for U.S. agricultural products through increased targeting of Commodity Credit Corporation export funds, expanded exports of Commodity Credit Corporation dairy products, and expanded authority for the use of Commodity Credit Corporation stocks to facilitate export sales, to emphasize the need for increased exports of processed and protein fortified agricultural products, and for other purposes; jointly, to the Committees on Foreign Affairs and Agriculture.

By Mr. STARK:

H.R. 5199. A bill to amend the Internal Revenue Code of 1954 to clarify that the farm syndicate rules of section 278(b) apply in the case of inedible fruits and nuts; to the Committees on Ways and Means.

By Mr. DAUB:

H.R. 5200. A bill to authorize the Secretary of Agriculture to enter into long-term contracts with producers to remove highly erodible land from the production of agricultural commodities and to use soil conservation practices on such land, and for other purposes; to the Committee on Agriculture.

By Mr. SUNDQUIST:

H.R. 5201. A bill to amend title 18, United States Code, regarding sentencing for capital offenses; to the Committee on the Judiciary.

By Mr. WILLIAMS of Ohio:

H.R. 5202. A bill to amend title 23, United States Code, to increase the weight allowed to be carried on a triaxle of a vehicle using the National System of Interstate and Defense Highways, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MONTGOMERY (for himself and Mr. HAMMERSCHMIDT):

H.J. Res. 521. Joint resolution to designate June 6, 1984, as "D-Day National Remembrance Day; to the Committee on Post Office and Civil Service.

By Mr. SHAW (for himself and Mr. FASCELL):

H. Con. Res. 275. Concurrent resolution congratulating the Government of Colombia for its decision to test herbicidal eradication and expressing the hope that the Government of Colombia will carry out a sustained eradication program; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. DICKINSON:

H.R. 5203. A bill to relieve Alabama Christian College of the liability to pay certain sums owed to the United States; to the Committee on the Judiciary.

By Mr. EDGAR:

H.R. 5204. A bill for the relief of Sharon Natalie David; to the Committee on the Judiciary.

By Mr. LEWIS of California:

H.R. 5205. A bill for the relief of Young Sook Chon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

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

H.R. 335: Mr. DYSON.

H.R. 1016: Mr. TAUZIN.

H.R. 1176: Mr. LEWIS of Florida and Mr. MACK.

H.R. 1676: Mr. LELAND and Mr. TOWNS.

H.R. 1942: Mr. LELAND, Mr. HAWKINS, Mr. BATES, and Mr. WORTLEY.

H.R. 2053: Mr. APPLEGATE, Mr. BONKER, Mrs. BOXER, Mr. CHANDLER, Mr. GRAY, Mr. SHUMWAY, Mr. STUMP, and Mr. WYLIE.

H.R. 2188: Mr. MINETA.

H.R. 2239: Mr. SMITH of New Jersey.

H.R. 2382: Mr. SHUSTER and Mr. MCCLOSKEY.

H.R. 2715: Mr. GONZALEZ and Mr. SPENCE.

H.R. 2996: Mr. LENT.

H.R. 3257: Mr. MURPHY, Mr. MICA, and Mr. KASICH.

H.R. 3282: Mr. FOGLIETTA, Mr. SCHUMER, and Mr. GONZALEZ.

H.R. 3457: Mr. BEREUTER.

H.R. 3478: Mr. SPRATT.

H.R. 3762: Mr. FRANK.

H.R. 3775: Mr. MCCAIN, Mr. MCEWEN, Mr. ST GERMAIN, Mr. DINGELL, Mr. MONTGOMERY, Mr. EVANS of Illinois, Mr. MARTIN of North Carolina, Mr. SPRATT, Mr. MADIGAN, Mr. WEBER, Mr. GAYDOS, and Mr. LEWIS of Florida.

H.R. 3821: Mr. MARKEY, Mr. CHAPPIE, Mr. FRANK, Mr. LIPINSKI, Mr. MCKERNAN, Mrs. KENNELLY, Mr. ANNUNZIO, Mr. MATSUI, Mr. LANTOS, Ms. SNOWE, Mr. MCKINNEY, and Mr. D'AMOURS.

H.R. 3975: Mr. WON PAT and Mr. MCEWEN.

H.R. 4005: Mrs. ROUKEMA, Mr. MCCURDY, Mr. WILLIAMS of Ohio, Mr. BROWN of Colorado, Mr. MATSUI, and Mr. EVANS of Iowa.

H.R. 4098: Mr. AKAKA, Mr. ACKERMAN, Mr. OXLEY, Mr. PAUL, Mr. SPRATT, Mr. COUGHLIN, Mr. SHUSTER, Mr. RINALDO, Mr. LONG of Maryland, Mr. SHANNON, Mr. PENNY, Mr. HANSEN of Utah, Mr. GEJDENSON, Mr. VENTO, Mr. BLILEY and Mr. COATS.

H.R. 4111: Mr. LELAND, Mr. HAYES, Mr. LUNDINE, Mr. WON PAT, Mr. HAWKINS, Mr. DELLUMS, Mr. RICHARDSON, Mr. RATCHFORD, Mr. SABO, Mr. KILDEE, and Ms. FERRARO.

H.R. 4125: Mr. EDWARDS of California.

H.R. 4212: Mr. MCCLOSKEY, Mr. DONNELLY, Mr. DURBIN, Mr. TAUKE, and Mr. GEKAS.

H.R. 4287: Mr. DOWNEY of New York, Mr. AKAKA, and Mr. JONES of Oklahoma.

H.R. 4375: Mr. EDWARDS of Alabama and Mr. MOAKLEY.

H.R. 4395: Mr. BEDELL, Mr. PEASE, Mr. EDWARDS of California, Mr. HAWKINS, Mr. MILLER of California, Mr. BATES, Mr. MARKEY, Mr. CROCKETT, Mr. JACOBS, Mr. LELAND, Mr. STENHOLM, Mrs. SCHNEIDER, Mr. FRANK, Mr. BERMAN, Mr. CORRADA, Mr. WON PAT, Mr. ANDREWS of Texas, Mr. HORTON, Mr. BARNES, Mr. STARK, and Mr. PANETTA.

H.R. 4427: Mr. DAUB, Mr. KINDNESS, Mrs. HOLT, Mr. DREIER of California, and Mr. MCGRATH.

H.R. 4447: Mr. AUCOIN and Mr. WEAVER.

H.R. 4544: Mr. HORTON and Mr. NIELSON of Utah.

H.R. 4571: Mr. AKAKA.

H.R. 4616: Mr. DE LUGO.

H.R. 4639: Mr. HERTEL of Michigan, Mr. BONIOR of Michigan, Mr. RATCHFORD, Mr. MARKEY, Mr. FRANK, Mr. GEJDENSON, Mr. DWYER of New Jersey, Mrs. JOHNSON, Mr. MITCHELL, Mr. FAUNTROY, Mr. OWENS, Mr. ROE, Mr. ALBOSTA, Mr. KILDEE, Ms. KAPTUR, Mr. CROCKETT, Mr. CARR, Mr. CORCORAN, Mr. TOWNS, Mr. WALGREN, Mr. LEVIN of Michigan, Mr. BIAGGI, Mr. BOLAND, Mr. RINALDO, Ms. MIKULSKI, and Mr. HORTON.

H.R. 4659: Mr. HAWKINS, Mr. SAWYER, Mr. ORTIZ, Mr. LEHMAN of Florida, Mr. MITCHELL, Mr. LELAND, and Mr. BROWN of California.

H.R. 4676: Mr. SAVAGE and Mr. ECKART.

H.R. 4706: Mr. HUGHES.

H.R. 4772: Mr. CHANDLER, Mr. WALGREN, Mr. WOLPE, and Mr. WEAVER.

H.R. 4805: Ms. SNOWE, Mr. ST GERMAIN, and Mr. SHANNON.

H.R. 4813: Mr. DE LUGO.

H.R. 4863: Mrs. SCHROEDER, Mr. STUDDS, Mr. LAFALCE, Mr. SCHEUER, and Mr. GARCIA.

H.R. 4877: Mr. BROOMFIELD, Mr. FLORIO, Mr. HEFTEL of Hawaii, Mr. RICHARDSON, and Mr. TRAXLER.

H.R. 4884: Mr. RODINO, Mr. BONIOR, Mrs. BOXER, Mr. BATES, Mr. WYDEN, Mr. WON PAT, Mr. MOAKLEY, Mr. EDWARDS of California, Mr. PATTERSON, Mr. ZSCHAU, Mr. TALLON, and Mr. REGULA.

H.R. 4897: Mr. EVANS of Illinois.

H.R. 4908: Mr. CONYERS, Mr. RINALDO, Mr. WILLIAMS of Ohio, Mr. GUARINI, Mr. BOUCHER, Ms. OAKAR, Mr. MAZZOLI, Mr. PANETTA, Mr. BEVILL, Mr. COLEMAN of Texas, Mr. HEFNER, Mr. MCHUGH, Mr. KASTENMEIER, Mr. PEASE, Mrs. COLLINS, Mr. MCKINNEY, Mr. YATES, Mr. SOLARZ, Mr. ASPIN, Mr. OBEY, Mr. LANTOS, Mr. BOEHLERT, Mr. WISE, Mr. DARDEN, Mr. TORRICELLI, Mr. GONZALEZ, Mr. LOWRY of Washington, Mr. SHANNON, Mr. GEPHARDT, Mr. SUNIA, Mr. AKAKA, Mr. APPLEGATE, Mr. ROYBAL, Mr. WEAVER, Mr. WIRTH, Mr. BRYANT, Mr. WOLPE, and Mr. MCNULTY.

H.R. 5011: Mr. PENNY, Mr. STANGELAND, Mr. LEWIS of Florida, Mr. LEVIN of Michigan, and Mr. GORE.

H.R. 5013: Mr. SHUSTER.

H.R. 5015: Mr. NICHOLS, Mr. GLICKMAN, Mr. DASCHLE, Mr. KINDNESS, Mr. FRANK, Mr. EVANS of Illinois, Mr. CROCKETT, Mr. KOLTER, Mr. FISH, Mr. WEAVER, and Mr. MOLLOHAN.

H.R. 5041: Mr. SMITH of Florida and Mr. RITTER.

H.R. 5042: Mr. EVANS of Illinois, Mr. STARK, Mr. VENTO, and Mr. WOLPE.

H.R. 5064: Mr. MCEWEN, Mr. BENNETT, Mr. ROE, Mr. ROBERT F. SMITH, Mr. MATSUI, Mr. STUDDS, Mr. REID, Mr. SHELBY, Mr. MADIGAN, Mr. GILMAN, Mr. BEVILL, and Mr. KOLTER.

H.R. 5134: Mr. PENNY.

H.J. Res. 205: Mr. LANTOS, Mr. MONTGOMERY, Mr. MCCAIN, Mr. SHUMWAY, Mr. SCHEUER, Mr. SPRATT, Mr. HUGHES, Mr. WINN, Mr. MOORE, and Mr. GILMAN.

H.J. Res. 243: Mr. LUJAN, Mr. MCCAIN, Mr. MOORE, Mr. PACKARD, Mr. SHUSTER, and Mr. ROBERT F. SMITH.

H.J. Res. 247: Mr. KOGOVSEK, Mr. HEFNER, Mr. BROWN of California, Mr. GIBBONS, Mr. HORTON, Mr. LENT, Mr. OTTINGER, Mr. OBERSTAR, Mr. BIAGGI, Mr. FLORIO, Mr. DARDEN, Mr. EDWARDS of California, Mr. CLAY, Mr. FORD of Tennessee, Mr. TOWNS, Mr. LEVIN of Michigan, Mr. MADIGAN, Mr. BLILEY, Mrs. BURTON of California, Mr. CHAPPIE, Mr. AKAKA, and Mr. GILMAN.

H.J. Res. 272: Mr. LEVITAS, Mr. SPRATT, Mr. PORTER, Mr. NEAL, Mr. CAMPBELL, Mr. WHITLEY, Mr. ANDREWS of North Carolina, Mr. BROYHILL, Mr. NATCHER, Mr. WINN, Mr. BONER of Tennessee, Mr. HEFNER, Mr. STUMP, Mr. MCDADE, and Mr. LANTOS.

H.J. Res. 282: Mr. BURTON of Indiana, Mr. MCCLOSKEY, and Mr. ANTHONY.

H.J. Res. 389: Mr. GORE.

H.J. Res. 415: Mr. AKAKA, Mr. ARCHER, Mr. BILIRAKIS, Mr. BLILEY, Mr. BROWN of California, Mrs. BYRON, Mr. CHAPPIE, Mr. CONTE, Mr. COUGHLIN, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. DOWDY of Mississippi, Mr. GONZALEZ, Mr. JEFFORDS, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LONG of Maryland, Mr. MCEWEN, Mr. MACKAY, Mr. MATSUI, Mr. MAVROULES, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. O'BRIEN, Mr. PERKINS, Mr. RAHALL, Mr. RATCHFORD, Mr. RAY, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. SCHEUER, Mr. SMITH of Florida, Mr. SOLARZ, Mr. WHITTAKER, Mr. WIRTH, and Mr. VANDERGRIFF.

H.J. Res. 432: Mr. CARPER and Mr. MONTGOMERY.

H.J. Res. 433: Mr. RAHALL, Mrs. SCHNEIDER, Mr. AKAKA, Mr. JEFFORDS, Mr. ANNUNZIO, Mr. LEHMAN of California, Mr. HUGHES, Mr. RUSSO, Mr. DONNELLY, Mr. LUKEN, Mr. TRAXLER, Mr. HEFNER, and Mr. BONER of Tennessee.

H.J. Res. 480: Mr. MCCOLLUM.

H.J. Res. 482: Mr. MCKERNAN.

H.J. Res. 487: Mr. RUDD, Mr. MCEWEN, Mr. MURTHA, and Mr. STUMP.

H.J. Res. 502: Mr. ANDREWS of North Carolina, Mr. HEFNER, Mr. ERDREICH, Mr. FOWLER, Mr. SAVAGE, Mr. CLARKE, Mr. ASPIN, Mr. MATSUI, Mr. GRAY, Mr. STUMP, Mr. HYDE, Mr. LOWRY of Washington, Ms. SNOWE, Mrs. JOHNSON, and Mr. DAUB.

H. Con. Res. 247: Mr. BEDELL and Mr. MATSUI.

H. Con. Res. 266: Mr. KAZEN, Mr. CROCKETT, Mr. BATES, Mr. BARNES, Mr. TORRES, Mr. FRANK, Mr. ANDREWS of Texas, Mr. PEPPER, Mr. FROST, Mr. SMITH of Florida, and Mr. MITCHELL.

H. Con. Res. 268: Ms. SNOWE, Mr. FAZIO, Mr. BEREUTER, Mr. FIELDS, Mr. PATMAN, Mr. FRENZEL, Mr. BEDELL, Mr. AKAKA, Ms. KAPTUR, Mr. HUCKABY, Mr. WILLIAMS of Ohio, Mr. RITTER, Mr. NEAL, Mrs. BOXER, Mr. BLILEY, Mr. LEVINE of California, Mr. KINDNESS, Mr. PATTERSON, Mr. SPRATT, Mr. KILDEE, Mr. SCHEUER, Mr. KOGOVSEK, Mr. MCEWEN, Mr. GREEN, Ms. MIKULSKI, Mr. HORTON, Mr. GORE, and Mr. MCGRATH.

H. Res. 360: Mr. MCCLOSKEY.

H. Res. 450: Mr. EARLY, Mr. SIKORSKI, Mr. GORE, Mr. DELLUMS, Mr. SABO, Mr. MOAKLEY, Mr. STARK, Mr. NOWAK, Mr. ROSE, Mr. STANGELAND, Mr. WEAVER, Mr. BOEHLERT, and Mr. TOWNS.

H. Res. 451: Mr. ADDABBO, Mr. ARCHER, Mr. BRITT, Mr. BRYANT, Mr. CONYERS, Mr. COYNE, Mr. DELLUMS, Mr. DE LUGO, Mr. DEWINE, Mr. DIXON, Mr. DYMALLY, Mr. FAUNTROY, Mr. FRANK, Mr. FROST, Mr. GONZALEZ, Mr. GRAMM, Mr. GRAY, Mrs. HALL of Indiana, Mr. HANCE, Mr. HAWKINS, Mr. HAYES, Mr. HERTEL of Michigan, Mr. HIGHTOWER, Mr. HORTON, Mr. LENT, Mr. LEVIN of Michigan, Mr. LOEFFLER, Mr. LONG of Louisiana, Mr. LUKEN, Mr. MARKEY, Mr. MAVROULES, Ms. MIKULSKI, Mr. MILLER of California, Mr. MITCHELL, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. ORTIZ, Mr. OWENS, Mr. PAUL, Mr. RAHALL, Mr. STENHOLM, Mr. STOKES, Mr. TAUZIN, Mr. TOWNS, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WILLIAMS of Ohio, Mr. WILSON, Mr. WIRTH, and Mr. YOUNG of Alaska.

H. Res. 458: Mrs. KENNELLY, Mr. KILDEE, Ms. MIKULSKI, Mr. SHANNON, Mr. MINISH, Ms. FERRARO, and Mr. SMITH of Florida.

PETITIONS, ETC.

Under clause 1 of rule XXII,

327. The SPEAKER presented a petition of the Section of Natural Resources Law, American Bar Association, Chicago, Ill., relative to the proposed Tax Reform Act of 1983; which was referred to the Committee on Ways and Means.

AMENDMENTS

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

H.R. 5174

By Mr. HYDE:

—In section 105(a) of the bill, strike out "subsection" and insert in lieu thereof "subsections".

In section 105(a) of the bill, strike out the open quotation marks and all that follows through the period following the close quotation marks, and insert in lieu thereof the following new subsections:

"(b) This subsection shall apply except as provided in subsection (c) of this section.

"(1) The Chief Justice of the United States may designate and assign temporarily a bankruptcy judge of one circuit to perform judicial duties in another circuit, either in a bankruptcy court or a district court, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit wherein the need arises.

"(2) The chief judge of a circuit may designate and assign one or more bankruptcy judges within the circuit to sit upon the court of appeals or a panel thereof whenever the business of that court so requires. Such designations of assignments shall be in conformity with the rules or orders of the court of appeals of the circuit.

"(3) The chief judge of a circuit may designate and assign temporarily a bankruptcy judge of the circuit to hold a district court in any district within the circuit upon presentation of a certificate of necessity by the chief judge of the district wherein the need arises.

"(4) The chief judge of a circuit may designate and assign temporarily a bankruptcy judge of the circuit to hold a bankruptcy court in any district within the circuit upon presentation of a certificate of necessity by the chief judge of the bankruptcy court wherein the need arises.

"(c) No bankruptcy judge may be designated and assigned under subsection (b) unless the chief judge of the bankruptcy court from which the judge is assigned certifies that such designation and assignment will not impair the expeditious determination of cases pending in the bankruptcy court to which such bankruptcy judge was appointed under section 152 of this title.".

By Mr. KASTENMEIER:

—Strike out title of the bill and insert in lieu thereof the following new title:

TITLE I—BANKRUPTCY JURISDICTION AND PROCEDURE

SEC. 101. (a) Section 1334 of title 28, United States Code, is amended to read as follows:

"(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

"(b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11 or arising in or related to cases under title 11.

"(c) Nothing in this section prevents a district court in the interest of justice or in the interest of comity with State courts and respect for State law, from abstaining from hearing a particular proceeding arising in or related to a case under title 11. Upon the timely motion of a party in a proceeding based upon a State law claim or State law cause of action, related to a case under title 11 but not arising under title 11 or arising in a case under title 11, with respect to which an action could not have been commenced in a court of the United States absent jurisdiction under this section, the district court shall abstain from hearing such proceeding if an action is commenced, and can be timely adjudicated, in a State forum of appropriate jurisdiction. Any decision to abstain made under this subsection is not reviewable by appeal or otherwise. This subsection shall not be construed to limit the applicability of the stay provided for by section 362 of title 11, United States Code, as such section applies to an action affecting the property of the estate in bankruptcy.

"(d) The district court in which a case under title 11 is commenced or is pending shall have jurisdiction of all of the property, wherever located, of the debtor, as of the commencement of such case, and of all of the property of the estate.".

(b) The heading for section 1334 of title 28, United States Code, is amended to read as follows:

"§ 1334. Bankruptcy cases and proceedings".

(c) The table of sections of chapter 85 of title 28, United States Code, is amended by amending the item relating to section 1334 to read as follows:

"1334. Bankruptcy cases and proceedings".

SEC. 102. (a) Chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1408. Venue of cases under title 11

Except as provided in section 1410 of this title, a case under title 11 may be commenced in the district court for the district—

"(1) in which the domicile, residence, principal place of business in the United States, or principal assests in the United States, of the person or entity that is the subject of such case have been located for the one hundred and eighty days immediately preceding such commencement, or for a longer portion of such one-hundred-and-eighty-day period than the domicile, residence, or principal place of business, in the United States, or principal assets in the United States, of such person were located in any other district; or

"(2) in which there is pending a case under title 11 concerning such person's affiliate, general partner, or partnership.

"§ 1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11

"(a) Except as provided in subsections (b) and (d) of this section, a proceeding arising under title 11 or arising in or related to a case under title 11 may be commenced in the district court in which such case is pending.

"(b) Except as provided in subsection (d) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case to recover a money judgment of or property worth less than $1,000 or a consumer debt of less than $5,000 only in the district court for the district in which a defendant resides.

"(c) Except as provided in subsection (b) of this section, a trustee in a case under title 11 may commence a proceeding arising in or related to such case as statutory successor to the debtor or creditors under section 541 or 544(b) of title 11 in the district court for the district where the State or Federal court sits in which, under applicable nonbankruptcy venue provisions, the debtor or creditors, as the case may be, may have commenced an action on which such proceeding is based if the case under title 11 had not been commenced.

"(d) A trustee may commence a proceeding arising under title 11 or arising in or related to a case under title 11 based on a claim arising after the commencement of such case from the operation of the business of the debtor only in the district court for the district where a State or Federal court sits in which, under applicable nonbankruptcy venue provisions, an action on such claim may have been brought.

"(e) A proceeding arising under title 11 or arising in or related to a case under title 11, based on a claim arising after the commencement of such case from the operation of the business of the debtor, may be commenced against representative of the estate in such case in the district court for the district where the State or Federal court sits in which the party commencing such proceeding may, under applicable nonbankruptcy venue provisions, have brought an action on such claim, or in the district court in which such case is pending.

"§ 1410. Venue of cases ancillary to foreign proceedings

"(a) A case under section 304 of title 11 to enjoin the commencement or continuation of an action or proceeding in a State or Federal court, or the enforcement of a judgment, may be commenced only in the district court for the district where the State or Federal court sits in which is pending the action or proceeding against which the injunction is sought.

"(b) A case under section 304 of title 11 to enjoin the enforcement of a lien against a property, or to require turnover of property of an estate, may be commenced only in the district court for the district in which such property is found.

"(c) A case under section 304 of title 11, other than a case specified in subsection (a) or (b) of this section, may be commenced only in the district court for the district in which is located the principal place of business in the United States, or the principal assets in the United States, of the estate that is the subject of such case.".

(b) The table of sections of chapter 87 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"1408. Venue of cases under title 11.

"1409. Venue of proceedings arising under title 11 or arising in or related to cases under title 11.

"1410. Venue of cases ancillary to foreign proceedings.".

SEC. 103. (a) Chapter 89 of title 28, United States Code, is amended by inserting at the end thereof the following new section:

"§ 1452. Removal of claims related to bankruptcy cases

"(a) A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

"(b) The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground. An order entered under this subsection remanding a claim or cause of action, or a decision not so remanding, is not reviewable by appeal or otherwise.".

(b) The table of sections of chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"1452. Removal of claims related to bankruptcy cases.".

SEC. 104. (a) Title 28 of the United States Code is amended by inserting after chapter 5 the following new chapter:

"CHAPTER 6—BANKRUPTCY JUDGES

"Sec.
"151. Designation of bankruptcy courts.
"152. Appointment of bankruptcy judges.
"153. Salaries; character of service.
"154. Division of business; chief judge.
"155. Temporary transfer of bankruptcy judges.
"156. Staff; expenses.
"157. Procedures.
"158. Appeals.

"§ 151. Designation of bankruptcy courts

"In each judicial district, the bankruptcy judges in regular active service shall constitute a unit of the district court to be known as the bankruptcy court for that district. Each bankruptcy judge, as a judicial officer of the district court, may exercise the authority conferred under this chapter with respect to any action, suit, or proceeding and may preside alone and hold a regular or special session of the court, except as otherwise provided by law or by rule or order of the district court.

§ 152. Appointment of bankruptcy judges

"(a)(1) The United States court of appeals for a circuit shall appoint bankruptcy judges for the judicial districts established in chapter 5 of this title which are located within such circuit. Each bankruptcy judge shall be appointed for a term of fourteen years. Bankruptcy judges shall serve as judicial officers of the United States district courts established under Article III of the Constitution.

"(2) Whenever a majority of the judges of any court of appeals cannot agree upon the appointment of a bankruptcy judge, the chief judge shall make such appointment.

"(3) The judges of the district courts for the territories shall serve as the bankruptcy judges for such courts. The United States court of appeals for the circuit within which such a territorial district court is located may appoint bankruptcy judges under this chapter for such district if authorized to do so by the Judicial Conference of the United States under this section.

"(b) The Judicial Conference of the United States shall determine from time to time the number of official duty stations of bankruptcy judges and places of holding court, after considering the recommendations submitted by the Director of the Administrative Office of the United States Courts after consultation with the judicial council of the circuit involved.

"(c) Each bankruptcy judge may hold court at such places within the judicial district, other than the official duty station of such judge, as the business of the court may require.

"(d) With the approval of the Conference and of each of the judicial councils involved, a bankruptcy judge may be designated to serve in any district adjacent to or near the district for which such bankruptcy judge was appointed.

"(e) A bankruptcy judge may be removed during the term for which such bankruptcy judge is appointed, only for incompetence, misconduct, neglect of duty, or physical or mental disability and only by the judicial council of the circuit in which the judge's official duty station is located. Removal may not occur unless a majority of all the judges of such council concur in the order of removal. Before any order of removal may be entered, a full specification of charges shall be furnished to such bankruptcy judge who shall be accorded an opportunity to be heard on such charges.

"§ 153. Salaries; character of service

"(a) Each bankruptcy judge shall serve on a full-time basis and shall receive as full compensation for his services a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title, to be paid at such times as the Judicial Conference of the United States may determine.

"(b) A bankruptcy judge may not engage in the practice of law and may not engage in any other practice, business, occupation, or employment inconsistent with the expeditious, proper, and impartial performance of such bankruptcy judge's duties as a judicial officer. The Conference may promulgate appropriate rules and regulations to implement this subsection.

"(c) Each individual appointed under this chapter shall take the oath or affirmation prescribed by section 453 of this title before performing the duties of the office of bankruptcy judge.

§ 154. Division of businesses; chief judge

"(a) Each bankruptcy unit having more than one bankruptcy judge by majority vote promulgate rules for the division of business among the bankruptcy judges to the extent that the division of business is not otherwise provided by the rules of the district court.

"(b) In each district court having more than one bankruptcy judge, the district court shall designate one judge to serve as chief judge. Whenever a majority of the judges of such district court cannot agree upon the designation as chief judge, the chief judge of such district court shall make such designation. The chief judge of the bankruptcy unit shall ensure that the rules of the bankruptcy unit and of the district court are observed and shall ensure that business of the bankruptcy unit is handled effectively and expeditiously.

"§ 155. Temporary transfer of bankruptcy judges

"(a) A bankruptcy judge may be transferred to serve temporarily as a bankruptcy judge in any judicial district other than the judicial district for which such bankruptcy judge was appointed, upon the approval of the judicial council of each of the circuits involved.

"(b) A bankruptcy judge who has retired may, upon consent, be recalled to serve as a bankruptcy judge in any judicial district by the judicial council of the circuit within which such district is located. Upon recall, a bankruptcy judge may receive a salary for such service in accordance with regulations promulgated by the Judicial Conference of the United States, subject to the restrictions on the payment of an annuity in subchapter III of chapter 83 of title 5.

"§ 156. Staff; expenses

"(a) Each bankruptcy judge may appoint a secretary, a law clerk, and such additional assistants as the Director of the Administrative Office of the United States Courts determines to be necessary.

"(b) Upon a determination by the judicial council of the circuit involved that the number of cases and proceedings pending within the jurisdiction under section 1334 of this title within a judicial district so warrants, such judicial council may authorize, with the approval of the Director of the Administrative Officer of the United States Courts, the bankruptcy judges for such district to appoint an individual to serve as clerk of such bankruptcy court. The clerk may appoint with the approval of such bankruptcy judges, and in such number as may be approved by the Director, necessary deputies, and may remove such deputies with the approval of such bankruptcy judges.

§ 157. Procedures

"(a) Each district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.

"(b)(1) Bankruptcy judges may hear and determine all cases under title 11 and all core proceedings arising under title 11, or arising in a case under title 11, referred under subsection (a) of this section, and may enter appropriate orders and judgments, subject to review under section 158 of this title.

"(2) Core proceedings include, but are not limited to:

"(A) matters concerning the administration of the estate;

"(B) allowance or disallowance of claims agains the estate or exemptions from property of the estate;

"(C) counterclaims by the estate against persons filing claims against the estate;

"(D) orders in respect to obtaining credit;

"(E) orders to turn over property of the estate;

"(F) proceedings to determine or set aside preferences;

"(G) motions to lift or modify the automatic stay;

"(H) proceedings to set aside fraudulent conveyances;

"(I) determinations as to the dischargeability of particular debts;

"(J) objections to discharges;

"(K) determinations of the validity, extent, or priority of liens;

"(L) confirmations of plans;

"(M) orders approving the sale of property not resulting from claims brought by the estate against persons who have not filed claims against the estate; and

"(N) other proceedings affecting the liquidation of the assets of the estate or the adjustment of the debtor-creditor or the equity security holder relationship.

"(3) The bankruptcy judge may determine, on the judge's own motion or on timely motion of a party, whether a proceeding is a core proceeding under this subsection or is a proceeding that is otherwise related to a case under title 11. A determination that a proceeding is not a core proceeding shall not be made solely on the basis that its resolution may be affected by state law.

"(c)(1) A bankruptcy judge may hear a proceeding that is not a core proceeding but that is otherwise related to a case under title 11. In such proceeding, the bankruptcy judge shall submit proposed findings of fact and conclusions of law to the district court, and any final order or judgment shall be entered by district judge after considering the bankruptcy judge's proposed findings and conclusions and after reviewing de novo those matters to which any party has timely and specifically objected.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, the district court, with the consent of all the parties to the proceeding, may refer a proceeding related to a case under title 11 to a bankruptcy judge to hear and determine and to enter appropriate orders and judgments, subject to review under section 158 of this title.

"(d) The district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause shown. The district court shall, on timely motion of a party, so withdraw a proceeding if the court determines that resolution of the proceeding requires consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

"§ 158. Appeals

"(a) The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title. And appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving.

"(b) An appeal to a district court under subsection (a) of this section shall be taken in the same manner as appeals in civil proceedings generally are taken to the courts of appeals from the district courts.

"(c) The courts of appeals shall have jurisdiction of appeals from all final decisions, judgments, orders, and decrees of the district courts entered under this section.".

(b) The table of chapters of part I of title 28, United States Code, is amended by inserting after the item relating to chapter 5, the following new item:

"6. Bankruptcy Judges.".

SEC. 105. The salary of a bankruptcy judge in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination or adjustment made under section 153(a) of title 28, United States Code, as added by this Act.

SEC. 106. (a) Notwithstanding section 152 of title 28, United States Code, as added by this Act, the term of office of a bankruptcy judge who is serving on the date of the enactment of this Act shall expire eight years after the date such bankruptcy judge was last appointed to such office or was continued in office by section 404(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), whichever event occurred later.

(b) Notwithstanding section 153(a) of title 28, United States Code, as added by this Act, and notwithstanding subsection (a) of this section, a bankruptcy judge serving on a part-time basis on the date of enactment of this Act may continue to serve on such basis for a period not to exceed two years from the date of enactment of this Act.

(c) Notwithstanding section 152 of title 28, United States Code, as added by this Act, a bankruptcy judge whose term of office is extended by this section shall be deemed, during such term of office, to be appointed under such section 152 as a judicial officer of the district court involved.

SEC. 107. Section 372(c)(6)(vii) of title 28, United States Code, is amended by striking out "section 153" and inserting in lieu thereof "section 152".

SEC. 108. (a) Section 634(a) of title 28, United States Code, is amended by striking out "the rates now or hereafter provided for full-time and part-time referees in bankruptcy, respectively, referred to in section 40a of the Bankrupcy Act (11 U.S.C. 68(a)), as amended," and inserting in lieu thereof "rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361). as adjusted by section 461 of this title".

(b) The maximum rates for salary of full-time and part-time United States magistrates in effect immediately before the date of the enactment of this Act shall remain in effect until changed as a result of a determination made under section 634(a) of title 28, United States Code, as amended by this Act.

SEC. 109. Section 957 of title 28, United States Code, is amended by striking out "district".

SEC. 110. Section 1360 of title 28, United States Code, is amended—

(1) by striking out "or Territories";

(2) by striking out "or Territory" each place it appears; and

(3) by striking out "within the Territory" and inserting in lieu thereof "within the State".

SEC. 111. Section 1930 of title 28, United States Code, is amended by striking out "clerk of the bankruptcy court" each place it appears and inserting in lieu thereof "clerk of the court".

SEC. 112. Subsections (f), (j), (k), (l), and (m) of section 8339, subsections (b)(1) and (d) of section 8341, and section 8344(a)(A) of title 5, United States Code, are each amended by striking out "and (o)" and inserting in lieu thereof "and (n)".

SEC. 113. Section 402(b) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2682), is amended by striking out "shall take effect on April 1, 1984" and inserting in lieu thereof "shall not take effect".

SEC. 114. Sections 404, 405(a), 405(b), 405(c), 406, 407, and 409 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2683), are repealed.

SEC. 115. (a) On the date of the enactment of this Act there shall be transferred to the appropriate district court of the United States—

(1) cases, and matters and proceedings in cases, under the Bankruptcy Act that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978

(Public Law 95-598; 92 Stat. 2687), other than cases, and matters and proceedings in cases under—

(A) section 77 or chapter IX of the Bankruptcy Act, or

(B) chapter X of the Bankruptcy Act in which a general reference under section 117 of the Bankruptcy Act is not in effect, and

(2) cases under title 11 of the United States Code, and proceedings arising under title 11 of the United States Code or arising in or related to cases under title 11 of the United States Code, that are pending immediately before such date in the bankruptcy courts continued by section 404(a) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2687).

(b) On the date of the enactment of this Act, there shall be transferred to the appropriate district court of the United States appeals from final judgments, orders, and decrees of the bankruptcy courts pending immediately before such date in the bankruptcy appellate panels appointed under section 405(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2685).

SEC. 116. (a) Section 8331(22) of title 5, United States Code, is amended—

(1) by striking out "or under section 404(d) of the Act adding this paragraph".

(2) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph:

"(A) who is serving as a United States bankruptcy judge on the date of the enactment of the Bankruptcy Court Amendments of 1984.".

(3) in subparagraph (B)—

(A) by striking out "transition period" and inserting in lieu thereof "period beginning on October 1, 1979, and ending on the date of enactment of the Bankruptcy Court Amendments of 1984.".

(B) by striking out the period at the end thereof and inserting in lieu thereof "; or", and

(4) by adding at the end thereof the following new subparagraph:

"(C) who is appointed as a bankruptcy judge under section 152 of title 28.".

(b)(1) The first sentence of section 8334(a)(1) of title 5, United States Code, is amended by inserting "and a bankruptcy judge" before the period.

(2) The matter relating to bankruptcy judges in the table set out in section 8334(c) of title 5, United States Code, is amended—

(A) by striking out the following item:

"7..... After January 1, 1970.".

and

(B) by inserting in lieu of item stricken by subparagraph (A) the following new items:

"7..... January 1, 1970, to December 31, 1983.

"8..... After December 31, 1983.".

(c) Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l), and

(2) by inserting after subsection (j) the following new subsection:

"(k) A bankruptcy judge who is separated from service, except by removal, after becoming sixty-two years of age and completing ten years of service as a bankruptcy judge is entitled to an annuity.".

(d) Section 8339(n) of title 5, United States Code, is amended by striking out and before April 1, 1984.".

SEC. 117. The adjustments in the retirement provisions made by this Act shall not be construed to be a "new government retirement system" for purposes of the Federal Employees Retirement Contribution Temporary Adjustment Act of 1983 (Public Law 98-168).

SEC. 118. Section 105 of title 11, United States Code, is amended—

(1) by deleting the word "bankruptcy" wherever it appears therein: an

(2) by adding at the end thereof the following new subsection:

"(c) The ability of any district judge or other officer or employee of a district court to exercise any of the authority or responsibilities conferred upon the court under this title shall be determined by reference to the provisions relating to such judge, officer, or employee set forth in title 28. This subsection shall not be interpreted to exclude bankruptcy judges and other officers or employees appointed pursuant to chapter 6 of title 28 from its operation.".

SEC. 119. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act, or the application of that provision to persons or circumstances other than those as to which it is held invalid, is not affected thereby.

SEC. 120. (a)(1) Whenever a court of appeals is authorized to fill a vacancy that occurs on a bankruptcy court of the United States, such court of appeals shall appoint to fill that vacancy a person whose character, experience, ability, and impartiality qualify such person to serve in the Federal judiciary.

(2) It is the sense of the Congress that the courts of appeals should consider for appointment under section 152 of title 28, United States Code, to the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment.

(b) The judicial council of the circuit involved shall assist the court of appeals by evaluating potential nominees and by recommending to such court for consideration for appointment to each vacancy on the bankruptcy court persons who are qualified to be bankruptcy judges under regulations prescribed by the Judicial Conference of the United States. In the case of the first vacancy which arises after the date of the enactment of this Act in the office of each bankruptcy judge, such potential nominees shall include the bankruptcy judge who holds such office immediately before such vacancy arises, if such bankruptcy judge requests to be considered for such appointment and the judicial council determines that such judge is qualified under subsection (c) of this section to continue to serve.

(c) Before transmitting to the court of appeals the names of the persons the judicial council for the circuit deems best qualified to fill any existing vacancy, the judicial council shall have determined that—

(1) public notice of such vacancy has been given and an affirmative effort has been made, in the case of each such vacancy, to identify qualified candidates, without discrimination as to race, color, sex, religion, or national origin.

(2) such persons are members in good standing of at least one State bar, or the District of Columbia bar, and members in good standing of every other bar of which they may be members.

(3) such persons possess, and have a reputation for, integrity and good character.

(4) such persons are of sound physical and mental health.

(5) such persons possess and have demonstrated commitment to equal justice under law.

(6) such persons possess and have demonstrated outstanding legal ability and competence, as evidenced by substantial legal experience, ability to deal with complex legal problems, aptitude for legal scholarship and writing, and familiarity with courts and court processes, and

(7) such persons demeanor, character, and personality indicate that they would exhibit judicial temperament if appointed to the position of United States bankruptcy judge.

SEC. 121. (a) This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

By Mr. SENSENBRENNER:

—In title I, sec. 101, under "§ 154 Salaries of bankruptcy judges" strike "$69,500" and insert in lieu thereof "$65,800".

—Strike out section 112 of the bill.

Redesignate section 111 of the bill as 112.

In section 110 of the bill, strike out "SEC. 110." and all that follows through subsection (b), and insert in lieu thereof the following:

SEC. 110. (a) Section 371(a) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

(b) Section 371(b) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

SEC. 111. (a) Section 372(a) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States" each place it appears.

(b) Section 372(b) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "judge of the United States".

Strike out section 113 of the bill and insert in lieu thereof the following new section:

SEC. 113. (a) Section 376(a)(1)(A) of title 28, United States Code, is amended by inserting ", except that such term does not include a bankruptcy judge" before the semicolon.

(b) Section 376(a)(2)(A) of title 28, United States Code, is amended by inserting "(other than a bankruptcy judge)" after "section 451 of this title".

Redesignate subsections (a) and (b) of section 142 of the bill as subsections (b) and (c), respectively.

In section 142 of the bill strike out "SEC. 142." and insert before subsection (b), as so redesignated, the following:

SEC. 142. (a) Section 8331(1) of title 5, United States Code, is amended by inserting ", other than a judge appointed under section 152 of title 28 to the bankruptcy court" after "section 451 of title 28".

EXTENSIONS OF REMARKS

PRAYER IN PUBLIC SCHOOLS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. MATHIAS. Mr. President, in recent weeks I have heard from thousands of Marylanders who feel deeply about the issue of prayer in public schools. Today, I would like to share with my colleagues two of the many communications I have received on this subject.

The first is a resolution passed unanimously by the Washington Board of Rabbis on March 7. It was sent to me by Howard D. Greyber of Potomac, Md., a strong supporter of President Reagan who differs with him on this issue. It deserves a place in the record of our debate.

The second is one of the most sensible and thought-provoking sermons on the subject I have read. It was sent to me by Mrs. Donald L. Moody of Ellicott City, Md., and was delivered last summer by Dr. Carl Rife, senior pastor of Grace United Methodist Church in Baltimore.

These two documents will, I think, be of particular value to us as we consider the President's proposed constitutional amendment on the subject of prayer in schools and other public institutions. The full text of these documents follow:

RESOLUTION BY WASHINGTON BOARD OF RABBIS

As rabbis, we deeply believe in the significance of prayer. We want children to know how to pray. Thus for us, prayer is not the issue but the appropriate institution to foster prayer. We are convinced that anyone who wishes to pray, whether in or outside of school, is in no way inhibited from doing so.

We believe that prayer fostered by the public schools violates the first amendment and tramples upon minority rights in a pluralistic society. Minority children of differing faiths—or without any faith—are placed in an untenable position by a school-directed period of prayer.

It is the task of parents and religious leadership and not the public school system or teacher to dictate the praying conduct of our children. We strongly oppose any attempt by our government to enter into this sacred and personal domain of faith. Resolution passed unanimously by the Washington Board of Rabbis, March 7, 1984.

STATEMENT OF DR. CARL B. RIFE

A couple of months ago I drove into the parking lot of my bank. There was a bumper sticker on the back of a car that said, "Let Our Kids Pray." I had an immediate reaction to that. I must be honest with you, it was a negative reaction. And so I went back into my car and found a pen and a piece of paper and wrote a note and put it on the windshield of that car. (I hope it is not a car that belongs to any of you.) The note simply said, "Who's stopping them?"

"Let our kids pray." And it occurred to me to say, "Well, who in this world is stopping our kids from praying?" And obviously that bumper sticker and my response gets us into the whole area of prayer in public schools, which is the point of that bumper sticker.

I begin by saying that committed Christians can differ on this issue and what I am sharing with you is not a word from the Lord, but a word that I interpret from where I am. I think I am in good company in doing that from time to time, Paul would differentiate when he gave his messages through his letters to various churches. Sometimes he would be forthright and say, "This is the word of the Lord" and at other times he would say, "This, basically, is my committed opinion." And so this is my opinion, my committed opinion.

I think we need to understand from the very beginning what prayer is. Prayer to me is that intensely personal, intimate conversation with God, with the Source of life. There is a whole lot of theology caught up in just that understanding, for this is a perspective that understands God to be no less than personal, suprapersonal perhaps, but no less than personal; that understands the Creator, the Source of all life is at the heart of the universe, who indeed can listen, does hear and does respond to our individual prayers. That is a faith assumption. But it is a faith assumption based on the solid ground of the scriptures and the experience of countless Christians down through the ages.

That is why the writer of Matthew talks about prayer being done best in private and in a closet where one speaks out of the deepest part of one's being to the deepest part of the universe. The best model for prayer is not the formal prayers of the church, as important as they may be as a community of faith prays together, but the prayer by Jesus in the garden of Gethsemane. That is real prayer, that opening up of Jesus' life, that surrendering of his being to the one he called Father, indeed he called Daddy, Abba. That is prayer.

And that prayer, that kind of prayer, is best taught in the context of our home and our church. It is not the kind of thing that can be learned by a simple repetition of words. It cannot even be taught in Sunday school apart from a faith community which believes and lives out its life in prayer, and it certainly cannot be taught by parents to their children unless they themselves evidence a prayerful spirit in their life toward all things. Prayer grows out of a faith understanding, that style of life is the setting of the church and the home, not the public schools.

It is my conviction that it is not the state's role to teach prayer or religion. I have heard some people say that we need to bring God into the classroom. The God I believe in does not need to be brought into the classroom; God is already there. No teacher ever stopped me from praying and there were many times, I'll be honest with you, when I prayed especially when I had a test before me. In fact, when you think about it, there is no way that any authority, anywhere on this earth, can stop another person from praying.

The kind of prayer that would be given in a public school is the kind that is so formulated as not to offend anyone. It is watered down, it is anemic, it is a pale reflection of that kind of prayer we find with Jesus in Gethsemane, an intense intimate personal prayer.

Some say, "Well, prayer, even that kind of prayer, can't hurt anyone." But that takes away the meaning and the power of prayer to so look at it.

Behind all this is another level of understanding which I think it is good to look at explicitly on this weekend we set aside to remember and honor the birthday of our nation. And that is the whole doctrine of separation of church and state. There are legitimate spheres of activity for the church and religion and legitimate spheres of activity for the state. In the passage which you heard read from Romans this morning, Paul almost ordains the rulers of the nation as being legitimate authorities to carry out the will of God.

Part of the understanding of the founders of our country was to keep a tension between these two spheres, very important spheres of activity, the sphere of the church, the sphere of the state, the sphere of faith and morality, the sphere of the welfare and well-being of the people. And there is always a tension, and there are times when one part of that tension, the church and the state, has to talk to the other part.

If you were following the trip of Pope John Paul to Poland, you understand that he knew the tension between these two spheres and walked a very careful line, but he spoke to the state about its moral obligation to justice and to freedom. The church always reserves that right to speak thusly to the state, but at the same time the church has experienced its corruption, too, and its deficiencies and the state has often had to speak back to the church.

And if you study the history of civilization, you know how dangerous it can be when religion gets mixed up with the state and you cannot distinguish at all between the two. Then all the things that are done in the name of the state are justified by high sounding words of religion.

It is in that context that I say in response to that bumper sticker, "Let Our Kids Pray", "Who's stopping them?" For prayer is the reflex of our deepest being to turn towards God, a kind of tropism, and no one in this universe can stop anyone from doing that. Let us remember, when you think of prayer in the public school, not to think of the pale anemic watered-down version of prayer that some official might not write to offend anyone, but to think of our young people out of their experience in their church and home being able at any moment of their life to live their life in prayerful reflection whatever they are doing. That's the answer to the bumper sticker, "Let Our

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

Kids Pray." No one is stopping them. No one can.●

IN MEMORY OF ROBERT W. KERR

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. WILSON. Mr. President, I rise to honor today and for posterity, the memory of a splendid American, Mr. Robert W. Kerr, who graced our State of California during his long and distinguished life.

In the course of his illustrious career which spanned six decades, he acquired a reputation in America's business community as an exemplary manager of people and assets. When he turned his talents outward to the service of his community with his generous philanthropic endeavors, he enriched California's education, arts, and humanities communities with the same dedication and expertise that led to his rise in the corporate world.

Californians will miss Bob's active presence in our State. His memory, and his legacy, will long live in the minds and hearts of us all.●

WHERE WE STAND IN NATO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LAGOMARSINO. Mr. Speaker, one often hears of the problems the alliance is facing, how these problems are "tearing apart" the alliance and that, if action is not taken soon, the alliance will crumble.

Our Ambassador to the North Atlantic Treaty Organization (NATO), David M. Abshire, has looked at these statements and eloquently expressed his thoughts on the topic. I call upon my colleagues to read Ambassador Abshire's op-ed piece, which appeared in the Los Angeles Times, Sunday, March 11, 1984.

The article follows:

[From the Los Angeles Times, Mar. 11, 1984]

WHERE WE STAND IN NATO—ALLIES MUST FIT NEW PERCEPTIONS TO THEIR ORIGINAL PURPOSE

(By David M. Abshire)

BRUSSELS.—George Will recently paid homage to Raymond Aron, and suggested that, for the West, his death signified the fact that "it is almost past now, Europe's great generation of 'Atlanticist' intellectuals who, in the crucial postwar period, defended Western values and Western defense measures, against many detractors. The detractors multiply like rodents. Defenders like Aron are as rare as eagles."

Raymond Aron never led a battallion or chaired a parliamentary committee. He only made one kind of contribution to the alliance: He touched people's perceptions. In doing so, he was not on the sidelines but at the core of the question of the alliance's fate.

Although there are occasional lapses, the North Atlantic Treaty Organization is an alliance of fiercely democratic nations. Questions that might masquerade as strategic or economic issues are really political questions—and political questions debated in the public arena. Our "confidential" negotiations, for example, are certainly the noisiest in history. And the need for increased investment in the common defense runs up against such intense competition for pieces of a shrinking pie that it creates the kind of stress that can cause governments to fall. At a time of high unemployment, more people are marching in the streets of Europe and America over nuclear weapons than over jobs.

Such events are the causes and effects of Western perceptions and attitudes on questions of security. But I think we can define the dilemmas that constitute our central challenge.

Although the charter may not say so, the Atlantic alliance was formed because the Soviet Union was perceived to be a threat. If the threat should disappear, we would all glady rethink the need for the alliance in its current form. If, however, the threat remains but the perception disappears, the alliance is in deep trouble.

I fear that is exactly what is happening: European and American public concern about the Soviet Union simply does not match the concern of serious students and commentators on Soviet affairs. We need a shared, soundly shaped perception of the threat.

The perceptual gap on the Soviet threat (and other issues) is especially true among some young Europeans. This should not surprise us. People who experienced war on European soil, and were saved from war and starvation by the Americans, are bound to have different perceptions from their children who lived through none of this.

We are seeing the replacement of the old generation by a new one that is truly different. If we take comfort from solid agreement with our 50-year-old European friend (while his children are marching in the streets for neutralist or pro-Soviet positions) then we are just a dying breed of old Atlanticists with no future.

When the alliance was formed, the principal threats to its security were within the geographic limits described in the charter. Now, some of the greatest dangers lurk outside those limits, and in many cases our allies would like to see the same results that we would like to see in Central America, southwest Asia or southern Africa.

But they have grave public difficulties. They may be seen as extending the terms of the NATO charter, or as too close to the Americans in too many parts of the world. NATO is challenged to help make it possible for the allies to join in concerted actions outside the NATO area—or, at least from our viewpoint, to compensate for any temporary limitations in preparedness that our actions might cause.

Every time the United States and the Soviet Union are mentioned casually in the same breath, every time a European suggests that they are both superpowers, and that superpowers are a special breed with more in common than the Western allies have—every time a European finds the situation in Afghanistan and Grenada roughly similar, an important part of the turf supporting NATO is eroded away.

If young people who know little about either country have any genuine uncertainty about which society is more attractive, that turf is crumbling. Some people are uncomfortable with talk of "shared values," but it appears to me that the differences between East and West in their patterns of thought and quality of life require a constant, civilized expression in the public life of our alliance.

The correct perception of the U.S. and the West is a sine qua non for the productive dialogue we seek with the Soviet Union. It is important to negotiate from strength when military questions are on the table, but it is also important to negotiate from moral strength in all our dealings.

This alliance really is a partnership. This is borne out by everything from the way the military burden is shared to the difficulty I have in getting my way in the North Atlantic Council. But the alliance is all too frequently perceived as a leader with a flock of followers trailing behind.

Consider the "Euromissile" debate. In the eyes of many, American missiles are going into American bases because the Americans want it that way for American interests. The fact that there are NATO flags on the bases, and that the West German chancellor and his European colleagues initiated the call for deployment, are all long forgotten—as are European concerns about coupling and decoupling with U.S. strategic systems.

If Europeans perceive NATO as an American hegemony, they will gradually turn off its life-support system. All this must not cause us embarrassment about leadership. The Europeans look to the United States for it, and we must accept that we are the leading partner in many NATO actions. But the United States does not have to be out in front on every issue. We must encourage Europeans to exert leadership on more issues.

It's a difficult balancing act for us, but it's a tightrope we have to walk.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, on March 15, 1984, we commemorated a day of remembrance in the life of the Soviet Jewry movement. On this day, International Day of Concern for Soviet Jews, we commemorated the endless day-to-day struggle faced by the Jews in the Soviet Union who undergo harassment and persecution because of their religious and political beliefs. On this day, we commemorate the lifelong attempts on the part of the Soviet Jews to leave the unbearable confines of the Soviet Union and emigrate to freedom-loving countries outside the Iron Curtain.

On this day, we commemorated the eighth year of Anatoly Shcharansky's imprisonment in a Soviet prison. Eight years ago, Anatoly was sentenced to a

13-year prison term for having had the courage to speak out against the human rights abuses that he saw daily and to request to leave the Soviet Union to join his wife Avital in Israel. During these 8 long years, he has undergone tremendous indignities. For a long period of time, he was denied the right to receive mail or any communication from his family and the outside world. It was only after a prolonged hunger strike and international outcry against the brutality of the force feedings Anatoly was subjected to, that the Soviet authorities began allowing him to receive his mail and allowed him short and infrequent visits by his mother.

This past January, Anatoly celebrated his 36th birthday, his 6th as a prisoner of conscience. At present, he is suffering from acute heart pains, pains that continue day and night so strongly that his left arm has been immobilized. For months, he has appealed to any humanitarian instincts the Soviets may possess to allow him to be hospitalized. His pleas have gone unanswered. Because he is ill, he cannot obviously fulfill the unreasonable work quota he is allotted as a prisoner. He fears that he will be punished for not being able to work.

Anatoly Shcharansky is a symbol for all the Soviet Jews that have been unfairly denied the most fundamental of human rights. Despite this illegal infringement on the human rights of all Soviet Jews and dissidents, the Soviet authorities still remain reluctant to allow Soviet Jews to leave the Soviet Union and seek asylum in countries that value the importance of religious and political freedom. Never before in the history of the Soviet Jewry movement has the emigration rate been so low. As of November 1983, only 1,218 Soviet Jews were allowed to leave the Soviet Union. This figure is appalling considering the highest emigration rate was in 1979 with 51,320 people given the permission to seek freedom. Mr. Speaker, I would urge my colleagues to speak out against this inequity at every opportunity.

As we remember the thousands of Soviet Jews that continue to live in the Soviet Union hoping for the day when they can practice their religious and political beliefs without the fear of persecution, when they can speak out freely without being subjected to imprisonment and harassment, let us continue to protest human rights abuses at every steps. We have a moral obligation to do so.●

HONORING THE NATIONAL COUNCIL OF YOUNG ISRAEL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ACKERMAN. Mr. Speaker, it is my great pleasure to bring to the attention of my colleagues the outstanding achievements of the National Council of Young Israel, which represents more than 250 synagogues and 300,000 members nationwide.

For more than three quarters of a century, the Young Israel movement has dedicated itself to Jewish ethical values—service to the Creator and all mankind. This commitment manifests itself through the operation of a public hospital in the Midwest, employment agencies in six States, senior citizens' nutrition programs, and numerous other activities which improve the lives of untold numbers of Americans. At its 72d anniversary banquet on March 25, the Young Israel will honor 21 distinguished Americans whose endeavors on behalf of all our citizens merit national recognition.

Bill Tate, the Young Israel's "Man of the Year," is a labor leader of international reputation. His accomplishments for American workers and civil rights are legion, and are matched only by his efforts for the United Jewish Appeal and his staunch support for Israel.

Ruby and Judy Gruenbaum, the recipients of the Young Israel's Golden Shofar Award, have rendered years of exceptional contributions to the Young Israel movement and the American Jewish community. A survivor of Auschwitz and Buchenwald, Ruby Gruenbaum contributed to the growth of his new country as he built his own business. Today he generously shares his blessings with those less fortunate than he. Following the Talmud's exhortation to give of himself as well as his means, Ruby has served as chairman of the Board of Yeshiva Moses Soloveitchik, president of the Young Israel of Forest Hills, treasurer of the Greater New York Council of Mizrachi-Hapoel Hamizrachi, and the vice president of Young Israel's National Council.

Judy Gruenbaum's efforts on behalf of American Jewry are equally noteworthy. A former national officer of Emunah Women, she has served as a member of the Presidium of the Women's League of the National Council of Young Israel. Her leadership in the movement to reinvigorate Jewish ethical values among college students has been felt throughout our Nation.

Rabbi Simcha Krauss of Hillcrest, Queens, the Silver Shofar Award recipient, also has attained national stature. A prominent rabbinical leader for more than two decades, Rabbi Krauss occupies one of the most important pulpits in my district. His dedication serves as a model for all American religious leaders. Devoutly committed to his faith, Rabbi Krauss has published numerous articles on many aspects of Jewish tradition and its relation to American society. His essays have appeared in The Jewish Parent, Shma, Tradition, and the Young Israel Viewpoint—periodicals circulating throughout the United States and Canada. Rabbi Krauss' concern for American Jewish education led him to establish three important institutions of learning: The Hillel Hebrew Day School in Utica, N.Y.; the Yeshiva High School of St. Louis; and the Harry and Anna Schwartz Institute of Judaic Studies, an adult education institute at the Young Israel of Hillcrest.

Since becoming spiritual leader of that synagogue in 1980, Rabbi Krauss has worked tirelessly for the improvement of his community. I can attest personally to his dynamic leadership and concerned attention to the needs of all citizens of Queens. His inspiration is a basic ingredient in the Young Israel of Hillcrest's rise to preeminence in American and world Jewry.

Jack Gold, the National Council's Community Service Award recipient, is known for his efforts strengthening the institutions and assisting the good works of dozens of organizations in Brooklyn and Queens. Nat Behmoiram will receive the council's humanitarian award. The wide-ranging breadth of his efforts and the depth of his accomplishments epitomize the Young Israel movement's commitment to community service.

The Young Israel's other Shofar Award recipients also merit commendation. They include: Rabbi Heshy Gissinger, Sidney Mochan, Joseph Zoldan, Louis Horowitz, Joe King, Herbert Weiss, Norma and Carl Goldstein, Zena and Norman Dachs, Toni and Howard Turner, Deborah and Harry Goldfarb, and Judge Bernard Bloom.

It is, therefore, my pleasure, Mr. Speaker, to call on the Members of the Congress to join me in extending congratulations to Mr. Harold Jacobs, president of the National Council of Young Israel; to Rabbi Ephraim Sturm, its executive vice president; and to all the officers and honorees. As they move forward to greater accomplishments, we say to each, in the words of David to Solomon, "Hazak, vehehmatz—be strong, and of good courage."●

PRESIDENTIAL MEDAL OF FREEDOM AWARD TO DR. HECTOR P. GARCIA

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HANCE. Mr. Speaker, the State of Texas has been honored to have among its citizens the distinguished person of Dr. Hector P. Garcia.

Dr. Garcia has recently been chosen by the President to receive the venerated Presidential Medal of Freedom. He is a most deserving recipient of this award, having served his people and his nation nobly since 1942.

Among his achievements, Dr. Garcia counts service in the Army from 1942-46, during which time he was awarded a Bronze Star Medal and six battle stars. He also served as delegate to the United Nations under President Lyndon Johnson and was appointed to the U.S. Civil Rights Commission in 1968. He has served in over a dozen other federally and Presidentially appointed advisory councils, commissions, and delegations, each time serving with distinction and honor.

Dr. Garcia has also contributed his time and talent to numerous civil and community organizations. He founded the American GI Forum, a national organization of Hispanic veterans. It has been through the American GI Forum and his affiliation with other groups that Dr. Garcia has worked so hard to advance the worthy causes of Hispanics and minorities. His total commitment to bringing justice and equality to minority Americans is always unselfish. He advocates cooperation over confrontation and his diligence in seeking nonviolent solutions to sometimes violent problems is comparable to Martin Luther King, Jr.

We are not the first to honor Dr. Garcia. His dedication to the Hispanic community, the State of Texas, and the Nation itself has been recognized and commended for many years. But it is entirely fitting that we do so again with this highest of awards, the Presidential Medal of Freedom.●

PLYWOOD TARIFFS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONKER. Mr. Speaker, I am today introducing legislation to close a loophole in the U.S. tariff schedule that is needlessly and unfairly costing jobs in the Pacific Northwest wood processing industry. Left uncorrected, the job toll stemming from this problem will steadily increase.

Certain plywood sheets are being exported by Canada to the United States as building boards rather than as plywood under the U.S. tariff schedule. This subjects such Canadian exports to a much lower tariff schedule, making the products cheaper than comparable plywood produced in the United States. The tariff category called building boards was apparently intended to be a residual one for special-use construction panels that might not fall into either plywood or wood veneer panel categories.

Instead, it has become a loophole category. By simply altering the edge of a plywood sheet, foreign producers are able to get their products categorized as building boards, qualifying for the dramatically lower tariff treatment. In theory, the edgework dedicates the sheet to some unspecified special construction use. In fact, the use of such sheets is no different than plywood sheets with plain edges.

My legislation would revise the building board category to insure that it is used only for special-use panels, and not for plywood. This revision makes the U.S. tariff schedule for these products conform more closely to the international code, which contains no building board category at all. Maintenance of a building board category in the U.S. code would only frustrate efforts to insure internationally recognized tariff categories, and continue to damage our own wood products industry.

While the tariff on plywood is a flat 20 percent, the so-called building boards, used as plywood, are exported subject to a tariff of 1.9 cents per pound plus 3.4 percent. The plywood industry estimates that this schedule equals a flat 10 percent tariff. Under the U.S. tariff schedule, even that will continue to decrease dramatically.

While the volumes imported from Canada under this category represents only a portion of plywood products marketed in the United States, the volume jumped an alarming 74 percent in 1982. My greatest concern is, as the tariff schedule decreases, the practice of exporting plywood under the building board category may spread to all forms of plywood exported by Canada to the United States. Such a practice would be devastating to our industry.

Mr. Speaker, the wood products industry has been and remains committed to free and fair international trade, despite its losses due to numerous unfair trade practices by foreign competitors. For example, the industry strongly supports further mutual tariff reductions through negotiations with our trading partners to reduce artificial international trade barriers. The legislation I am introducing should not be regarded as protectionist or a reversal of the industry's free trade position. Rather, this bill brings the U.S. tariff schedule into closer conformity with international standards, restoring equal treatment of plywood products in the U.S. market for both foreign and domestic producers. For this reason, the legislation has the specific support and endorsement of the American Plywood Association, which represents both small and large U.S. plywood producers.

I am hopeful, Mr. Speaker, that the Committee on Ways and Means will promptly seek Executive comment on this proposal and include it in the group of miscellaneous tariff bills that it recommends favorably to the House for passage before the end of this Congress.●

N. F. PLUNKETT, JR., DRIVER OF THE YEAR

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ERDREICH. Mr. Speaker, I am proud to bring to the attention of the House of Representatives someone whom I represent whose established safety record on our Nation's highways has earned him the title of "Driver of the Year" by the American Trucking Association.

Mr. N. F. Plunkett, Jr. of Midfield, Ala., has been a driver for Chevron U.S.A. of Birmingham since 1947. He has compiled an accident-free safety record spanning 37 years and 2.7 million miles. His safety record places him among an elite group of Chevron's more than 1,000 drivers. Only seven other drivers have 30 consecutive years of accident-free driving, and he is one of three drivers with 35 years of driving without a preventable or nonpreventable accident.

The "Driver of the Year" is chosen by a panel of national safety experts from among nominations of State drivers of the year. The State trucking associations select their nominees from 12 State drivers of the month during a calendar year.

Mr. Plunkett gained valuable driving experience between 1943 and 1947, when he joined the U.S. Army and hauled supplies in England and then crossed the English Channel to transport gasoline to General Patton's tank force as they moved through France and Germany.

An advocate of strict enforcement of the 55 m.p.h. speed limit to reduce speeding by all vehicles, Mr. Plunkett cites defensive driving as the best way to avoid potentially serious accidents.

In fact, he was selected as State Driver of the Year for an act of heroism last fall when he rescued a trucker whose tractor-trailer veered off the highway and over an embankment, staying with the injured driver until the highway patrol and an ambulance arrived on the scene.

Mr. Plunkett is only the second Alabamian to be honored as National Driver of the Year since the American Trucking Association began the awards program in 1948, and it is a proud moment for me to have someone in my home district who has achieved such an outstanding accomplishment.

As we continue in our efforts to assure the safety of Alabamians and people across the country on our highways, I am certain that my colleagues in Congress join me in commending Mr. N. F. Plunkett, Jr., the American Trucking Association's national "Driver of the Year."●

THE FEDERAL DEBT RECOVERY ACT OF 1984

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MOODY. Mr. Speaker, today several of my colleagues and I introduced the Federal Debt Recovery Act of 1984. This legislation would authorize various Federal agencies to contract with private law firms to help curb the the massive debt owed to the Federal Government.

The need for this legislation is clear. The General Accounting Office (GAO) recently reported that "debts owed the Government are enormous and growing each year, with billions of dollars delinquent." According to the Office of Management and Budget (OMB), some $40 billion in nontax, delinquent debts are owed to the Government. With the annual Federal deficit nearing $200 billion, recovery of these debts becomes essential for the health of our Nation's economy.

The original Debt Collection Act of 1982 allows, among other things, the Federal Government to charge interest and penalties on delinquent debt, to report delinquent debtors to credit bureaus and to contract with private debt collection agencies to handle some of their cases. However, this law does not provide for the use of private law firms to assist in collecting debts. My bill would fill this gap by allowing the Attorney General to contract with private law firms expressly for collection purposes.

The Senate is expected to act on a similar measure soon. In hearings held by the Senate Committee on Government Affairs last spring, no opposition to this concept was expressed. The bill is expected to be reported by the full committee shortly.

Tens of thousands of cases, potentially worth millions of dollars to the Federal Government, could be litigated as a result of this legislation. The Department of Justice simply does not have the capacity to handle the massive number of cases which the executive agencies—such as the Department of Education, Veterans' Administration, Small Business Administration, and Farm Credit Administration—refer to it. In addition, there are serious questions as to the cost-effectiveness of the Department of Justice litigating debt collection cases. For example, according to Justice statistics, one department's debt alone represents 22.8 percent of the debt caseload, but the dollar volume on this caseload represents only 3.8 percent of all loans referred.

Federal agencies must have the ability to utilize private law firms directly for litigation services. To date, debt collection agencies have only collected 3 percent of the claims referred to them. Threats of succeeding litigation would substantially magnify their chances of success. A standard contingency fee arrangement would provide law firms with a ready incentive to carry out their debt collection services seriously.

Specifically, the bill would give the Department of Justice the authority to contract with law firms for collection services, including litigation. The head of a Federal agency would thereafter be able to forward cases directly to the law firm which has been engaged, thus expediting collection. However, the Attorney General would retain the authority to terminate a contract if it is found not to be in the public interest. Debtors would be further protected as law firms would have to abide by the Fair Debt Collection Practices Act.

Billions of dollars are being lost due to the time constraints imposed by the statute of limitations. These debtors should not be allowed to avoid paying the money they owe to the Government. Collection of these moneys would reduce the Federal deficit and protect the future of these lending programs.●

TWENTY-ONE DRINKING AGE SUCCESSFUL IN NEW JERSEY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, the bill H.R. 3870, which would establish a drinking age of 21 nationwide, is now awaiting Rules Committee action to schedule the bill for consideration by the House. A very timely report from my own State of New Jersey confirms the experience of other States that raising the drinking age to 21 saves lives and reduces drunk driving. I am inserting an article in the RECORD here describing the New Jersey evidence.

The evidence from the States is in. However, as the Presidential Commission on Drunk Driving found, there is a need for Federal action to achieve uniformity. The patchwork of different State drinking ages simply induces teenagers to drink and drive. H.R. 3870 will stop this, extending the New Jersey experience nationwide and ending the deadly traffic across State lines.

[From the Newark Star Ledger, Mar. 8, 1984]

TEEN ROAD CARNAGE DROPS SHARPLY IN FIRST YEAR OF HIGHER DRINKING AGE

(By Vincent R. Zarate)

Teenaged drunk driving deaths were down significantly last year when the legal drinking age was increased to 21.

Motor Vehicles Director Clifford Snedeker said yesterday that preliminary figures show 38 traffic deaths involving drivers in the 18 to 20 age group were "positively identified" as being caused by drunk drivers. That total, he said, was 29 less than in 1982 when the legal drinking age was 19.

Snedeker also reported that drunk driving convictions of those in the 18 to 20 age group dropped.

"More people are aware; less people are drunk when they drive, and although all the facts and figures aren't in yet, there is every indication that increasing the drinking age to 21 has had a favorable impact," Snedeker said.

Besides the age increase, Snedeker said rigid enforcement of that law as well as road checks and public awareness of the drunk driving laws and the steep penalties contributed to the decrease.

"I don't think the higher drink age is the sole reason for the encouraging" drop in the numbers of teenagers killed in car accidents involving drunk drivers, said Snedeker.

"But," he added, "it definitely has to be considered as a contributing factor along with the significant role played by the public's growing awareness of the dangers of drinking and driving and the increased enforcement efforts at all levels of government."

Snedeker said, "Our highway safety people have been drumming away for years about the dangers of drinking and driving and the public is finally getting the beat."

The motor vehicles director reiterated that last year marked the first time since 1963 that highway deaths in New Jersey dropped below 1,000. He said 929 lives were lost on New Jersey roadways last year, a drop of 133 from 1982 and 264 less than in 1981.

The reduction in overall traffic deaths is a "further indication that the united efforts of all the various citizen groups, the government and law enforcement agencies is finally catching the attention of the motoring public," Snedeker stated.

On the issue of teenage drunk driving in general, Snedeker said the preliminary statistics show that raising the drinking age to 21 is producing favorable results.

He reported that drunk driving convictions for 18 to 20 year olds dropped 25 percent in 1983 from 1982 and the latest figures are well below the numbers posted in 1980 and 1981.

Drunk driving convictions of those under 21 dropped from 4,466 in 1982 to 3,421 in 1983. In 1981 there were 4,053 drunk driving convictions involving 18, 19 and 20 year olds. In 1980, the total convictions for this age group stood at 4,017.

Snedeker said another encouraging development is that drunk driving convictions of 16 and 17 year olds also dropped.

He said the number of drunk driving convictions for 16 and 17 year olds was 103 in 1983, or 107 less than in 1982. That he said resulted in a "dramatic 51 percent drop."

Snedeker said that at this time there are "no comparable downward trends apparent for any other age group."

The total drunk driving convictions for all age groups in 1983 also dropped from the 1982 level but did not record a decrease as significant as the teenage one.

The number of drunk driving convictions for all age groups was 32,598 in 1983, a decrease of 802 from the year before.●

MY ROLE IN UPHOLDING OUR CONSTITUTION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor a "Voice of Democracy Contest" for high school students. Students are asked to write an essay and the winning contestant from each State is brought to Washington, D.C., for the final judging as a guest of the VFW.

This year the theme was "My Role in Upholding Our Constitution." The winning essay from Alaska was written by Teresa Lee Kelley of Eagle River, Alaska. Teresa was born in Seattle, Wash., and attends Chugiak High School where she is a senior. Her father is Dave Kelley, a State service officer and her mother is Gene Kelley, a housewife. Teresa hopes to attend the University of Alaska in Anchorage next year.

I would like to, at this time, insert Teresa's essay, one which I feel is a very special one. I am proud that she is a student from Alaska.

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By Teresa Kelley)

The rockets red glare, the bombs bursting in air. Two small hands gripped the window ledge, pulling a toddler's face up high enough to peer through the glass, the morning sun reflected a red glow from a childs wagon left on the front walkway. Smoke could be seen rising up from the rooftops a few blocks away. Sirens began winding up, small explosions were heard in the distance. As the explosions came nearer, shrill whistling sounds could be heard, bursts of smoke and shrapnel began scattering through the yards. People began leaving their homes to seek refuge elsewhere, even in the canefields, but there was no safe place to go!

The mother stood at the widow embracing the child, trying to comfort the both of them. The father slipped down the stairs and reached out to touch the both of them just before he rushed out the door. His footsteps quickened as he turned to the sidewalk that lined the houses in the newly built housing area just outside the gates of Pearl Harbor. It was Sunday morning, 1941!

The child was my mother, the mother and father were my grandparents.

In 1970, another small child sat gazing intensely at the bright glowing lights of red, yellow, blue, and green, they seemed magical on the Christmas tree. She ran her fingers over the bows and ribbons adorning the gifts under the tree. She couldn't read the tags yet, but she knew which ones were for dad. The girl turned to her mother and asked, "Are we going to send dad his presents, or keep them under the tree for him?" "Just a minute" mom said as she rose from her chair, turned, stepped over our dog Wiz, and rushed to the kitchen table where the tape recorder was setting and pushed the record button down. "Now say that again so dad can hear you." This was our nightly ritual, talking to dad, telling him all our thoughts and what we had done each day and sending him the messages. Dad was in Viet Nam.

We kept the tree up longer that year than we ever did before, it was February, and the presents for him, waited under the tree. Dad did come home! The little girl was me.

You see, I believe I was born into the great pattern of Americanism. It was never planned, it could have happened to anyone, but it was me. I stand with all the pieces before me; family strength, unity, love of God, country and patriotism. It is the duty of my generation to place and maintain all the pieces that "establish justice, insure domestic tranquility, provide for common defense, promote the general welfare, and secure the blessing of liberty for ourselves", and our country.

The Constitution was written to maintain our heritage in a period when our country's leaders felt it was time to organize and establish a master plan to protect their children, country, my ancestors, my family, your family, and all generations to be born under the Flag of the United States.

My role in upholding the Constitution?

I feel I have already taken a big step, in realizing that my involvement today is my future, and may it be with my family, my school, my community, or my country, this will someday be, my childrens heritage.

The commitment of our founded Constitution will be passed down through time and people, of and for them, as it was written, and as it was intended.

History books depict major decisions and events drawn out over conference tables by leaders, statesmen, generals, or maybe even presidents, but I believe it will be people like myself, assuming the responsibility for home, community and country, that will continue to make us great, and when the time comes, I will be ready.●

MIDDLE EAST CRITICAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial from the March 9, 1984, edition of the Oxnard Press-Courier to the attention of my colleagues. It eloquently describes the importance of continued, resolute American commitment to peace in the Middle East.

George Shultz is not the first American secretary of state to stub his toe trying to act as a peacemaker in the Middle East, and doubtless he won't be the last. Indeed, conflict in the region seems so intractable that many Americans must wonder: Why bother trying at all?

Here are two reasons as fresh as today's newspaper:

A new Syrian-Israeli war, increasingly possible now that peacemaking efforts in Lebanon are failing, could escalate into a superpower confrontation that might prove difficult to control.

The bloody Iran-Iraq war, currently in its fourth year, threatens any day now to provoke an obligatory military response by the United States, Britain and France if the Iranians try blocking the Strait of Hormuz.

The rising tensions between Syria and Israel seems especially worrisome. First, the presence of an estimated 7,000 Soviet military personnel in Syria heightens the risk of direct Soviet intervention if Moscow's client were to begin losing any new war.

Second, Syria's arsenal now reportedly includes Soviet SS-21 missiles. Although the missiles are almost certainly armed only with conventional warheads, they could still be used with devastating effect against Israeli cities.

The protracted Iran-Iraq bloodbath presents its own catalog of horrors, plus posing the threat of a larger war. Casualties on both sides are said to number in the hundreds of thousands in a brutally grinding struggle that is as senseless as it was avoidable.

Iraq's socialist dictator, Saddam Hussein, started the war by invading Iran; partly to resolve a century-old border dispute and partly because he feared (no doubt correctly) that Iran's fanatical Ayatollah Khomeini, a Shiite Moslem, was stirring revolution among Iraq's Shiite majority.

But for the last two years, the bilious Khomeini has spurned every Iraqi peace offer. The ayatollah says he will settle for nothing less than Husseins' overthrow as a first precondition for ending the war.

That can only tempt the increasingly desperate Hussein to try stopping Iranian oil exports, a step the Iranians promise will trigger their own closing of the Strait of Hormuz at the entrance to the Persian Gulf.

And that, in turn, would no doubt bring in nearby American, British and French naval units rightly committed to preserving freedom of the seas and, more specifically, the oil lifeline that sustains Western Europe and Japan.

Isolationist impulses run deep in the American psyche. The alien tangle of hatreds that is the Middle East must seem to many Americans a veritable advertisement for the wisdom of minding only "our own business." But, then, that is just the point. What happens in places such as Lebanon and the Persian Gulf does involve vital American interests, however much some might wish it were not so.

George Shultz cannot afford to stop searching for the three hallmarks of American policy in the Middle East and elsewhere: Security, stability and peace.

And Americans cannot afford to stop supporting that activist foreign policy, least of all in the powder keg of the Middle East.●

SALVADORAN ELECTIONS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RUDD. Mr. Speaker, 2 years ago, an estimated 80 percent of eligible voters in El Salvador, about 1.5 million voters, went to the polls to elect a constituent assembly despite the violent left's attempt to harass and intimidate them. Leftwing groups, knowing they had little, if any popular support, did not bother to participate in the 1982 elections.

This Sunday, Salvadorans will again go to the polls, this time to cast their votes in their presidential election. Guerrilla groups have again indicated their intention to disrupt the elections, and to continue their bloody war against the Salvadoran people regardless of the outcome of the balloting.

Few Americans are aware that prior to the Communist guerrilla insurgency, El Salvador had the most industrious, best managed, and productive private sector in Central America. Today, Salvadorans are seeing their farms, their bridges, roads and businesses—their entire infrastructure—destroyed by terrorists seeking to impose their will by violence and intimidation.

Too often, we tend to criticize our friends for not making progress fast enough in the area of human rights and make excuses for our enemies who have no intention of insuring human rights.

Today, I rise to urge my colleagues to recognize the growing involvement of the Soviets, the Cubans and Nicaraguans in the lives of our friends in El Salvador and prevent disaster in the region. We cannot turn our heads. If we fail to come to the aid of our allies in El Salvador in their time of need, we will surely deliver El Salvador to communism, and not only deny Salvadorans any hope of human rights reform, but also allow communism a greater foothold in our own backyard.●

COMMISSION ON SECURITY AND ECONOMIC ASSISTANCE

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LIVINGSTON. Mr. Speaker, on February 21, 1984, President Reagan welcomed the members of the Carlucci Commission on Security and Economic Assistance and received our report on the role of foreign assistance in U.S. foreign policy. He noted that well-administered assistance programs serve our national interest and promote national security. He therefore also agreed with our concern over the significant decline in support for foreign assistance.

I commend my colleagues' attention to the full text of the remarks of the President and Secretary of State Shultz on this occasion, as contained in the following release from the White House:

REMARKS OF THE PRESIDENT AT THE PRESENTATION OF THE COMMISSION ON SECURITY AND ECONOMIC ASSISTANCE REPORT

Secretary SHULTZ. Mr. President, I want to thank you for giving us a chance to present to you a copy of the report on the Commission on Security and Economic Assistance.

I think this is an extremely important report on a subject of tremendous moment. I asked Frank Carlucci to be chairmen of it, and Larry Silverman, Lane Kirkland, and Cliff Warden to be co-chairman, and many others to take part. It's notable that nine of the Commission members are from the Congress. You can see that by looking around. They served as members and members ex officio, joined in very strongly in the discussions.

Others on the Commission, many whom are sitting here, are representatives of business, of labor, of private voluntary organizations, the university world, and others professionally interested in our foreign policy. And they produced a thoughtful and bipartisan statement.

The last time there was a comprehensive review of our security and economic assistance program was in 1970. I think we all know, Mr. President, that there has been profound changes since then in the world out there that we're working with. There are countries in the family of free nations today who can point to our security assistance as a key ingredient in their struggle to remain free. And we can similarly point with pride to many countries where our assistance is promoting economic development and is essential for that end.

Our efforts in science and technology have contributed to such successes as the Green Revolution. Still, Mr. President, as you are only too aware, threats to the security of friendly countries are around us throughout the world. Some are military in nature, others stem from their inability to meet the aspirations of their peoples. So it is very much in the interest of the United States, and this report emphasizes this, to help these countries grow into free, open, and self-sustaining societies.

Mr. President, I have reviewed this report and talked with Frank and other members of the committee a great deal about it and I commend it to you. It's the collective insight of a most knowledgeable and distinguished group of people, and its recommendations will help us design a more effective program. In fact, they already have done that. As we were working through the budget process, as you know, we had the benefit of seeing these recommendations evolve. So we will have an improved program grounded in our national interest and meriting the full support of the American people.

I think among the things that they call for that's especially important and welcome, we've been trying to do, is to emphasize the importance of a close integration between the security assistance and security needs that we're trying to serve and the problems of economic development and the political aspirations of the countries that we're working with. We can see that all around the world and, most notably, it sounds like a refrain of the bipartisan Kissinger Commission—the same kind of emphasis.

A number of the recommendations in this report are already being carried out. We are asking in your fiscal '85 budget—or you are—for more resources. We propose some new initiatives in Africa and in the Caribbean Nation, with particular emphasis on reform in economic policy and private sector growth. We've sought greater flexibility in the terms of military assistance where circumstances warrant, and we're increasing our emphasis on training, science, and technology, and institutional development. And we want to make all of this go by working with the Congressional leadership in a bipartisan spirit to put across this very important program of foreign assistance.

The Commission has made a number of other major concerns, recommendations, and we're reviewing them and giving everything a great deal of thought.

Mr. President, finally, I'd like to thank very much Frank Carlucci, who is one of those enduring public servants. I first knew him when he was running the Poverty Program. I got him to come over and help me run the Office of Management and Budget. He worked with Cap over in HEW and had a great hand in the CIA and then in the Defense Department. He's no sooner in the private sector when we call him back. And when you say, "Frank, there's something important for you to do to serve your country.", he says, "Yes." And that's the kind of public servant that we really need in the private sector or public sector.

So I want to thank Frank, and also all the other members of the Commission. But Frank gave it the leadership and I appreciate it very much.

Frank also has the copies of this report and so here is a copy, Mr. President, of this report. And just so the Vice President doesn't fail to read it, I want to give him one. (Laughter.) I understand he's a very influential guy around here. (Laughter.)

The PRESIDENT. Well, George, I thank you very much. And many thanks to you, Frank Carlucci, and to all the people who put this together.

When economic misfortune creates instability or external threats endanger our friends, our response can make a difference between peaceful development or chaos and violence. And that's why we put such emphasis on our own defense and on foreign service programs.

The Commission's concern regarding the significant decline in support for foreign assistance is well-founded. Our assistance program is not an end in itself. Yes, we seek to help people build better lives, economic freedom across the whole spectrum of human needs and aspirations. Americans can be proud of our tradition of helping others in need. Whether it be humanitarian aid in response to natural disasters, economic support in struggling countries, or security assistance to friends threatened by external aggression, America has always been there.

Economic and security assistance are not just a moral duty. They also serve our national interest. When conceived and administered well, assistance programs strengthen our foreign policy and enhance the security of our nation. By promoting economic development in needy countries we bolster the vitality and security of the free world. Well conceived assistance programs create stronger partnerships, establish mutual confidence, and make for a safer world.

When our friends face threats to their security investors shy away and economic growth weakens. So we must work hard to provide the right balance of both economic and military assistance. The key to success, as it is with all elements of our foreign policy, rests in our ability to forge a bipartisan consensus.

This Commission has searched for reasonable ways to better use our scarce resources and to generate greater Congressional and public support for foreign assistance programs. It's now up to all of us to take advantage of what the Commission has done. We will—if we go forward in the same spirit, strengthen our national security and offer the promise of a safer, brighter future to millions of people all over the world.

I thank all of you very much for being here, and again, I thank the Commission for their fine work. Sometimes when the going is rough and sometimes when we wonder with our own problems whether we can keep on doing this help, maybe we should all read the words again of a former prime minister some years ago of Australia. And I can't quote him exactly, although I have the quote in a drawer upstairs, but where he said he wondered if the smaller nations of the world had ever thought where they would be if it were not for this United States so willing to come to their aid and to help where ever help was needed. And it was a beautiful tribute delivered very sincerely by someone saying what maybe sometimes we forget about ourselves and something that should be a great source of pride to all of us.

So, again, I thank you all very much. Frank, thank you. (Applause.)●

CLARENCE M. MITCHELL: CHAMPION FOR EQUALITY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HAWKINS. Mr. Speaker, I would like to extend my deep condolences on the passing of Clarence M. Mitchell, who truly was one of the great humanitarians of our time.

Through his effective and trailblazing talents he helped to win passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968. Over the course of his distinguished career he continually sought alternatives to the social, economic, and political deprivations experienced by many Americans.

Firmly committed to the ideal of equality under the law, Clarence Mitchell epitomized the best America can produce. His tireless advocacy of civil rights will not be forgotten as we continue to move ahead toward the realization of better social and economic opportunities for our citizens.

Clarence Mitchell's modest and unassuming style represents the essence of the true public servant. His personality reminds me of a passage I have quoted several times, and has special meaning now:

The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out, in all seasons, work for the practical realization of a better world. Those who have the stamina to persist and remain dedicated—those belong the leadership.

Clarence Mitchell left us with a legacy which opened doors for all Americans. His inspiring leadership will be sorely missed by all us.●

TWENTY-FIVE YEARS OF SERVICE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RICHARDSON. Mr. Speaker, I want to share with my colleagues some of the outstanding achievements and contributions that KNME-Television in Albuquerque, N. Mex., has made to its many listeners throughout the "Land of Enchantment." All this year KNME-TV, part of the nationwide public broadcast service, has been celebrating its 25th anniversary.

KNME-TV signed on May 1, 1958, at 6:35 p.m. with a broadcast of University of New Mexico Prof. Edith Buchanan's freshmen English class. The station began broadcasting from a converted sorority house 6 months after the Federal Communications Commission granted the construction permit. Eleven years later, the station moved into its present home at 1130 University Boulevard, NE., in Albuquerque. Back in 1958, the broadcast week was 2 hours per day, 4 days per week in black and white. Today, KNME averages 18 hours per day, 7 days per week in full color.

Originally, KNME offered only instructional programing; since then, the station has expanded its services to include the arts, public affairs, music, drama, and consumer information while retaining an emphasis on educational programs. KNME-TV serves metropolitan Albuquerque, northern New Mexico, southern Colorado, and Arizona.

Mr. Speaker, throughout the years KNME has been a leader in bringing to the public informative and innovative television programing. In 1960, a Ford Foundation grant made it possible for KNME to buy its first videotape equipment. Until that time, all local broadcasts were live. That very year, TV-5 received national recognition from the National Safety Council for a locally produced program examining New Mexico's traffic fatality toll. The national recognition was just the beginning of a tradition of award-winning locally produced programing. In 1961, KNME was named the national educational television (NET) station of the year for science programs. Those science programs were hosted by the colorful Dr. George Fishbeck. One year later, Joyce Marron, host of KNME's "TV Kindergarten" was awarded McCall magazine's Golden Mike Award for outstanding achievement by a woman broadcaster. A new KNME tradition was started in 1968, when the station began live coverage of the New Mexico State Legislature. In 1974, KNME brought local government closer to its listeners by presenting live coverage of the Albuquerque City Council and the Bernalillo County Commission meetings. New Mexicans were able to watch the inauguration of three Governors on TV-5. The first University of New Mexico Lobo basketball games were broadcast by KNME in 1977.

Mr. Speaker, KNME's tradition of journalistic excellence continued in 1978, when the station broadcast portions of the first New Mexico trial to be covered by cameras in the courtroom. The KNME documentary "Doing Time" about the New Mexico State Penitentiary won two regional Emmy Awards in 1980. Ironically, a few months after the film was originally broadcast, the conditions the documentary reported led to the bloody riot at the prison. PBS' "The MacNeil/Lehrer Report" used portions of "Doing Time" in a report presented nationally. For KNME 1981 was an exciting year—a team of experienced journalists led by host Hal Rhodes, delighted New Mexico audiences with the premiere of the station's public affairs series, "The Illustrated Daily." Just 1 year later—"The End of an Acquifer" a documentary produced by the staff of the "Illustrated Daily," won an American Film Institute Award. The film, about the impending depletion of the Ogallala Acquifer, also was a runner up for the Corporation of Public Broadcasting's best local documentary award.

Mr. Speaker, KNME continued to be one of the most watched PBS stations in the country during 1982-83, ranking in the top 10 nationally in per capita viewership. KNME-TV has lived up to its goal of providing programs of public interest for all the people of New Mexico at all levels of education—programs that not only entertain but also reflect the community itself. As KNME-TV concludes its silver anniversary year of celebrations, I hope my colleagues will join with me in recognizing the station's many years of providing quality television programing to New Mexicans and in offering our best wishes for continued success in the future.●

CONGRESS MUST REVIEW CONRAIL SALE

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, the House voted loudly and clearly recently to insure congressional review of any sale of Conrail. It is clear to me, as the following article from Business Week points out, that the Department of Transportation is intent on a hasty sale of Conrail before the election.

Indeed, DOT is so intent on a quick sale that DOT officials are even negotiating with a former substantial owner of the Penn Central, the Alleghany Corp. This former Penn Central owner has offered DOT $400 million for the physical facilities of Conrail, after the taxpayers paid Penn Central over $2 billion for the property conveyed to Conrail, along with an over $3 billion investment in Conrail's physical plant to overcome the deferred maintenance left by Penn Central.

As the saying goes, haste makes waste. DOT's haste to sell Conrail will only result in the waste of billions of taxpayers' dollars. It is for this reason that congressional review and approval of a Conrail sale is crucial.

The Business Week article follows:

THE UNIONS BALK AT A QUICK SALE OF CONRAIL

It should, as the railroaders say, be an easy switch. On one side is the federal government, anxious to disengage itself from Consolidated Rail Corp. On the other are a number of potential buyers—most recently Alleghany Corp., which is loaded with cash and eager to hook on to a major acquisition. But Conrail's workers control the switch.

The unions can clearly dictate the terms of the sale. For the past three years, Conrail's union workers—who last year made an offer to buy the railroad—have been receiving wages 12 percent below those at other railroads. Some other would-be buyers are insisting, as a condition of their offer, that these lower wages be maintained.

Because they believed they were making progress toward becoming Conrail's owners, the unions, which are negotiating with other railroads for a new national agreement that will take effect in June, had held off making demands on Conrail. But now they say they will include Conrail in the national agreement. By demanding both wage parity and payment of $400 million in deferred wages, labor is in a position of materially affecting the price of any offer. This means that any buyers must come to terms with the unions.

QUICK REJECTION

Already, Alleghany has approached the unions, after talks with the Transportation Dept. Union officials say they will reject an Alleghany package that includes a plan to continue wage deferrals in return for employee stock participation. "We know the [wage] deferral kept Conrail alive for three years," says United Transportation Union President Fred A. Hardin. "We would expect Conrail to resume paying the national level and to pay the deferrals back like any other loan."

Alleghany may continue the discussions anyway. It has $767 million in cash and stock on hand from the January sale of Investors Diversified Services Inc. to American Express Co., and it makes no secret of its desire to acquire a major company. Although Alleghany refuses to comment on Conrail, Theodore E. Somerville, Alleghany vice-president, says: "We've said in our proxy statement that we want to be engaged in a noninvestment business company within one year of the IDS sale."

Speeding the negotiating timetable is the November election. Both Deputy Transportation Secretary James H. Burnley IV and Federal Railroad Administrator John H. Riley want a sale nailed down in time to fulfill a 1980 campaign promise. Transportation Secretary Elizabeth H. Dole said recently: "It is time to return Conrail to the private sector."

Transportation's strategy has been to try to generate private investor interest, particularly among other railroads, in the now-profitable system. Conrail has done its bit by streamlining its system and reporting record profits. Its latest earnings report shows a $313 million profit for 1983, a 79.7 percent increase over 1982's record profit of $174.2 million.

CHERRY-PICKING

The purchase price is still wide open. So far two giant Eastern rail systems, Norfolk Southern Corp. and CSX Corp., have begun formal studies of Conrail. The smaller Chicago & North Western Transportation Co. also appears interested in buying the sprawling Northeastern system, although most observers are skeptical of its ability to make a serious offer.

But Conrail's unions do not want to be acquired by another railroad. They want to be sure that Conrail is not chopped up, that protections are laid down by Transportation or Congress against "cherry-picking" the best routes and abandoning the rest, and that a buyer compensates workers for past and future wage deferrals. The unions do not believe they will achieve these goals if Conrail merges with another rail line, especially an Eastern road.

"Hell will freeze over before we do business with an Eastern railroad," says one labor source. Union officials calculate that such a transaction would cost their members 20,000 to 30,000 jobs.

So far, Transportation has rejected the alternative of a public stock sale as too complex and time-consuming. And it considers the employees' offer of $500 million in cash far too low. Predicts Brian M. Freeman, the unions' financial adviser: "What this deal probably will come down to is a public (stock) sale with significant employee participation."●

VOICE OF DEMOCRACY

HON. HARRY M. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. REID. Mr. Speaker, 36 years ago the "Voice of Democracy Scholarship Program" was instituted to encourage our Nation's young people to express their understanding of—and appreciation for—democracy. During the past 22 years, under the sponsorship of the Veterans of Foreign Wars, more than 5 million students have participated in the essay competition. Because of the valuable awareness this experience creates—it is a great pleasure for me to share this year's winning Nevada essay, "My Role in Upholding Our Constitution," written by 17-year-old Dorothea Elaine Deley:

The other day I was helping my younger sister with her geography. She asked me, "How many countries are in America?" I attempted to explain the concept of states and countries and then continents, but I was only frustrated by my sister's lack of comprehension. The geography of America seems so familiar to us, but so confusing to the younger children. As my sister is expanding her knowledge of geography, so too am I expanding my appreciation of the constitution by fully learning my responsibilities in upholding this great document.

At first thought, the Constitution of the United States seems so remote from my life. However, as I read through it, I began to comprehend what this document is saying. More importantly, what this document has accomplished.

The constitution is not truly appreciated by many Americans simply because they are not aware of what the constitution expresses. My most obvious responsibility in upholding the constitution is to be familiar with it and realize what an amazing impact it has had on America. Our entire governmental system relies on the constitution. Our country would be completely different if our constitution had been written any other way. I honestly feel that I am very privileged to live in a country that has given me so much freedom. I wish I could somehow express my gratitude to the forefathers of this country for their accomplishments. They created a document that has initiated the evolution of the most beautiful country on earth. There is no denying the appeal of America. Every year thousands of people try to immigrate to our country, so they too can share in all the privileges.

Another responsibility I feel I have in upholding the constitution, is abiding by it. It would be utterly impossible for our country to survive if everyone did just what he or she pleased. All states need a form of law regulating what its citizens do, in order to keep peace and control. The constitution exists as the foundation upon which we build the laws of our land. And it also provides for the Supreme Court to interpret its application. Perhaps some people are angered at all the rules and regulation we live under. I, on the other hand, am very grateful there is a judicial system. Just imagine how chaotic a country we would live in without it. The truth is, the constitution is responsible for our legal system. The great authors of this document had some very useful insight.

When thinking of the constitution, the first thing that enters my minds is the Bill of Rights and the freedom they have given me. However, these rights are meant for everyone. This is where my third responsibility in upholding the constitution lies. I feel that each American is equal, just as the constitution explains. Therefore, each citizen should be treated the same, with the same rights. And we, as individuals, should treat others with respect and consideration. The reason our country is so popular is due to its fairness and equality. I feel it is my duty to

treat others kindly. The constitution protects everyone's rights. Therefore, it is my responsibility not to abuse anyone's rights. This responsibility of mine is the most significant one. It reassures me that kindness still prevail, since we continue to live under the constituion.

The constitution of the United States has had a great impact on the shaping and maintaining of our country. I am very pleased I was given this opportunity to share my newly found insight on the constitution. My eyes were opened to the extensiveness of our government and legal rights. Most importantly, however, it taught me three responsibilities I have in upholding it; I need to appreciate this precious document, I need to abid by it, and finally, I need to respect the right of others.

I will continue to teach my younger sister about America, but not just geography lessons. Now, for her, as well as for others, I will able to serve as an example of a responsible American citizen who intends to uphold the constitution.●

HARRY S. TRUMAN CENTENNIAL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SKELTON. Mr. Speaker, on March 6, 1984, the House Subcommittee on Consumer Affairs and Coinage passed H.R. 3614, a bill to designate a National Gold Medal in honor of President Harry S. Truman. As Chairman of the Special Joint Committee on the Truman Centennial, I testified on behalf of this bill. The vice-chairman, the Honorable MARK HATFIELD, also testified at the subcommittee hearing. At this point in the RECORD, I would like to enter our testimony.

TESTIMONY OF HON. IKE SKELTON

Mr. Chairman, thank you for this opportunity to testify before your Committee on H.R. 3614, a bill which I introduced to authorize the awarding of a special gold medal to Margaret Truman Daniel, daughter of President Harry S Truman, in recognition of his outstanding public service to the United States. This bill has received overwhelming bi-partisan support amongst my colleagues in the House as evidenced by the 221 members who have joined me as cosponsors of this legislation.

Harry Truman was an All-American President. He was reared in rural Missouri, graduated from public schools, worked a farm, served his country in the Army, and owned a small business. Upon assuming public office he proved to be an extraordinary statesman. As Jackson County Judge in Missouri, he oversaw the building of the first paved roads around Kansas City. During his service in the Senate he was instrumental in writing major pieces of legislation, including the Civil Aeronautics Act of 1938 and the Transportation Act of 1940. He also proposed and served as chairman of the Senate Special Committee to Investigate the National Defense Program which was estimated to have saved taxpayers billions of dollars on war contracts. But it was upon assuming the Presidency, that Harry Truman achieved his zenith. President Truman left his unmistakable mark on the character of our nation with modesty, courage, and commonsense in making crucial decisions in domestic and foreign affairs. It was under Truman's guidance that World War II was brought to a close, the United Nations was ratified, Soviet expansionism was stymied, and the State of Israel was first recognized. On the domestic front, Truman presided over the turbulent task of postwar reconversion of the economy from wartime to peacetime production. He obtained passage of the landmark Employment Act of 1946, the National Housing Act of 1949, secured control of nuclear weapons in civilian hands, introduced legislation that would become the forerunner of Medicare, unified the Armed Forces into the Department of Defense, created the Council of Economic Advisers, the National Security Council, and the Central Intelligence Agency, ordered the racial desegregation of the armed services, and set the agenda for the civil rights reforms of the 60's.

Any one of these would be a significant accomplishment deserving of Congressional recognition upon President Truman's centennial. But, together they portray an image of a truly great American leader. The Congressional Gold Medal would be a fitting tribute to this man who really understood the meaning of public service, and devoted his life to this nation. I urge the committe to favorably report this bill.

TESTIMONY OF SENATOR MARK O. HATFIELD

Congress should not designate national gold medals lightly. They should be reserved for individuals who rise above the ordinary and provide exceptional leadership, valor, or contributions to our national life. When President Franklin Delano Roosevelt died on April 12, 1945, the country wondered whether or not his successor, Harry S. Truman, had the "stuff" necessary to provide exceptional leadership in extraordinary times. President Truman's background, and even his appearance, were unpromising. He was the son of a mule-trader, and he didn't have a college education. In expressing himself, his language was likely to be blunt and earthy, riddled with adjectives from his farming and World War I artillery-man background. He looked more like a haberdasher or a bookkeeper than a statesman. But, perhaps worst of all, everyone knew that he had spent 20 years in politics with the help of "Big Tom" Pendergast, who was viewed as a political "boss" in the worst sense of that term.

Harry Truman became the 33rd President of the United States of America at one of the most critical junctures in American history. World War II still had to be won, and plans to establish the United Nations organization had just been started. The unlikely Missouri Democrat rose to the needs of the day and met the challenges of his Presidency with a courage, determination, and imagination that few thought possible, becoming a symbol of strength for this country in the process.

Shortly after coming into office, President Truman was faced with one of the most far-reaching decisions ever faced by one man—whether or not to use the atomic bomb. Some may question the wisdom of the decision that he made, but we know that President Truman's decision to use the atomic weapons was made with a sincere hope that it would end World War II, save thousands of American lives, and bring peace. Perhaps President Truman's deep desire to create a lasting peace is best exemplified by his action of replacing the model of a heavy gun on his desk with the replica of a shiny new plow, after Japan's surrender.

President Truman faced other great challenges throughout his years in the White House. The President and his Administration had to lead the country through the reorganization of its economy from a wartime to a peacetime basis. Many war-torn countries needed large relief programs. Western nations faced communist subversion and aggression in a cold war that divided the world. President Truman showed his ability to make decisions without hesitation—one of his key strong points—and he met these challenges with visionary and far-reaching programs such as the Truman Doctrine, the Marshall Plan, the Point Four Program, and the North American Treaty Organization.

When Communist North Korean troops invaded American-supported South Korea in 1950, President Truman was faced with what he later said was the most difficult decision of his Presidency. If he sent armed forces to intervene without waiting for U.N. action, he risked the possibility of starting World War III with Russia. But if he delayed, help might be too late. After the United Nations demanded that the North Koreans withdraw, President Truman sent U.S. planes and ships to South Korea's aid. That same day, the United Nations approved sending troops of other nations to join the South Korean and American units. President Truman showed prudence in waiting as long as he felt he could, and his efforts preserved South Korea's independence.

In addition to his forceful action in the fact of foreign and domestic crises, President Truman is remembered for his individuality and impressive personal qualities. Although he entered upon his duties with a humble spirit, he was by no means "rattled" by the complexities of his job. In speaking with him, there was a reassuring feeling that he was competent: a President with character and common sense.

Former President Lyndon B. Johnson said at Harry Truman's death: "A 20th Century giant is gone. Few men of any times ever shaped the world as did the man from Independence." President Nixon said, "Our hopes today for a generation of peace rest in large measure on the firm foundation that he laid." I concur with our two former Presidents in their assessment of President Truman. It is with great pleasure that I support legislation to commemorate the centennial of his birth by designating a national medal in his honor.●

STATEMENT BY MARTIN GALVIN

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LENT. Mr. Speaker, I note that on March 15, 1984, the Irish Prime Minister Garret FitzGerald addressed a joint session of Congress. My good friend, Peter King, the comptroller of Nassau County, N.Y., has requested that in the interest of fairness the statement of Martin Galvin, national publicity director of the Irish Northern Aid Committee, be submitted as an extension of remarks in the CONGRESSIONAL RECORD:

The remarks follow:

STATEMENT BY MARTIN GALVIN

1. As Americans, we urge our elected representatives in the United States Congress to consider our response to the address of Garret FitzGerald.

2. Few Americans wish peace and freedom for all of the people of Ireland as fervently as do the members and friends of the Irish Northern Aid Committee. Our commitment and concern has been demonstrated, not merely on St. Patrick's Day, but daily throughout the past fourteen years.

3. Yet violence and terrorism cannot be ended by self-serving condemnations of those who in reality are victims of British violence and terrorism, engaged in a patriotic defense of their own land. Nor can reconciliation be achieved in an environment wherein the British systematically implement religious discrimination in employment, housing and political patronage to foster divisions among Irish people. Nor can Garret FitzGerald realistically expect to promote peace by abandoning a substantial segment of Irish people in the service of personal political interests, or by misrepresenting those who forthrightly labor to secure national freedom and peace in Ireland.

4. An ironic yet tragic spectacle is now unfolding. There is indeed much to be said, by any true representative of the Irish people. FitzGerald presides under a Constitution which claims sovereignty over all of Ireland. The vast majority of Irish people support this claim. Yet British hegemony is enforced over six Irish counties, by 30,000 British forces that include the British Army, Royal Ulster Constabulary and Ulster Defense Regiment. The litany of suffering imposed by these forces upon unwilling Irish subjects grows daily. The impact wrought by institutionalized religious discrimination within the artificial polity is also deeply felt. The conflict waged between British forces and the Irish Republican Army has claimed more than 2,500 lives. Thousands more have been imprisoned or wounded. FitzGerald will speak to the legislative body of a nation which can exert significant pressure upon the British to withdraw. He will speak in a land whose population includes a substantial number of Irish-Americans with a proven concern and affinity for Ireland. Surely any true representative of the Irish people would welcome such a platform, to voice the suffering and national aspirations of fellow Irish men and women compelled to remain under British rule.

5. Garret FitzGerald will not use this platform to voice such fundamental concerns. He will be silent about the murders, under investigation by an international tribunal, in which British forces acted as death squads. He will ignore the murders of Irish children by British plastic bullets. He will not be concerned with the hundreds of thousands of gunpoint interrogations of innocent Irish people on Irish streets. He will not be troubled by the hundreds of thousands of gun-point invasions of Irish homes. FitzGerald will turn a blind eye to regligious discrimination. Such matters can be suffered in silence by those Irish unfortunate enough to live within the British-held area. FitzGerald will not raise his voice against British rule in Ireland.

6. Instead FitzGerald will turn to those in America who will never abandon that segment of Irish people held by the British. FitzGerald will denounce Irish Northern Aid and its charitable efforts. He will denounce the Irish Republican Army and its struggles for Irish freedom. FitzGerald will use every propaganda fiction deemed serviceable. He will attempt to depict the IRA as Marxists-Leninists, although even the British concede that such a label is utterly false. The IRA have rejected any alliance with the Soviet Union or non-democratic economic systems. FitzGerald will pontificate that the IRA is a miniscule band of criminals without popular support. It is a fiction belied by the ability of the IRA to continue its fight against a massive British presence, and by the 103,000 Sinn Fein voters in the six counties. FitzGerald will intone that IRA Volunteers are criminals or terrorists, a slander refuted by the deaths of ten young Irish patriots on hunger strike. Criminals do not die such deaths for the freedom of their country.

7. It will be an ironic spectable for the British, who finance and arm 30,000 occupation troops bringing violence to Irish soil, then witness an Irish official who is intimidated from raising his voice against their presence. It will be tragic for those victimized by FitzGerald's role as a pro-British apologist and his policy of national treason.

8. FitzGerald is prepared to sacrifice the Irish of the six counties. In so doing, he serves as a pro-British apologist, who distorts the nature of the conflict in order to undermine those who truly work to achieve freedom and the conditions of peace.

9. FitzGerald proposes a forum which has no possibility of bringing progress. It invites those who support British violence against the Irish people by British troops or Loyalists. It then hypocritically excludes Sinn Fein the emerging leading party of Irish Nationalists in the North, because it supports the right of the Irish people to defend themselves against British terrorism. The Forum offers no inducement for a British withdrawal or for surrender by Loyalists of their privileged status as the beneficiaries of sectarianism. It has already been rejected by Loyalist political leaders, who refuse even to attend, and consequently by the British who have said its proposals will not be accepted without consent of Loyalists.

10. FitzGerald's words will also stir an emotional response among those of whom his criticisms are directed. It will be a very different response from that intended. FitzGerald will not be acting in the interests of the Irish people. He will be representing his own vested political stake in preserving the truncated Ireland without which he would be divested of political power. He is prepared to morally betray fellow Irish men and women entitled to his support.

11. A series of messages have been sent by Irish-Americans to the Dublin government. The election of Michael Flannery as Grand Marshal of the St. Patrick's Day parade last year, and the election of Michael O'Rourke as Honorary Grand Marshal for 1984 are only the most publicized of many such messages. These are messages of support of those afflicted by British occupation forces. These are messages of opposition to British rule in Ireland, but also messages of indignation at the Dublin government's role in collaboration with the British. FitzGerald today assumes the role of the latter-day John Redmond, the then leading Irish representative to Westminster, who denounced the leaders of the 1916 Easter Rising, as an unrepresentative band of pro-Germans and criminals and thus eased the way for the execution of Irish patriots.

12. Violence has little to do with monies collected in America. It has everything to do with the arms and monies contributed to 30,000 uniformed British terrorists on Irish soil by British taxpayers. Indeed, given the degree and intensity of suffering inflicted upon Irish people by British Army terrorists, we can be thankful that the Irish Republican Army in its struggle against British occupation, has, with a few tragic exceptions chosen not to emulate the British by striking at innocent civilians.

13. Irish Northern Aid is comprised of Americans why fervently wish to see peace and freedom for all of the people of Ireland. Irish Northern Aid recognizes that peace can only come about when British colonial rule and religious discrimination are replaced by a free Irish nation guaranteeing religious liberty. A portion of our funds are contributed to the needy dependents of Irish political prisoners through recognized Irish charities. The remainder is expended here to educate Americans about British rule as an abiding source of conflict. It is this program of publicity and education which has engendered the wrath of Margaret Thatcher. Not one penny of INA monies has ever gone to armaments. However, Irish Northern Aid does morally support the struggle of the Irish Republican Army to free Ireland from British Army terrorism.

14. On March 17, 1976, Liam Cosgrave, who then headed the Dublin government, addressed the assembled members of the United States Congress. Cosgrave assailed the members of the Irish Northern Aid Committee for their outspoken opposition to British colonial rule in Ireland, and for their financial support for the families of Irish political prisoners. His speech reiterated remarks uttered in December 1975 by then British Prime Minister Harold Wilson. In the eight years which have since passed, the political fortunes of both have fallen. Irish-American support for Irish national freedom remains sufficiently strong to warrant repeated denunciations from British Prime Minister Thatcher and Dublin government head Garret FitzGerald. So long as Irish people are denied freedom in Ireland by British occupation, Irish-Americans will continue to labor to secure a British withdrawal, national freedom, religious equality—the basic pre-conditions of peace.●

THE SANTUARIO: A CULTURAL CENTER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RICHARDSON. Mr. Speaker, the Santuario de Guadalupe is a living landmark and the center of Hispanic cultural activities in Santa Fe, N. Mex. The Santuario is a historic church museum, an art gallery, and a performance space used by various cultural groups each year. The Santuario is a place where the people of Santa Fe can come together to celebrate the Spanish heritage and tradition that is so much a part of New Mexico. The Santuario's many cultural activities are administered by the nonprofit Guadalupe Historic Foundation.

Mr. Speaker, Virginia Castellano's strong cultural feelings led her to take on the directorship of the foundation

and to fight for the preservation of Santuario. I would like to share with my colleagues a recent article that ran in, "The New Mexican", a daily newspaper in my congressional district which outlines the dedication involved in Ms. Castellano's work to keep an important national historic treasure alive.

The article follows:

[From the New Mexican, Feb. 26, 1984]

WOMAN KEEPS CULTURE ALIVE FOR THOUSANDS

(By Judy Wiley-Williams)

When Virginia Castellano was a little girl, she stood at the altar at Santuario de Guadalupe, a flower girl gazing up at the Virgin Mary.

Today, her good business sense, strong cultural feelings and love for preservation keep the 500-year-old *santuario* alive for thousands.

Castellano is executive director of the Guadalupe Historic Foundation, which owns the church. She and an assistant work in a sandalwood-scented room at the back of the building, where a friend's art mixes new and old in a warm display.

Tucked in a room toward the back is a library dedicated to Bishop Lamy, where red velvet and old wood mingle textures. A history room leads the way to the chapel. The chapel is leading a new life.

As Castellano unfolded the tale of her involvement with the santuario, a flamenco dancer tapped across the space where the altar stood many years ago.

"I had just finished at the College of Santa Fe and I knew some of the board of directors of the foundation," Castellano said. "They asked me to temporarily take care of the place, until they could find a director."

As the grant applications came in and Castellano's business management training took over, she realized she was holding her life's dream in the palm of her hand.

"It's true when I saw it, it was timing and luck. I had been living in Denver. I finally made my move out of Santa Fe. I was getting more familiar with my identity, taken out of my environment to a predominantly Anglo atmosphere."

She was mistaken for an Italian, forced to insist "I'm Spanish!" before a preservation instinct took hold. Add a touch of appreciation for tourism and that's where Castellano is today.

"If I were to summarize it, it would be preservation," she said. "Preservation of our traditional arts, the language, our identity in Santa Fe. They're so curious about us, our culture."

Some 37,000 people a year satiate their need to know about the Spanish as they walk through Santuario de Guadalupe. The number doubled after Castelano took over.

A shining black concert grand piano is one reason for the influx. The beautiful instrument sounds unearthly in the small chapel, its tones drifting up to the high ceiling. Nationally recognized classical artists have begun to perform in the santuario.

"It's diversified our role as a concert performing center," Castellano said. "We're renting it out to pay for maintenance."

The performances are functional, but they give Castellano a chance to reverse roles, bringing culture to her people as well as sharing Spanish culture with others.

"Our family was poor," she said. "We were from the barrio and we never experienced classical arts. I'm trying to develop a Spanish audience because they haven't been involved as much with the classical arts."

Flamenco dancers, Native American performers, violinists, singers all have brightened the chapel with their performances. Many more will come through the doors.

The future is good for the old building, mostly because of a woman who cares. Castellano recently organized a drive that increased foundation membership from 150 to 250.

Asked whether there was anything she'd rather do, Castellano looked puzzled, as if the thought had never occurred to her.

Then her enormous blue eyes widened.

"I'd like to expand," she said. "I'd like to have more of a national recognition."●

SOLID WASTE IMPORTATION BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FLORIO. Mr. Speaker, today I am introducing legislation which would allow States much greater control over the solid waste disposal. My bill would give States the authority to prohibit, or otherwise regulate, the importation of solid waste generated in another State. Under my bill, this authority would include the right to establish disposal fees—also known as tipping fees—which are higher for out-of-State solid wastes than for wastes generated within the State.

Mr. Speaker, my amendment is necessary for two basic reasons. First, because of a 1977 Supreme Court ruling—New Jersey against City of Philadelphia—which held that solid waste is an article of commerce—and therefore, its interstate transportation cannot be regulated by State—it is necessary that Congress act affirmatively to allow State to exercise a greater measure of control. This is particularly appropriate since current Federal law essentially places all solid waste management problems on the doorstep of the States. Even if the RCRA reauthorization bill, H.R. 2867, is enacted, the Federal involvement in solid waste problems will be extremely limited.

The second reason this bill is necessary is that many States, including my own, are facing a solid waste disposal crisis of immense proportions. Landfills have either reached their capacity or have contributed to serious environmental problems—such as ground water contamination—and must be closed down. Because of the not in my backyard syndrome, as well as genuinely valid environmental hazards, the task of siting new landfills or resource recovery facilities is difficult.

Since States must confront the reality of significantly diminished disposal capacity, it is imperative that Congress give States authority to address this problem rationally; successful solid waste management plans are virtually impossible if neighboring States can, without restriction, transport their garbage into your State. This is not a trivial problem—the good people of the city of Philadelphia generate garbage like everyone else and they send a great deal of it to the Kinsley landfill which happens to be in my district. In fact, 8 to 9 percent of all the garbage disposed of in New Jersey comes from Philadelphia.

My amendment would allow States to control their own destinies in this area and would create important incentives for each State to exercise more responsibility for their own solid wastes.

For all of these reasons the legislation I am introducing today deserves your support.●

BUSINESSMAN'S VIEW OF EL SALVADOR

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. WEBER. Mr. Speaker, I would like to call the attention of my colleagues to a report recently prepared by Mr. Frank Graves, a Minnesota businessman, on the current situation in El Salvador. Mr. Graves has had extensive dealings in Central America, and on my behalf, he traveled to El Salvador on a fact-finding mission. He exposed himself to a broad spectrum of people, and returned to the United States with a hopeful feeling for the future of democracy in El Salvador. I have reprinted the first of a two-part report in the RECORD with his permission, and I urge my colleagues to carefully consider Mr. Graves' observations. I believe his report is a valuable source to all Members of Congress as we begin to debate the Central American foreign aid package for 1985 and we await the El Salvadoran election results.

Thank you, Mr. Speaker.

REPORT ON TRIP TO EL SALVADOR

INTRODUCTION AND SUMMARY

I visited El Salvador in the company of Mr. L. Francis Bouchey, President Council for Inter-American Security of Washington, DC, and Mr. Steve Baldwin, Executive Director of Students for a Better America (formerly Deputy Director, College Republican National Committee) also of Washington. We were in El Salvador from Sunday, January 8, 1984, through Wednesday, January 11, 1984.

The purpose of the trip was to update my knowledge of the country (I had not been there since the middle seventies) and to gather first-hand information and impressions about the situation as a basis for this report to Congressman Weber. I was generally interested in the state of mind of the Salvadoran people, their feeling about the

guerillas, and U.S. involvement. I was particularly interested in determining the current status of the following which have become the focus of controversy in the United States.

The military situation and the National Action Program.

Human Rights and the administration of justice.

The Land Reform Program.

I can summarize my impressions by saying there is both good news and bad news.

The good news is—

The military is making progress and the war against the Soviet-Cuban Nicaraguan-Axis backed guerillas can be won provided it has adequate U.S. support. U.S. military advisors are doing an outstanding job.

The Salvadoran people are very anti-communist. We found no indication of any softness for the guerilla cause. The campesinos in the areas where the guerillas are strong are passive as a means of self preservation. Whatever support they give the guerillas is a result of fear . . . not sympathy. It seems safe to conclude that our State Department estimate that 3 percent of the population supports the insurgents is generous.

There has been considerable improvement in respect for human rights and a reduction in the incidence of violations as a result of pressure from the United States.

Presidential elections will be held on schedule March 25, 1984, and there seems to be general interest in them. At this point the contest seems to be between former President Napoleon Duarte, candidate of the center left PDC (Christian Democrat Party) and the former President of the Constituent Assembly Roberto D'Aubisson who is the candidate of the conservative ARENA (National Republican Alliance). My impression is that Duarte's image in the U.S. is considerably better than it should be and D'Aubisson's is somewhat worse than it should be.

The bad news is—

There is considerable disillusionment with the nature of United States support, particularly among knowledgeable groups such as business leaders, political leaders, land owners, and leaders of nationalist groups. These are the kinds of people we might expect would welcome, understand and appreciate U.S. support. They in fact want U.S. aid but they feel, on the one hand it is tentative, and on the other it comes with too many strings attached.

As to its tentativeness, they sees present levels of military help as insufficient to be decisive but enough to allow them to hold their own against the insurgents. They worry about the propaganda war being waged in the U.S. and are afraid their real war might be lost here despite the fact they know they can win it in El Salvador given the right support.

As to the second point, they are angered and to some degree humiliated by the conditions we place on the aid we give them. They understand and agree with our general objectives—the democratization of country, full respect for human rights, etc.—but they resent our dictating how these things are to be achieved. They point out that they know their society better than we do and they therefore should have a part in determining how the general objectives will be accomplished. They are disappointed in President Reagan and Ambassadors Hinton and Pickering because the new administration has not corrected the blunders of the Carter-Robert White era. Incidentally, disrespect for President Carter and Ambassador White is open, universal, and passionate.

The insurgents are gaining strength, not so much in numbers (they are still estimated to have only between 5 to 10,000 men under arms) but in improved organization, training and in experience with the techniques of guerilla warfare. They continue to receive weapons and supplies from outside . . . from the Pacific up the Lempa River Valley, and in the east, overland and by air through Honduras. Their recent successes in destroying the Cuscatlan Bridge and overrunning the El Paraiso military base though not decisive, have given them confidence and important propaganda victories. Apparently they believe they are winning the propaganda war in the U.S. and hope to maintain a military stalemate in the field until the U.S. forces a coalition government on El Salvador.

The national economy is suffering because agricultural and industrial productivity is down. This is in part the results of insurgent depredations against the economic infrastructure; i.e. agricultural producers, processing plants, warehouses, highway bridges, communication and power grids. Regrettably it is also in significant part the result of the unfortunate land reforms the U.S. forced on the country, the nationalization of commodity exports (coffee, sugar, cotton) and the nationalization of the banks. These actions destroyed the base of private capital which financed production and economic expansion, and politicized and weakened the credit institutions at the time they were most needed.

If the trend toward a weakening economy continues, El Salvador will become a progressively greater economic liability to the United States. We will then be reaping what we helped sow when we forced the substitution of a disproven socialistic agricultural system for a successful, if not perfect, free enterprise system.

THE MILITARY SITUATION

Substantial improvements have been made in the organization, training, command and control of the Salvadoran Army as a result of the support it has received from the U.S. Our Military Advisory Group is clearly doing a fine job. I was very proud of our people after meeting and talking to them and watching them work.

The Salvadoran Army has had a poor reputation. It is said that it was an eight hour a day, five days a week operation. It had an unwieldy organization with twenty-seven different commands reporting directly to the Estado Mayor (Defense Headquarters). The officer corps was an exclusive club in which its members were comfortable without much competition. (The military school only graduated 25 new officers per year). Unlike the Guatemalan Army, it had little combat experience so it had not developed a current tactical doctrine. In short, it was not prepared when the guerillas began to operate in the country.

There were inevitable set backs as the army began to confront the enemy and its leadership came to realize it needed help. Consequently, it has been receptive and has begun to rely heavily on our advisory group.

Today the command organization has been trimmed down to six Brigade Headquarters, plus the Air Force and Navy, reporting to the Estado Mayor. All headquarters at all levels are manned in every staff position twenty four hours a day. Changes in personnel assignments have been made and "they now have good men in the right slots." Operational communications and control is improving. In short it is in better shape to carry out its mission and its battlefield performance is steadily improving.

There have been similar improvements in the Navy which has the job of interdicting the re-supply of arms and supplies to the guerillas by sea. It has developed new tactics using converted patrol boats which now serve as mother ships for high speed inflatable boats manned by a few heavily armed men which patrol close to shore in shallow waters. More important is the fact that the naval units are now paying attention to their mission. Recently there was a scandal over the fact that navy units were pirating the catches of shrimp fishermen and selling them for profit. The officers responsible have been relieved and the operation is back on track.

The army has organized two kinds of battalion sized units. The Casadora (Hunter) Battalions are small (345 men) units which are assigned within each Brigade operating area. Their mission is to block guerilla routes of communication, hunt down and destroy guerilla units.

There are also normal sized (1,200 men) mobile battalions which operate as a general reserve and go where they are needed. Two of these units have developed fine reputations for their combat skills and aggressiveness. One is the Bayosa Battalion which was trained at Fort Bragg and the Atlacatl Battalion which was trained by U.S. Special Forces personnel in El Salvador. It is said that the guerillas have developed great respect for these units and avoid confrontation with them when possible.

It was clear in talking to U.S. Mil Group personnel that good progress has been made in shaping the Salvadoran Army into a more competent force, and they expect steady improvement in its performance. The successful guerilla raid on the El Paraiso Base was characterized as "the low point" which had a profound effect on the Salvadoran military leadership. The implication was that they will not let it happen again.

While the situation has improved thanks to U.S help a number of problems remain. The Salvadoran Army needs more of everything . . . machine guns, radios, and radio batteries are especially in short supply, according to one of the U.S. officers. While on the field trip to the Fourth Brigade area, we saw for ourselves that they also needed decent boots, ammunition magazines, magazine pouches, canteens, first aid similar individual equipment. The troops we saw were armed with German G3 automatic rifles which we were told were good except that there is some difficulty in adjusting their sights. The implication was that U.S. M16s would be better.

There is also a need for more sophisticated materiel. There are enough 105 mm artillery pieces for example but not enough ammunition for them.

There are not enough helicopters for rapid troop deployment and for medical evacuation. The Salvadorans have 21 helicopters. Only 14 were operational at the time we were there as seven were down for maintenance. There are only 18 qualified pilots however. There is a plan to train 27 more provided funds are made available. Once they have the pilots they can operate additional helicopters (if they get them) which are badly needed to improve tactical effectiveness.

Trained medical personnel are also in short supply. This includes everything from medical corpsmen in the combat units up to surgeons for rear area hospitals.

The strength of the army is currently at 25,500. There are plans to increase this force to 30,000.

One often reads that the "armed forces" of El Salvador number 40,000 to 50,000. It should be noted that this figure includes the following para military organizations:

The Treasury Police.

The Hacienda Police (national police).

The National Guard.

The Civil Defense Forces.

The Civil Defense Forces are municipal organizations, locally hired, which serve as a combination town police and anti-guerilla defense force. The National Guard has the responsibility for providing security to the railroad, bridges, and key installations. The Cuscatlan Bridge which was attacked and destroyed by guerillas on New Years Eve was guarded by the National Guard for example.

While these para military forces are occasionally used as infantry against the guerillas, they lack the competency of the army. They are not as well trained, organized, or led. They are often political and these are the units that are suspected to be the source of right wing death squad activists. It must be emphasized here that the U.S. Military Advisory Group does not work with these organizations. It is prohibited from doing so by the Foreign Assistance Act of 1974. It should also be noted that the Salvadoran Army's record on human rights violations is relatively clean—and improving—due in great part to the influence of the U.S. Advisors. If similar U.S. support could be provided for the para military organizations, there would be dramatic improvement in both their performance and in their human rights record.

A summary of the military situation would not be complete without some mention of the guerillas themselves. Their numbers are estimated to vary between five and ten thousand, and there probably is some fluctuation as they move in and out of the country from sanctuary "refugee" camps in Honduras. They operate as a unified command under the banner of the Farabundo Marti National Liberation Front (FMLN), a coalition of dissident groups forged by Fidel Castro. Their top commander, whose name is Vllalobos, is a native of Morazan, a mountain province in the east of the country.

The guerillas are well armed with Soviet AK47, and U.S. M16 rifles said to have been supplied from weapons captured in Viet Nam. Originally, some were trained in Nicaragua, and perhaps in Cuba, but now they have developed a training capability of their own and train their people in remote camps in El Salvador and in Honduras.

The Salavadoran Army knows where these camps are. When we asked why they didn't attack them from the air, we were told that they are afraid of killing civilians accidentally and then being accused of human rights violations. In the past such attacks have illicited shrill accusations, of "brutality" and "murder of women and children" from the guerilla propaganda network in the United States and in Europe. These outcries have successfully generated the desired knee-jerk reaction in the U.S. Congress which has dutifully expressed its outrage, threatened to cut off funds and brought intimidating pressure to bear on the Salvadoran Army. The consequence is that its leaders are very reluctant to do what obviously must be done. They should not be allowing the guerillas any safe bases, but are doing just that because of their fear of a U.S. reaction.

One U.S. advisor told us that bombing is relatively inaccurate compared to gun ships armed with the "gatling gun," which would be the preferred weapon for use against guerilla bases. However the Salvadorans only have two helicopters, and no airplanes, so equipped so they haven't the capability for mounting effective air operations against these bases.

The guerillas have two operational objectives. The first is to cripple the national economy. They do this by constantly attacking and attempting to disrupt the nation's economic infrastructure . . . bridges, communications and power grids, radio stations, buses, trucks, warehouses, coffee and sugar processing plants, plantations, farms, etc.

Their second objective is to win a few highly visible victories, such as the destruction of the Cuscatlan Bridge and "overrunning" El Paraiso. These "victories" are not militarily decisive but they are important because they make the headlines and nourish the perception that the Salvadorans are helpless and incapable of defending themselves. This of course is far from true and the Salvadoran people know it, but we don't in the U.S. and we tend to conclude what the guerillas want us to.

The FMLN has a propaganda arm, known as the Revolutionary Democratic Front (FDR) with its headquarters probably in Mexico City. The FDR's function is to publicize the guerillas in the U.S., Mexico and in Europe in a sympathetic way, and to run front organizations such as CISPES and the Solidarity Committees with El Salvador, Nicaragua, etc. (We have them in Minnesota). These front organizations concentrate on schools, churches, colleges, and "humanitarian groups," in an effort to persuade concerned people that the guerillas are "the good guys."

The fact is that the guerillas are not the good guys and they do not have the support of the people. They know they cannot win a military victory. However, they are counting on a protracted, expensive, and debilitating campaign which will exhaust the Salvadorans and grow progressively more expensive for the U.S. taxpayers. In the end, they apparently believe, we will grow tired of it all and force a negotiated settlement and a coalition government on the country. If that happens, history will repeat itself and we will have another Czechoslavakia, Laos, or Nicaragua, with El Salvador controlled by an alien totalitarian regime.

Obviously the way to frustrate their plan is to end the war decisively and relatively soon. There is every reason to believe that the Salvadoran Armed Forces can win this war without the help of outside troops, provided they are given the necessary weapons, logistical and training support.

I asked Col. Stringham, the Commander of the U.S. Military Group, what message he would like to send to Congressman Weber. His answer was a plea for the end of what he called "Salami Slice Funding." He is never sure what funds will be available to him and as a consequence he cannot develop a comprehensive plan for decisive victory. Instead he has been forced to develop three plans for the three levels of funding that seemed possible. The first he called a "Kamikaze Plan" based on minimum funding of 25 million dollars. This plan would buy ammunition, radio batteries, and training . . . enough to survive.

The second level he called the "White Knuckle Plan," at the 44 million dollar level, which was contingent on an improved human rights performance. It would allow for an enhanced capability through additional equipment and more sophisticated training support. The third plan was the optimum plan, at 64 million dollars, which, I inferred, would permit them to plan for a decisive campaign.

To sum up—the Salvadorans are doing as well as might be expected given present levels of support. They are better than holding their own militarily, but cannot win. They will do better with more support and will decisively defeat the guerrillas given enough.

It seems to me that, now that we know the Salvadoran Army is responding well to our training and has proved itself on the battlefield, we are courting disaster not to provide them with the resources they need for victory—that means an expanded advisory group, and the weapons, equipment and logistical support necessary to do the job. We cannot afford to lose this war! An early victory will not only help El Salvador but, more importantly, will enhance the prestige and restore respect for the United States in the hemisphere and in the world. It will also be a devastating blow to the image of the inevitability of marxist expansionism.

LAND REFORM

The Carter Administration forced the land reform package upon the junta which governed the country after the ouster of President Romero. In March of 1980, troops seized 376 large farms and agribusinesses. These were operations with holdings larger than 500 hectares (1,250 acres). The seizures included the land, farm equipment, buildings, homes, and the contents of the homes.

The owners of this property were compensated with 20 year 6 percent bonds valued at assessed value for tax purposes . . . lower than real value. Some cash compensation was to be paid for equipment, but apparently this was not done uniformly. The compensation bonds are trading today at 45 percent of face value which is a fraction of market value.

The value of the property seized is estimated to be 300 million dollars. The owners and stock holders of the corporations which owned and operated these enterprises controlled an important part of the investment capital which fueled the engine of the free enterprise economy. That capital base no longer exists, the former landowners are facing economic ruin and the national economy is floundering as a result.

That was Phase I of the land reform. Phase II was to deal with the break up of the medium-sized farms of 100 hectares (250 acres) or more. Happily, the constitutent assembly recognizing the disaster wrought by Phase I, has amended the constitutional provision of this reform, so that it applies only to 300 hectares (600+ acres) which leaves a very small number of farms to be dealt with under Phase II. It further delayed implementation for a period of two years to allow the owners to dispose of their "excess" acreage on their initiative.

Phase III of the land reform is being implemented, however. This is the "Land to the tiller" program. It provides that anyone that rents land to till may claim title to it. This program is also having negative consequences. First, land owners who cannot work their land (women, invalids, and elderly people for example) are refusing to rent their land with the consequences that it is going out of production and the people who might have rented it don't have a livelihood. Both consequences affect the national economy negatively.

Second, there has been a proliferation of fraud in which people make false claims of having rented land. The "courts" are said to always side with the claimant against the owner and there is no appeal. On the otherside of that coin some owners are moved in self defense, to evict tenants which under certain circumstances can be done legally. However, here again the "courts" always side with the tenant against the owner on the assumption that all evictions are illegal.

The hypocracy of Phase III lies in the fact that the tenant retains title to the land he claims only so long as he works it. He cannot sell it or pass it on to his children.

The large farms which have been seized have been converted into what is called cooperatives in which the workers own the land in common and are supposed to share in its profits. The problem is there are no profits!

There are no profits because of another "reform" which nationalized the exportation of agricultural commodities; specifically coffee, sugar, and cotton. This plan in effect transferred the profits from the producer to the government. For example . . . the world price for coffee is now about $155 CWT but the growers are forced to sell to the government at $40 CWT—which is roughly the cost of production. Hence, no profit to the producer and a situation that kills incentive and discourages efficient farming and healthy competition.

It is clear that these reforms have destroyed productivity. U.S. Embassy personnel claim that coffee and sugar productivity is up but admits that cotton is down badly. The Salvadorans who are knowledgeable about agriculture say that this claim may be true today but that it will change with time. They point out that cotton is grown on an annual cycle and requires immediate technical expertise to produce efficiently. Since that expertise is not really available to the small "reformed" farms, despite the theoretical support of government agronomists and technicians, production is down.

They further point out that coffee trees produce on an on-going basis. They require careful tending; fertilizing, insect control, pruning, and proper shade control. If they don't get this care, the yield begins to drop over a period of time. These things are not being done correctly on many cooperatives and as a consequence production will drop and continue to decline.

As if these reforms did not do enough damage, the banks, both commercial and savings, were nationalized at about the same time. Thus credit institutions were politicized and substantially weakened, at the very time when credit is needed most. The credit system is in a shambles. Obtaining credit today depends more on having friends in the right places than your record as a borrower.

Clearly the land reforms have been a disaster for the agricultural community and for the Salvadoran economy. It is understandable that there is great disappointment, bitterness, shock, and resentment for the United States among the land owners, stockholders of agribusiness corporations, and the thousands of people whose livelihood depends upon efficient agricultural production. With friends like us, they don't need enemies!

The United States of America, the champion of free enterprise, forced a socialist system on a tiny ally that was doing well, if not perfectly, under a free enterprise system of its own. We did this because we thought we could head off the threat of a social revolution, which was a greater possibility in the minds of liberal bureaucrats in Washington than in El Salvador. Their rationale apparently was "let's beat Castro to it so he'll take the pressure off and we can all be friends." This of course was criminally naive at best or consciously subversive at worst, because anyone who knows the Soviet-Cuba-Nicaraguan Axis' record is aware that it is interested in social reforms only to the extent that they support its objective; the strategic isolation of the U.S.

Clearly, these reforms were wrong but the unhappy fact is that we and the Salvadorans are stuck with them. Most knowledgeable people agree that to reverse them and return to the pre-1980 status would compound the present turmoil and alienate El Salvador further. We must therefore start from where we are and find ways to modify the reforms in a way that will stimulate healthy competition and allow the profit incentive to reassert itself.

The best place to start might well be that the U.S. provide the necessary funds, in a government to government loan, to compensate the land owners and agribusiness stockholders for the confiscated property. Early settlement of this problem would not only help restore Salvadoran confidence in the United States because it would help to offset a fundamental injustice, but it would also stimulate the national economy to the point that it would lower the amount of U.S. economic aid necessary to keep El Salvador afloat.●

THE DEFENSE BUDGET AND MEETING HUMAN NEEDS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HAWKINS. Mr. Speaker, this body will soon be focusing its attention on the Federal budget and what our national priorities will be for the coming fiscal year. Once again we will hear from those who beat the drums for increased real growth in the defense budget and from those who are calling for cuts in selected weapons systems.

Central to any budget deliberation on the "guns and butter" issue must also encompass a discussion about the direction of our national economic policies. It is inconsistent to be an advocate for a strong national defense if you are not prepared to discuss the means to achieve vigorous economic growth and price stability to complement a military build up.

The Federal budget is the vehicle for national economic policy. Thus, we must not just talk about itemized defense expenditures, but we must also examine, and discuss in the larger context, our overall short- and long-range economic objectives.

We must also engage in a greater effort to scrutinize the Federal defense budget. It is organizationally contradictory to run a fine tooth comb through budget proposals for employment and training programs and then only provide a cursory review of the Federal defense sector, which is in great need of institutional reform, particularly in the area of procurement policy. It was once said that our Nation suffered from a "crisis of confidence," a term which perhaps can be applied to the fragmented and disjointed way we review the defense budget.

A recent analysis of the defense budget provided an interesting look at a process called stretchout, which produces short-term savings, but in the end increases long-term costs. An excerpt from the analysis reads:

> A stretchout occurs when DOD or Congress extends—or "stretches out"—the procurement schedule for a new weapon. DOD plans to buy fewer weapons each year, for a longer number of years. This makes the weapons appear cheaper on paper in the short run, but generally makes them more expensive, in fact. By building fewer weapons at a time, contractors lose economies of scale, driving up the price per weapon. Stretchout-induced overruns often become part of a vicious cycle: A cash shortage leads to stretchouts, which increase prices, which cause a new cash shortage, which leads to another round of stretchouts, and so on.

Another major problem is simply a case of poor cost estimating for major weapons systems. This was illustrated by a House Government Operations Committee report which found that the average weapons systems ended up costing 50 percent more than the estimate made by DOD when the weapon entered full-scale development, and 100 percent more than the estimate made when the weapon first underwent exploratory development.

Poor DOD cost estimating was further highlighted by testimony from Army Under Secretary James Ambrose who told a Senate committee:

> . . . it almost seems to be an institutional phenomenon that these projects start with gross underestimates by both government and contractor, usually followed by modest growth in estimates in the early phases, and then experiencing sharp increases toward the end of development and in the early production phases.

Mr. Speaker, as we begin the budget debate we must stop and thoughtfully evaluate our national priorities, both from a fiscal and a humanistic viewpoint. How can we as a nation tolerate enormous defense spending and administrative procurement abuses, and on the other hand say we cannot fund a jobs program for long-term unemployed or increase funding for basic human support programs? To what extent is our national defense policy a pressing priority when our social and moral fabric is threatened from within. Every Member in this body supports an adequate national defense system. However, many do so on the basis that basic human needs will not be neglected or compromised, and that budget policy will be formulated

through a sensible determination of existing human conditions.

Another vital aspect of the defense budget discussion centers around whether military weapons expenditures are a true reflection of our foreign policy and military objectives. To what extent are the choice of weapons systems based on narrow private or internal department organizational demands, leading to purchases which are unnecessary and wasteful?

The current policy of attempting to prevent nuclear war by preparing for nuclear war is a tragic and mindless national position, which can only serve to increase the paranoia level between the world's superpowers. When evaluated from a global perspective, military spending and nuclear arms escalation clearly suggest that the current perilous trend must be reversed. Here are some sobering statistics on world military budgets:

Every minute 30 children die for want of food and inexpensive vaccines and every minute the world's military budget absorbs $1.3 trillion from the public treasure.

The world's stockpile of nuclear weapons represents an explosive force over 5,000 times greater than all the munitions used in World War II.

The cost of a single new nuclear submarine equals the annual education budget of 23 developing countries, with 160 million school-age children.

A greater effort must be mounted to avert the nuclear arms race, which continues to drain our national treasury, injures public morale, and allows social needs to go unmet. The danger and futility of the nuclear arms rivalry is highlighted by the late Gen. Omar Bradley:

> Even the ingenuity of our scientists may be unable to save us from the consequences of a single rash act or a lone reckless hand upon a switch of an uninterceptible missile. Missiles will bring antimissiles, and antimissiles will bring antimissiles. I do not understand why we do not make greater, more imaginative use of reason and intelligence in seeking accord and compromise that will make it possible for mankind to control the atom and banish it as an instrument of war.

Mr. Speaker, it is time to reexamine our budget priorities. We need to aggressively pursue arms reduction initiatives and move away from the abyss of nuclear destruction. We must closely scrutinize our defense procurement procedures and aline our choices of military weapons systems with reasoned diplomatic and strategic goals. We must awake to the realization that a full employment economy benefits all our citizens and all government economies. The roller-coaster performance of the U.S. economy over the last two decades has weakened our human infrastructure, neglecting our most treasured resource—the energy and talent of the American people.●

THE BUDGET DEFICIT—THE MORTGAGE BANKERS' VIEW

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DASCHLE. Mr. Speaker, as part of my continuing attempt to become aware of the differing perspectives on what the results of prolonged record Federal budget deficits will be to various sectors of the economy, I would like to insert the following article into the RECORD. It is the February 29, 1984, edition of Weathervane, an analysis of future economic performance prepared by the economics department of the Mortgage Bankers Association.

As a segment of the economy which is highly sensitive to actions which may drive up interest rates, the mortgage banking industry has a unique perspective on the deficit problem. I find it discouraging that its current analysis indicates that, if substantive deficit reduction is not quickly taken, in their words, "the current real estate recovery soon will be aborted." I urge my colleagues to examine this analysis and, more importantly, focus on the deficit problem that is behind this gloomy prediction.

The article follows:

FEBRUARY 29, 1984.

Debate on the economy continues to be focused on the huge and growing federal budget deficit. As the inevitable clash between public and private sector borrowing requirements draws nearer, we must once again review the progress to date on the deficit problem and the implications for continued economic growth.

Early this month President Reagan released his proposed fiscal year 1985 budget with projections to 1989. This document included no major tax or spending changes, leaving the FY 1985 budget deficit near $180 billion, a level slightly less than the FY 1983 result of $194 billion. Although we had hoped for a meaningful attack on the deficit in the budget plan, the political limitations present in an election year prevent the kinds of steps that almost everyone agrees are needed. The President did call for bipartisan consultations to achieve a $100 billion deficit reduction over the next three years, but even this effort would be feeble compared to the measures needed.

According to Administration estimates based on very optimistic assumptions, the result of the current budget plan would be a federal budget deficit of $123 billion in FY 1989. The Congressional Budget Office has published its own analysis of the Administration budget plan based on more reasonable assumptions, and it projects the FY 1989 deficit to be $326 billion. At this level the deficit would exceed 6 percent of the gross national product, the same share it absorbed in 1983. The result would be absolutely no progress on deficit as a share of GNP by 1989, in spite of the assumption that economic growth would be uninterrupted by recession for an unprecedented seven consecutive years.

Fortunately, key Congressional leaders and Council of Economic Advisors Chairman Martin Feldstein have continued to work for near term action to reduce the budget deficits. Although the official bipartisan group does not appear to be producing results, Republican and Democratic groups are moving forward with bills to rein in the budget shortfall. Senator Robert Dole is working in the Finance Committee on a bill that would shave $100 billion from the deficits over three years, although there are some elements of the bill that would adversely affect real estate investment. Senators Pete Domenici and Mark Hatfield have drafted a proposal that would reduce the fiscal gap by $150 billion by 1987, accomplished partly by holding defense spending growth to 5 percent in real terms. Democrats in both the House and the Senate are contributing to the formulation of an improved budget, proposing more defense cuts and tax increases than currently are acceptable to the Administration. In the House Ways and Means Committee, Chairman Rostenkowski has a bill that would raise $50 billion in three years. Although the current efforts in the Congress have not yet coalesced into a single proposal, we are hopeful that Congress is moving toward a consensus on deficit control that can be enacted.

While Congress and the Administration contend with less than adequate budget measures, the economy is burning its way toward the point where the Federal Reserve will be forced to control inflation by increasing interest rates. This risk is much more apparent now than it was in January. It now appears that the perceived slowing of economic growth reported for December was caused by abnormally cold weather. The economic data for January and early February suggest that the economy is growing at a 6 to 7 percent annual pace, leading Federal Reserve Chairman Paul Volcker to describe the deficit problem as a "loaded gun" and to call for additional deficit reductions in his Congressional testimony last week.

As a result of the still excessive and unsustainable pace of economic expansion, interest rates have moved upward over the past month. Six month treasury bill yields are above 9.9 percent, up from 9.3 percent in January, putting upward pressure on the commercial bank prime rate. Long term treasury bond yields are now above 12 percent, after staying in the 11.7 percent area for the past three months. Consumer and producer prices increased at 7.4 percent annual rates in January, significantly ahead of their recent growth rates.

The Federal Reserve has taken note of the excessive growth persisting in the economy. When interest rates were pushed up in early February, the Fed did nothing to offset the rise, although such action could have been justified by technical factors related to the implementation of contemporaneous reserve accounting by depositories. If economic growth continues to quicken through March, the Fed is very likely to adopt a slightly more restrictive monetary policy at the next Open Market Committee meeting on March 26th. The result would be rising interest rates by May. This effect would be compounded, if the financial markets do not see some chance of Congressional budget progress by early next year. Investors already are expecting continued high interest rates, but if they begin to discount for rising rates, the current real estate recover soon will be aborted. Our hopes of a dip in interest rates until mid-year now appear to be overly optimistic. The key

questions now are, when will rates move up again and how high will they go.

DR. WARREN MATTHEWS,
Senior Economist.●

CHANGING NEEDS OF THE FAMILY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mrs. JOHNSON. Mr. Speaker, a top priority of a number of minority members of the Select Committee on Children, Youth, and Families, on which I serve, is tax policy as it impacts the family structure. As the Congress readies itself to consider another major tax proposal, I believe the time is ripe to consider the suggestions of the authorities who have witnessed the changing needs of the family and the family structure. There are a number of other Federal initiatives which have been suggested to increase parental involvement with children and youth, particularly fathers. I commend to my colleagues' attention the following comments submitted for the hearing record by the child development unit of the Harvard Medical School's Children Hospital following a recent select committee hearing on paternal absence:

CHILD DEVELOPMENT UNIT,
HARVARD MEDICAL SCHOOL,
Boston, Mass., December 29, 1983.

Congresswoman NANCY L. JOHNSON,
Select Committee on Children, Youth, and Families, Washington, D.C.

DEAR CONGRESSWOMAN JOHNSON: At the hearings of the Economic Security Task Force of the House Select Committee on Children, Youth and Families on "Paternal Absence and Father's Role," you and several of your colleagues requested specific, succinct policy recommendations to increase and sustain father involvement with children and youth. Different vehicles (i.e., tax incentives, tax deductions, federal regulations, funding for new programs) can be used to implement the varying policy goals outlined in my written testimony of 11/10/83. Each vehicle may reach different subgroups of people. Based on my testimony and on discussions with Mr. James Levine of the Fatherhood Project, I am now suggesting some preliminary federal initiatives which need more careful analysis to determine which methods would most effectively reach the intended recipients:

(1) Tax incentives to employers to encourage the provision of short term paid parental leave to fathers as well as mothers at the time of childbirth.

(2) Through federal regulations, tax incentives, or other inducements, the encouragement of employers to change sick day benefits to personal leave benefits allowing fathers to stay home to care for ill children or to be absent for half days to take ill children for medical care.

(3) To establish demonstration programs (through direct grants) aimed at providing parent education and support to fathers as well as mothers, to study the effectiveness of these programs in reaching and involving fathers, and to use that as one basis for allocating funds for parent education programs.

(4) To establish demonstration programs (through direct grants) for school age children (elementary and high school) that provide training in childcare and child development as part of the curriculum for boys as well as girls.

(5) To change the health insurance plan reimbursement incentives so that counselling and human service consultations (for fathers as well as mothers) are reimbursed on an equal basis with medical/technical diagnostic procedures. (For further information, see the Report of the Select Panel for the Promotion of Child Health, to the U.S. Congress and the Secretary of HHS, Vol. I, pages 14, 322.) During stress, access to such services may be critical to preventing the withdrawal of fathers from their children.

(6) To provide incentives to employers to provide or facilitate access to quality child care.

(7) To establish as research priorities for appropriate federal agencies the study of:

(a) the degree of paternal involvement in preschool and school settings, and the effects of outreach programs on sustaining father involvement with school age and adolescent children.

(b) the impact of parental shift work on children, on the quality of child care and on the risks to child health and development.

(8) Increased funding for federal work training programs to provide meaningful job security for all employable men.

Sincerely,

MICHAEL W. YOGMAN, M.D.,
Assoc. Chief, Division of Child Development, Children's Hospital, Assistant Professor of Pediatrics, Harvard Medical School.●

EXIT POLLS AND MEDIA PROJECTIONS OF ELECTION RESULTS

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PATTERSON. Mr. Speaker, my own serious concerns and those of many of my colleagues on both sides of the aisle with the devastating effects of east coast exit polls on west coast voters on general election days has long been known. Such activities have prompted our colleague, DON EDWARDS, to introduce House Resolution 395 to limit exit polls and media projections of election day results until polls throughout the country are closed.

I urge all Members of the House to endorse this measure to prevent the circumstances occurring in 1982 from happening again this November. The voting rights of each and every American must not be inhibited because the media is anxious to predict the outcome of elections long before polls, in many parts of the country, have closed.

It is also discouraging that by virtue of their living in one time zone rather than another, American voters can be discouraged from casting their ballots. Predictions based on exit polls are often made prematurely, and with severe consequences in the number of people who actually show up to vote.

An idea expressed by Don Maclean in a March 9 article appearing in Roll Call, the newspaper of Capitol Hill, strikes me as something that deserves far wider circulation.

(By Don Maclean)

Maybe one of the reasons that less than half of the registered voters actually vote in Presidential elections has nothing to do with apathy. Perhaps it is just a case of the voters feeling redundant after having been polled to death prior to any major election.

It is not bad enough that we have pre-election polls, in which "experts" sample something like 1,300 people out of 50 million votes to be cast and predict a trend. That's been around for several generations and I can actually remember when some candidates thought that even those polls were unfair.

"When the polls say that somebody is leading, it becomes a self-fulfiling prophecy!" That was the cry then, and in my opinion, it had a lot of merit. But objections to polls preceding an election by years, months and days have been so outdistanced by other violations of the so-called secret ballot that those petty objections now seem laughable.

The usual poll spaced by several weeks has been supplemented by the "rolling poll," which tests the voters' opinions every day, right up to an election. Most of the above, of course, have been print media excesses. It took the TV networks to provide the real disencentives to voting.

The networks, in their usual efforts to create news, have had no compunctions about releasing on the morning of an election the results of a poll taken the day before showing that Bloggs-or-whoever is a lead pipe-cinch to win. It is little wonder that Bloggs' voters and those inclined to vote for Bloggs' opponent are inclined not to stop on the way to work, or take time off, or stop on the way home to vote. After all, ABC, NBC, CBS and countless others have told them that the election has already been decided.

Probably, it all balances out. The number of Bloggs supporters who fail to vote because they think their vote won't be needed possibly is balanced by the anti-Bloggs voters who decide that all is lost, so why bother? The networks no doubt conclude that, in this case, no harm has been done, that the outcome has remained the same and that Democracy has been served.

The fact that millions of Americans have been persuaded or intimidated out of their birthright—the right to vote—seems not to bother the networks. They continue to operate on the presumption that freedom of the press transcends all other rights.

And now we have the ultimate poll, and the ultimate disincentive to vote—the "exit" poll, in which voters are ambushed by the media as the voters leave the polling places and are badgered into saying for whom they voted. Actually, your vote is nobody's business but your own, and it is a fact that husbands and wives have been known to lie to each other about it, just to keep peace in the family.

Which makes me think that it would be a worthwhile trick to play on nosy TV reporters if, when interviewed on leaving a polling place, people simply lied about their vote. I

know that I intend to do that in Arlington next November if I am braced by a pollster on leaving the voting booth. If something like this should occur nationwide, a monumental failure of the exit poll prediction might end the practice forever. Since it seems unlikely that exit polls can be legislated out of existence, then perhaps citizens should take matters into their own hands. (There is no penalty for lying to a pollster; it's not perjury or anything like that, although I am sure that pollsters would like us all to think so.)

But if exit polls are allowable, then can entrance polls be far behind? In the rush to be first with the results, I guess it is only a matter of time before the networks start quizzing voters on their way into the voting places. "Here we are, in Maine, at 8:10 a.m. on election day, November 6, and voters interviewed on their way to vote at the little red schoolhouse show a definite trend toward Reagan. Based on this—even though it is only 7 a.m. in Texas, 6 a.m. in Denver and 5 a.m. in California and the rest of the country is not even awake, CBS can now predict the outcome and this election is over! Thank you and good night, ah, rather, good morning."

Next, perhaps they will start ambushing East Coast voters as they leave their houses on election morning. "Are you folks on your way to vote? If so, for whom will you vote?" If this is done properly, and proves to be accurate, then people may not even have to vote on the East Coast, either. They can just tell the pollster, skip voting and simply go on to work, content in having decided the election without any waste of time.

Finally, we could have a "Beddy-bye poll," in which registered voters could be awakened at 3 a.m. and asked . . .●

NORMAN LEAR: A VITAL FORCE IN TELEVISION

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RICHARDSON. Mr. Speaker, George Bernard Shaw once said:

Few people think more than two or three times a year. I have made an international reputation for myself by thinking once or twice a week.

Well, Norman Lear, the noted television producer, has also made an international reputation for himself not only by thinking for himself, but by getting millions of others to think for themselves as well.

Norman Lear is now back on television with a new series called "a.k.a. Pablo," the story of a young Hispanic comedian and his family. I suspect that many Americans will at least be thinking once a week when watching Lear's new production.

As a Hispanic who is proud of his heritage, and as a member of the Congressional Hispanic Caucus, I am well aware that there has been considerable apprehension in the Hispanic community about this program. Many are holding their breath hoping for the best. Some are fearful that Hispanics and their culture may be depicted in an unflattering light. Time will tell, of course, about how well the program is received by Americans, as a whole, and by Hispanics, in particular. But I believe Norman Lear is, as before, on the right track.

In an excellent article on Norman Lear by Tom Shales which appeared in the March 4, 1984, edition of the Washington Post, Norman Lear says of "a.k.a. Pablo": "The heart of the show is dealing indirectly with everybody's need for connection and belonging."

On that basis, the show ought to be a hit. But as Norman Lear points out, television shows rarely survive based solely on their current content, but on how much they contribute to the networks' coffers.

In any event, Hispanics, long ignored by the networks, are now back on prime-time television thanks to Norman Lear. Let us hope that existing prejudice toward Hispanics will be lessened as a result of Lear's efforts.

I am reminded of Oliver Wendell Holmes' reflection on prejudice when he stated, "The mind of a bigot is like the pupil of the eye; the more light you pour upon it, the more it will contract."

So I salute Mr. Lear for his efforts to let a little light in, and I commend this excellent article to all my colleagues in the Congress.

PERFECTLY LEAR: THE MAN WHO CHANGED TELEVISION BRINGS A MESSAGE FOR THE 1980'S

(By Tom Shales)

Television can't be all bad if Norman Lear is coming back to it, and he is. The producer and writer who set the agenda for TV in the '70s with "All in the Family," "Maude," "Mary Hartman, Mary Hartman," "The Jeffersons" and "One Day at a Time" officially ends a five-year absence from series TV this Tuesday night on ABC, when his new comedy, "a.k.a. Pablo," makes its ebullient debut.

Lear has projects under way at other networks, too, and tonight he appears on a taped NBC special as one of the first seven inductees into "The Television Academy Hall of Fame," which honors broadcasting trailblazers, living and dead. Lear is the only living honoree born after 1920; he will be 62 in July. "I felt like the kid on the block," he says of the event; he still has the zip and bravado of the kid on the block, too. Lear's citation praises him for, among other things, "paying much more than lip service to the values that made America great."

During his absence from weekly TV, Lear added to his empire, acquiring Embassy Pictures and renaming his domain Embassy Communications. He has a mansion in manicured Brentwood, Calif., an attractive activist family and millions in income from reruns of his hit shows. You'd think that this man would need the aggravation of weekly TV like a hole in the hot tub.

But he *does* need it. That's part of what makes Norman Norman. When he returned to work in Embassy Television's little corner of the Universal lot there was a palpable aura of nervous danger. *Norman* was back.

"From my point of view, I didn't leave anything," Lear says. "There's a thing on my wall, it's Aristotle's definition of happiness. 'The exercise of your vital abilities along lines of excellence in a life that affords them scope.' I thought that was the best piece of philosophy I'd ever read. I would assess my vital ability to be communicating, and that's one-on-one or writing and then getting that out to 30 million people via television or 20 people in a little theater, whatever it is."

Putting together People For the American Way, a group formed to counter what Lear sees as threats to freedom by the Moral Majority and others of that ilk, was "an enormous exercise in communicating," Lear says. He compares it to making a miniseries. The effort included a poorly rated TV special, "I Love Liberty."

On this particular morning in Washington, after a Capitol Hill huddle with Mark Hatfield, whose reelection bid Lear will support this year, Lear meets with Tony Podesta, executive director of People For the American Way. When they part Lear gives Podesta a big hug. Not a Hollywood hug; a sincere hug. Lear is a hugger. If he could, he would hug the whole world. And expect to be hugged in return.

"I looked at motion pictures, and spent a few months there because we had in the interim bought Embassy," Lear says, "and I liked that well enough but I'm too impatient after years in television. It takes four to six years to get any movie going—any movie going—and that's an exercise in patience, not vital abilities. Patience is not my vital ability. Where else but in television can you have an idea as a dramatist that you're excited about on the first of October and then share it with 30 million people in the middle of December?"

For good luck, Lear did the opening studio-audience "warm-up" for the first two taped episodes of "Pablo." He hadn't walked onto a TV soundstage for this purpose in six years. "It felt exactly the same," he says. "I thought, 'Oh, wait—this man at 61 is walking a little differently, his voice sounds a little different, something is different.' But it didn't feel different.

"It felt terrific."

Television, however, is not the same. It has grown more breakneck and cutthroat, and network executives have leaner and hungrier looks. ABC ordered only six episodes of "Pablo," Lear notes, "despite the fact that it's supposed to be a big deal that I was coming back to television and everything else. Five years ago that would have been 13 shows. Four years before that it might have been 22 shows. Now it's six. And you know that if it's not rating well, the decision to jettison the whole show is probably made after two or three ratings come in. So God forbid anything should be an acquired taste. There's no chance for the public to acquire a taste because they yank it so quickly. There are no villains at the networks; that's just the name of the game."

Lear sees this mania for instant success as symptomatic of a national attitude, not just a television predicament. "As a result of America's fixation with, and obsession with, short-term thinking, suffers," he says. "In every business, we innovate less and experiment less because of the need not to diminish a current profit statement but to have one that exceeds the last. Wherever we look.

"The pressure is to deliver quickly. Television is very, very interesting in terms of its profile in this sense. Since ratings relate directly to dollars, when we look at television we are looking at a medium that the country observes in terms of how it makes

money half-hour by half-hour. No other industry in America, if you look at ratings as dollars, is watched as closely in terms of how many dollars it's making. Half hour by half hour, seven days a week, 18 hours a day. I mean, that's an incredible statistic. So to those network program executives, the need to deliver a winner Tuesday night at 8 o'clock is the paramount thing on their mind. And that's antithetical to risk-taking and innovation."

Lear reiterates that he does not see "villains" in those executive suites, many of them occupied by baby moguls many years Lear's junior. But still . . .

"I think we now have a generation of network program executives that were weaned on television; it may be the first generation weaned 100 percent on television," Lear says."My fear about these young people who were weaned on television and now are responsible for all those choices is that they don't know human behavior from television behavior, because they have seen so much television behavior.

"So, that's a change."

Upon being elected to the TV Hall of Fame, this is what Norman Lear said about the future of television:

"My hope for the future of television is that it will take itself as seriously as it is taken, that the time will come when all of us, all of us including networks, will look to our creative and our human instincts to create and to program, instead of following the dictates of flow charts, and research and overnight ratings, and the pursuit of instant success."

They cheered that. And Norman looked surprised by the cheers. He shouldn't have been.

Not everyone will cheer Lear's return to television. Because his domestic comedies threw out the burnt-pot-roast plots for social realism, Lear was regularly attacked by one pressure group or another. When Maude had an abortion, a good deal of hell broke loose. The Rev. Jerry Falwell is among those who have characterized Lear as a corrupter of American decency, and People For the American Way has made a point of citing Falwell in its warnings about imperiled civil liberties.

Lear does not like to talk about those who hate him.

"Falwell has called me the greatest enemy of the American family in our generation," he says after a contemplative pause, "and I find that just too difficult to take seriously. It seems to me that the bulk of what we've done is a celebration of family. They're all families that hang together, they all love one another, they go through the ordeal of life but they come out on the other side of that ordeal connected. Together. And so it's hard to take these people seriously. I don't think there are that many. That's a hard-core far-right with religious-moralistic overtones."

Lear sees "a.k.a. Pablo" as another affirmation of family and its importance in American and human life. Superficially the story of a young Mexican-American comedian (played by Lear discovery Paul Rodriguez)—a character not modeled after Freddie Prinz, Lear says—"Pablo" is really the story of how the young man's success affects his large family in good ways and bad. In a time when meanstreak comedies seem to be proliferating ("Buffalo Bill," "Empire"), Lear's positivism is refreshing.

"The heart of the show is dealing indirectly with everybody's need for connection and belonging," Lear says. "My feeling is that everybody is going to want to be a member of that family. Who wouldn't want to be surrounded by 15 people who cared for you that much? All of us, four billion people walking the face of the planet, are aching for that. And some few have it. And here they are.

"I think there's a great hunger—everybody uses the word 'nostalgia'—for the past. The greatest part of that hunger is for that large family. We read a good deal about the disintegration of the nuclear family and so forth. Quite true. When I was a kid, the vestige of that large family still existed. We had maybe a dozen huge events that mirrored the size of the family. And then, in my lifetime, that vanished. And the telephone and the airplane that were supposed to have made the world smaller, really made the world a helluva lot larger.

"Because you dip in and out of each other's lives by plane. So Thanksgiving is an afternoon, where 30 years ago, or 50 years ago, if you had to travel three days to get there, you spent four days before you traveled three days to get home again. Now we dip in and out and it's over. In the Mexican culture, they still have large families; they're still intact. They may live across the street or down the street, some of them, but they're basically together a great deal."

Lear says the program will also be about that much-investigated topic of the '80s, The Media (shudder when you say that, pardner). Paul Rivera, a.k.a. Pablo, goes on "The Merv Griffin Show" in one episode and makes jokes about members of his family. He's a huge hit until he gets home and finds not all members of the family amused. He returns to the show to apologize and is goaded into getting laughs at his family's expense all over again.

"And he gets a little merciless," Lear says. "Because I've wondered for years, all of those Phyllis Dillers and Joan Riverses and Alan Kings talking about wives and children—what do the wives and children and husbands feel about all of this? And what gives these comedians the right to make specious and sometimes derogatory jokes about members of families, and what's happening at home through all of that?"

"Pablo" went through a long gestation before making it to production. At one point it was actually considered as a vehicle for the footloose Suzanne Somers, who was under contract to Embassy. If it had been "a.k.a. Suzanne," or whatever, it would have been a show about a woman who played a dumb blond on TV but knew this was compromising her womanhood in real life. This never came about, but then when Lear saw Rodriguez performing in a club, he said to himself, as he now recalls it, "Oh boy, what an opportunity to do that show!" He is just the sort to say "oh boy" to himself.

Another Lear project has even more to do with mass media: "Good Evening, He Lied," a series in development for NBC about a young Harvard MBA who arrives at a sleepy TV station determined to rev it up into competitive hysteria. At any cost. Also in development at NBC is Lear's "P.O.P.," which stands for P. Oliver Pendergast, a character to be played by the Oscar-nominated Charles Durning. Pendergast, says Lear, is "another hunk of my father that wasn't in Archie." Not that Lear's father was a bigot; just that some of Archie Bunker's mannerisms were taken from Lear's memory of his own dad. Durning will play "an utterly charming, mildly larcenous salesman who could sell s--- on a stick for lollipops, which was my father's favorite way of describing himself," Lear says.

A two-hour Lear movie, "Heartsounds," from a 1981 novel by his first cousin's wife Martha W. Lear, will star Mary Tyler Moore and James Garner, be shot in May and air next season on ABC. And Lear is also peddling what he calls a "bawdy restoration comedy" titled "The Education of Harry Bellair," written by playwright Terrence McNally ("The Ritz") and originally developed for Showtime, a pay cable network, but not picked up for production. CBS recently said no to it as well.

Lear has commitments for two CBS projects but he's still angry with the network for the clumsy and rude way it canceled "Archie Bunker's Place" last season. Carroll O'Connor, the brilliant actor who made Archie a national institution, wanted to continue with the program and entreated Lear to return and revitalize it personally. "I could not say no to my company and to Carroll, and we did have a plan, a new way to go," says Lear.

Wedding bells for widower Archie? "No. A May-December romance, a younger woman coming into his life. But no, they were not going to get married; that was the network plan. The network thought that that's what should happen and I convinced them otherwise. But they really didn't let us know they were not going to pick it up. They allowed me to talk with them and give them thoughts and they had already decided they were not going to go with it. CBS didn't handle it well."

A Lear show on ABC seems a little incongruous. He hasn't been represented on that network since the short-lived "Hot 1 Baltimore" in 1975. Lear says ABC executives were alarmed that, except for an opening teaser scene, the title character of "Pablo" does not appear until the very end of the first act of the premiere. They pleaded with him to adjust that.

"One could have made a lot of mistakes listening to them," Lear says. "By the same token, any of them can raise questions or register complaints that make you think a little deeper, and suddenly, as a result of somebody's innocent question or idle remark, you change something and make it infinitely better. That happens all the time."

A good man. A fair man. A rich man. But a man who hasn't lost links with the real world in which people work, struggle and worry about making ends meet. Lear's ends are in no danger of not meeting, but then he doesn't seem the worrying type anyway. He is not worried about possibly tarnishing his golden reputation with new shows that people may compare unfavorably to the old. He'll take his chances. "Of course it crosses my mind," he says, "but if you're sufficiently busy, you don't think about it. And I am sufficiently busy."

The sufficiently busy Norman Lear, his parallel furrows of facial wrinkles allying themselves for a confident smile, also declares, "I wake up every morning of my life hopeful, and I believe in the possible." Norman, you are quite a guy. Consider yourself hugged.

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THE CONTINUING HUMAN RIGHTS VIOLATIONS IN EL SALVADOR

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BARNES. Mr. Speaker, thankfully, deliberate death squad murders in El Salvador appear to be down—at least for the time being. I know that we all applaud the efforts of our Government and our Ambassador in El Salvador to get the Salvadoran Government to dismantle the death squads, and we all hope that the situation will continue to improve.

However, progress on this front must not blind us to the fact that the principal form of human rights violations in El Salvador continues unabated—and almost unnoticed. I am referring to what Orville H. Schell, in a recent New York Times article that I will insert following my remarks, calls deliberate attacks on civilians by the Salvadoran Army, and the army's use of free-fire tactics in guerrilla-controlled zones and conflict zones. Mr. Schell is chairman of the Americas Watch Committee, a leading human rights organization, and past president of the New York City Bar Association.

Our State Department has been engaged in an unfortunate attempt to portray this continuing, deliberate targeting of civilian noncombatants by the army as indistinguishable from the unavoidable killing of civilians as a by-product of war. But the distinction is clear, and El Salvador's leading human rights monitoring organization, the human rights office of the Archdiocese of San Salvador (Tutela Legal), has been making it carefully and credibly for the past several years.

It is inconceivable to me that our Government would fail to support Tutela Legal's efforts to document, bring to light, and curb these serious human rights abuses by the Salvadoran Armed Forces. I know that my colleagues all join me in the hope that the White House and the State Department will become as vocal in their condemnation of this activity as they have recently become about the death squads.

The article referred to follows:

SALVADORAN SLAUGHTER

(By Orville H. Schell)

The State Department is attempting, once again, to persuade Congress that the human rights situation in El Salvador is improving. The department has a new approach: It involves discounting the deaths of hapless peasants killed by the army in its campaign to quash the guerrillas. No one who cares about human rights can accept this sinister accounting.

Seizing upon the Spanish word "masas," which is used by the Salvadoran guerrillas in a propagandistic effort to suggest that the masses support them, the State Department is claiming that peasants who support the guerrillas account for most of the civilian deaths now being recorded by human rights groups.

A cable from the United States Embassy in San Salvador, which the State Department is circulating on Capitol Hill, says that such peasants' "intermingling with and support of the armed insurgents makes them something more than innocent civilian bystanders." Accordingly, the cable seems to suggest, killing them is legitimate. If the deaths of all those labeled in this way by the State Department were subtracted from the figures recorded by human rights groups, it might indeed appear that the human rights situation is improving.

So far, the principal body to challenge the State Department is the Roman Catholic Archdiocese of San Salvador. The archdiocese's human rights office, Tutela Legal, takes testimony from the families of victims and from eyewitnesses to killings. It does not use the word 'masas': It contends that whether civilians support the guerrillas is generally not something that can be determined after they are dead—and, anyway, that it is immaterial.

What matters, according to the archdiocese, is the circumstances in which they are killed. If they take part in hostilities, their deaths are not recorded as human rights violations. If they are unfortunate enough to get killed in the crossfire, their deaths are not recorded as human rights violations. But if testimony from witnesses makes it clear that they died in deliberate attacks on civilians, or that they died because the Salvadoran armed forces use free-fire tactics in guerilla-controlled zones and conflict zones, their deaths are recorded as human rights violations. The Salvadoran guerrillas may call them 'masas'—and the State Department may call them 'masas'—but to the archdiocese their deaths are violations of human rights.

Until late 1983, the State Department tried to exculpate the Salvadoran armed forces of responsibility for civilian deaths by blaming most killings on "right-wing death squads." Following the arrival of Ambassador Thomas R. Pickering in San Salvador in the fall of 1983, the State Department finally began to acknowledge that these death squads were linked to the Salvadoran armed forces, and it began to exert significant pressure to stop their killings. A high point of this effort was a Dec. 11 meeting in San Salvador between Vice President Bush and 31 top Salvadoran military commanders, in which Mr. Bush threatened that United States military aid would end unless death squad activity were curbed.

The effects have been felt, making it clearer than ever that the death squads are connected to the security forces. According to the archdiocese, killings and "disappearances" by nonuniformed death squads have now declined to a dozen or so a week—a staggering number in any rational setting but the lowest weekly figure in more than four years in El Salvador. On the other hand, deliberate killings of civilian noncombatants by the uniformed armed forces have not been affected. These continue to run at about 100 each week.

Plainly, it will be very difficult to curb the uniformed forces. Many of their killings involve efforts to punish civilians who are suspected of having provided food to the guerrillas—willingly or not—or who may have failed to disclose the guerrillas' whereabouts to the armed forces. To use the familiar metaphor of guerrilla warfare, the Salvadoran armed forces have been unable to catch the fish, so they are trying to dry up the ocean. Killing civilians is one way that they hope to prevail.

By contending that only death squad killings count as human rights violations and that anything goes as far as killings by the uniformed forces of El Salvador are concerned, the State Department may succeed in persuading Congress that the human rightrs situation has improved. In the process, however, it will put the United States into the position of apologist before the world for yet another set of Salvadoran horrors.●

SALUTING KENNETH E. SILSBY, AN OUTSTANDING 4-H LEADER

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Ms. SNOWE. Mr. Speaker, I want to call attention to a very special program taking place in Washington saluting the important role volunteers play in the success of one of our best known youth service organizations.

Calling it a "Salute to Excellence," the National 4-H Council is bringing together its top volunteer leaders from each State, the District of Columbia, and Puerto Rico.

During the week, the group will attend workshops and seminars aimed at helping them gain new skills and inspiration to stimulate volunteer activities among adults in their States.

Each of these 52 4-H leaders will return to their home States with a $1,000 grant from R. J. Reynolds Industries Inc., to implement their own plan—developed here this week—to increase voluntarism and strengthen 4-H programs.

Among 4-H leaders in my home State of Maine, the name of Kenneth E. Silsby is well-known. He has been active in 4-H Club work for 14 years. He has served as president of the 4-H County Leaders Association for 4 years, and has been a delegate to the National 4-H Volunteer Leaders Forum in Washington and the Northeast Regional Volunteer Leaders Forum. He has been particularly active and successful in fundraising for the Pine Tree 4-H Foundation.

He currently serves as leader of the Union River Valley 4-H Club in Aurora in Hancock County. The club has 16 volunteer adult leaders, ample evidence of Ken's abilities to generate enthusiasm among adults in working with youth.

Married and a bookkeeper with the Union River Electric Cooperative Inc., Ken also finds time to raise our famous Maine blueberries.

Voluntarism—the great American virtue of giving something of one's self to helping others—has served our Nation well and has given a very spe-

cial character to our national as well as our local life.

Volunteer groups like the 4-H exist because of the time and dedication of leaders like Ken Silsby. Today, we salute them and wish them our best in efforts to generate additional interest in the volunteer spirit.●

SOVIET JEWRY

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. MICA. Mr. Speaker, it is imperative that the U.S. Congress supports the cause of Soviet Jewry. We must focus international awareness on the struggle of Jews behind the Iron Curtain. We must uphold the provisions of international human rights agreements such as the Helsinki accords, which guarantee an individual's right to freedom of religion, cultural practices and emigration. We must raise these human rights issues at every appropriate international and political forum and hold Soviet authorities accountable for their despotic policies.

Jews living in the U.S.S.R. today are engaged in a daily struggle for survival. The Soviet Union actively participates in programs to silence all the cultural activities of Jews and other minorities. Never before in the history of the Soviet Jewry movement has the emigration rate been so low. In 1979 over 51,000 Soviet Jews emigrated while in 1983 just over 1,300 were granted exit visas.

In September, I officially committed myself to speaking out to help gain spiritual, intellectual, and physical freedom for Israel Achildiaev and his family, now denied the right to leave the Soviet Union. Over 4 years ago the Achildiaev family submitted applications for exit visas to Israel. Although Israel Achildiaev's parents were told they could leave, Israel and his young family were refused exit visas. No explanation was given.

The parents of Israel Alchildiaev arrived in Israel on April 26, 1979, to join family living there since 1940. Although letters inviting rest of the Achildiaev family were sent to the Soviet authorities as instructed, the family was denied exit visas. No explanation for this refusal has yet been forthcoming from Soviet officials.

Israel Achildiaev, his wife, and two young children, are victims of Soviet persecution and intransigence. The Soviet Government has waged a relentless crusade against human rights and dignity. The repression and harassment of Soviet Jews stuns our conscience and moral sensibility. We will not stand aside quietly while Soviet Jews and other members of the Russian community are systematically persecuted.●

CIVIL AERONAUTICS BOARD FUNDS NEEDED

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DASCHLE. Mr. Speaker, as my colleagues know, the Civil Aeronautics Board (CAB) has the authority to operate until January 1, 1985. However, the current appropriation runs out on August 1, 1984, thus leaving a 2-month gap between fiscal years 1984 and 1985. A supplemental appropriation of $3 million has been requested which, if approved, would allow the CAB to operate until October 1, 1984. Beginning in October the fiscal year 1985 appropriation will fund the CAB until they go out of business on January 1, 1985.

The CAB provides many extremely important functions in assuring quality air service. They include consumer services such as handling consumer complaints, baggage problems and denied boarding situations.

One of their most important responsibilities and a function which is of particular importance to rural States like South Dakota, is determination of essential air service. In South Dakota, the cities of Sioux Falls, Huron, Brookings, Mitchell, Yankton, and Pierre are served by Mesaba or AAA Airlines, airlines which receive subsidies so that essential air service can be provided. Four of those cities, Huron, Brookings, Mitchell, and Yankton, have only subsidized air service. Nationwide, 130 towns and cities receive subsidized air service.

If the funding for the CAB is allowed to lapse some cities may be vulnerable to the loss of their airlines because there will be no payments to carriers providing essential air service. Furthermore, some cities may see a reduction in their level of essential air service affecting such things as number of flights per day or passenger seats guaranteed.

I strongly urge that Congress approve this supplemental request as soon as possible. A break in service could be a major detriment to States which benefit from the Civil Aeronautics Board's many responsibilities including essential air service.●

MINISERIES DISTORTS CHARACTER OF J. EDGAR HOOVER

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RUDD. Mr. Speaker, last November, the National Broadcasting Co. (NBC) aired a miniseries entitled "Kennedy" which grossly distorted the character of one of this Nation's most dedicated public servants, J. Edgar Hoover.

Mr. Hoover became Director of the Federal Bureau of Investigation in 1924. It was a time when Americans firmly believed that criminals should be punished, not coddled by a liberal judicial system.

I had the opportunity to serve as a special agent under J. Edgar Hoover for 20 years, and I must say that I never had anything less than the very highest respect for him. His life and career were dedicated to upholding the laws of this country and protecting against communism which he correctly understood as a threat to the liberty, freedom, and respect for the individual which Americans value so highly. He demanded no less from special agents of the FBI.

Ignoring this record, which would be a credit to anyone, NBC in its miniseries made vague, unsubstantiated, callous suggestions that Mr. Hoover was soft on organized crime, that he hated women, and that he was racist.

Mr. Speaker, I know from my own observations that nothing could be further from the truth. It is unthinkable that these accusations should be made. The portrayal of J. Edgar Hoover in this series should bring shame to those who produced it.

I commend to may colleagues a December 1983 Accuracy in Media report which addresses the wrong committed against Mr. Hoover by this miniseries. I insert the report in the RECORD at this point:

NBC TRASHES J. EDGAR HOOVER

The producers of the mini-series, "Kennedy," which aired November 20-22 by the NBC, have said that their docudrama was thoroughly researched and is mostly true history. Tom Shales, of the Washington Post, described the series as "the latest delivery of toxic waste from NBC." Shales was upset by the portrayal of Kennedy as "a man with a lot of ambition but without an agenda." Noting that the producer, the writer and the directors were all residents of Britain, he questioned whether this was the proper group to do a portrait of America's first Irish-Catholic president.

The CIA was portrayed as bumbling and incompetent, bearing all the blame for the failure of the Bay of Pigs invasion. The "thorough research" that was supposed to have backed up the documentary evidently failed to turn up the fact that Kennedy's decision to cancel most of the air strikes that were to destroy Castro's small airforce caused the plan to fail. Only half of Castro's planes were destroyed, leaving him with command of the air and sealing the doom of the invading brigade. This political decision dismayed the CIA and the military, but in the NBC version of history, they were made the scapegoats.

HOOVER: DARTHER THAN VADER

If John F. Kennedy came off looking less than heroic, and the CIA incompetent, J. Edgar Hoover was made to appear Satanic—Darther than Vader, in the words of Tom Shales. Peter Farrell, TV critic of the Portland *Oregonian* had said that he couldn't believe that the producers had wanted to

portray the late FBI director in such an extreme way, as a man with such a dirty diseased mind. Producer Andrew Brown told him that the performance was just what they wanted.

The characterization of Hoover was a vicious caricature. Heavy use was made of lighting from below to give Hoover an eerie, Boris Karloff look. The accompanying music added to the malevolent, sinister atmosphere. The actor's movements were deliberate and controlled, until he flew off the handle at some insignificant slight, implying mental imbalance. He portrayed a Hoover obsessed by sex as something evil, a racist who called blacks "niggers," a homosexual, and a blackmailer, who used the FBI to gather information he could use to control presidents.

All of this was laid out in a scene in which Joseph Kennedy, JFK's father, was shown warning his son against J. Edgar Hoover. The elder Kennedy said: "He's a crook and he doesn't like women—our women. He won't even touch a woman, and women don't like him. You better be careful, Jack. Hoover will try and wreck everything. He's not only a crook, he's a fag. And he knows a lot about us, Jack. He's made that his business."

At the same time, Hoover is portrayed as despising Joseph Kennedy. He is shown saying, "Joseph Kennedy. I know about this man . . . who in some truly great society would be disqualified from being the father of the President."

This is all false. J. Edgar Hoover and Joseph Kennedy held each other in high esteem. In his book, "The FBI Pyramid," W. Mark Felt, a former associate director of the FBI, reprints a letter to J. Edgar Hoover from Joseph Kennedy dated October 12, 1955, which Hoover had framed and hung on his office wall until his death 17 years later. The relevant portion of it read:

"DEAR EDGAR: I want to thank you for your most kind and generous remarks.

"I think I have become too cynical in my old age but the only two men that I know in public life today for whose opinion I give one continental both happen to be named Hoover—John Edgar and one Herbert—and I am proud to think that both of them hold me in some esteem . . . .

"I listened to Walter Winchell mention your name as a candidate for President. If that should come to pass, it would be the most wonderful thing for the United States, and whether you were on a Republican or Democratic ticket, I would guarantee you the largest contribution that you would ever get from anybody and the hardest work by either a Democrat or Republican. I think the United States deserves you. I only hope it gets you.

"My best to you always.

"Sincerely,

"JOE."

The two men continued their friendship over the years that followed. Lee Teague, a retired senior FBI official, says that he frequently served as a liaison between the two, and he testifies to the warm regard that they felt for each other. NBC's falsification of the relationship between these two men is indicative of the falsity of the entire portrayal of Hoover.

MAKING HOOVER A FAG

In addition to having Joseph Kennedy directly call Hoover "a fag," the NBC series labored hard to buttress this accusation by portraying Hoover as a man who had no regard for any woman but his mother. Never is he shown saying anything favorable about women. He tells his agents that one of President Kennedy's girl friends "isn't a person, she's a file." Jackie Kennedy is never mentioned, and Robert Kennedy's wife, Ethel, is referred to by Hoover only as "the wife." Hoover never appears in a scene with a woman.

On the other hand, there are several labored efforts to suggest that he had a strong Oedipus complex. One of the more ridiculous of these combined the mother reference with a suggestion that Hoover was an admirer of "Bull" Connor, the Birmingham, Alabama police commissioner whose harsh treatment of black civil rights demonstrators had made him an anathema. He is shown saying to his agent: "Today is Mother's Day. Did you know that? And the Birmingham police commissioner, 'Bull' Connor, has rightly allowed his men the freedom to be with their mothers."

At another point, Hoover is shown having Christmas dinner with a subordinate. He abruptly admonishes his guest. "Don't forget to call your mother." Confronting Bobby Kennedy with information about John Kennedy's sexual exploits, NBC has the FBI director inexplicably declare. "I would have enjoyed a family, but I shared the best years of my life with mother.

Hoover was a confirmed bachelor, and he lived with his mother until her death in 1938, when he was 43 years old. He was very close to Clyde A. Tolson, who was, in effect, his chief of staff at the Bureau. His enemies would have liked to have proved that this was a homosexual relationship, but there is no evidence that this was the case. Mark Felt says that he never saw any sign of homosexual tendencies, nor did any of his colleagues at the Bureau.

Hoover himself explained his celibacy, saying. "I was in love once when I was young, but then I became attached to the Bureau. What wife would have put up with me then?" Mark Felt writes that Hoover was married to his job. The Bureau and his home were his all-consuming interests. He was not the woman-hater that NBC made him out to be Ralph de Toledano points out in his biography. "Edgar Hoover," that he was friendly with "many of the reigning sirens of the period. Dorothy Lamour included." He was gracious and charming with ladies on social occasions. He had a female housekeeper and a very loyal secretary, Helen Gandy, who worked for him until his death.

Hoover insisted that his agents maintain high moral standards. Agents were disciplined for marital infidelity, and homosexuality was simply not tolerated. On the other hand, he liked to go to night clubs and to the race track, placing modest bets on the horses. He had a sense of humor, and he even played practical jokes on his friends. He extolled conventional morality, and he was definitely not an admirer of the jet-set morality of the Kennedy brothers, an attitude that a great many people would have shared had the reporters who covered the White House told all that they knew. NBC has chosen to portray dislike of sexual promiscuity as a kind of mental illness.

MAKING HOOVER A BIGOT

The NBC series attributes highly offensive racist statements to Hoover, sandwiching them between scenes of sickening racial violence. Hoover is painted as the epitome of a bigoted red-neck. He is portrayed as referring to blacks as "niggers" addressing agents as "boy," something he never did, according to those who knew him.

After a scene in which freedom riders are shown being beaten and their bus set afire, Hoover is shown saying. "That bus will find no driver. No bus. Those niggers will stay there. The people will show them that they can't parade themselves, taunting the law. But if it's violence they want, good, men. We'll show them. They won't find one single employee to drive the bus. Any bus. Agitators, Communists. Why does no one listen? They will. They will."

Hoover is shown making this complaint to Bobby Kennedy: "The trouble is we are wasting our time using the FBI to investigate too many occasions where nigger women get themselves raped." Kennedy expresses shock, and says: "Then secure evidence for conviction. Now, you only have five Negro agents out of 5,000."

HOOVER. I will get evidence of Negroid agitation.

KENNEDY. Then produce it. And there will be more Negro agents.

HOOVER. Not while I'm director, Mr. Kennedy.

We demonstrated in our critique of June 3, 1982 attack on Hoover by ABC that the charge that Hoover was a racist was without foundation. This was covered in the August-II AIM Report. We summed up the impressive evidence saying, "It is incredible that a man such as J. Edgar Hoover, who led the battle against the racism of the Ku Klux Klan, a host of neo-Nazi groups in the years before and during World War II—and who opposed the relocation of Japanese-Americans, which was supported by such current heroes of the media as Franklin Roosevelt and Earl Warren—can be portrayed as a bigot."

As for employment policies, Hoover insisted that the same standards be applied to all regardless of race or sex. Pressed by Attorney General Ramsey Clark to lower the FBI's entrance requirements in order to get more minority employees, Hoover responded: "I won't appoint a man to the FBI because his uncle is a powerful senator. And I won't appoint a Negro just because he's a Negro. There are Negroes now in the FBI, and they got their jobs like everyone else—by careful examination of their qualifications, the same examination that any other applicant receives. There has been no case of a Negro who was qualified being turned down. There never will be. But I do not intend at this time or any other time to bring into the FBI any man, regardless of his race or creed, if he does not measure up to the FBI's standards."

KING AND THE COMMUNISTS

The NBC docudrama totally distorts the record in dealing with the reason why the FBI put Martin Luther King, Jr. under electronic surveillance, with Robert Kennedy's authorization. Attorney General Robert Kennedy signed written authorization for the surveillance in October 1963, because he had seen convincing evidence that Martin Luther King, Jr. had broken his word and was still consulting two advisers known to have been Communists. One of these was Stanley D. Levison, who had been identified as an important Communist by Jack Childs, a highly trusted member of the Communist Party hierarchy who was secretly working for the FBI. Levison, a successful businessman, was reputed to have played a central role in establishing businesses to earn or launder money for the Party. Childs had identified Levison in February 1954 as his own nominal boss and as the interim admin-

istrator of the Communist Party's most secret funds.

All of this was spelled out in detail in David Garrow's book, "The FBI and Martin Luther King, Jr.", published in 1982. We covered it in some detail in the August-II 1982 AIM Report. Here is how the allegedly carefully researched NBC docudrama dealt with Stanley Levison.

KING (to Bobby Kennedy). Do you believe what Hoover is saying about Mr. Levison? This man is my friend, my family's friend, and has been for five years. This man has helped us. He has advised us on our legal rights. This man is helping Negroes.

KENNEDY. Why don't you let Mr. Levison speak for himself?

LEVISON. What Martin is saying is true. I have made my advice available to him. I've raised funds for the Southern Christian Leadership Conference. I have been with Negroes when it mattered. Now, you name some other white man who can make that statement.

KENNEDY. I know all that. Hoover says you're a Communist. Why?

KING. Go on. Say it. Are you a Communist?

LEVISON. I have never been a Communist. You asked Harry Belafonte about me, didn't you?

KENNEDY. Yes, I did.

KING. Hoover is trying to discredit the movement.

KENNEDY. Suppose he leaks what he claims to be evidence of your communist sympathies?

LEVISON. I have no communist sympathies.

Soon after this, Bobby Kennedy reports to the President. He tells him that he is certain that Levison is not a Communist. He says "Hoover is out to wreck any progress with the Negroes . . . and get King's neck." The truth is that King had been warned by Robert Kennedy and his top aides, Burke Marshall and John Seigenthaler, to discontinue his association with Levison. He had also been told by President Kennedy personally that Levison and his protege, Jack O'Dell, were Communists. "You've got to get rid of them," the President said.

NBC is guilty of deliberate falsification in portraying Levison as a man innocent of any communist sympathies, ignoring the well-documented record to the contrary.

MAKING HOOVER SOFT ON THE MAFIA

Another grave distortion in the docudrama is the portrayal of Hoover as soft on organized crime, resisting Robert Kennedy's entreaties that the Bureau give attention to the mafia. It shows Kennedy and Hoover arguing about this. Hoover acts like a petulant schoolboy summoned to the principal's office. When Kennedy complains that an FBI report does not include the major mobsters, this dialogue follows:

HOOVER. We mention Capone. (Al Capone had been jailed on charges of income tax evasion in the 1930s). My bureau really has no jurisdiction over organized crime.

KENNEDY. That is simply not true.

HOOVER. I met with Costello. (Presumably the mobster). There is no organized mafia. I don't mind retiring. I have my pension.

KENNEDY. I am not asking you to retire. I am asking you to recognize the existence of organized crime and to do something about it. And, I want you to know this, too. Legal wiretaps will be limited to major crimes.

HOOVER. (suddenly fearful). You want to abolish my weapon?

FBI surveillance of the mafia began in 1956—almost five years before Bobby Kennedy took office—after the big meeting of mafia heads in Appalachia, Mark Felt, who was special agent in charge (SAC) of the Salt Lake City district, which included Nevada, said those years were spent working hard to get information on the "skimming process" at casinos and mob ties to gambling. Bobby Kennedy, to his credit, helped push laws through Congress in 1962-4 which assisted the FBI in their work, mostly in the relaxing of wiretap laws. Hoover would have never said anything as patently stupid as "There is no organized mafia." One fight the two men did have, Felt says, was over Kennedy's demand that FBI agents be released to his personal task force on organized crime. Hoover refused, pledging cooperation, but insisting that the agents go through the local special agent in charge.

NBC'S "NETWORKISM"

J. Edgar Hoover was honored in life and in death as no other civil servant in this country has ever been. His body lay in state in the Capitol rotunda, and he was given an impressive state funeral. He had taken over the Federal Bureau of Investigation in 1924, when he was only 29 years old. It was a small ineffective agency in bad repute. He built it up into one of the most effective and respected law enforcement agencies in the world. He served as its director for 48 years. Martha Mitchell once cracked. "When you've seen one FBI Director you've seen them all."

Hoover had his faults. He was criticized for being a martinet, for making his agents put in "voluntary" overtime, for enforcing standards of conduct upon them that were unreasonable. Nevertheless, he is held in high esteem by the vast majority of the men that his tough code of conduct affected the most—the special agents who served under him. The 8,000-member Society of Former Special Agents of the FBI has denounced the vicious NBC portrayal of him, saying that they look upon Mr. Hoover as "the foundation of the worldwide esteem of the FBI as a premier and model law enforcement agency."

J. Edgar Hoover cannot sue for slander from the grave. He left no family who can rise to defend his good name. NBC and the numerous big corporations whose advertising dollars paid for this despicable character assassination, parading as a true portrayal, must be held to account. This is "networkism" at its very worst.

WHAT YOU CAN DO

1. Write to Thornton F. Bradshaw, Chairman of the Board of RCA, the parent of NBC, asking that he explain why this slanderous portrayal of Hoover was aired and asking that he take action to right the wrong.

2. The companies that advertised on the program are listed in the Notes from the Editor's Cuff. Since this was an entertainment program, they were permitted to screen it in advance. Ask them how they can possibly justify associating their names with this scurrilous broadcast.●

FUNDS WITHHELD: FOOD AND NUTRITION PROGRAM

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. OWENS. Mr. Speaker, I rise to share a concern with my colleagues. Low-income mothers in New York City, as well as the rest of the country, are dependent upon child care which is provided through our licensed day care, Head Start, and family day care centers. The providers, in turn, depend upon the Department of Agriculture food and nutrition program to provide adequate food for the 54,000 children in New York City alone.

For some inexplicable reason, the checks from the Department of Agriculture stopped coming last October. The explanation that I have gotten so far is "computer problem." While we all know that computers can fail and that they can require maintenance and repair, what I cannot understand is how or why it took from October until February to repair the problem and get the money out to child care providers so that children could be adequately fed. The only explanation that comes readily to mind is the suspicion that it benefited the cash flow picture for the Department of Agriculture and that the Treasury benefited by holding the money rather than paying it out. One can hardly marvel at the creative financial schemes involved while children's food money was being withheld.

The time has come for each of us to focus on these little maneuvers which have caused people so much pain. If the agencies with "computer problems" would proceed with their missions, in this case to feed children, then the problems would soon be resolved. Each episode of delayed payments may seem small, but they mount up to a lot of pain for the little people who must bear the burden. In this case, the people were little indeed. They were 54,000 of our children.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWRY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. CONTE. Mr. Speaker, let me take this opportunity to commend my colleagues the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. FASCELL) for sponsoring this special order today. It is important that Members of Congress and governments throughout the world recognize the plight of Soviet

Jews and participate in activities such as the "International Day of Concern for Soviet Jewry." Today, more than ever, Jews in the Soviet Union face a daily struggle for their basic human rights. We must never let this tragedy continue unnoticed.

Anti-Semitism is on the rise in the Soviet Union. The change in Soviet leadership from Brezhnev to Andropov did not improve the lot of Jews in Russia or their ability to leave that country. This blatant discrimination is demonstrated not only by the severe reduction in total Jewish emigration but in outright harassment. Many refuseniks are subject to repeated questioning by authorities; they are fired from their jobs and forced to leave their professions. Students are expelled from universities and professional institutions without cause. Oftentimes when a Jew decides to emigrate, he or she is treated as a nonperson.

Over the past several years, there has been a drastic reduction in the number of Jews allowed to emigrate from the Soviet Union. Since 1979, the Soviet Government has reduced emigration by 98 percent. Last year only 1,314 Soviet Jews were allowed to leave that country, and the future does not look promising.

Flagrant violations of internationally recognized agreements like the Helsinki Final Act and the Universal Declaration of Human Rights must not go unnoticed. Soviet oppression of Jews and other ethnic and religious minorities is contrary to a fundamental principle on which this country is based: the freedom of religion. As Americans we cannot stand by and let this oppression continue. For this reason, congressional inquiries into individual cases are very important.

Let me take this opportunity to share with my colleagues and with those Soviet officials reading these proceedings the details of two refusenik cases. I have been personally working to obtain the release of these two individuals.

Convicted of trumpted-up charges based on false allegations, Mr. Viktor Brailorsky is just completing a sentence of internal exile. Since 1972, the Brailorsky family has applied for permission to leave the Soviet Union. The Government gave Mr. Brailorsky permission to emigrate in 1976. His family, however, was denied permission to leave. Given the treatment his family could receive if he left without them, Brailorsky declined to emigrate. In this case, Soviet authorities denied the Brailorsky family's request for an exist visa based on a claim that Irina, his wife, had access to secret information. She was far from privy to secret information. Irina Brailorsky was a computer scientist at Moscow university. In fact, she received clearance to leave from the rector of the university. I strongly urge that this family be allowed to emigrate, and I have communicated this to Soviet officials in Moscow and to the Ambassador in Washington.

The second case involves a woman of great courage and determination. Since 1971, Ida Nudel has been seeking to emigrate and join her sister, Elena Fridman, in Israel. Mrs. Fridman, her husband and son, were allowed to emigrate to Israel in 1972, leaving Ida in Russia without family. Ida Nudel was denied permission to leave with her sister allegedly because she had access to unspecified secrets in her job as a food industry cost accountant. After years of fighting for permission to emigrate, a frustrated and angry Ida Nudel hung a banner out her apartment window proclaiming "KGB—Give Me My Visa," 3 weeks after this display she was convicted of malicious hooliganism and sentenced to 4 years of internal exile in Siberia. She spent a portion of that time living in barracks that housed hardened male criminals and was forced to sleep with an axe under her pillow for protection. Her work on the behalf of all Soviet refuseniks has had a great personal cost.

During this time, her sister has led an unrelenting fight to secure the emigration of Ida. I just received a letter from Elena this week. In this letter, she explained Ida's plight and her current condition. According to Elena, the Soviet authorities are obvious bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida. Most importantly, she stressed the importance of the repeated American pressure and concern for her safety. I will submit the full text of Mrs. Fridman's letter at this point in the RECORD:

MARCH 5, 1984.

Hon. SILVIO CONTE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CONTE: The depth of your concern for my sister, Ida Nudel, and your commitment to help reunify our small family was again evidenced for me when I recently received a copy of the letter you and 69 of your colleagues in the United States House of Representatives wrote to Mr. Yuri V. Andropov on April 27, 1983 pleading for the release of my sister. The date of that letter was significant as it marked Ida's 52nd birthday.

I write to you at this time in anticipation of the upcoming international conference of the Congressional Wives for Soviet Jewry scheduled to take place in Washington D.C. at the beginning of April, knowing that many of Ida's and my friends will participate and hoping you will share this report with those participants with whom you have contact.

Having legally completed her sentence of four years of internal exile in Siberia in March 1982, followed by a frightening six-month period of homelessness during which she was denied municipal resident permits in numerous places, including her own apartment in Moscow, she was finally allowed residence in the small Moldavian town of Bendery. Yet this has proved to be another form of exile.

It was the thousands of letters she had received in Siberia which had helped sustain her spirit. Since arriving in Bendery, she has received almost no mail. Many people have written to me saying that their letters have been returned with a note from the Soviet postal authorities indicating "Inconnu: No Such Addresss." I have seen some of the envelopes and know they have been correctly addressed.

For the past year she has worked as an attendent at the local Bendery amusement park. Her heart condition has flared up on occasion, but she has not left the town for medical treatment, as she had previously been told that her entry into Moscow was forbidden.

During the past two months, I have become increasingly alarmed by certain new developments. The Soviet authorities seem to be intent on precipitating yet another confrontation with Ida by outrageous provocations.

This began on January 5 of this year when she was summoned by the local deputy police chief who warned her that she was being watched "by the people whose job it is to do so" and that she was not to have any more visits to here home by the "people who call themselves 'refuseniks'." She was also warned not to leave Bendery. Non-compliance would mean arrest, the official said. The timing of this warning was clearly a result of Ida's celebration of the Jewish holiday of Chanuka with some friends who joined her three weeks earlier.

On January 24, 1984, she was summoned by Mr. Arlen Mikhailovitch Shebanow, Deputy Chairman of the Bendery Supervisory Commission on Laws on Religion, who stated that he knew that on the Jewish religious holiday of Chanuka people got together in her home. He suggested to her that she register herself according to the by-laws pertaining to religious groups in Moldavia. According to law (he proceeded to quote the following):

"Passed as an Order by Presidium Supreme Soviet of Moldavia SSR, Number 1616-IX-19/V 1977. Paragraph 8: An organization or group of people who believe may begin their activities only after a decision has been taken based on registration by the Committee dealing With Religious Matters of the Supreme SSSR Committee of Ministers."

Ida replied that matters of religious belief are not a proper subject for discussion between a government official and a private citizen. The official indicated that not applying for this registration would be a clear violation of this law if she plans to again have people in her home to celebrate such holidays.

Congressman Conte, I have come to know you as a friend of Ida's, as someone very concerned with her fate. I am alarmed by this latest development. The Soviet authorities are obviously bent on making the advent of every holiday in the Jewish calendar a period of fear for Ida, for me and for all those dedicated people the world over who treasure the principles which guide her.

After twelve years of refusals, the time has certainly come for the Soviet authorities to relent and allow her to join me in Israel. I know that with your continued

help, we can accomplish this seemingly modest but inexplicably difficult goal.

Sincerely yours,

ELENA FRIDMAN.

Mr. Speaker, these cases represent thousands of others that go relatively unnoticed. Only a few of these names are familiar: Anatoly Shcharansky, Aleksandar Paritsky, and Andrei Sakharov. Our vigil for Soviet Jewry in the Congress must continue not just once a year but until there is freedom for these refuseniks. At this point in the RECORD, I will include letters that I have sent to various Soviet officials concerning the cases of the Lipchin family, the Yuzefovich family, and Nadezhda Fradkova. I am also submitting for the RECORD a letter sent to the new Soviet leader Konstantin Chernenko emphasizing the importance of this issue to many in the Congress. I hope the Soviet Government realizes that increased emigration of Soviet Jews is a necessary step toward improved relations between the United States and Russia.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1984.

His Excellency KONSTANTIN U. CHERNENKO,
Secretary General, Communist Party of the Soviet Union, Kremlin, Moscow, RSFSR.

DEAR MR. SECRETARY GENERAL: As you assume your new position as preeminent leader of the Soviet Union, we urge you to make a risk-free but important gesture of your interest in improving relations between your country and the United States and its allies. We urge you to ease the repression of Soviet Jews who seek to emigrate from your country or practice their religion.

In the past, leaders of both of our countries have expressed interest in improving U.S.-U.S.S.R. relations, and we believe the time is ripe for such an undertaking. As you certainly know, the American people's concern over the plight of Soviet Jews has been an important determinant of the nature of support in Congress for detente between our two nations. Many members of Congress have closely monitored your government's treatment of Soviet Jews.

Many of us consider the Soviet Union's record in recent years on this issue to be appalling. Last year only 1314 Soviet Jews were allowed to emigrate, while thousands of families were denied exit visas. This sharply contrasted with the high level of emigration in 1979 when 51,320 Soviet Jews were allowed to emigrate.

In addition, during 1983 we were greatly concerned to receive reliable reports of increasing government-sanctioned anti-semitic activity. During this time, as members of Congress we raised our voices in support for the plight of Anatoly Shcharansky, Andrei Sakharov, Josef Begun, Lev Elbert and countless others who have been denied their fundamental freedoms.

It seems clear to us that easing the repression of Soviet Jews who simply wish to practice their religion and to emigrate, as is provided for under Soviet Constitution, the Helsinki Final Act, the Universal Declaration of Human Rights and other agreements to which the U.S.S.R. is a party, would not harm the security of your government and would greatly enhance the security of the entire world. We believe that such a gesture would make a positive impression on the opinion of the American people concerning your government's sincerity in its expressed desire for improved relations with the U.S. Moreover, we are confident that President Reagan would interpret your gesture as a meaningful one and would recipricate in a manner which would yield tangible benefits to your people's sense of national security.

For the sake of the well-being of Jews in the Soviet Union and in the interest of better relations between our two nations, we urge you to consider the issue we have raised in the context of current Soviet policies to religious minorities. We welcome hearing your views on this most important and sensitive issue.

Sincerely yours,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

His Excellency KONSTANTIN U. CHERNENKO,
Secretary General, Communist Party of the Soviet Union, The Kremlin, Moscow, RSFSR

DEAR MR. SECRETARY GENERAL: I would like to take this opportunity to urge your government to act swiftly to allow Tzalo and Mikhailovna Lipchin of Leningrad to emigrate to the United States to be united with their only son, Leonid. Tzalo also wishes to be rejoined with his sister, Alma Rothberg, whom he has not seen since 1925.

The Lipchins are elderly pensioners who have been waiting since September of 1979 to be rejoined with their only son. They have been refused repeatedly the right to emigrate on the grounds that Tzalo learned state secrets when he was employed by a navigational computer manufacturer. This work involved partnership with a French firm, thereby, negating the "secrecy status" of his work. It is clear that this is simply a pretext to deny the Lipchins exist visas.

According to reports, this elderly couple has been constantly harassed and Mikhailovna is suffering from a heart condition. In light of this situation, I ask that you show compassion toward this family and allow them to reunite with their relatives in the United States. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Hon. ANATOLY DOBRYNIN,
Ambassador Extraordinary and Plenipotentiary, Union of the Soviet Socialist Republics, Washington, D.C.

DEAR AMBASSADOR DOBRYNIN: I would like to take this opportunity to urge your government to act swiftly and to allow Tzalo and Mikhailovna Lipchin of Leningrad to emigrate to the United States to be united with their only son, Leonid. Tzalo also wishes to be rejoined with his sister, Alma Rothberg, whom he has not seen since 1925.

The Lipchins are elderly pensioners who have been waiting since September of 1979 to be rejoined with their only son. They have been refused repeatedly the right to emigrate on the grounds that Tzalo learned state secrets when he was employed by a navigational computer manufacturer. This work involved partnership with a French firm, thereby, negating the "secrecy status" of his work. It is clear that this is simply a pretext to deny the Lipchins exit visas.

According to reports, this elderly couple has been constantly harassed and Mikhailovna is suffering from a heart condition. In light of this situation, I ask that you show compassion toward this family and allow them to reunite with their relatives in the United States. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Hon. ANATOLY DOBRYNIN,
Ambassador Extraordinary and Plenipotentiary, Union of Soviet Socialist Republics, Washington, D.C.

DEAR AMBASSADOR DOBRYNIN: I would like to take this opportunity to urge you to allow Leonid and Ekatrina Yuzefovich and their children, Mark, Miriam, Ilana, and Ariel, to emigrate to Israel.

The Yuzefovich family has repeatedly been denied an exit visa. Even though Ekatrina and Leonid have many relatives in Israel, the family was refused an exit visa because of "state secrecy". This could only be a reference to Leonid's army service, however, while in the service, Leonid never worked with any classified information and did not have a security clearance.

The release of the Yuzefovich family would be a positive step to improvement of relations between the U.S. and U.S.S.R. I request that you show compassion toward this family and allow them to be reunited with their relatives in Israel. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1984.

Mr. SERGEI P. BURENKOV,
Minister of Health,
Rakhmanovsky Pereulok 3,
Moscow, RSFSR, U.S.S.R.

DEAR MR. BURENKOV: I am writing to you on behalf of Nadezhda Fradkova. Ms. Fradkova has applied to emigrate to Israel and been denied an exit visa.

To protest here denial of an exit visa, Nadezhda began a hunger strike on December 24, 1983. According to reliable sources, Ms. Fradkova was forcibly taken under guard from her apartment to Leningrad Hospital No. 9 by Soviet officials two months ago. She is still being held there in isolation and is being brutally force fed.

I find these actions deplorable and in violation of internationally recognized agreements such as the Helsinki Final Act and the Universal Declaration of Human Rights. I urge you, Mr. Burenkov, to ease the restrictions to Nadezhda Fradkova and allow her to emigrate to Israel. Your attention to this matter is greatly appreciated.

Sincerely,

SILVIO O. CONTE,
Member of Congress.●

VFW VOICE OF AMERICA CONTEST WINNER

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HARTNETT. Mr. Speaker, it is with great pleasure that I submit to you for printing in the CONGRESSIONAL

RECORD, the winning entry in the Voice of Democracy contest from my home State of South Carolina. The author of this fine speech is Miss Diana Denise McDaniel of Charleston, S.C. I would like to applaud Miss McDaniel and the contest's sponsor, the Veterans of Foreign Wars and its Ladies Auxiliary for the hard work that was necessary to make this annual contest a success.

The winning entry follows:

MY ROLE IN UPHOLDING OUR CONSTITUTION

(By Diana Denise McDaniel)

"For we must consider that we shall be a city upon a hill, the eyes of all people are upon us." In this quote John Winthrop, a former governor of one of the thirteen original colonies, described the world's reaction to America's Modern Nationalism. Modern because it combined several separate entities under a general free and democratic government. It all started as a dream. One foggy night in May 1787, a group of distinguished gentlemen met on the second floor of Philadelphia's Independence Hall. Their job? To plan our future. Yes, these gentlemen were the framers of our constitution and the ones who made our dream a reality. But will America remain that great nation on that hill? The country that is not only admired and respected, but envied for its organization of law before its organization of government? It will if we believe in and live by our heritage. The future rests with us! As a nation, there are three major principles of the constitution we should maintain. First is equality. As Americans we all have equal rights to have and enjoy in peace and security whatever our constitutional laws provide for us. Next is justice. The constitution provides for the Judicial branch of government where every American can have equal justice under the law. The third is freedom! Glorious freedom, long may she reign. The constitution gave Americans something that no other country had ever had before, the right to life, liberty, and the pursuit of happiness . . . the freedom to dream, to innovate, and to excel, with the satisfaction of achievement. Now one may ask himself, what is my role in upholding this constitution? What may I do personally to preserve that great charter of American civilization? I believe it is my duty to maintain and obey the laws established for us to insure a harmonious union. As a people we deplore war and pray for peace, but we must keep our powder dry. Therefore, I believe it is my duty to defend my country, even with my life if need be. Most important, I believe that I should have faith in our great nation and hope for its future . . . Then may I proudly climb that hill, and stand tall in that city and tell the world: I am an American! Yes, I am an American. And I shall know that the eyes of all the people are upon ME!●

VIRGINIA COUNTY CELEBRATES 350th ANNIVERSARY

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SISISKY. Mr. Speaker, in the year of 1984 many milestones will be reached. There will be many innovations, many leaps in technological fields. There will be birthdays, and there will be anniversaries.

It is in reference to a very special anniversary and milestone for which I submit this statement, Mr. Speaker. For the county of Isle of Wight in Virginia, is celebrating its 350th anniversary this year.

Mr. Speaker, in order to fully understand the significance of a 350th anniversary, we need to get a mental picture of Virginia in 1634. The Colony of Isle of Wight was one of the first eight counties, or shires, created by the Virginia General Assembly in 1634. The colony at that time was confined primarily to sites along either side of the James River and outposts on the eastern and western shores of the Chesapeake Bay. In all, there were fewer than 5,000 settlers in the entire colony that had begun at Jamestown less than 30 years earlier.

Isle of Wight had several settlements by then, and was recovering from the Indian massacre of 1622, which had taken the lives of many of its first inhabitants. Indians, in fact, still lived in the southern parts of the county, but a fairly merciless push against America's original residents had decimated their ranks following the massacre.

While there were relatively few Englishmen here at the time, their numbers were increasing rapidly. The colony's population grew from 2,500 people in 1630 to 4,914 in 1635. With Tidewater's first population boom thus underway, the general assembly saw a need for local order and voted to create eight counties based on the English county system with which the settlers were familiar.

Information on Isle of Wight County is, at best, sketchy. This lack of information is understandable. Our ancestors in the early 1600's were more concerned with who married whom and who settled where, than they were with writing what we now consider interesting history. But their accounts have provided us with an image of what Virginia was like during its early years.

Mr. Speaker, I am enclosing an article of interest from the Smithfield Times, a local paper in Isle of Wight County. In this article, the point is made that 1984 is more than an anniversary celebration for a single county. It is the anniversary of the basis of local government that is used today throughout Virginia and the United States. I commend it to you:

THIS BIRTHDAY WORTH REMEMBERING

(By John Edwards)

Isle of Wight's decision to do something special for its 350th anniversary is a sound one. For a county undergoing rapid change, there is unquestionably a need to create pride in our common heritage and to move into the future with a firm understanding of where we have been.

But 1984 should become more than just an anniversary celebration for a single county, because the decision made in 1634 by the General Assembly had considerably more significance than that. What the Assembly decided was that the system of county government which had worked so well in maintaining order and protecting the rights of Englishmen would be attempted in the New World. With that idea in mind, they created the basis for local government that today is used throughout the Old Dominion and the United States.

Thus, 1984 should be celebrated not only as the anniversary of a county but as the birth of local government as we know it in this country. And make no mistake about it. Local government is "where the action is" today. Washington and Richmond may try, but they can never competently direct the education of our children. They cannot posibly know who needs social services or health care. Those governments have experts who understand solid waste disposal, but they certainly can't make sure that trash dumpsters are emptied the day after Christmas or on weekends. When a road needs paving, property needs zoning or construction needs inspection, it is local government which must take on the job.

Local government has never been as "glamorous" as state or federal government, and yet when crises develop in our lives, it is local government to which we often must turn for help. It's a major force in our lives, and its founding thus deserves recognition not only here but throughout the Commonwealth.

This reporter feels it would not be stretching the significance of the 1634 General Assembly action to declare a statewide celebration next year. Local General Assembly representatives should [and we understand they will] be asked to carry appropriate resolutions to Richmond commemorating the decision to create county government.

Beyond that, a regional commemorative event could be held at Jamestown, where the 1634 Assembly met, marking that event. Such a celebration, if properly planned, could well draw national attention, because the impact of the county system has certainly been felt throughout the country's history.

Such an observance would in no way deminish the effort to hold a meaningful celebration of Isle of Wight's 350th anniversary. In fact, it would make such a celebration even more meaningful and a greater source of pride for county residents, giving them a feeling of belonging to a tradition which began here and has spread across the face of the nation.

As for local celebrations, the possibilities are so numerous as to be mind boggling. Local history and culture could and should be emphasized during the year in the county's schools. A modern county history is badly needed and a historian to tackle that project could be sought. Either a major festival or "mini" festivals celebrating elements of the county's heritage could be undertaken and the possibilities for cultural activities are so numerous that they certainly would have to be screened carefully just to allow enough time for the best to be held.

In all, it's probably one of the most exciting things that could happen to this county in many years, and it offers county residents the opportunity to share an experience they will talk about for years.●

THE KINDNESS/KASTENMEIER APPROACH TO BANKRUPTCY COURTS

HON. ROBERT W. KASTENMEIER
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. KASTENMEIER. Mr. Speaker, the bankruptcy court amendment to H.R. 5174 in today's RECORD is very simple. It gives Federal district courts broad jurisdiction over bankruptcy matters. Existing bankruptcy judges would assist the district courts in these cases, much like magistrates now help the district court handle criminal and civil cases. The bankruptcy judges would be able to enter final judgments in the 95 percent of the cases that do not require involvement by an article III judge. In the remaining 5 percent of bankruptcy cases, the bankruptcy judge would enter a proposed judgment. The district court, after reviewing the record but without holding a second hearing, could promptly enter the final judgment.

ADVANTAGES OF THE BILL

The advantages of this approach over Chairman RODINO's bill are many.

First, it does not require an enormous increase in the number of lifetenured judges. Chairman RODINO's bill would increase the number of article III judges by 35 percent. Moreover, this increase would be irrevocable. Article III judges can be removed only by impeachment.

Second, my amendment would not disrupt the current system of bankruptcy litigation. The bankruptcy courts would retain broad jurisdiction to handle all necessary aspects of a bankruptcy case. The courts would operate under familiar procedures. My amendment functions much like the emergency bankruptcy rule under which the courts are now operating. The amendment would also retain the current bankruptcy judges. In contrast, Chairman RODINO's bill would involve a difficult transition period. For more than 2 years, lameduck nontenured bankruptcy judges would exercise the same powers the Supreme Court held unconstitutional in Marathon.

Third, creation of separate article III bankruptcy courts would make bankruptcy practice even more difficult for the average lawyer and citizen. The proponents of article III bankruptcy courts are almost exclusively bankruptcy specialists. The rest of the bar, including the American Bar Association, opposes the article III bill. It is quite apparent that the effect of H.R. 5174 would be to turn the bankruptcy courts into a private club, with which the bankruptcy bar is familiar and in which others are outsiders.

Fourth, article III bankruptcy courts are unnecessary. They are not required by the Supreme Court's Marathon decision. The otherwise able lawyers who favor article III bankruptcy courts contend that they cannot understand the Marathon decision and that only an article III court is free of constitutional doubts. That is simply not so.

Marathon held only that judges who were neither appointed under article III nor subject to control by an article III court could not decide suits that were not integral to a bankruptcy case. Marathon expressly approved prior Supreme Court cases that allowed nonarticle III judges to perform other tasks.

The powers that bankruptcy judges would perform under my amendment conform exactly to those previously upheld by the Supreme Court. Their powers in Marathon-type suits are identical to the powers of magistrates, which the Supreme Court upheld in *United States* v. *Raddatz*, 447 U.S. 667 (1980), and approved in Marathon. The bankruptcy judges' powers in proceedings that are central to the bankruptcy case are like those of the administrative agency, upheld by the Supreme Court in *Crowell* v. *Benson*, 285 U.S. 22 (1932), and also approved in Marathon.

Fifth, creation of an article III Bankruptcy Court would give bankruptcy cases more preferential treatment than other types of Federal suits. The proponents of an article III Bankruptcy Court have expressly stated that bankruptcy cases should not be heard by the district courts because they would have to wait in line with other cases. Bankruptcy cases are not more important than criminal, civil rights, antitrust, and other Federal cases. Although bankruptcy cases must be handled quickly, that can be accomplished under my amendment without creating a large, new article III court.

Sixth, if bankruptcy filings decline, there would be strong pressure to allow article III bankruptcy judges to decide other types of cases. The danger in this is that the bankruptcy judges may not be qualified to decide these cases. Chairman RODINO's bill expressly urges that the current bankruptcy judges be appointed as article III judges. These judges were chosen without regard for their fitness to hear criminal, civil rights, and other cases that require broader social and legal experience.

Seventh, the arguments of the article III proponents also suggest that the 475 U.S. magistrates should also be given article III status. That would result in a 73-percent increase in the number of article III judges. We cannot create an infinite number of article III judges. In keeping with the modern trend of streamlining litigation, the Congress should use less expensive nonarticle III judicial officers whenever possible.

I can understand why the proponents of an article III bankruptcy court want their own separate, specialized tribunal that is not subject to control by courts representative of the general legal community. What I cannot understand is why Congress would want to fulfill this desire.

I would now like to address some questions about H.R. 3257 that have frequently been raised.

Question: Would my amendment resurrect the jurisdictional disputes that plagued practice under pre-1978 law?

Answer: No. The two evils of the jurisdictional provisions of pre-1978 bankruptcy law were numerous disputes as to whether proceedings were properly in bankruptcy court or State court, and delayed judgments in those matters that had to be tried in State courts. My amendment eliminates both these evils.

My amendment provides a single, prompt forum for almost all bankruptcy litigation. The district courts would have the same broad jurisdiction in bankruptcy matters as under Chairman RODINO's bill. The only difference between the bills is that under my amendment the bankruptcy judges would make recommendations to the district court, rather than enter final judgments, in about 5 percent of bankruptcy matters.

My amendment authorizes bankruptcy judges to decide all core bankruptcy proceedings, subject only to traditional appellate review. This jurisdiction in core bankruptcy proceedings is broader than the summary jurisdiction of the bankruptcy courts under pre-1978 law. Core proceedings include all those in which the right to relief is created by Federal law, whether or not the proceeding concerns property in the possession or constructive possession of the trustee. A survey performed in the Ninth Circuit Court of Appeals suggests that 95 percent of the proceedings conducted by bankruptcy judges are core proceedings.

The district courts will be able to handle expeditiously the 5 percent of bankruptcy proceedings that arise under State law. My amendment authorizes the bankruptcy judge to conduct a hearing and enter a proposed judgment in State law cases. The district court may enter a final judgment after reviewing the transcript. The district court need not conduct a second hearing. The parties may also consent to have the bankruptcy judge enter judgment in such proceedings, without waiving their right to appellate review. Similar consent provisions have been upheld by all of the courts of appeal to address the issue. State law suits would be transferred to State court only if a prompt decision could be obtained there.

My amendment would also eliminate most jurisdictional disputes. First, the distinction between core bankruptcy matters and those arising under State law is clearer than the old summary-plenary dichotomy. The Federal courts are used to distinguishing between matters arising under State law and those arising under Federal law. My amendment makes this process even easier by expressly identifying virtually all core proceedings.

Second, there is little incentive to litigate whether a matter is a core proceeding. The major reason for disputing jurisdiction under pre-1978 law was that a party who owed money to the estate might thereby postpone paying the obligation. Matters outside the summary jurisdiction of the bankruptcy judges generally had to be tried in State court, which generally entailed long delay. Under my amendment, having a proceeding determined to be one arising under State law would not enable a party to escape swift judgment. The matter would be heard by the bankruptcy judge, unless a State court would decide the case promptly. The bankruptcy judge would enter a proposed judgment, which could be made final by the district judge with little delay.

Question: Is the Kastenmeier amendment constitutional?

Answer: Yes. The amendment is very different from the statute struck down in Marathon and is constitutional under prior Supreme Court cases that were cited with approval in Marathon.

My amendment is entirely consistent with the Supreme Court's opinion in Marathon. Marathon held only that: First, bankruptcy judges were not true adjuncts of the district courts because the district courts had no control over them; and second, a separate nonarticle III court could not properly decide State law claims that were not integral to the core bankruptcy function of restructuring debtor-creditor rights.

Marathon cites with approval prior Supreme Court decisions upholding statutes under which the adjuncts were subject to closer control by article III courts. The powers accorded to bankruptcy judges under my amendment conform to those approved in those prior Supreme Court decisions.

The powers the bankruptcy judge may exercise depend upon whether the proceeding arises under State law or Federal bankruptcy law. The Supreme Court stated in Marathon:

> [W]hen Congress creates a statutory right, it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. 458 U.S. at 83.

Congress may assign less power to an adjunct in the adjudication of rights that are created by Congress.

The powers that bankruptcy judges exercise under my amendment in suits arising under State law are identical to those exercised by magistrates. The bankruptcy judge conducts the hearing and submits a recommendation to the district court. The powers accorded magistrates were upheld by the Supreme Court in *United States* v. *Raddatz*, 447 U.S. 667 (1980), cited with approval in Marathon. Where the parties consent, the bankruptcy judge may enter a binding judgment. Identical consent provisions have been upheld by each of the four courts of appeals to address the issue.

Bankruptcy judges may lawfully exercise broader powers in core bankruptcy proceedings, which arise under Federal law. The bankruptcy judges' powers in such proceedings under my amendment are functionally identical to those upheld by the Supreme Court in *Crowell* v. *Benson*, 285 U.S. 22 (1932). In such proceedings, the bankruptcy judge may enter a binding judgment, subject to review by the district court on appeal. Crowell stated that the ability of an article III court to review questions of law in such proceedings satisfies the requirements of article III. Indeed, H.R. 3257 may be more clearly constitutional than the statute in Crowell because bankruptcy judges are subject to closer control by the district courts than was the agency in Crowell.

Core bankruptcy proceedings properly include all those integral to the restructuring of debtor-creditor rights, even those that involve incidental questions of State law. Marathon expressly states that "bankruptcy adjudications themselves, as well as the manner in which the rights of debtors and creditors are adjusted, are matters of Federal law" 458 U.S. at 84, n. 36. The Supreme Court previously held in *Katchen* v. *Landy*, 382 U.S. 323 (1966) that State common law actions become transformed into Federal bankruptcy matters when brought in proceedings integral to a bankruptcy case.

It is not important that bankruptcy proceedings do not involve "public rights." Jurisdiction must be confined to public rights only where Congress attempts to create a separate article I court. My amendment establishes bankruptcy judges as adjuncts to the district court. Nor is it important that the district court does not review de novo the bankruptcy judge's findings in core bankruptcy proceedings. Marathon stated that de novo review was necessary only in suits arising under State law, and that Congress could assign broader powers to an adjunct in the adjudication of Federal statutory proceedings.

There are serious questions, however, about the constitutionality of Chairman RODINO's bill. The existing bankruptcy judges would exercise the same powers held unconstitutional in Marathon until their successors are appointed. The bill provides that this transition period would last for more than 2 years. There are no prior decisions that justify this violation of the requirements of article III. The Supreme Court decision to stay the effective date of Marathon is a very different matter from upholding the reenactment, even for a limited period of time, of provisions previously found unconstitutional. The legality of the transition provisions of H.R. 5174 rests on the cynical assessment that the courts would wink at this constitutional transgression.

Question. Would the Kastenmeier amendment result in the appointment of less qualified bankruptcy judges?

Answer. No. Elevating the bankruptcy courts to article III status would not greatly increase the quality of applicants. Few of the leading bankruptcy lawyers have expressd any interest in becoming article III bankruptcy judges. This is probably because the work of a bankruptcy judge, even under an article III bill, is very routine.

At the same time, Presidential appointment would decrease the pool of applicants realistically eligible to be chosen. As with district and circuit judgships, only those applicants active in the President's party are likely to be chosen.

Presidential appointment works well for district and circuit judges, because many qualified lawyers are willing to serve, the range and importance of issues to be handled makes it appropriate to consider a potential judge's political philosophy, and the large impact and high visibility that an individual judge can have induces the President to choose a well-qualified candidate. The same conditions do not exist with respect to bankruptcy judgeships. There is not a huge pool of obviously qualified candidates, and the President does not have as strong an incentive to choose the best qualified of those candidates.

The bankruptcy judges chosen by the courts of appeals under my amendment would probably be at least as good as those produced under Chairman RODINO's bill, because the courts of appeals would be more likely to choose the best-qualified candidate regardless of political affiliation.

Question: What State law issues must be decided by an article III judge?

Answer. Only those State law issues that are not integral to the core bankruptcy function of restructuring

debtor-creditor rights need be decided by an article III judge. I shall call such issue marathon-type claims. State law issues that arise in the course of restructuring debtor-creditor rights may be decided by a bankruptcy judge. These are core bankruptcy proceedings. Approximately 95 percent of all proceedings may be decided by a bankruptcy judge either because they involve wholly Federal law questions or because the State law issues involved are merely incidental to core bankruptcy proceedings.

Chairman RODINO contends that 80 percent of all bankruptcy proceedings must be heard by an article III judge because they involve some question of State law. This argument is misconceived because it fails to recognize the difference between those proceedings that truly arise under State law, and those arising under Federal law that involve only incidental questions of State law.

The Marathon decision carefully notes that the State law issue there was not part of core bankruptcy proceedings. The decision states explicitly that core bankruptcy proceedings are matters of Federal law:

> Of course, bankruptcy adjudications themselves, as well as the manner in which the rights of debtors and creditors are adjusted, are matters of federal law. 458 U.S. at 84, n. 36.

Prior Supreme Court decisions support the conclusion that what would otherwise be a matter of State law changes its character when tried as part of the core bankruptcy function of restructuring debtor-creditor rights. In *Katchen* v. *Landy*, 382 U.S. 323 (1966), the Court held that what would ordinarily be an action at law is transformed into an equitable proceeding when it arises in core bankruptcy proceedings:

> [A]lthough petitioner might be entitled to a jury trial on the issue of preference if he presented no claim in the bankruptcy proceeding and awaited a federal plenary action by the trustee, . . . when the same issue arises as part of the process of allowance and disallowance of claims, it is triable in equity. The Bankruptcy Act, passed pursuant to the power given to Congress by Art. I, § 8, of the Constitution to establish uniform laws on the subject of bankruptcy, converts the creditor's legal claim into an equitable claim to a pro rata share of the res . . . . *Id.* at 336 (citation omitted).

The logic of the article III cases also suggests that bankruptcy judges may exercise broad powers in all core bankruptcy proceedings. Whether an adjunct may exercise broad powers or only limited powers depends upon whether Congress has the power to make substantive law over the matters to be adjudicated. Congress may not modify indirectly, through influence over the adjunct, those rights it cannot modify directly.

In this respect, State law rights arising in core bankruptcy proceedings are functionally equivalent to congressionally created rights, because Congress has the power to modify State law rights in bankruptcy proceedings. Unlike the States, Congress may impair the obligations of contracts through the bankruptcy clause. Indeed, the very purpose of bankruptcy is to modify the rights of the debtors and creditors, and the bankruptcy code authorizes the bankruptcy court to abrogate or modify State-created obligations in many ways.

A study performed in the Ninth Circuit Court of Appeals concluded that approximately 95 percent of all matters before the bankruptcy court are core proceedings.

Question: May the parties consent to have State law suits decided by a bankruptcy judge?

Answer: Yes. If this were not true, then the U.S. magistrates system, which is partly based upon consent, would also be unconstitutional. Chairman RODINO, in fact, supported the constitutionality of the Reform Act of 1979. Nothing has occurred since to justify a change in view. Rather, since 1979 four circuit courts of appeal have considered the constitutionality of consent jurisdiction for magistrates and each of them has upheld it. This view is also the firm position of the U.S. Department of Justice.

Chairman RODINO claims that the parties to a bankruptcy cannot constitutionally consent to jurisdiction, and that an agreement to have a non-life-tenured bankruptcy judge hear a case is the functional equivalent of waiving jurisdiction. This view has been rejected by the courts of appeals. This view also fails to understand how my amendment will work. Jurisdiction is vested by statute in the district court. Thus, the parties are stipulating only that a specific officer within the court exercise that jurisdiction. Just as criminal defendants can waive their constitutional right to a jury trial, parties to a bankruptcy proceeding can waive their right to have a case heard by a district court judge.[1]●

[1] Traditionally, the bankruptcy laws have included a provision that, once a reference has been made to a bankruptcy judge, the parties to the proceeding are deemed to have consented to the bankruptcy judge's determining the matter unless a timely objection has been made. Sec. 157(b) does not include an express provision to this effect. However, no change in the traditional concept is intended or expected. *Cruz* v. *Hauck*, 575 F.2d 322, 330-331 (5th Cir., 1975), cert. denied, 424 U.S. 917 (1976), see also, *Hill* v. *Duriron Co., Inc.*, 656 F.2d 1208, 1213 (6th Cir., 1981); *First Iowa Hydro Elec. Coop.* v. *Iowa-Illinois Gas & Electric Co.*, 245 F.2d 613 (8th Cir., 1957); *Magna Leasing, Inc.* v. *Staten Island Mall*, 428 F. Supp. 1039 (S.D.N.Y. 1977).

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. TORRICELLI. Mr. Speaker, today I join with my distinguished colleagues in this special order to mark the International Day of Concern for Soviet Jews. The tragic plight of the Jewish refusenik community in the Soviet Union and that country's complete disregard for fundamental freedoms make a mockery of human dignity, justice, and religious expression. Until the Soviet Government respects the spirit of human rights for Soviet Jews, our denouncement of this tyranny must never cease.

In 1975, when the Soviet Government signed the Helsinki accords, there was hope that the process allowing Soviet Jews to emigrate would be accelerated. Unfortunately, Jewish emigration from the Soviet Union has steadily declined in recent years, from 51,320 in 1979, to 1,314 in 1983. The Soviet authorities claim that all those wishing to leave the country have already done so. But at least 50,000 refuseniks, with the knowledge that newly enacted laws may result in their dismissal from jobs or even imprisonment for doing so, have recently applied for exit visas.

The tragic but widely reported cases of Andrei Sakharow, Lev Elbert, Ida Nudel, and Anatoly Shcharansky, who today has just completed his eighth year of a 13-year prison sentence for expressing his views and wishing to emigrate to Israel, are representative of the Soviet treatment of hundreds of thousands of Soviet Jews. Harassment, persecution, and oppression must be coped with daily by the Soviet Jews. Hebrew classes have been banned. Many Jews have been indiscriminately jailed for participating in religious ceremonies. Correspondence between Soviet Jews and their brethren abroad has been severely restricted. And most recently, a massive propaganda effort has been initiated against Jews, including the publication of a flagrantly anti-Semitic book, "The Class Essence of Zionism," and the establishment of the Anti-Zionist Committee of the Soviet Public. It is all too clear that it is the Soviet intention to uproot and eliminate the Jewish identity.

Mr. Speaker, as Members of Congress, we must call upon the new leaders of the Soviet Government to demonstrate compassion and a willingness to work toward world peace and humanity. A symbolic and important gesture toward this important goal would be to grant Soviet jews their freedom. We cannot rest until this dream becomes a reality.●

CONGRESSIONAL SALUTE TO HON. JON P. SPINNANGER OF NEW JERSEY, 1984 OUTSTANDING CITIZEN OF THE YEAR OF POMPTON LAKES CHAMBER OF COMMERCE

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ROE. Mr. Speaker, on Saturday, March 24 the residents of Pompton Lakes, my congressional district, and State of New Jersey will join together in testimony to an esteemed businessman, community leader, and good friend, the Honorable Jon P. Spinnanger, former mayor of Pompton Lakes, N.J., whose distinguished public service to the borough of Pompton Lakes and its surrounding communities has earned him the highly coveted Outstanding Citizen of the Year Award of the Pompton Lakes Chamber of Commerce. I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation to Jon Spinnanger for all of his good deeds and share great pride in the success of his achievements with his good wife, Judy, and their children, Debbie and Jeff, on this milestone of achievement in their family endeavors.

Mr. Speaker, the Pompton Lakes Chamber of Commerce is one of our Nation's most prestigious affiliates of the U.S. Chamber of Commerce. Their masthead reads, "where the historic past meets the progressive future," and their organization has surely served the business community of Pompton Lakes with distinction. Jon Spinnanger has also distinguished himself in the community and has been selected by them as this year's honoree for his outstanding record of responsible service to the people of the community.

It is important to point out that in recognition of his distinguished public service to the people of the borough of Pompton Lakes, the Honorable Mayor Charles C. Romain, Jr., proclaimed the week of February 27 through March 3, 1984, as Jon P. Spinnanger Week in the borough of Pompton Lakes. This tribute by the mayor and residents of his community where he had served as councilman during the years 1972-74 and as mayor 1976-83 was observed and commemorated by our people in recognition of Jon P. Spinnanger's "pride in Pompton Lakes" with best wishes for his continued good health and success. The proclamation reads as follows:

PROCLAMATION HONORING JON P. SPINNANGER

Whereas Jon P. Spinnanger has faithfully served the Borough of Pompton Lakes, County of Passaic, State of New Jersey, spanning the years of Nineteen Seventy-two through Nineteen Eighty-three, and

Whereas Jon P. Spinnanger served as Councilman for three years during Nineteen Seventy-two through NIneteen Seventy-four, and

Whereas Mayor Spinnanger, as Chief Executive of the Borough of Pompton Lakes served in this capacity for the period of Nineteen Seventy-six through Nineteen Eighty-three, and

Whereas many projects under his term as Mayor, with Bi-Partisan support, have come to fruition, in the form of a New Fire House, Municipal Building, Lake Projects and more too numerous to list: Now, therefore, be it

Proclaimed that the week of February 27th through March 3rd be and is hereby designated as Jon P. Spinnanger week in the Borough of Pompton Lakes. Be it further

Known that all residents are encouraged to recognize Jon P. Spinnanger's "Pride in Pompton Lakes" and wish him many more years of Good Health and Success.

Whereunto I have this 22d day of February, 1984 set my hand and Seal.

CHARLES C. ROMAIN, Jr.,
Mayor.

Mr. Speaker, Jon Spinnanger was born in Brooklyn, N.Y. and raised in New Jersey. He attended local elementary and secondary schools in our State and is a graduate of Fairleigh Dickinson University. Jon has been with the New Jersey Bell Telephone Co. for 17 years and is presently manager of government relations for the company. In February 1977 he was the receipient of New Jersey Bell's Good Citizen Award for the quality of his leadership and sincerity of purpose in the community on behalf of people's needs.

Jon is most assuredly a highly personable and competent public administrator. As chief executive officer of Pompton Lakes he has been in the vanguard of municipal officials with the New Jersey Conference of Mayors (NJCM). He was a member of the Board of Directors of NJCM unitil he was elected a vice president for 1981-82. Mayor Spinnanger was elected president of the NJCM for 1982-83. A highlight of his term in office was his personal membership drive during which he brought in a great many new members. In his present capacity as immediate past president, Jon Spinnanger takes time from his many responsibilities at New Jersey Bell to continue his active participation on the board of directors and has also accepted the position of chairman of the membership committee for 1984.

His personal commitment to the economic, social and cultural enhancement of our community has been a way of life for him. Among his many affiliations in service to the people, he is member, Legislative Advisory Committee, New Jersey Utilities Association; member, New Jersey Alliance for Action; member, League of Municipalities and has conducted several symposiums at the league's conventions; member, Board of Directors of SEED (Society for Environmental and Economic Development); New Jersey Industrial Development Association; World Trade Council; Board of Directors, Paterson Regional Development Corp.; member and organist, Pompton Lakes Elks Lodge 1895; member, Make Jersey Work; member, Pompton Lakes Chamber of Commerce; trustee, Pompton Lakes First Aid Squad; secretary-treasurer, Italian Earthquake Victims Relief Fund—1981; and Lakeland Solid Waste Management Authority.

Mayor Jon Spinnanger has brought great honor and prestige to the borough of Pompton Lakes with his good works and we are particularly proud of his compassion, dedication and untiring efforts on behalf of our young people. In 1983 he received the esteemed "Good Scout of the Year" Award of the Passaic Valley Council, Three Rivers District of the Boy Scouts of America. He was counselor for New Jersey Boys State and participated in a highly rewarding program for these young people at Rider College in June of 1982 and 1983.

Jon was district chairman of the Passaic Valley Council, Three Rivers District, Boy Scouts of America; past president, Morristown Lions Club; past president and still active member, Newark Central Lions Club.

Mr. Speaker, it is appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. As we gather together on March 24 with the Pompton Lakes Chamber of Commerce in tribute to Jon's leadership endeavors and personal commitment dedicated to service to people, we do indeed salute a great American—the Honorable Jon P. Spinnanger of Pompton Lakes, N.J.—1984 Pompton Lakes Chamber of Commerce Outstanding Citizen of the Year.●

GERRY ADAMS RESPONDS TO REMARKS OF PRIME MINISTER GARRET FITZGERALD

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DELLUMS. Mr. Speaker, several of my constituents forwarded to me remarks from Mr. Gerry Adams in response to the remarks by the Honorable Garret FitzGerald before a joint session of Congress on March 15.

I understand that Mr. Adams' remarks are controversial, but they represent the views of a significant constituency.

HONORABLE MEMBERS OF CONGRESS FROM GERRY ADAMS, PRESIDENT OF SINN FÉIN IN REPLY TO GARRET FITZGERALD

1. I call your attention for the plight of that substantial segment of Irish people whose concerns will not be voiced by Garret FitzGerald. Those whom Garret FitzGerald has ignored demand your consideration ur-

gently. To them, violence, terrorism and the litany of suffering are not detached intellectual concepts or impersonal statistics, but an abiding part of daily life for ourselves, our families and our friends.

2. I raise this plight as one of many Irish men and women not only ignored but abandoned and sacrificed. I do so in my capacity as one elected by the people of West Belfast, on an abstentionist platform, to the British Parliament and to the British Stormont Assembly, as well as the President of Sinn Féin. I refer to the plight of more than half a million Irish nationalists living in the British-held portion of Ireland, and do so supported by patriotic Irish men and women in the twenty-six counties, who will never abandon fellow Irish citizens to British hegemony.

3. It would be difficult under any circumstances for Americans to fully grasp the terror of life for the Irish under British rule. Today, British forces in Ireland, including the British Army, Royal Ulster Constabulary and Ulster Defense Regiment, number 30,000. These British occupation forces saturate a small area whose total population is approximately 1.5 million. Britain has divided the people of the six counties by a carefully fostered system of religious discrimination in employment, housing and political power. These divisions ensure that the weight of the British occupation forces will be doubly visited upon Catholics of the region, who are presumed to be Nationalist—politically opposed to the British.

4. British occupation forces and pro-British Loyalist paramilitaries have callously murdered hundreds of innocent Irish civilians. (Indeed, the figures published by Garret FitzGerald's New Ireland Forum place the figure at eight hundred and seventy five.) Most of these were not even political activists. An international tribunal including representatives from the British and Irish Council of Civil Liberties are currently investigating numerous instances wherein the British forces acting as death squads summarily executed unarmed Irish people. An important feature of the tribunal's investigation is the manner in which the judicial system has been harnessed to shield those guilty from legal redress.

5. It is one thing to consider such murders from the vantage point of Congress, three thousand miles removed from Ireland. It is another to view such murders from the perspective of Garret FitzGerald, carefully distanced by partition and his place within the twenty-six county establishment. It is quite a different matter to view such murders, as friends or relatives of the victims and as part of the community against whom such actions are part of a strategy of British terrorism.

6. British forces daily conduct gunpoint interrogation of Irish people on Irish streets and conduct thousands of gunpoint invasions of Irish homes. The targets of such encounters are generally taunted by the British about those who have been murdered during similar encounters.

7. Under British law, terrorism is defined as the use of violence to instill fear for political purposes. The reality is that the British Army, Royal Ulster Constabulary and Ulster Defense Regiment are terrorists systematically inflicting violence to instill fear for the political purpose of enforcing submission to British rule.

8. British Army terrorism is coupled with sham legal procedures. Interrogation without charge is permitted for up to seven days. Brutality has been used to extract confessions. Juries have been abolished and verdict is rendered by a judge who is a prominent member of the British establishment, prepared to impose long terms of imprisonment on little or no evidence. Most recently, when the outcry about torture to extract confessions grew too strong, the British resorted to show trials. One individual, accused of an offense, is given immunity in exchange for evidence against as many as thirty people. There is no corroboration of such testimony, which would immediately be dismissed under American law. In several cases, people have agreed to be informers, then reversed themselves and admitted that they had been offered money and bribes for perjured testimony against individuals suggested by the British. For example, Robert Lean last autumn escaped from British custody and admitted that he had been given scripts setting forth perjury about people he had never met. Still, such testimony is sufficient for convictions and sentences such as those in the infamous Christopher Black case wherein 30 people were sentenced to a total of 4,000 years.

9. These sham legal procedures have made the British legal system for northeast Ireland a virtual conveyor belt for the disposal of Irish Nationalists, rather than a guarantor of justice.

10. Torture in the infamous H-Blocks of Long Kesh led to the hunger strike deaths of ten heroic Irish patriots in 1981. Brutal strip searches in Armagh Women's Prison are conducted to exert phychological and physical torture upon Republican prisoners there.

11. Religious discrimination is also an inherent part of British rule. Unemployment among Catholics is more than double the rate of unemployment for Loyalists. Legislation such as the Fair Employment Act is passed for cosmetic purposes in Westminster and America, with the reality of sectarian discrimination undisturbed. Discrimination in housing is also implemented. And the poverty, arising from the area being one of the poorest in Western Europe, is again doubly visited upon Nationalists.

12. These elements are not accidents of history. Ireland was always one nation even under British administration, until divided by a Government of Ireland Act passed in 1920. It was a response to the 1918 British general election in which more than three-fourths of Irish voters had voted for a free and independent Ireland. Partition was only enforced by violence.

13. The six-county area consisted of two-thirds of Ulster. It was simply the largest area that the British could hold. Moreover, the allegiance of part of the population was based upon the practice of sectarianism, wherein Loyalists supported British rule solely in exchange for an ascendancy status in employment, housing and political patronage. Sectarianism is therefore basic to the system of British rule. It is sectarianism which has prevented reconciliation betweeen different religious groupings in the North. So long as British forces prop up Loyalists in an above-equal status, Loyalists will oppose a diminution of such status and a position of equality in a united Ireland.

14. One could catalog the outrages inflicted by the British in order to perpetuate British rule indefinitely. Suffice it to say that foreign rule of any sort would be unacceptable to the people of Ireland. Yet, British rule with its basis in military occupation and British Army terrorism, economic exploitation, religious discrimination and torture, is simply intolerable.

15. The nature of British rule has led inevitably to armed resistance against British occupation troops. It is a resistance which began nearly fourteen years ago when peaceful civil rights marches and demands for an end to religious discrimination in voting, employment and housing were brutally attacked by Loyalists and the Royal Ulster Constabulary, followed by the re-introduction of British troops with internment without charges or trial, the torture of internees and murder of civil rights marchers on Bloody Sunday.

16. Today, the struggle for Irish freedom continues. Sinn Fein believes that so long as British rule exists in Ireland, the inherent evils of sectarianism, British Army terrorism and torture will continue. Sinn Fein therefore supports the right of the Irish Republican Army to struggle to end British occupation and to establish the conditions for peace, freedom and religious equality for all of the people of Ireland.

17. Sinn Fein seeks an irrevocable declaration of intent by the British government to withdraw at a specified time from Irish soil, coupled with formal recognition of Irish national self-determination and immediate amnesty for all Irish political prisoners. Such a solution would remove the British prop for sectarianism in Ireland and allow an interim period for all Irish people to establish a national government based upon the interests of the Irish people rather than British colonial interests. Only such a thirty-two county Irish nation can guarantee religious equality and human rights for all and only such a society can provide the conditions of peace.

18. The role of the Dublin government, as symbolized by Garret FitzGerald, has been a tragic one. In the interim period of nearly half a century between the imposition of partition and the outset of the present conflict, the Dublin government did little more than pay lip service to our plight. With the Loyalist attacks on civil rights marchers and the resulting period of national struggle, even that ceased. The Irish Free State abandoned the people of the North, even though its own constitution recognizes the national territory to be the entire island of Ireland. Indeed, the Dublin government began to collaborate with the British by imprisoning Irish Republicans in Portlaoise and by sending forces to help close the border to Irish Freedom Fighters.

19. The basis of this policy of national betrayal is obvious. The Irish Free State politicians have distanced and detached themselves from fellow Irish citizens. Their primary concern is their political place within the establishment and the economic interests they represent. Re-unification simply meant additional problems, the uncertain prospects of election in a 32-county nation, and a social revolution designed to end British economic imperialism. The sufferings of Irish people in the North became a price that the Free State establishment was willing to pay.

20. The Forum is an extension of this attitude. The Forum began by excluding Sinn Féin, whose five elected representatives to the Assembly should have been entitled to participation. Sinn Féin would have participated. We were excluded ostensibly because we support the right of the Irish people to engage in armed struggle against the British. This was described as "not renouncing violence". Loyalists such as former Ulster Defense Regiment Major Ken Maginnis, Ian Paisley—founder of the "Third Force"—and others who support British violence against

Irish people were deemed acceptable. Sinn Féin was in reality excluded because it would have put forward a principled demand for Irish national freedom and exposed the reality of continued British rule under proposed solutions such as joint sovereignty or confederation.

21. There has been, of course, an adamant stance taken by the British and Loyalists that the Forum will not lead to any change of status for the six counties. No Loyalist politicians have even participated. The Forum therefore can contribute nothing to the cause of peace in Ireland, save to contribute the cosmetic appearance of movement where none in fact exists.

22. Today, Garret FitzGerald stands in the United States. He attacks not the British, whose 30,000 occupation forces impose hegemony on Irish soil, and who foster sectarianism. Instead, he attacks one of the strongest allies of the Irish people—Irish-Americans. Irish-Americans, through their financial support to Irish political prisoners and moral support for an end to British rule, have immeasurably advanced the cause of national freedom in Ireland.

23. He misrepresents the Republican Movement. He will claim that we have no support, although 103,000 Nationalists voted for us in the most recent elections, and Sinn Féin is clearly emerging as the leading political party for Irish Nationalists in the North.

24. He will claim that we are Marxist-Leninists, although Sinn Fein is adamant in its rejection of the Warsaw Pact or a Soviet alliance, as we would adamantly object to an Irish involvement with NATO. Sinn Fein believes in a democratic social system, designed to undo Bristish economic controls and promote the economic interests of the Irish people. Radical reform along socialist lines is necessary to accomplish this goal, but we support a democratic, social and economic system consistent with historic Irish traditions. We reject a state-dominated Marxist-Leninist model.

25. Thirdly, Sinn Fein does not wish to take over the Irish Free State by armed struggle. The Irish Republican Army has stated that it is fighting to secure a British withdrawal. Once that withdrawal is secured, and democracy restored, then the society which emerges is a matter for the Irish people working as one national unit.

26. Fourthly, Sinn Fein is not sectarian. We wish a nation which can guarantee full civil and religious liberty for all Irish people regardless of religious or other differences.

27. America is a land established through armed resistance to the British. America's founders supported liberty and religious equality for all. Today, Irish people in the British-held colony of Ireland fight for national freedom and religious equality. Today, as Irish people suffer under British colonial rule imposed by British Army terrorism, Garret FitzGerald stands before you and serves as a pro-British apologist, defending his vested interests within the Irish Free State establishment rather than his country's. It is a tragic spectacle which angers, and engenders more support from all who truly wish peace and national freedom for all of the people of Ireland.●

IN RECOGNITION OF MRS. JESSIE A. JACOBS UPON THE CELEBRATION OF HER 100TH BIRTHDAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ROYBAL. Mr. Speaker, as chairman of the Select Committee on Aging, and as a Representative of the State of California, I rise in recognition of fellow Californian Mrs. Jessie A. Jacobs, who today is celebrating her 100th birthday.

Born in Merced County, Calif., in 1884, Jessie Thiercof married Herbert A. Jacobs and assumed the dual role of office assistant to her husband, a pioneer representative for Levi Strauss & Co., and mother of their two children, Herbert Jr. and Janet.

This petite and vibrant lady embodies the pioneering spirit of California. As an American who has experienced the San Francisco earthquake, two World Wars, and the Great Depression, Mrs. Jacobs has provided a deep sense of purpose and direction to her daughter, Janet Levy, former director of the California Department of Aging and a gerontologist for the past 25 years. I for one have had the pleasure of working with Janet and have experienced, first hand, the profound effect that her mother had in developing Janet's sense of responsibility and sensitivity.

Mrs. Jacobs is the proud grandmother of four and great-grandmother of eight. Last, but certainly not least, she is a Californian of distinction, whose will and wisdom have inspired those lucky enough to have had the honor to know and love her.

Mr. Speaker, I am sure my distinguished colleagues will agree that this fine lady and her legacy are not only an asset to California but to all of America.●

CONGRESSIONAL ACTION NEEDED ON EL SALVADOR MURDERS

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ADDABBO. Mr. Speaker, our country was founded on the principle of justice for all under the law. We protect the rights of the accused, but when a crime is committed our legal system goes to work to track down and prosecute the offenders with the full power of truth and justice behind it. Such is the way of democracy; such is the way of a responsible government. The Government of El Salvador is not presently acting as a responsible government. Its judicial system seems incapable of the most rudimentary legal proceedings. We have reached the point where it appears that we can no longer realistically hope that El Salvador will bring the murderers of nine American citizens to justice. It is time for us to take matters into our own hands.

Last week in the House of Representatives I introduced a resolution calling for a congressional investigation into the deaths of these Americans. Although we cannot apprehend and prosecute the murderers ourselves, we have an obligation to bring the truth about these brutal acts before the court of world opinion, and, in so doing, help prevent the ongoing slaughter of tens of thousands of Salvadoran civilians who are victims of the same regime that took the lives of our citizens. Although a congressional investigation would focus on the murders of Americans, the rights and dignity of the citizens of El Salvador are also at issue, and demand our attention.

A number of people and several organizations have closely scrutinized the Salvadoran judicial system over the last few years. Many of the reports based upon these investigations include first-hand instances of the Salvadoran judicial system in action. Recommendations for future action may vary, but there is nearly unanimous agreement that the Salvadoran system of justice has collapsed. One report, submitted to the Association of the Bar of the city of New York by a mission of lawyers who visited El Salvador to study the administration of justice there, outlines five major points:

First, inadequate training of lawyers and judges.

Second, insufficient staff and resources for prosecuting criminal offenses.

Third, widespread corruption throughout the legal system.

Fourth, intimidation of and physical violence against judges, jurors, prosecutors, lawyers, and witnesses.

Fifth, a general conviction within the society that both the rich and the military are beyond the reach of the law.

Looking at the specifics of the murder cases now entrusted to the Salvadoran judicial system reinforces these findings point for point: Witnesses are not questioned or protected, evidence is lost, jurors are threatened, trials are postponed for the most miniscule reasons, lawyers resign, leads are not followed-up. There is no doubt in my mind, and in the minds of countless Americans, that the Government of El Salvador will not prosecute perpetrators openly and without reservation unless world opinion and other reasons force them to do so.

This situation is compounded when we consider that over the last 4 fiscal years alone, the United States has thrown well over $1 billion to a government which has violated every human rights principle on the books. And despite congressional attempts to instill integrity into the El Salvadoran judicial system by placing conditions on military assistance to insure progress in the murder investigations, the administration comes back time and time again with requests for additional funds.

It is important to recognize that conditions placed on military assistance are targeted at a sector of Salvadoran society which effectively represents the "law of the land." Several U.S. Congressmen and Senators have visited El Salvador in recent months and report evidence that leading Salvadoran officials organize and direct the "death-squads." It has been alleged that Minister of Defense Eugenio Vides Casanova was directly responsible for ordering a coverup in the slaying of Maura Clarke, Ita Ford, Dorothy Kazel, and Jean Donovan, the four American churchwomen killed in 1980. Casanova's cousin is reported to have ordered the murders.

An investigation by retired Federal Judge Harold Tyler, prepared for the U.S. Department of State, also implicates the Salvadoran Defense Minister in these murders. The report was classified after presentation on the grounds that it could affect the judgment in the case of the five former national guardsmen accused of the crime.

These charges are not new, yet the Government of El Salvador has resisted all attempts to investigate the role played by military higher ups. In fact, it has resisted all attempts to charge any military personnel with commission of a crime and has never actually brought a member of the military to trial. We would not tolerate this at home; there is even less reason to tolerate it in El Salvador.

A congressional investigation by the Committee on Foreign Affairs would bring all the facts to the American people. The committee could take such steps as are necessary and appropriate in order to determine the facts surrounding the murders of the Americans. Findings and conclusions would be presented to the people of the United States. The committee would also make recommendations regarding future conditions on military assistance for El Salvador. Finally, this document would be presented to the President who would be asked to transmit a copy to the Salvadoran Ambassador to the United States.

Much of the information needed to conduct a thorough investigation already exists. Aside from those reports already mentioned, there are FBI files and records of other law enforcement agencies. Along with the Tyler report, much of this data is being withheld from the families of the victims and their lawyers. It is also being withheld from the American people.

The American people have a right to know their Government does not fund assassins and a corrupt foreign judicial system. We, as a nation, also have a very fundamental obligation to uphold our commitments to justice and human rights. If El Salvador cannot do the job, then we must. Our commitments demand that we pursue the facts in these cases to the best of our ability and present our findings to our people and the world. This is why I have asked the House to direct the Committee on Foreign Affairs to take on this mission.

I introduced my resolution on March 7 at the direct request of over 60,000 people. A few weeks ago I was presented with a petition circulated for 2 years by the Roman Catholic Diocese of Brooklyn, the diocesan sisters' senate, the diocesan priests' senate, the New York unit of the Leadership Conference of Women Religious, the Maryknoll sisters, and the families of the four slain churchwomen. These concerned Americans recognize the need for a congressional investigation and are hopeful that Members of the House, regardless of political persuasion, will take up their call for action and do what is right to insure that justice is done.●

CLARENCE M. MITCHELL, JR.

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. MATHIAS. Mr. President, today two of the major newspapers in the Nation paid richly deserved editorial tribute to the late Clarence M. Mitchell, Jr. The conclusion of both editorials is that Clarence Mitchell changed the world for the better. Many aspire to that goal but few attain it. It is meet and right to praise those who do.

I ask the full texts of the Baltimore Sun and Washington Post editorials on Mr. Mitchell be printed in the RECORD.

The editorials follow:

[From the Baltimore Sun, Mar. 20, 1984]

CLARENCE M. MITCHELL, JR.

The greatest laws of this era—the civil rights laws that guide Americans on how they are to treat one another as human beings—stand as a monument to Clarence M. Mitchell, Jr. As director of the Washington office of the National Association for the Advancement of Colored People, this outstanding Baltimorean was instrumental in turning around the U.S. Senate on the issue of race. Quite fittingly, he accomplished this immense task by bringing his own human qualities to bear.

In the late Fifties and most of the Sixties, the Senate was under the control of Southern committee chairmen who sought to uphold segregation in the face of a burgeoning civil rights movement. These were courtly lawmakers, well schooled in the parliamentary rules that allowed them to beat back demands for equal treatment.

Outside the Senate, the Rev. Martin Luther King., Jr., and other black leaders were fighting through sit-ins, marches, demonstrations, songs and oratory. Live theater was their way of teaching white America what had to be done. The national mood was created that proved indispensible to a breakthrough in the Senate.

Mr. Mitchell rightly decided his technique had to be different. He had to be lawyer, lobbyist, parliamentarian, strategist, negotiator and even psychoanalyst. In dealing with Northern senators eager to compromise, Mr. Mitchell badgered and pushed in friendly fashion to hold them in line. But the Southern senators were key. Mr. Mitchell decided to win over the likes of Richard Russell, Allen Ellender and Sam Ervin by appealing to their better natures—to that hard kernel of goodness he sought in everyone.

This was not spectacular work. It was not the stuff of headlines. It was a cozy ride on a Senate subway car with Russell Long or careful plotting with Mike Mansfield to make sure Everett Dirksen got enough credit for compromises worked out behind the scenes. Such were Mr. Mitchell's popularity and success that, in the end, he became known as the "101st senator."

While Mr. Mitchell was making national history in Washington, he was patriarch of one of Baltimore's most powerful political families. His brother, Parren Mitchell, sits in Congress; his son, Clarence III, in the Maryland Senate; his son, Michael, in the Baltimore City Council. His wife, Juanita Jackson Mitchell, has long been a towering civil rights activist in her own right.

This newspaper published Sunday columns by Mr. Mitchell after his retirement from the NAACP in 1979. In one of those columns, Mr. Mitchell told about a memorial service for Medgar W. Evers on the 20th anniversary of his assassination. At the end of the service, one of Mr. Evers' grandchildren touched his tombstone and said: "Wake up, Grandpa, I want to thank you for giving me a better world than you had when you were with us."

Americans can thank Clarence Mitchell, who died Sunday at age 73, for giving us a better world.

[From the Washington Post, Mar. 20, 1984]

CLARENCE M. MITCHELL, JR.

The word "lobbyist" conjures up a vision of private-interest advocacy precisely opposite to the meaning that Clarence M. Mitchell Jr.'s career gave the term. Mr. Mitchell, who died in Baltimore Sunday night at the age of 73, was perhaps the leading public interest lobbyist of his time. As head of the Washington office of the NAACP and as a leader of the Leadership Conference on Civil Rights, which he helped found, he did as much as any man of his generation to make equality the law of the land.

Mr. Mitchell did not simply contribute to the great moral passion for equal rights that built up in this country in the 1950s. His special contribution was to find effective ways to bring that force to bear in the political arena. He made it his business to know and to earn the confidence of a wide

range of Washington figures, not least the politicians whose resistance to his cause had to be overcome. A gentle and dignified as well as persistent man, he never wrote anyone off. His method was to work the Hill quietly and diligently, taking legislators aside one by one, making his arguments and ensuring that the people he was talking to knew that behind him stood the moral power of the country and considerable political power as well. That was the meaning of the Leadership Conference, a public interest coalition of rare breadth and effectiveness.

While he was not as well known outside Washington as other civil rights leaders, Clarence Mitchell was the movement's skilled negotiator, the man who translated demands into laws. In the halls of Congress he won victories without making enemies because he was strong without ever being mean. Beginning with the Civil Rights Act of 1957, every anti-discrimination statute for a quarter of a century bears his mark. His life's work, inspiring those who shared his hopes and eventually persuading almost all of those who hesitated, profoundly changed and uplifted the nation.●

MRS. FRANCES LONG

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HEFNER. Mr. Speaker, I rise today to congratulate a dedicated public servant and a dear friend from my home county, Mrs. Frances Long, who is retiring as director of the Cabarrus County Department of Social Services.

Mrs. Long has served the Cabarrus Department of Social Services since 1955. She has been director since 1964. During her nearly 30 years of service there have been many changes in the various social service programs. Under her competent direction, these services have been administered in an innovative manner, making her department one of the most responsive and well-run social service agencies in the State.

The citizens of Cabarrus County will long remember and appreciate the hard work of this dedicated public servant. We wish her well in her retirement.

I would like to commend to the attention of my colleagues the well-written and interesting article on Mrs. Long's tenure which appeared in the Concord Tribune on January 15, 1984.

The article follows:

[From the Concord (N.C.) Tribune, Jan. 15, 1984]

FRANCES LONG EAGER (BUT RELUCTANT) ABOUT RETIREMENT

(By Virginia Trull)

When Frances Long steps down as director of the county's social services department, she will leave an agency she has served for almost 30 years.

Mrs. Long was set to retire Dec. 31, when her term officially ended. She was eager to begin taking some time for herself and visiting family, but was equally reluctant to leave the agency without capable leadership.

The dilemma has Mrs. Long staying in her position as director of Cabarrus County Department of Social Services until a successor can be found, hopefully by late February or early March.

How does she view retirement?

"I feel good about it," said Mrs. Long, sitting behind a paper-stacked desk. "I would have left in December, but I don't want to walk out and leave this agency that I love and have worked with for so many years without leadership."

What qualities would her successor need to possess?

"One of the main things this job requires is that someone work hard at it, give it all you have," she said. "We have a good staff here and they're going to need the support of someone who has their best interest at heart."

A lot of change, physical and internal, has occurred since Mrs. Long succeeded Farrell White in 1964 as director. And even more has happened since she first came to DSS, then called the Public Welfare Department, in 1955.

"There's always some change, but that's progress."

Twenty years ago, there wasn't a Medicaid program, day care services for children or homemakers services. There were foster homes, she said, "but we never have enough."

Chore services and homemakers services, both oriented to enabling older or handicapped citizens to remain in their own homes and communities by providing a little extra help, have been implemented and strengthened during her term. So as adult day care.

Where has the most change occurred?

"Child welfare has probably advanced more and had more changes for the better," Mrs. Long said. "We were one of the pilot counties in North Carolina for the permanency planning program.

"We try to work with them (the parents) to get whatever they need to get the family reunited. Our ultimate goal is, of course, to reunite that family if at all possible.

"If you can't do it, you get the child released through the court and find a family that will love and support the child," she explained.

That program has proved to be quite successful.

Protective services for abused and neglected children has grown rapidly also, to the point that DSS workers are on a night-time beeper system to handle the calls.

"It's a busy, busy area," Mrs. Long said. "You have to move immediately. People are more conscious of what neglect and abuse is and are reporting it."

Have the clients changed much in 20 years?

Overall, no, but Mrs. Long, said there had been a change in the ages of children being placed.

"When I first came here, you had everybody wanting a baby. Now, we have older children being placed. Those are the things that really make you feel good.

"We are dealing now more with the entire population. We do so many things besides the welfare programs," she said. "Then, I think we dealt mainly with people that were in poverty. Now, poverty isn't really the question."

What's new at DSS?

Transportation, nutrition and adult services are the newest ideas at the social services' office—the county-based agency provides transportation for the elderly and handicapped and daily nutritious meals at six county sites.

Another new investment is a full-time fraud investigator, who Mrs. Long said has saved the county more money than the salary she is paid. "It makes people aware that we are checking into these things and they do have to be accurate about what they tell us," she said.

In 20 years, DSS has implemented several new programs, improved on numerous services and provided assistance to much of Cabarrus County. What would Mrs. Long like to be remembered for?

"I would hope that perhaps it would be that we have strengthened our services and that we have been concerned about people enough to give them our very best. That contributes to a good program."

Is there anything that didn't come through?

While most everything has come through all right, Mrs. Long was a little disappointed on two occasions—when county commissioners would not approve an agency-operated day care center and when efforts to organize a county senior center didn't materialize.

She added that the need for a day care center has lessened with the certification of several county centers; however, the need for a senior center is still strong.

"I think we definitely need a public transportation system in Cabarrus County," Mrs. Long said. "I would also like to see a senior center in this county. A senior center is a big cure for a lot of the problems senior citizens have." She explained that such a center would benefit a great number of Cabarrus Countians, which has over 14,000 people age 60 and older.

What are her plans for retirement?

To spend time with her daughter and grandchildren in Pennsylvania and keep active in county affairs.

"Right at this point, I'm not sure what I plan to do. I want to stay in this area. I have an idea that I will be interested in any projects for senior citizens or children less fortunate than others.

"There is so much to do. I would be very unhappy with myself if I did that (overextended myself) and then didn't do any good. I want to do things that are reachable, attainable and beneficial."●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1984

● Mr. SEIBERLING. Mr. Speaker, I am pleased to participate in today's special order calling attention to the plight of Soviet Jews, and I commend the gentleman from New York (Mr. KEMP) and the gentleman from Florida (Mr. FASCELL) for organizing this effort to demonstrate congressional concern.

Jewish emigration from the Soviet Union has declined precipitously in recent years, from a high of 51,320 in 1979 to a low of 1,218 last year. This is a discouraging trend which, I suspect,

reflects the continuing deteriorating of relations between the United States and the Soviet Union.

I am particularly discouraged by recent reports of widespread crackdowns by Soviet authorities on the efforts of Soviet Jews to engage in their religious and cultural activities, as well as their efforts to emigrate from the Soviet Union to Israel. Sadly, we in Congress have little direct leverage with which to persuade the Soviet leadership to abandon its campaign of harassment and intimidation.

What we can do is to call attention to the cases of individual refuseniks in the hope that international attention will help ameliorate the treatment they are receiving. As part of this year's Washington visits by members of the Student Coalition for Soviet Jewry, I was asked by one of my constituents to call attention to the plight of Vladimir Samuilovich Kislik, a refusenik from Kiev in the Ukraine.

Vladimir Kislik first applied for permission to emigrate from the Soviet Union in December 1973. Although he is, by training, a metallurgical engineer, he has been forced since 1974 to engage in menial occupations unrelated to his training. Mr. Kislik has been beaten, harassed, and threatened by the KGB for his efforts to emigrate. In 1976 his telephone was disconnected after he spoke with his son Maxim, who had emigrated to Israel.

In 1980, Vladimir Kislik was warned that he would face a prison sentence if he did not stop meeting with Western visitors and other refuseniks. On July 4, 1980, Mr. Kislik was sentenced to 15 days imprisonment for "malicious hooliganism." In 1981, he was sentenced to 3 years in a labor camp, again for "malicious hooliganism." Today, he is purportedly working as a quality controller in a factory in Zhdanov, and must report to the police three times each day. All this for publicly expressing his desire to leave the Soviet Union and join his son in Israel.

Mr. Speaker, I call the sad situation of Vladimir Kislik to the attention of my colleagues in the hope that the publicity will help improve his lot.

Beyond protest, however, it seems to me that there is something else we can do to ease the situation of Jews in the Soviet Union: we can start restoring the various channels of contact that were broken off after the Soviet invasion of Afghanistan. I refer to the student exchanges, cultural exchanges, and other avenues of contact between the people of our two countries. An easing of these restrictions would, I believe, inevitably pave the way to an easing of Soviet internal restrictions. Surely it is worth trying.

Although it was important to take actions to show our sense of outrage over Afghanistan, a continued cutoff of communications will not end the Soviet invasion, and may even make ending it more difficult. Besides, it is time we moved to improve our ability to deal with Soviet-American relations across a broad front, ranging from the treatment of Soviet Jews to curbing the nuclear arms race.

Such an approach does not mean a lessening of protest against the denial of basic human rights, but rather accompanying it with positive steps to facilitate better relationships. In that way, we may advance not only the cause of Soviet Jews, but of all humanity.●

AMERICAN CONSERVATION CORPS

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Tuesday, March 20, 1984

● Mr. MATHIAS. Mr. President, I wish to draw the attention of my colleagues to a resolution recently approved by the Prince Georges County Council in support of legislation, H.R. 999, to establish the American Conservation Corps. In addition, I want the Senate to be aware of Dorothy Gilliam's column in the March 19, 1984 edition of the Washington Post which calls for the creation of an urban conservation corps to combat the joblessness and despair of the great number of idle youths who desperately want to work. These items are indicative of the strong grassroots support for the creation of a national youth conservation corps to enhance and rehabilitate our Nation's public lands and to provide productive jobs and work experience for unemployed young people.

I am optimistic that the full Senate will have a chance to debate and vote on this important legislation in the near future. At that time I urge my colleagues to give this measure prompt and favorable consideration.

The texts of the Prince Georges County Council resolution and the Post column follow:

County Council of Prince Georges County, Maryland

RESOLUTION CONCERNING YOUTH UNEMPLOYMENT

For the purpose of recommending favorable action on H.R. 999 establishing a new American Conservation Corps and recommending to the Governor the establishing of a State Conservation Corps.

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

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

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

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

Now, therefore, be it resolved by the County Council for Prince George's County, Maryland, that the Council applauds the support given by Senators Mathias and Sarbanes to this initiative, and urges prompt action on enactment of H.R. 999 or a similar measure, and an appropriation of the full $300 million authorized.

Be it further resolved that the Prince George's County Council urges support of this effort by Governor Hughes and further asks his support in promptly establishing a Conservation Corps for the State of Maryland, as the needs are urgent and the benefits of previous programs have fully demonstrated their value.

[From the Washington Post, Mar. 19, 1984]

FIX

(By Dorothy Gilliam)

The young man declared, "I ain't nothing but a guinea pig. . . . I'm poor and I'm black." But behind the too-ready excuse for failure was a simple cry for help from a "tough" young man from the city's Ward 7 in far Northeast, where drug abuse is a growing problem. He was begging for a constructive alternative to a situation in which drug abuse and joblessness seem intertwined.

The scene was the District Building one night last week. The occasion was a drug and alcohol abuse hearing conducted by council member H. R. Crawford (D-Ward 7). Crawford blames "frustration" among young, black job-seekers for increased drug and alcohol abuse.

As I thought about what the city could do to help the unemployed put their lives onto a more positive track and attack our dangerous and growing problem of unemployment and wasted human potential, it struck me that the time may have come for the city to reach back a half-century for an old idea. Is it time for an urban version of the old Civilian Conservation Corps right here in the capital city?

The hard-core jobless could fix streets, put sidewalks in place, clean out sewers, fix potholes and curbs, and even plant trees. Our own University of the District of Columbia has the technical and engineering staff that could help train the workers, in cooperation with the city's Department of Public Works and the Department of Employment Services.

The need to improve the city's infrastructure jumps out during a casual stroll around the city. Besides broken curbs and potholes, there are places where there are no sidewalks. If we are becoming a "subway society," the city must make sure there are footpaths where Metro users can walk to and from the stations.

Later, I asked Crawford if he thought the time had come for an urban equivalent of the old CCC in the District, a program that could build on and complement the 19-year-old Job Corps effort that has been aimed at teen-aged dropouts.

"I think that's fantastic . . . . I think the hard-core unemployed want something like that. It was quite obvious to me that the young were not asking for a handout but were asking us to emphasize their problems and give them some help. I want to do something constructive. They are asking government to consider them . . . . I'd like to work

on some demonstration effort to put kids to work at meaningful employment."

Last week, the Metropolitan Council of Governments (COG) noted that the metropolitan area had an increase of 23,300 jobs from 1982 to 1983, almost all of them outside the city. Meanwhile, District unemployment is roughly three times as high as in the outlying areas, with an estimated 36,000 people out of work.

Nationally, unemployment figures show shockingly high jobless rates for those who are between 16 and 24 years old. For black youths, the jobless rate is a staggering 50 percent on the average. Experts who survey inner-city black and Hispanic youths report that these youths know little about how to get and hold jobs—from the simple ability to answer questions about themselves to understanding what is expected on the job.

Businessmen should be happy about this kind of program in the city because it would increase the return on their investments. And seeing improvements in the city's infrastructure, they are less likely to complain about increased taxes.

Meanwhile, the unemployed would be developing skills that could be marketed. One day, they might even get around to taking the boards off city-owned houses. The elimination of this tragic waste of human capital would be a gain for all.

Such a project would not be devoid of problems. Negotiations would have to be instituted with organized labor. A training component would be necessary. An investment of several million dollars would be needed, but a politically skillful mayor might be able to persuade the federal government to pick up part of the tab.

The voices are begging for help. Will we turn a deaf ear?●

THE FOREIGN SERVICE AMENDMENTS OF 1984

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mrs. SCHROEDER. Mr. Speaker, I bring before the House today a bill to amend the Foreign Service Act of 1980, title 5 of the United States Code, and the Hostage Relief Act of 1980.

This bill makes a number of needed changes to the Foreign Service Act. Among these changes are:

Better mechanisms to make the demands of the Foreign Service and the demands of family and children more compatible. We cannot continue to operate the Foreign Service as if no member had any family commitments.

A stronger grievance mechanism. The current grievance system is far too limited in scope and far too dependent on the cooperation of management. The amendments provide Foreign Service personnel with stronger internal grievance procedures to protect their rights.

Retirement benefits for former spouses who were not covered by the Foreign Service Act of 1980. My amendment will not reduce the retirement benefits of persons who were divorced before the effective date of the 1980 act, but it will entitle their former spouses to the same benefits as those who were so covered. This affects some 200 former spouses, some of whom are in the most destitute circumstances.

The bill also makes permanent law to provide compensation to Federal employees who are held hostage, as happened in Iran. After the Iranian hostage episode ended, we passed temporary legislation to provide medical, educational, and tax benefits for the hostages and their families. The recent kidnappings of Americans in Beirut and El Salvador are evidence of the dangers faced by civilian employees abroad. Since the taking of American hostages is, regrettably, still a fact of Foreign Service life, we need permanent legislation to provide compensation to such individuals.

I include the section-by-section analysis of the bill in the RECORD:

SECTION-BY-SECTION ANALYSIS OF FOREIGN SERVICE AMENDMENTS OF 1984

Section 1. Title—Foreign Service Amendments of 1984.

TITLE I—AMENDMENTS TO THE FOREIGN SERVICE ACT OF 1980

Section 101. Inspector General. Section 209 of the Foreign Service Act of 1980 is amended to make the Inspector General of the Department of State and the Foreign Service subject to the Hatch Act.

Section 102. Reports on Competence of Nominees for Chief of Mission. Section 304 of the Foreign Service Act of 1980 is amended to require the Secretary of State to make available to the public the President's report to the Senate Committee on Foreign Relations regarding the competence of nominees for chief of mission.

Section 103. Limited Appointments. Section 309 of the Foreign Service Act of 1980 is amended to restrict limited appointments of noncareer Foreign Service personnel to situations in which the Secretary of State certifies in writing that there is no career Foreign Service member who is available to meet the specific needs of the appointment. The total number of limited appointments cannot exceed one percent of the total number of members of the Foreign Service. Also, a career member of the Foreign Service may receive a limited appointment as a remedy for a grievance filed under chapter 11.

Section 104. Employment of Family Members. Section 311 of the Foreign Service Act of 1980 is amended to require the Secretary of State to give preferential consideration to qualified family members of Foreign Service personnel for employment in positions not customarily assigned to career members of the Service. Current law provides for equal consideration, but spouses of Foreign Service personnel remain reluctant to join their spouses at overseas posts because of the lack of employment opportunities.

Section 105. Salaries of Chiefs of Mission. Section 401 of the Foreign Service Act of 1980 is amended to make clear that the salary provisions of this section are applicable only to chiefs of mission appointed by the President by and with the advice and consent of the Senate. Persons appointed to perform the functions of chief of mission would not receive the statutory salary of an ambassador.

Section 106. Salaries of the Senior Foreign Service. Section 402 of the Foreign Service Act of 1980 is amended to provide that salaries for members of the Senior Foreign Service shall be set in accordance with the rankings and recommendations of selection boards. Section 602 of the Foreign Service Act of 1980 is amended to authorize selection boards to recommend adjustments to the basic salary rates of members of the Senior Foreign Service.

Section 107. Performance Pay. Section 405 of the Foreign Service Act of 1980 is amended to provide that members of the Senior Foreign Service shall receive pay adjustments in accordance with the rankings of the selection boards in section 602.

Section 108. On-Call Pay. Chapter 4 of the Foreign Service Act of 1980 is amended to provide on-call pay to Foreign Service communications personnel who must be available for duty outside regular duty hours to receive incoming cables. This amendment provides that Foreign Service personnel who are scheduled to be on-call outside regular duty hours shall be paid 10 percent of the rate of overtime pay for the hours they are on-call.

Section 109. Assignment to Foreign Service Positions. Section 502 of the Foreign Service Act of 1980 is amended to require that positions designated as Foreign Service positions shall be filled only by members of the Foreign Service unless the Secretary of State certifies in writing that no member of the Service is available who has the necessary qualifications for that position.

Section 110. Eligibility for Promotions. Section 601 of the Foreign Service Act of 1980 is amended to provide that a member of the Foreign Service whose maximum time in class expires shall be ineligible for promotion, even though the member remains in the Service.

Section 111. Retirement for Expiration of Time in Class. Section 607 of the Foreign Service Act of 1980 is amended to allow career Foreign Service personnel to remain in the Service under limited appointments despite the expiration of the individual's time in class if the individual has reached a salary class from which no effective opportunities for promotion exist. If an individual whose maximum time in class has expired is within one year of retirement under chapter 8, the Secretary of State shall extend the individual's appointment for a period not to exceed one year.

Section 112. Retirement Benefits. Section 609 of the Foreign Service Act of 1980 is amended to provide that an individual separated involuntarily from class FS-1 or higher will receive an immediate annuity; an individual separated involuntarily from classes FS-2 and lower will receive severance pay.

Section 113. Separation for Cause. Section 610 of the Foreign Service Act of 1980 is amended to extend to separation for cause proceedings the judicial review provisions now applicable to grievances.

Section 114. Special Contributions to the Foreign Service Retirement and Disability Fund. Section 805 of the Foreign Service Act of 1980 is amended to simplify the calculation of the amount owing by a member for a previous refund of contributions from the Foreign Service Retirement and Disability Fund. At present, amounts owing for such refunds are determined by taking into account the differing contribution rates previously in effect under the Fund during the period covered by the refund. The proposed change would adopt the current formula of

the Civil Service Retirement and Disability Fund, under which the amount owing is simply the amount of the previous refund.

Section 115. Elections Concerning Survivor's Annuities for Former Spouses. Section 806 of the Foreign Service Act of 1980 is amended to allow a Foreign Service member and his or her former spouse to elect by spousal agreement to reduce a survivor annuity. At present they must elect the maximum survivor annuity or none. This change would permit such an agreement to be made within 12 months after the divorce becomes final.

Section 116. Retirement for Disability or Incapacity. Section 808 of the Foreign Service Act of 1980 is amended to fix the minimum disability annuity for members who become disabled in the Service. The minimum is currently based on assumed service to age 65, or to a total of 20 years whichever is less. This amendment would change the specified age to 60 to conform with other Civil Service disability provisions. Section 808(b) of the Act requires a disability annuitant whose disability has not been declared permanent by the Office of Medical Services to undergo an annual physical examination up to the age of 65. This amendment would reduce the age to 60.

This amendment also makes statutory an amendment made by Executive order 12289 of February 14, 1981, pursuant to the Omnibus Reconciliation Act of 1980. The provision excludes individuals who are receiving military retired pay or veterans' compensation from the guaranteed minimum disability annuity provision which will continue to apply to individuals who receive military retired pay on account of service-connected disabilities received in combat or caused by an instrumentality of war.

Section 117. Death in Service. Section 809 of the Foreign Service Act of 1980 is amended to provide that the minimum survivor annuity for members who die in service is based on assumed service to age 60, not 65 as in current law.

Section 118. Lump-Sum Payments. Section 815 of the Foreign Service Act of 1980 is amended to require that members be separated from the Service for at least 31 consecutive days and meet related requirements to be eligible for a refund of their contributions to the Foreign Service Retirement and Disability Fund. This amendment also makes clear that a former spouse who remarries prior to age 60 is ineligible for a share of the lump-sum payment, just as rights to an annuity are cut off in such circumstances.

Section 119. Missing Spouses and Former Spouses. Chapter 8 of title I of the Foreign Service Act of 1980 is amended by creating a new section 828. This amendment would expand current law to cover additional types of elections when it is established that a spouse or former spouse is missing. It would also authorize payment of benefits otherwise due to the missing person to the participant, if alive, or to a spouse or other former spouse.

Section 120. Travel and Related Expenses. Section 901 of the Foreign Service Act of 1980 is amended to allow storage of household goods in conjunction with reassignment beyond the current three month limit. This amendment also changes the maximum payment for a child's travel expenses to cover travel between the post of the Service member and the residence of the child.

Section 121. Health Care. Section 904 of the Foreign Service Act of 1980 is amended to require the Secretary to waive limitations on payment for an individual's health care when it has been determined that an illness, injury, or medical condition was caused or materially aggravated by the individual's service abroad.

Section 904 is further amended to provide that the spouse of a member of the Foreign Service may elect, upon divorce, to participate in a federal health benefits plan by paying a sum equal to the agency and employee share of the health plan premium. The former spouse must have been covered under a health benefits plan as a member of the family of a Foreign Service member immediately prior to the divorce in order to be eligible, and must notify the Office of Personnel Management of such election within 31 days after the date of the final divorce. The Director of the Office of Personnnel Management is required to take all steps practicable to notify former spouses of their right to make this election. An individual who is a former spouse on the date of enactment of this subsection has six months to notify the Office of Personnel Management of an election to participate in a health benefit plan.

Section 122. Grievances. Section 1101(a) is amended to include violation of a collective bargaining agreement within the definition of a grievance. The amendment further provides that a proposed disciplinary action may be challenged prior to implementation. A termination of a limited appointment of a career candidate is made grievable. Former spouses are included among those persons who may file a grievance concerning former members.

The grievance chapter is amended to ensure the availability of employees of other government agencies as representatives in grievance proceedings. The amendment provides that witnesses who are members of the Foreign Service or are employed by other government agencies shall be granted administrative leave to participate in grievance proceedings.

Section 1104 is amended to reduce from ninety to sixty days the time available to resolve a grievance at the Department level before a grievance can be filed with the Foreign Service Grievance Board. This amendment applies to grievances filed on or after the date of enactment of this Act.

Section 1105(a) is amended to make ineligible for membership on the Foreign Service Grievance Board a current or former consultant to or employee of the Department. Further, the Board chairperson shall be selected by secret ballot vote among the Board members.

Section 1105(b) is amended to create a new striking procedure for use in the event of inability to agree on nominees for appointment to the Board.

Section 1105(e) is amended to authorize the Board to appoint an executive secretary.

Section 1106 is amended to allow the Board to reconsider a decision on its own motion, or upon the petition of a party, including an exclusive representative appearing in the proceedings. The requirement of newly discovered matter or previously unavailable material evidence is deleted.

Section 1107(b) is amended to provide the Board with the authority to direct the Department to pay reasonable attorney's fees and costs to the grievant to the same extent and in the same manner as may be required under section 706(k) of the Civil Rights Act of 1964. Section 1107 is further amended to permit the Board to recommend appropriate relief for a meritorious grievance.

By amendment to section 1107(d), the Secretary may refuse to implement the Board's recommendation only if implementation would adversely affect the foreign policy or national security of the United States.

Section 1108 is amended to empower the Grievance Board to require production of any material in agency records unless the head of such agency personally certifies that disclosure of the record would adversely affect the foreign policy or national security of the United States.

Section 1110 is amended to preclude an agency appeal of a Board decision except where the Secretary of State certifies that the order would adversely affect the national security of the United States. The amendment also provides for the award of attorneys fees in cases on appeal on the same basis as awards of attorneys fees at the administrative level.

Section 2104 is amended to preserve access to the Grievance Board for those persons mandatorily converted under section 2104 of the Foreign Service Act of 1980. Complaints regarding employee status or benefits resulting from such conversion are treated as a grievable continuing condition.

Section 123. Conversion Period. Section 2104(b) of the Foreign Service Act of 1980 is amended to extend for a period of one year the current three year period for conversion of nonworldwide available Foreign Service employees (known as Foreign Service Domestic) to Civil Service positions at the United States Information Agency.

Section 124. Report on the Senior Foreign Service. Section 2402 of the Foreign Service Act of 1980 is amended to require the Secretary of State to submit an annual report to the Congress on the Senior Foreign Service conforming with the requirements in Title 5 for the Senior Executive Service.

Section 125. Annuities for Certain Former Spouses. Section 2403(e) of the Foreign Service Act of 1980 is liberalized. The rights of a former spouse to an annuity under existing section 814(a) and to a survivor annuity under section 814(b) are extended to individuals who are former spouses on the date of enactment of this amendment. The annuity will be paid out of amounts in the Foreign Service Retirement and Disability Fund. Payment of this annuity will not cause the amount of an annuity payable to any other individual under chapter 8 to be reduced.

This amendment repeals section 2109 of the Foreign Service Act of 1980; however, such repeal will not affect any spousal agreement entered into under that section before this amendment takes effect.

TITLE II—AMENDMENTS TO TITLE 5 OF THE UNITED STATES CODE

Section 201. Relocation Expenses of Employees. Section 5724a(a)(3) of title 5, United States Code, is amended to allow flexibility in the reimbursement of an employee's lodging and subsistence expense upon a transfer.

Section 202. Transportation Expenses of Employees Assigned to Danger Areas. Section 5725(a) of title 5, United States Code, is amended to include as eligible for danger pay an employee for whom a separate maintenance allowance has been granted under section 5924(3) of title 5.

Section 203. Overseas Differentials and Allowances. Section 5922(b) of title 5 is amended to clarify that differentials as well as allowances are authorized to be paid.

Section 204. Education Allowances. Section 5924(4) of title 5 is amended to permit payment of educational allowances for children of employees being transferred or

newly assigned to a Foreign Service post with inadequate schooling for the entire school year, even if the member of the Service does not depart the United States until after the beginning of the school year. This amendment also permits educational services to be provided for pre-school age handicapped children. This amendment would also permit post-secondary educational travel for dependents not only for undergraduate college education, but also at other institutions such as nursing, technical, and vocational schools which are not considered colleges.

Section 205. Advances of Pay. Section 5927 of title 5 is amended to permit an advance of pay when the employee is reassigned to the United States from a post in a foreign area.

TITLE III—AMENDMENTS TO THE HOSTAGE RELIEF ACT

Section 301. Definitions. Section 101 of the Hostage Relief Act of 1980 is amended to make the Act permanent legislation by eliminating the January 1, 1983, termination date. This amendment authorizes the Secretary of State to define hostage periods by publishing the beginning and termination dates of such incidents in the Federal Register. The amendment also clarifies the intent to cover hostile actions resulting from the presence and political visibility of United States operations abroad, in cases where U.S. Government buildings may not be directly involved.

Section 302, Special Saving Fund. Section 102(a) is amended to permit allotment of pay and allowances to a savings fund for those who remain in a captive status for 30 days or more.

Section 303. Medical and Health Care. Section 103 is amended to make clear that medical benefits under the Act are intended to supplement, not duplicate, existing government medical or health benefits.

Section 304. Education and Training. Section 104(a) is amended to authorize, rather than require, educational benefits for the family of hostages to be paid. Amendments to sections 104(a) (2) and (3) permit the overall benefit package to be tailored to particular hostage situations. Section 104(b) is amended to make clear that educational benefits for benefits for hostages are intended to supplement, not duplicate, other benefit programs.

Section 305. Benefits of the Soldiers' and Sailors' Civil Relief Act. Section 105 of the Hostage Relief Act is amended to extend the civil relief provided to federal employees by that section to all individuals with property rights in the United States who are placed in captive status abroad during a hostage period.

Section 306. Repeals. The amendment repeals sections 106, 201, 202, 206, and title III of the Hostage Relief Act of 1980. Section 106 provided hostage benefits to a Peace Corps volunteer and has served its purpose. Section 201 exempted federal salaries and allowances earned by the Iranian hostages during their captivity from federal income taxes. Section 202 exempted from federal income taxes during certain years all income of any Iranian hostage who died as a result of captivity. Section 206 called for a study of tax treatment of hostages. The due date for the study has passed. Title III of the Act related solely to the Iranian hostage crisis, and is obsolete. All provisions except subsection (d) of section 205 are repealed.

Section 307. Additional Hostage Benefits. A new section is created authorizing the President to provide additional hostage benefits to federal civilian and military personnel who were taken hostage during the Iranian hostage period or who may be taken hostage in the future. The amount and method of payment will be prescribed by regulation. The effective date for this section will be January 1, 1985.

Section 308. Savings Provision. This section makes clear that the provisions of the Hostage Relief Act being repealed by these amendments remain valid for individuals now covered by those provisions—the Iranian and other eligible former hostages and their families. Such former hostages with valid claims may continue to be granted benefits under the provisions proposed for repeal.

TITLE IV—MISCELLANEOUS AMENDMENTS RELATING TO FOREIGN AFFAIRS AGENCIES

Section 401. Use of Government Vehicles and Taxicabs. The State Department Basic Authorities Act is amended by repealing section 11. This section duplicates the authority in section 28 of the Basic Authorities Act for a Chief of Mission to authorize use of Government-owned vehicles for transporting employees and their families for reasons of safety or other advantage to the Government.

Section 402. Expenses of Arbitration. A new section 11 of the State Department Basic Authorities Act is created to make permanent the Department's authority to use appropriated funds for the expenses of arbitration and other dispute resolution proceedings under international agreements and contracts.

Section 403. Subsistence Expenses. Section 32 of the Department's Basic Authorities Act now provides for additional per diem for (1) security officers required to accompany principals of the Department and Foreign dignitaries and (2) other employees who are required to spend extraordinary amounts of time in travel status, and who thereby incur additional expenses. The proposed amendment would extend this authority to officers of the United States Information Agency and the United States International Development Cooperation Agency in like circumstances.

Section 404. Inspector General of the United States Information Agency. This amendment makes the Inspector General Act of 1978 expressly applicable to the Inspector General of the United States Information Agency. Section 3(c) of that Act is amended to make clear that the USIA Inspector General is subject to the provisions of the Hatch Act.

Section 405. Conforming Amendments Regarding the United States Information Agency. All references to the "International Communication Agency" appearing in the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and the Internal Revenue Code are changed to "United States Information Agency."●

WOMEN WORKERS MUST BE INCLUDED IN ECONOMIC PLANNING

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. STARK. Mr. Speaker, we have long been aware of the disadvantaged, unequal position of American women in our economy. Sex discrimination has dominated the American workplace in the form of low status, dead-end jobs, unequal pay for equal work and promotion passovers. Despite all our efforts—and our progress—to eradicate such discrimination, the problems still exist, making working women especially vulnerable to the changes the economy is undergoing as we move away from an industrial/manufacturing base to a service/information base. The problems this transition poses for women workers have been detailed in a new report by the National Council on the Future of Women in the Workplace. I would like to share some of the findings with my colleagues.

The report found that while women have been and will continue to be the major source of new workers, they will continue to dominate occupations where technological advances are most likely to eliminate jobs. In the textile industry, for example, 150,000 jobs have been lost to automation and foreign competition. About 62 percent of textile jobs are held by women. The report also points out that women make up the majority of bank tellers, keypunch operators, stenographers, and insurance clerks—dead end, low wage positions already losing ground to automation. Moreover, high-tech jobs are not going to fill the gap. The report estimated that only 4 percent of new jobs created between now and 1990 will be in areas such as robotics and computers. Instead, the fastest growing category of jobs includes janitors, waiters, and waitresses, clerical positions, and cooks—low-paying jobs with little chance for advancement.

The report's scenario becomes even more ominous because American working women can least afford to lose their jobs. The median wage of full-time working women is $12,172; for men it is $20,682. Of those women working full time, only 4 percent earn more than $25,000 per year, while 12 percent or men working full time earn more than that amount. In the same job categories, the gap between earnings of men and women is tremendous: The 1980 median income for men in clerical occupations was $17,821; for women it was $10,940. Among sales workers, women had a median income of $9,906 while the figure for men was $20,330. For women operators of machinery, excluding transportation, the median income was $9,497 while men earned a median of $15,598.

We must act now to implement retraining, education, and relocation programs to help women safeguard themselves in the face of economic change. Women make up nearly 45 percent of the American work force—we cannot afford sustained high unemployment rates among nearly one-half of our workers. Instead, we must initiate a special effort to retrain, fur-

ther educate, and help relocate American women workers to help them obtain well paying jobs with the chance for advancement.

In addressing these issues, I hope the Public Assistance and Unemployment Compensation Subcommittee, on which I serve, will take up my bill, H.R. 3501, when considering reforming the unemployment insurance system. The proposal seeks to help unemployed Americans obtain new jobs through retraining, education, and relocation assistance programs. In so doing, displaced women workers could receive the above assistance before exhausting their regular unemployment benefits. To women workers, for whom high-paying, promising jobs have never been a way of life, such programs could be a lift up on the ladder to economic independence and equality.

To get America moving toward a new economic structure, and to insure that American women do not pay for economic progress with their chance for equality in the marketplace, we must act quickly. H.R. 3501 could very well be part of the solution to this looming dilemma.●

CONGRESS SHOULD ACT TO PRESERVE WORKERS' CONTRACT RIGHTS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONKER. Mr. Speaker, the recent Supreme Court decision allowing businesses to break their union contracts upon filing for bankruptcy is a terrible blow to the millions of workers in America who seek a decent wage and fair working conditions.

Last month's ruling, which gave approval to the rising practice of businesses filing for bankruptcy in order to break union contracts, comes in direct contradiction with existing labor laws. The Court's National Labor Relations Board against Bildisco & Bildisco decision grants businesses the right to temporarily abrogate their union contract, upon filing for reorganization under the chapter 11 laws, before receiving bankruptcy court approval to do so.

It was never the intention of Congress to enact a law which fostered union contract repudiation when it passed the 1978 Bankruptcy Reform Act. The reform legislation was designed to ease the requirements for bankruptcy filing in order to provide a greater opportunity for businesses and individuals to recover from extreme financial hardship. The contract repudiation provisions were based on existing judicial precedent which required Bankruptcy Court approval of any changes in contract status.

Instead, what we have seen in instances like the Continental Airlines bankruptcy case, is a calculated effort by firms to get out of union contracts negotiated in good faith by their employees. In essence, last month's Supreme Court decision has legally sanctioned union busting.

I am pleased to join Congressman RODINO in supporting his bill, H.R. 4908, which seeks to remedy this intolerable situation by restoring the balance that was the intention of Congress in the 1978 reform legislation. Recently, H.R. 4908 was incorporated into the urgent Bankruptcy Court legislation as H.R. 5174, and this new measure is expected on the House floor this week.

The provisions of H.R. 5174 would make it clear that failing businesses cannot unilaterally break their contract with unions without the approval of a Bankruptcy Court. The bill recognizes the urgency that failing businesses face and requires that a hearing be held within 7 to 14 days of chapter 11 filing. It also requires the court to judge whether continued observance of contract provisions will cause loss of jobs and failure of the business as the standard for determining the necessity of contract repudiation.

Under H.R. 5174, a realinement between businesses and their union contracts would still be possible when the economics of the situation are extreme. This realinement, however, must go beyond mere labor concessions. Labor should not have to bargain itself into extinction.

Recent labor management negotiations have been marked by extraordinary concessions extracted from labor. Faced with continued unemployment and the callous economic policies and antiunion initiatives of the Reagan administration, labor has accepted pay cuts and reductions in benefits. They are no longer in a position to negotiate on an equal footing with management.

What is not needed, at this time, is more bargaining leverage for businesses. In his dissenting opinion on the Bildisco case, Justice Brennan points out the inequality that unilateral contract abrogation establishes in collective-bargaining negotiations. To conclude that management will use this as anything other than a sword to hold over labor's head during contract negotiations, would be naive.

The real issues underlying the Supreme Court's decision, strike at the heart of labor/managment relations. For too long an adversarial atmosphere has characterized the interaction between labor and management in many businesses around America. After years of being denied the opportunity to participate in defining the policies and goals of business, labor has sought compensation in wages and benefits at the bargaining table. But contract negotiations occur without a true appreciation of the financial health of the company or confidence in the practical knowledge of the employees. What is absent from this equation is a commitment to a shared recognition that what is good for the workers is good for the firm, and vice versa.

I hope my colleagues in Congress will join me in supporting the labor contract provisions of H.R. 5174, legislation which resolves a very unsatisfactory decision and redresses a great injustice to workers in America.●

DEMOCRACY IN CENTRAL AMERICA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to call the attention of my colleagues to an editorial that was recently published in the Romeo Observer in my home district.

In the coming weeks, we are going to face some difficult questions concerning the role of the United States in Central America. We all share the common goal of desiring a peaceful and democratic future for the region. Yet, we as a nation will not be able to contribute to that goal without a more thorough understanding of the preconditions for democracy and of the true needs of the people of Central America.

The following article speaks directly to this issue. It reminds us that we must seek first to understand the problems of these countries before we attempt to impose our own solutions.

[From the Romeo Observer, Feb. 15, 1984]

DEMOCRACY . . .

Perhaps you remember an experience like this: as a kid, during the doldrums in the middle of the summer, a few of the gang would decide to establish a club. First step was to clean out the corner of someone's shed for a place to meet. The next step was to elect officers and establish some bylaws. That's the American way, isn't it? After having accomplished these basics, there often was little else to do because no one had really thought through the purpose of the organization.

I suspect this compulsion to organize and elect is part of the American heritage. We look upon this process as an end in itself rather than as one modest tool which might help in achieving a stable national economy for a given country. We have taken control of Grenada and can hardly wait until that little island holds elections. Our government is panting until they hold "free" elections in Nicaragua, El Salvador and perhaps other Central American countries.

In order to understand the role of democracy and elections in the scheme of things, we must recognize some fundamentals about this form of government. Our notions about how things work or should work politically, socially and economically are based

upon impressive evidence, our own national experience. What we fail to remember is that our situation was and is almost unique in the world; only Canada, Australia and New Zealand would closely fit our model.

At the time of the American Revolution, the 13 colonies had a tradition of local self government going back a century. The economic and social system was well established. A complete national infrastructure was in place. We had shipyards to build ships, smithies to build wagons and the tools of trade and agriculture. We had cities, roads, communications. There were people of wealth willing and able to invest in enterprises. A handful of people occupied the edge of a huge North American continent which was super-wealthy in resources: forests, excellent soils, minerals, all the elements needed to make a nation function.

In modern parlance, the British Crown simply skimmed the colonial economy through taxation. Their control of the colonies was minimal consisting mostly of attempts to limit manufacture of certain items so that England would have openings for exports. But smuggling largely offset this effort. People on the frontier felt no British presence. When the Revolution was over, it was business as usual with the colonial fabric continuing in place as it had been for generations.

In must be noted that a political democracy can exist only within an economic democracy. There are only a handful of nations mentioned above. Another handful, western European nations plus Japan operate with more governmental intervention but we would still call them democracies. All the rest of the world is something else. The seeds of democracy which we cast about in an effort to clone our system fall on an inhospitable environment. They don't sprout.

More definitions. Economic democracy means private enterprise and capitalism. Private enterprise presumes the existence of enterprise or at least possibilities of same. Capitalism requires the existence of capital and the ability and willingness to invest it. No capital, no capitalism.

Using the benchmarks and yardsticks mentioned above, let us look at the chances of exporting our democracy to the various hot spots which concern this nation at the moment, beginning with Grenada. The major product for export by that little island is nutmeg and the Russians were a major customer, presumably to help their economy, but no longer are. They compete with a different kind of nutmeg from the East Indies and to regain their share of the market might take a long time. They also export cocoa and bananas.

Tourism is down the list as a revenue producer. This island can be reached from the States only by flying direct to a nearby island and then hopping a local plane or boat. It is off the beaten track and has not amounted to much as a destination except for a few hardy souls. Our government suspects that the Cubans were building the new long runway for military purposes but the fact is that it can bring the direct flight of planeloads of tourists and improve revenues. No big runway, no big bunch of tourists.

Grenada is controlled today by our soldiers and military police plus some police from neighboring islands. (If the Russians were in charge, we would call it a police state. But our army and police wear white hats.) Our government is trying to induce private enterprise to invest in that small country. If that effort is successful, it may solve their 25 percent unemployment problem. But it will leave the assets of that country in the hands of foreigners, not an ideal situation. But the chances of a vitalization of the economy are only fair, at best. Assuming a fair economic recovery following the violent transition of government, that nation will remain weak, democracy will be fragile. Economic difficulties including continued unemployment invites suggested solutions by political leaders through various experiments or, perhaps, alliances with other, larger countries. The little island of Grenada will remain "independent" only if Uncle Sam provides the handout necessary to survive.

Nicaragua. That country experienced a revolution five year ago in which the ruling Somoza family was tossed out. The Somoza family was a billionaire bunch but their investable assets were in banks in Miami or Switzerland or wherever. The Somoza family owned the national airlines, the shipping lines, trucking, warehousing, the cement factory and most every other major industry. The few other people of wealth left also, taking their money with them.

The government, following the revolution, had in hand multi-billion dollar enterprises but no capital to set them in motion, continue production and, most important, meet the payroll. Leaders in the United States have no scenario for dealing with such a situation. And there is no really good solution. I suspect that the Nicaraguans, being nationalists like everyone else, would have resisted a massive infusion of foreign investment which would put their industrial network in the control of foreigners. The government chose instead to control the people by force and try to get the economy going under difficult circumstances. Having no capital available in the country, capitalism was not an alternative.

The wealthy families of El Salvador continue to operate the farms and factories which they can control and at the same time are trying to retain a feudal society through their death squads in the closing years of the 20th century. All capital which might be available for new investment is in Miami banks or elsewhere and the economy runs on a day-to-day basis. If, by some miracle, a freely elected government with an alternative program realistically trying to deal with the situation were to come into power, it would be faced with a shutdown of most of the remaining enterprises and the complete lack of capital to start things up again. Democacy is a fine thing but you can't eat it. Mass unemployment and other miseries invite immediate and radical solutions.

We went through this 25 years ago in the Cuban Revolution. All the leadership, the professionals, the skilled people fled. Castro was left with a country which was broke. No capital. He made overtures to the United States for help and we refused. He turned elsewhere.

Americans tend to believe that democracy came down like a bolt from the blue and generated all of our prosperity and the good life. Not so. Democracy depends for its existence upon a solid foundation of skills, markets, purchasing power, surplus funds (capital) ideas, inventions, all the elements which make private enterprise possible. Nothing destroys democracy quite as much as economic misery. We should not expect democracy to flourish without a solid economic foundation.●

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. OBERSTAR. Mr. Speaker, on March 15, I was absent during the record vote on final passage of H.R. 3020, Small Business Act amendments. As a supporter of this legislation, I was pleased by the overwhelming 386-to-11 vote in favor of passage.

For the record, had I been present, I would have voted "aye."●

MICHAEL BONGIOVANNI

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SMITH of New Jersey. Mr. Speaker, on Saturday, March 24, one of the truly outstanding business and civic leaders of New Jersey, Mr. Michael Bongiovanni, will be honored with a special award.

Mr. Bongiovanni has been named to receive the National Lifeline Achievement Award of the Cooley's Anemia Foundation. His lifetime of service and commitment to his community and his country, in addition to his many achievements in the business world, truly qualify Mr. Bongiovanni for this prestigious award.

His 37 year career with the Squibb Corp. has been one of ongoing achievements and advancement. From his first year with Squibb as an award-winning sales representative to his current position as vice president, Michael Bongiovanni has always distinguished himself with his talent, energy, and dedication.

His standing within the pharmaceutical industry led to service as chairman of the National Pharmaceutical Council as well as the chairmanship of the American Foundation for Pharmaceutical Education.

There is no question as to the value of Michael Bongiovanni's contributions to the pharmaceutical industry, but there is another, and equally important, dimension to his career—public service. His devotion to serving his country and his community was demonstrated early in his adult life and has never flagged. After establishing a distinguished academic record in college, he proved himself time and again in combat during World War II. As an Air Force officer, Mike participated in 67 combat missions. He was awarded the Air Service Medal seven times, the Purple Heart and Distinguished Flying Cross twice each, and received a Presidential citation for service and bravery.

Michael Bongiovanni's service to his community is amply demonstrated by his ongoing involvement with so many worthy institutions and causes. He has served, with distinction, as a trustee for Rutger's University, Rider College, and the Princeton Medical Center.

The awarding of the Annual Cooley's Anemia Lifeline Achievement Award to Michael Bongiovanni is a truly fitting honor for an individual who has given a lifetime of service and commitment to help so many others.●

DARIEN BOOK AID PLAN

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. McKINNEY. Mr. Speaker, on September 12, 1961, over 20 years ago, one of my distinguished Connecticut Republican predecessors, the Honorable Abner W. Sibal, stated in the CONGRESSIONAL RECORD, that "one of the keys to peace between nations is mutual understanding." He added: "Official exchanges between governments all too often obscure the true moods and feelings of the people those governments represent. These statements are as pertinent today as they were then, perhaps more so. Citizens of the United States have ideas, interests and concerns which are synonymous with citizens of other countries throughout the world. The opportunities for people of different cultures to interact and exchange ideas should be increased.

As an example, a relatively few Americans have had the opportunity to visit or communicate with the Russians on a person-to-person basis. A constituent of mine once wrote:

> Among those of us who have been fortunate enough to travel to the Soviet Union, the vast majority have returned with the conviction that Russians and Americans need to get to know each other, to communicate the differences between our systems of government and perhaps even to make the important effort to see how the world looks from the other's point of view.

This is precisely the aim of a dedicated group of women in my district who established the Darien Book Aid Plan, Inc. This nonprofit organization has sent thousands of American books and magazines overseas since its formation in 1949.

To date over 20 tons of books and magazines, all donated, have been packed in 70 pound cartons and shipped to the U.S. Information Agency (USIA) offices in 146 countries. Upon arrival the materials are distributed to individuals, libraries, schools, and colleges. In addition, the group fill personal requests for reading matter. Recently, a man from Hungary wrote that he had read about the earthworm industry in the United States. "I would like some books on it," he said, adding wryly, "though I know if it is successful here, it too will become nationalized." The Darien Book Aid Plan found two books on the subject for him.

The workshop is manned 3 hours each day by volunteers, and the lobby is open 24 hours a day for donations. The volunteers also schedule appointments for day care, community and correctional centers, VISTA volunteers, and any nonprofit groups to come and select books. Books are supplied to the Peace Corps. The volunteers have sent reading material—approximately 232,965 pounds since 1976—to distribute within Peace Corps jurisdictions around the world. These books have proved to be of immeasurable importance to Peace Corps individuals in many countries including China, Morocco, Honduras, and the Philippines.

In 1961 former Congressman Sibal rose to recognize the achievements of the Darien Book Aid Plan to that date. I would now like to take this opportunity to join with my colleagues in a salute to this organization on their 35th anniversary of service. All nations need to understand each other better through cooperation and open exchange of ideas. I am proud that the Darien Book Aid Plan has made such positive steps toward peace and understanding.●

MR. PRESIDENT: DO NOT REWARD JORDAN FOR ATTACKING U.S. POLICY: CANCEL PROPOSED ARMS AID TO JORDAN

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LENT. Mr. Speaker, I rise to register the strongest possible protest against President Reagan's proposals to sell 1,613 ground-to-air (Stinger) missiles and launchers to Jordan and to give $220 million in U.S. military materiel to equip a Jordanian mobile force for use in the Persian Gulf area.

The administration proposals raise very serious threats to the security of Israel, and to our own security, and threaten serious harm to the national interest of the United States.

The administration offers of arms aid to Jordan were harmful enough when initiated, but now, in the light of King Hussein's recent harsh attacks on U.S. Middle East policy, they become damaging to the extreme. In a March 15, 1984, interview with the New York Times, and on a subsequent TV appearance on "Face the Nation," Hussein harshly and falsely accused the administration of using a double standard in its Middle East policy and charged that the United States has forsaken its position as a nation that stands by its word and its commitments. He further accused the United States of succumbing to Israeli dictation. Hussein then presumed to threaten the United States and this Congress. He declared that if Congress refuses the military aid proposed for Jordan, Jordan would be entitled to get weapons from anywhere and anyone else in the world.

Well, Mr. Speaker, my response to that is: Let King Hussein try. Would he feel freer and more secure in the embrace of the Soviets? I doubt it. It is a fact, Mr. Speaker, that the United States has bent over backward to assist King Hussein. Indeed, he would not be in power today had it not been for strong and continuous U.S. backing. To now denounce and threaten the Nation which has saved and sustained his rule is the height of folly for King Hussein. The United States must not bow to this ill-concealed threat of blackmail and reward Hussein for attacking the United States.

Mr. Speaker, I have written a personal message to the President urging him in the strongest terms to withdraw both the proposed sale of Stinger missiles and the offer to give Jordan $220 million in arms aid to a Jordanian mobile force. I hope he will act positively in this matter. But we in the Congress have a responsibility in this situation as well.

I now turn to you, my colleagues, to urge each one of you to bend every effort to prevent these harmful deals from taking place.

Join with us in cosponsoring and supporting H.R. 5140 which would prohibit the sale of Stinger missiles to Jordan, and join with us in voting against any effort to supply new arms to Jordan for a mobile force.

In supporting these two actions you will be furthering the national interests of our country; you will be helping to prevent a weakening of Israel's security and you will be improving the prospects for a stable peace in the Middle East.●

MRS. BERNICE WOOD HONORED

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, I am very pleased to have the opportunity to announce that Mrs. Bernice Wood, of Flora, Ill. in my congressional district, has been elected president of the International Association of Rebekah Association, Independent Order of Odd Fellows and Rebekahs. This prestigious worldwide fraternal organization constitutes one of the oldest and largest organizations of its

kind in the world, whose members reach out to their fellow man in times of adversity, need, and distress, with compassion and concern, to sustain the young and the old, the sick, the distraught, the infirm, and the disadvantaged.

Mrs. Wood is an excellent choice as a representative of these values. She has resided in Illinois all of her adult life devoting much of her time and talents to civic, fraternal, and volunteer service work.

She and her husband, Clark, own and operate a building construction company in Flora, and also have sporting goods store there. She also has her own real estate corporation, and was formerly a teacher in the school system of Clay County.

We are very proud that her colleagues have recognized her leadership by electing her to this very important position.●

TRIBUTE TO JOSEPH M. POLLARD

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MOORHEAD. Mr. Speaker, today I rise to pay tribute to a friend of the California congressional delegation, Joseph M. Pollard, who will retire this month as legislative representative for the Los Angeles County Board of Supervisors.

After 28 years of dedicated service to the people of Los Angeles County, it is with mixed emotions that Joe's friends celebrate his retirement. We are happy that Joe and wife, Doris, will be moving to the beautiful California community of Lake Tahoe but we are not happy about his pending departure from Capitol Hill.

We have all come to know Joe as a unique individual who would never take credit for all he has done to represent and promote the best interests of the residents of Los Angeles County nor would he boast about his successes in maintaining the quality of life and service for his fellow southern Californians.

All of us who have known him, both past and present Members of Congress, have developed a deep respect for Joe. He is a man of persuasion, firmness, and loyalty. He has always acted with the utmost integrity in representing the positions of the members of the board of supervisors to the Members of this body.

If I may, I would like to give a brief Pollard biography. His early years were spent in Searcy, Ark., where he attended the Morris School for Boys. The family later lived in Memphis, Tenn., where Joe received his high school degree from the Christian Brothers College High School.

Joe then moved to Lancaster, Calif., where he received an associates in arts degree at Antelope Valley Junior College. Joe's first job was driving a bus for Polaris Flight Academy. Then he took a sales job with Shell Oil where he stayed for 5 years before moving to V. S. Lawrence Oil Co.

In 1956, Joe became the administrative assistant to Supervisor Warren M. Dorn. In this position, he traveled throughout the 2,200 square miles of Los Angeles County representing Mr. Dorn, the people of the fifth supervisorial district, and the county.

Ten years later, he assumed the responsibility for representing all the people of Los Angeles County as the director of the Washington office. Since 1966, he has faithfully maintained contact with the Members of Congress, congressional committees and staffs, and effectively performed all those duties such a demanding position requires. I might add, that as a host for numerous official receptions and functions, Joe has always been warm and accommodating.

A few years ago, Joe was asked to relocate in California and to assume additional responsibilities as the board's representative not only to the Federal Government but to California State government as well. He succeeded in this endeavor with the same skill and vigor that characterized his stay in Washington. However, there comes a time when each of us must say "enough." Joe has earned a retirement that we trust will be fruitful and rewarding. He has also earned our affection and gratitude. We will miss the touch of home his visits brought to us. We will miss the easy, informed manner with which he discussed issues of importance. We will miss this man who has become such a good neighbor to the Capitol Hill community. We all hope Joe will come back to visit from time to time. As a friend and former public servant, he will always be welcome.●

BANKRUPTCY AMENDMENTS ACT

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MRAZEK. Mr. Speaker, this week we will have before us what is clearly one of the most significant pieces of legislation that we have addressed so far in this session, H.R. 5174, the Bankruptcy Amendments Act.

This act is significant because it addresses a range of difficulties existing under the Bankruptcy Reform Act of 1978. Today, I would like to address just one of the issues this legislation attempts to resolve, the use of bankruptcy proceedings to abrogate negotiated labor agreements.

Prior to the recent Supreme Court decision in the case of the National Labor Relations Board against Bildisco and Bildisco, bankruptcy reorganization was to be used solely for the purpose of providing a business with a means to restore order to their financial dealings without having to resort to liquidation.

In the case of Bildisco, bankruptcy was used for the purpose of circumventing the National Labor Relations Act and the Railway Labor Act, and to unilaterally renege on a negotiated labor agreement.

The Supreme Court in the Bildisco case has stated that a company may terminate a labor agreement if such an agreement presents a burden to the reorganization under bankruptcy proceedings. Further, the Court held that a firm may dissolve such a contract immediately upon filing for bankruptcy, prior to review by a bankruptcy court judge.

In effect thousands of workers may be denied their due process, and have their lives thrown into chaos without the protections of the National Labor Relations Act or the Railway Labor Act.

Mr. Speaker, the legislation coming before us will address these problems in two ways:

First, it will prohibit a firm from terminating a collective bargaining agreement until such termination has been reviewed by a bankruptcy judge. This provision will provide an essential guarantee to working men and women who depend on the wages and benefits they have negotiated in good faith.

Second, the bill sets up more stringent criteria than that outlined by the Supreme Court. The business must clearly show that the existing contract would be such a hindrance to reorganization that reorganization would fail unless the contract was terminated; or that the jobs involved would be lost unless the contract was terminated.

These criteria restore the essential understanding that Congress had in mind when it created the bankruptcy code. Bankruptcy laws should never be used as a ruse by anyone, including firms that would use this process to achieve ends not consistent with a fair collective bargaining agreement.

Mr. Speaker, I would like to add one additional point. Since the event which originally brought about the Supreme Court review of the Bildisco case, a number of companies have used bankruptcy proceedings to terminate negotiated labor agreements. Certainly, the most publicized of these cases, and the one that originally brought this issue to my attention, is the case of Continental Airlines.

In my opinion, the Continental Airlines case is the most obvious instance

of subverting the bankruptcy laws solely for the purpose of circumventing the protections provided working men and women by the Congress under the National Labor Relations Act and the Railway Labor Act. It is unfortunate that this legislation does not address that case.

I would hope that when this matter is reviewed by the courts, that passage of this legislation will send out a clear signal that this Congress takes seriously both the bankruptcy code as well as the National Labor Relations Act and the Railway Labor Act. I would hope that the higher standard included in this legislation would be applied in the review of each case currently before the courts.●

MESSAGE FROM HONDURAN EMBASSY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LAGOMARSINO. Mr. Speaker, the action of the majority members of the Subcommittee on Western Hemisphere Affairs has caused great concern and consternation among our allies in Central America. Those members of the committee, in effect, rejected the long hours and hard work of the Bipartisan Commission on Central America and turned their backs on our allies in the region and our own security interests as well. They said they wanted to send a signal, a message about their views on U.S. policy in the region.

The Government of Honduras has made clear its concerns about the subcommittee's actions in a letter from Honduran Ambassador Juan Agurcia. I urge my colleagues to read with careful attention the message the Government of Honduras is sending us.

EMBAJADA DE LA
REPUBLICA DE HONDURAS,
Washington, D.C., March 5, 1984.

Hon. ROBERT J. LAGOMARSINO,
Foreign Affairs Committee, House of Representatives, Washington, D.C.

DEAR SIR: With instructions from the Government of Honduras, I take this opportunity to address you with reference to the Western Hemisphere Affairs Subcommittee mark-up of March 1, 1984, presented for discussion and approval by the Foreign Affairs Committee, which contains provisions of particular concern for us. I refer to Section 902—Restrictions on the Introduction of United States Armed Forces into Honduras—and Section 908—Fund for Reconstruction and Development of Central America.

The Government of Honduras believes the proposed restrictions on the introduction of United States Armed Forces into Honduras will seriously undermine the stabilizing effect the United States military presence has had in Honduras and the region as a whole through joint maneuvers and military training programs, which are perceived as a show of your country's resolve to help and protect friendly democratic nations from foreign assisted aggression and subversion.

The restrictions approved by the Subcommittee would constitute, in my government's view, the renouncement of the fundamental position of the United States as principal allied defendor of democratic advancement in the region in the face of a massive military buildup in Nicaragua and sustained leftist insurgent activities in next-door El Salvador, which have already caused severe economic disruption in Honduras during recent years.

The elimination of military exercises and adequate military training programs in our country would significantly and adversely affect our capacity to defend our territory and our free institutions, to resist the manifestly strong attempts being made by all those who oppose our growing free system, and the ability to insure the security base so urgently required by both our countries—the United States and Honduras—and those others who are presently making a special effort towards representative government and social progress.

Regarding the terms under which 500 million dollars could be appropriated for programs of reconstruction and development of the five regional countries mentioned, including Honduras, let me say that my government since early 1982 has stood firmly in the forefront of the States mentioned in proposing strong and clearly defined measures leading to a comprehensive peace agreement based on the principles outlined in the Subcommittee's provisions. Under these provisions, the unanimity required for a regional peace agreement and development plan is contingent on the full and perfect accord of all points to be negotiated, resolved and approved by all the parties involved.

For any one country to differ or disagree on any single condition, regardless of its imperative need of inclusion to insure regional stabilization, security, democracy and development, would result in failure to reach an agreement, which means that the peoples of all the nations concerned would be subjected to the effects of a denial of any additional U.S. assistance, vital to the solution of Central America's economic, social and political problems.

In my government's estimation, the stringent conditionality clauses voted by the Subcommittee would not serve the purpose of reaching a peace agreement in Central America, but rather would tend to delay the possibility of reaching a consensus on the principal issues involved in negotiating a covenant. Moreover, the complex situation now prevailing in Central America would at best indicate any negotiating process as a long-term affair. In the meantime, the requirement for positive action is immediate if we are to avoid destructive consequences in our regional conditions.

In short, my government strongly believes that the conditions proposed instead of promoting and encouraging "the implementation of a comprehensive Central American regional agreement for peace and cooperation", would further destabilize the region by allowing our already hard-pressed economies to deteriorate even more, in the face of rising popular demands and expectations.

Sincerely,

JUAN AGURCIA,
Ambassador.●

GALE BARTOW

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SKELTON. Mr. Speaker, I bring to the attention of this body Mr. Gale Bartow, of Blue Springs, Mo. Mr. Bartow is finishing a hard, yet fruitful year as president of the American Association of School Administrators. He is known in my district for bringing the R-4 school district up to model standards on the national level. Now he is known on the national level for his hard work and public relations abilities in his role as president of the AASA.

Blue Springs, and the entire Fourth Congressional District of Missouri have good reason to be proud of Gale Bartow. An article recently appeared in the Blue Springs Examiners which expresses all of our admiration and gratitude to Mr. Bartow. I ask that it be reprinted at this point in the RECORD:

BARTOW A SUCCESS

(By Kim Sexton)

Blue Springs was in the national spotlight last weekend because of Dr. Gale Bartow.

The Blue Springs School District superintendent and president of the American Association of School Administrators presided at the annual AASA convention, which was concluded Monday in Las Vegas.

Although Bartow's term does not officially end until later this month with ceremonies in Memphis, his convention participation marked, for all practical purposes, the end of a glorious year for him and this community.

Bartow, who has become well-known for guiding R-4 to model status, and his sparkling personality and tremendous public relations ability, spent an exhausting five days conducting a successful convention for more than 17,000 of America's best administrators of educational institutions.

Most Blue Springs Board of Education members, who granted Bartow half-time off to serve as AASA president, assisted him with receptions he held for delegates. They had every reason to be proud for sharing his talents so he could apply some of his successful techniques for the benefit of education across America.

Blue Springs High School band students, under the expert direction of Doug Watts, performed for appreciative delegates. Many commented that the local band was the best they had heard.

"Partnerships: The Key To Excellence," was the convention theme. Many friends of education were honored, and the importance of good relationships between education and other fields, such as business, were stressed.

Bartow's favorite partner and wife, Irene, presided at a Partners luncheon. She wondered how many in the large audience had learned where Blue Springs is located. Nearly half of the delegates raised their hands.

Bartow had given and received a lot in the last year. So has this community.●

A TRIBUTE TO DON HUNSUCKER

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to congratulate my good friend, Don Hunsucker, who is being honored as Labor Leader of the Year on March 29, 1984, at the annual dinner of the Central Labor Council of Fresno and Madera Counties, AFL-CIO.

Don is certainly deserving of this honor. Aside from being president of the United Food and Commercial Workers Local 1288, Don is also vice president of the United Labor Council and a vice president of the California State Federation of Labor.

Don's contributions to the working men and women of central California have been significant. He began his career in retail trade. In 1967, he went to work for Retail Clerks International Association, and within a few years became a special representative, organizer.

In 1973, he came to Local 1288 as a business representative, and once again rose quickly to the office of administrative assistant in 1974. Within 4 years of coming to Local 1288, he became president in 1978. Quite an accomplishment.

Past offices which Don Hunsucker has held include vice president, California Labor Federation, AFL-CIO, and vice president, Southwestern States Council of the United Food and Commercial Workers Union.

Congratulations, Don, on your accomplishments and best wishes for continued success.●

MRS. BETTY WASHKO HONORED AT TESTIMONIAL DINNER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HARRISON. Mr. Speaker, on Sunday evening, March 25th, Coal Township, and indeed, all of Northumberland County, will join together in paying tribute to a remarkable lady. On that evening, the Coal Township Democratic Committee will sponsor a testimonial dinner honoring Elizabeth Washko for over 50 years of dedicated service to her church, her community, her union, the Amalgamated Clothing Workers of America, and, yes, to the Democratic Party.

Betty Washko was born in Shamokin to the late Mary and Paul Komara, who had come to this country from Czechoslovakia. In 1932, she married the late baseball umpire, John Washko, in St. Mary's Church in Shamokin. To that happy union, two daughters were born, Theresa Kelly, now of Harrisburg, Pa., and Betty Gasper, now of Avnell, N.J. Succeeding generations have given Betty 11 grandchildren and 5 great-grandchildren.

Early in her life, Mrs. Washko was employed by the Tanen Shirt Co., also known as the Bangor Shirt Co. In 1945, she was selected for special training, in Poughkeepsie, N.Y., as a union organizer and business agent. In 1947, she was employed by the Arrow Shirt Co., a division of Cluett, Peabody and Co., and continued with that firm until her retirement in 1971.

Betty was an organizer for the United Fund, when it began in 1960, spearheaded the March of Dimes campaign, and has served as vice president of the Fairview Fire Co. Auxiliary.

Over the years, she has also been an officer of local 129 of the ACWA; she organized a choral group for that local in 1960, and has served as a delegate to the Pennsylvania Joint Board and a member of the finance committee.

And, Mr. Speaker, just as politics is part of the great American tradition, so it has been a vital part of Betty Washko's life. For over 54 years, she has been an elected committeewoman in Coal Township. In 1944, she represented the ACWA at the Democratic National Convention in Chicago. From 1971 to 1976 and, again, from 1980 to 1984, she served as cochairman of the Coal Township Democrats. For a time in 1975, she served as chairperson of that committee.

In recognition of her many services, the Coal Township Democratic Committee voted, on January 24, 1984, to make Betty Washko an honorary lifetime member.

And so, Mr. Speaker, it will be an honor for me on March 25th, to join with the entire Northumberland County community in paying tribute to an outstanding lady. Her community service began in 1940, when she was a member of the U.S. war bond drive; her union service began shortly after and, for 22 years, she was a shop chairlady for the ACWA. And during all of the time, during her working life, she has been a dedicated wife and mother, a pillar of her community, active in her party and her union, and an inspiration to the thousands of people who have known and loved her over the years.●

CONGRESSIONAL SALUTE TO HON. JOSEPH S. GIRESI OF NEW JERSEY, ESTEEMED CATERER, DISTINGUISHED CITIZEN, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ROE. Mr. Speaker, on Sunday, March 25, the residents of the cities of Garfield and Paterson, my congressional district, and State of New Jersey will join with the Garfield Co-Ordinating Senior Citizen Council in testimony to an outstanding citizen and good friend, Hon. Joseph S. Giresi, whose many good deeds on behalf of our people have earned him the respected and esteemed title of "Man of the Year" among his friends and peers for his standards of excellence in working to improve the quality of life for the people of our community, State, and Nation.

Mr. Speaker, I know that you and our colleagues will want to join with me in extending our warmest greetings and felicitations to Joe Giresi upon receiving this citation of merit for his leadership endeavors and share the pride of his good wife Marie and their children: son Joseph, Jr., and daughter-in-law Diane, son George, daughter Lynda, and son-in-law Anthony Giampapa, son Thomas, and daughter-in-law Diane; and grandchildren: Arthur and Melissa Giresi, and Anthony Giampapa, on this milestone of achievement in their family endeavors.

The pleasure of great personal dedication and always working to the peak of one's ability with sincerity of purpose and determination to fulfill a life's dream—that is the success of the opportunity of America—and the mark of distinction in our society of the self-made man. The aspirations and success of Joseph S. Giresi in the mainstream of America's catering industry does indeed portray a great American success story.

His professional expertise for the past 3½ decades in the highly skilled trade of a caterer is applauded by all of us. For 20 years he has been entrepreneur of Garden State Caterers and for the last 15 years his distinctive catering has been conducted under the name of The Cotillion in Garfield, N.J. He has climbed the ladder of success in the great American way in a tradition that serves as a shining example to all of us with the warmth of inspiration and hope that is ever present in our land of opportunity. His sons have joined him in his business establishment which speaks well for this family business of distinction in our community.

Mr. Speaker, there is much that can be said of Joe Giresi and his lifetime

of achievements in service to people and professional expertise in his chosen field of endeavor. Our Man of the Year has resided in the city of Paterson, N.J., for the past 31 years and has brought a lifetime of personal commitment to the economic, social, and cultural enrichment of both the city of his residence, Paterson, and to the city of his industry, Garfield. He is a member and trustee of St. Gerard's Roman Catholic Church, Paterson, and has been a major architect and founder in establishing the kitchen facility there in the St. Joseph's Community Center.

Joe is the adviser and honorary coordinator of the Garfield Senior Citizen Council. He enjoyed serving as an active participant in the arrangement and construction of the Garfield Volunteer Ambulance Corps. It is interesting to note that he was honored by the Garfield Kiwanis as their Man of the Year in 1974 for his leadership endeavors in the management and building of the Garfield Girls Club. He received the P.B.A.'s Silver Card Award in 1979 for coordinating and being responsible for the construction of the Garfield Police Pistol Range.

We are particularly proud of Joe's compassion, dedication, and untiring efforts on behalf of our young people. As one of the directors of the Garfield Day Nursery and the Margaret Muscarelle Child Development Center, he served as building coordinator and was directly responsible for securing the funds needed to build the new center in Garfield known as the Garfield Day Nursery for children. He is currently working on a project in the city of Paterson with Monsignor Puma for the relocation and establishment of a house for wayward women.

Joseph Giresi has been a staunch supporter and active participant in many civic and community improvement programs. He has received awards and citations from many prestigious organizations for his personal assistance and outstanding contributions to the success of their accomplishments in responding to the needs and concerns of our people. He is especially proud of the citations of merit that he received from the Garfield Fire Department, Lodi Fire Department, and Garfield Junior Boilermakers, to mention just a few.

It is also important to note that he was honored in 1974 by the Garfield Golden Age Club and Senior Citizens as their Man of the Year.

Mr. Speaker, this is just a brief outline of Joseph Giresi's good works and affiliations that will be particularly cited by his friends on March 25. As we reflect upon the history of our great country and the good deeds of our people who have made our representative democracy second to none among all nations throughout the world, I appreciate the opportunity to call your attention to this distinguished gentleman and seek this national recognition of all of his good deeds. I know that you will want to join with me and the officers and members of the Garfield Co-Ordinating Senior Citizen Council in honoring this year's recipient of their award of excellence.

We do indeed salute a highly compassionate individual, good friend and great American, the Garfield Co-Ordinating Senior Citizen Council's Man of the Year—Hon. Joseph S. Giresi of Garfield and Paterson, N.J.●

PACIFIC AND ASIAN AMERICAN CENTER FOR THEOLOGY AND STRATEGIES

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MINETA. Mr. Speaker, I rise today to share with you the statement of the Pacific and Asian American Center for Theology and Strategies (PACTS).

I hope that my colleagues will take into consideration the PACTS opinion and think about it as immigration reform legislation comes before us.

The statement follows:

Pacific and Asian American churches throughout this nation are deeply disturbed by the reintroduction of the Simpson-Mazzoli Immigration Reform Bill (H.R. 1510) before proper consideration has been given to the new immigration bill proposed by Representative Edward Roybal. We stongly urge you to withdraw the Simpson-Mazoli Bill. We recommend instead a new round of Congressional hearings to thorougly gather testimony and evidence from the public.

Only last October, Speaker Tip O'Neill, Jr. withdrew this bill because there was "no constituency" in favor of the bill but, rather, widespread opposition from minorities, churches and all those concerned with civil liberties. Yet, in a stunning turnaround, House leaders are again pushing early passage of this unpopular piece of legislation. There have been no fundamental changes in provisions of H.R. 1510 nor shifts in public opinion during the past four months. Why then, is there now a change of heart among House leaders?

The Roybal plan is a far better attempt to establish a dialogue which may lead to a fair and just long-term immigration policy. So far, such a public forum has not existed. Since its inception by the President's Select Commission on Immigration Reform, the Simpson-Mazzoli bill has been distorted by purely political considerations during and after the 1979-80 election year as well as being flawed by exclusionist sentiments against newcomers from Asia and Latin America.

Our organization, PACTS, has been monitoring immigration and refugee legislation for a network of over 500 Asian and Pacific American churches and national church bodies. In January 1982, we were the first group to deliver a petition to Senator Alan Simpson expressing opposition to the elimination of the Fifth Preference by over 3000 persons from Hawaii to New York. We hope that such outpourings of public disapproval will not have to be again mobilized during the second session of this Congress.

Thank you for your kind consideration and support. With best wishes, we are

Respectfully yours,

Rev. NORMAN FONG,
Chairperson.

YOICHI SHIMATSU,
Coordinator, Immigration Project.●

CLARENCE M. MITCHELL, JR.

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PERKINS. Mr. Speaker, I am sure my colleagues in the House are as distressed as I am to learn of the passing on March 18 of Clarence M. Mitchell, Jr., the former chief Washington representative of the NAACP.

In my judgment, Clarence Mitchell was as responsible as anyone in America for the passage of civil rights legislation in the 1960's.

He was often called the 101st Senator, but I think his influence was much broader than that. Clarence Mitchell was in truth "a majority of one."

It was my honor to make his acquaintence in 1949 in my first days in Congress, when we were engaged in the struggle to pass fair employment practices legislation.

He was a man of rare character and intelligence, and possessed an innate courtesy and persuasiveness that dissolved many obstacles in the way of civil rights progress in this country. Decency and honor shown from the man like the rays from a lantern.

We were friends for 35 years and I have been in his debt for his advice and helpfulness to me and to the Committee on Education and Labor many times.

I mourn the loss of the public man and of the private friend.●

HOW TO STOP SYRIA

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. KOSTMAYER. Mr. Speaker, as we continue to grapple with the issue of our involvement in Lebanon and what the future has in store, I recommend the contribution to this debate of our colleague, Representative JAMES H. SCHEUER of New York. Whether you agree or disagree with Congressman SCHEUER's viewpoint, we cannot any longer deny the very major role Syria has played and will continue to play in the Middle East. This article

originally appeared in the March 14, 1984, New York Times:

HOW TO STOP SYRIA

(By James H. Scheuer)

WASHINGTON.—Syria has won the day in Lebanon. And its Soviet allies are delighted. It's all over but the killing.

With or without President Amin Gemayel, there will be a puppet regime in Beirut. The Syrian Army will control the strategically important and economically rewarding Bekaa Valley and—with the possible exception of an Israeli-controlled buffer zone in the south—Syrian proxies will control the rest of the country. To get the Israelis out of the south, the Syrians will continue to make conciliatory noises, promising eventual withdrawal if Israel pulls out unconditionally. Even an optimist should realize that such vague promises are not commitments but strategems.

Our setback in Lebanon directly results from our having undercut the Israelis during the first crucial weeks in June 1982 after they went into Lebanon and had the Palestine Liberation Organization and Syria on the ropes. By public and private pressure, we ultimately forced the Israelis out as President Gemayel's protectors and eventually had to replace them with marines. The price has been lost American lives and the developing de facto partition of Lebanon.

But it is already too late for Lebanon to survive as an independent country, and recriminations will not change the situation. If America is to profit at all from the debacle, it must realize that Syria's hostility toward us—its bombing of our embassy in Beirut, attacks against our marines, duplicitous diplomatic dealings—is more a result of historical ambition than slavishness to Soviet goals in the Middle East. A confluence of Syrian and Soviet interests does exist, but the Syrians have their own agenda: a tenacious dream of a Greater Syria—the historical ambition shared by every modern Syrian regime regardless of political or religious persuasion.

The ambition for Greater Syria does not end in Lebanon. In Syria's view, it encompasses all of Jordan and all of Israel. Now that the first phase—the political annexation of Lebanon—is being accomplished, we can ignore only at our peril Syria's preparation for the next phase: intimidating and controlling Jordan.

In 1970, Syrian tanks were about to invade Jordan when Israel threatened retaliation and stopped them in their tracks. A similar situation arose in 1980. Both times, only the threat of Israeli intervention succeeded as a deterrent. Since then there have been numerous Syrian-inspired assassination attempts against King Hussein and several murders of Jordanian diplomats in the Middle East and Europe.

Can there be any question about the danger to the West of Jordan's being pulled into a Syria-Soviet orbit? That could put Soviet missiles and "advisers" on the Red Sea at Aqaba, on the borders of Saudi Arabia, within easy striking distance of the Persian Gulf.

The Jordanian Army, even if armed to the hilt by America, is no match for the Syrians. Nor are the quaking Saudis. Iraq is mired in its war with Syria's ally Iran. Egypt, even in the unlikely event that it would fight to save Jordan, could be easily diverted by Syria's Libyan friends. Our dispatching a symbolic contingent of marines would be as meaningless in Jordan as in Lebanon, and dispatching a sizable force would be unacceptable to the American people. For Israel, a Syrian-controlled Lebanon and Jordan means mortal danger.

Who will have to stop Syria? Although Syria is far better armed today than 14 or even four years ago, thanks to Soviet largesse and backing from "moderate" Arab states, only the Israelis can serve as a deterrent. Israeli deterrence can be credible only through a meaningful American commitment to its strength. It is in America's interest that the United States-Israeli Strategic Cooperation Agreement be more than just words on paper. It must not become last in the easily manipulated Pentagon bureaucracy; it must assume muscle and sinew and be implemented in a way that is readily obvious to Syria, the Soviet Union and all the countries in that region.

Syria, unlike any other Arab state, has followed a consistent policy based on specific territorial ambitions in Lebanon, Jordan and ultimately Israel. And, unlike the United States, Syria has shown itself willing to apply whatever military and political force is necessary to achieve these goals.

Washington has elevated Damascus to the level of major player in the Middle East. If we lose sight of its historical ambition for a Greater Syria, we are destined to be outmaneuvered again and again. The Strategic Cooperation Agreement with Israel gives us an opportunity to put American policy back on a consistent track, a track that recognizes the compatibility of our self-interest with Israeli strength and security.●

PLANNING FOR COAL'S (AND THE NATION'S) FUTURE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MURTHA. Mr. Speaker, the recent uncertainty in the Middle East should serve as a sharp reminder to us all that America remains dependent on foreign oil sources for its energy needs, and that our hope for energy security remains an unfulfilled goal.

In no area is this truer than coal. Despite the endorsements of three different Presidents, we are far from realizing full potential of coal.

In the 12th Congressional District, unemployment among coal miners is at depression levels; throughout all of western Pennsylvania, unemployment in the coal fields rests at 48 percent.

It is important over the next few months that we take three steps to keep alive the promise of coal.

First, once again this year the Energy Department budget calls for sharp cutbacks in coal research and development. As a member of the Interior Appropriations Subcommittee, we have been holding hearings on this program, and once again this year I will be offering amendments to restore vital funding for key coal programs. Last year's funding level recommended by the Energy Department showed a 90 percent cut from 1981; but we were able to restore most of the funding. This year's cuts represent 52 percent in coal liquefication, 59 percent in surface coal gasification, 68 percent in fuel cells, and 41 percent in the MHD development program; again, I am confident we can restore most of these cuts and that remains a priority for me.

Second, I am glad to join with Congressman DOUG WALGREN in cosponsoring a bill authorizing a new 5-year commitment to coal technology with recommendation for $775 million of spending over those years, covering $75 million in basic coal research; $200 million for science and engineering progress; and $500 million for engineering development. This would provide work in at least 13 key coal development areas where we can make progress that will lead to clean, efficient ways to use the coal we mine to produce energy.

Despite all the years that coal has been used for a fuel, there is still a great deal to learn about new technology, and through developing these processes, we can reduce the oil we import and use our own energy resources.

Third, we must continue the work to develop a strong American synthetic fuels industry. Using coal and other alternative fuels, this represents not only a step toward energy security, but can provide jobs and the purchase of American supplies during construction and operation that can be a vital boost to the American economy.

The major change in America's energy situation since the gas lines is to take the story off the front page and the nightly news. We have not solved the energy problem, we have chosen to forget about it.

But somewhere down the road it is inevitable that we will again face shortages of fuel, skyrocketing prices, and be back sitting in gasoline lines. Then, again, we will ask ourselves why we did not take the steps necessary to avoid the dilemma.

Progress in these three areas can take a giant step toward using American energy resources, putting our coal miners back to work, and avoiding those kinds of energy problems.●

TRIBUTE TO CLIFFORD W. HENDERSON

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. LOWERY of California. Mr. Speaker, I am honored to call to the attention of Congress the achievements and distinguished career of a true aviation pioneer, Mr. Clifford W. Henderson of San Diego County, Calif.

His contributions to aviation have guided the path of progress in a variety of ways. In fact, Mr. Henderson has

often been the reason progress was made in a number of fields related to aviation. A list of his works would fill many pages, yet there are some noteworthy accomplishments which would have not gotten of the ground without his initiative, vision, and support. Clifford is one of a handful of pioneers who have helped to create aviation as an industry, sport, business, and public service.

Under his guidance and leadership, Los Angeles Municipal Airport took its first step into history from a deserted barley field in 1928 to the world class model known as Los Angeles International. Clifford Henderson was the first director of the airport. Continuing in industry, Clifford produced an international aircraft exposition for the United States Aviation Chamber of Commerce at the International Aircraft Exposition in St. Louis in 1931.

By then, aviation was beginning to spread its wings as a sport and Clifford excelled in its promotion. Beginning in 1924, he produced one of the first around the world flights by the Army Air Corps originating from California. In 1928, he produced the first national air races in Los Angeles. Among the contestants was another aviation pioneer, Charles Lindbergh. Other contributions included the organization of the Cleveland International Air Races in 1929, and the Chicago International Air Races at the World's Fair in 1933. Still leading the pack, he organized the Vincent Bendex trophy classic and the Thompson Closed Course Classic. And perhaps his best contribution to the sport came when he organized what has now become an annual international event, the Powder Puff Derby for women pilots.

It does not take long for excellence and leadership to be recognized, Mr. Speaker, and in the case of Mr. Henderson, the awards began at an early age and have come from the corners of the aviation world. The honors and citations have praised his intellect and courage for more than 50 years. Included among some of the more noteworthy are:

The Order de L' Etoile Noire du Benin" from the Governor General of Dakar in 1943.

A citation from the American Legion for his outstanding contribution to the progress of aviation.

The Southern California Aviation Council citation as an "Outstanding Citizen."

Election to the Hall of Fame of the OX 5 Club of America.

Outstanding Service Award from the University of Southern California Institute of Aerospace Safety and Systems Management.

Election to the American Hall of Aviation History and the recipient of the International Hall of Aviation Personality Award.

And most recently the President of the United States has seen fit to recognize Clifford and commend him for his achievement in the field. The President's letter said in part, "* * * yours is a lifetime of accomplishment, breakthroughs and progress."

Mr. Speaker, in recognition of the more than 65 years of unselfish contribution, dedication and commitment that Clifford W. Henderson has given to the aviation industry, please join me in honoring and calling the attention of the Congress and the American people to the life of a true aviation legend.●

TRIBUTE TO JOE POLLARD

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DREIER of California. Mr. Speaker, it is a pleasure for me to pay tribute to the work of a fine public servant, Mr. Joe Pollard. Joe is retiring after more than 25 years of service to the community of Los Angeles County.

Joe began his career as an assistant to Supervisor Warren Dorn. For the past 18 years Joe has focused his efforts in Washington, working as the legislative representative to the Los Angeles County Board of Supervisors. In this role he has coordinated the efforts of Federal and local legislators to meet the needs of our constituencies. Los Angeles County is the home of over 8 million people—an area more populous than many of our States. Responding to the needs of this population has not been an easy task. In all of his actions Joe has considered the best interests of our community, and has worked closely with Federal representatives and Los Angeles residents alike. I have no doubt that his dedication will be greatly missed by his colleagues in Washington as well as in California.

Working with Joe has been a pleasure. I join his many friends in wishing him and his wife, Doris, much happiness in their retirement.●

CLARENCE MITCHELL

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ADDABBO. Mr. Speaker, I am deeply saddened by the death of America's 101st Senator, Clarence Mitchell. He was a leading civil rights activist, and also a good friend, and the brother of my colleague, PARREN MITCHELL. On his behalf, I would like to submit this obituary which appeared in the New York Daily News:

CLARENCE MITCHELL

BALTIMORE.—Clarence Mitchell, Jr., 73, a lawyer instrumental in the passage of the 1965 Voting Rights Act, died last night at Maryland General Hospital following a heart attack.

Mitchell, the brother of Maryland Democratic Rep. Parren Mitchell, was dubbed the 101st senator because of his longtime work as head of the National Association for the Advancement of Colored People's Washington bureau. Mitchell was also the chief lobbyist in the passage of the 1965 Voting Rights Act.

Mitchell received the Medal of Freedom, the highest civilian honor, from President Jimmy Carter and served as a member of the U.S. delegation to the United Nations under President Gerald Ford.

Mitchell practiced law with the Baltimore firm of Mitchell, Mitchell and Mitchell.●

NONEXCLUSIVE CABLE TV FRANCHISES MORE COMPETITIVE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PAUL. Mr. Speaker, I would like to share with my colleagues a letter I received from the mayor of Kearney, Nebr., concerning competition in cable television systems.

Congress cannot legislate competition; it can only put obstacles in the way. H.R. 4103 is such an obstacle. This legislation would give legitimacy to exclusive cable franchises. There cannot be exclusivity and competition at the same time.

I believe the message embodied in the following letter speaks for itself. I hope my colleagues will take a few moments to read it.

CITY OF KEARNEY,
Kearney, Nebr., February 28, 1984.

Honorable RON PAUL,
U.S. Representative,
Longworth House Office Building,
Washington, D.C. 20510.

DEAR CONGRESSMAN PAUL: A sincere thank you for your recent letter regarding your opposition to H.R. 4103. I find it truly refreshing to hear from a member of Congress that believes in less government regulation and actually stands by that conviction.

Your comments promoting competition in the cable TV industry are right on target. Kearney, a community of 22,000 citizens, granted its first non-exclusive cable TV franchise in 1966. Through time the system became dilapidated, service deteriorated and channel selection limited. This cable system was finally purchased in February, 1981, by TeleCommunication, Incorporated (TCI), the largest cable TV system in the nation. Through the purchase of the system, TCI promised the City Council the entire city would be wired and the system upgraded. Improvements to the existing system were not forthcoming until April, 1983, when the City Council granted a second non-exclusive franchise to Kearney Cablevision. Once the second franchise was issued, TCI withdrew their rate increase and started upgrading their facilities. Competition has continued providing our citizens with better cable TV service at competitive rates. I firmly believe that by granting the additional non-exclusive franchise, competition was born which

spurred better cable TV service for our citizens.

Congressman Paul, I agree with your analysis that competition will provide the best cable TV system to our citizens. I thank you again for your opposition to H.R. 4103. Your convictions to the principal of less government regulations and more free enterprise is to be commended.

Sincerely yours,

JUSTUS DOBESH,
Mayor.●

THE SALE OF STINGER ANTIAIRCRAFT TO JORDAN

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. MRAZEK. Mr. Speaker, in recent remarks Jordan's King Hussein has rejected negotiations with Israel, and criticized the role of the United States as a mediator of peace in the Middle East. The statements highlight the precarious and highly volatile state of our relationship with the Jordanian State.

In the widely reported New York Times interview last week, King Hussein rejected a U.S. role as a broker of peace in the region. During subsequent interviews he has reiterated these views, concluding that he sees no hope for peace in the Middle East.

King Hussein's condemnation of U.S. policy in the Middle East is particularly shocking coming at a time when the administration has announced plans to sell Stinger antiaircraft missiles to Jordan and equip a rapid deployment force for use in the Persian Gulf. Under the administration's most recent plan, Jordan would receive 315 launchers and 1,613 missiles at a cost of $133 million.

Despite King Hussein's repudiation of U.S. policy in the Middle East, the administration persists in its plan to sell the Stinger antiaircraft missiles to Jordan. According to this morning's Washington Post, the President has refused to drop the sale based upon his promise to King Hussein. Yet such a short-term promise means little when it is considered alongside our more vital long-term strategic and military needs in the region.

Mr. Speaker, the sale of Stinger weapons would do little to advance the cause of peace in the region and would, more likely, create a serious national security threat to our only democratic ally in the region, Israel. King Hussein has proven once again that his friendship hinges on a delicate and tenuous balance. In the interest of long-term peace in the Middle East, I urge the President to drop his plan to sell the Stinger antiaircraft missiles to Jordan.●

FIRST FEDERAL SAVINGS & LOAN OF PHILADELPHIA

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BORSKI. Mr. Speaker, First Federal Savings & Loan Association of Philadelphia marked their 50th year of service on February 20, 1984. In honor of this achievement, I want to share with the House a brief history of First Federal.

The year was 1934. Franklin D. Roosevelt was President of the United States and the Nation was struggling desperately to break out of the depression. In an effort to solve some of the very serious problems with the banking system, the Federal Government had established the Federal Home Loan Bank Board to encourage thrift and economical homeownership.

Around this time, Samuel A. Green of Philadelphia decided to organize a Federal savings and loan association. With deposits of $7,546 from nearly 200 friends, he started First Federal of Philadelphia and was granted the first charter for a Federal savings and loan in Pennsylvania of February 20, 1934.

The first office of First Federal was located at 1330 Point Breeze Avenue where, 11 years earlier, Daniel B. Green—now chairman of the board—was born. The creation of First Federal was the culmination of many years of work by Samuel A. Green in banking, and building, and loans. In fact, his interest started from the first day he arrived in Philadelphia from his native Hungary in 1905 when his father made him treasurer of one of the oldtime credit unions. He qualified for the job because he was the only one who could write.

In 1919, he organized the Roosevelt Bank in South Philadelphia, and remained as its chairman until it merged into the present Fidelity Bank in the 1950's. He was the manager of six building and loan associations during the 1920's. The success of these institutions was an important factor in his securing the first charter for a Federal savings and loan in Pennsylvania. Today, First Federal has grown to 11 branches with assets of over $800 million. In 1957, First Federal built a four-story headquarters and branch bank at Castor and Cottman Streets in northeast Philadelphia.

Beginning on April 20, 1984, and continuing for 50 days, First Federal will conduct a series of events and activities to celebrate its 50th anniversary. All of these activities will be geared to community participation. Mr. Speaker, I am pleased to note this important occasion and the many achievements of First Federal Savings & Loan Association.●

CHARLES R. DREW CENTER

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FOGLIETTA. Mr. Speaker, today I rise to pay tribute to the Charles R. Drew Community Mental Health and Mental Retardation Center of Philadelphia. This nonprofit corporation serves over 5,000 residents of Philadelphia each year and is deserving of our recognition today for its important contributions as a member of the Philadelphia health care community. The Charles R. Drew Community Mental Health and Mental Retardation Center provides a myriad of services ranging from crisis intervention to outreach and community education programs. Established in 1979, this center was designed not only to meet the needs of mentally retarded individuals and their families, but also to help persons deal more effectively with the long-range problems associated with developmental disabilities. In addition, at a time when our daily lives are complicated by stress and imposed pressures, the Drew Center helps clients to reduce and eliminate potentially difficult and trying situations by counseling and offering advice on how to cope with emotional and psychological problems.

Yet another program developed by the Drew Center is Gateway, which assists individuals in making the successful transition from the hospital to community life. Preventive outreach is another facet of the Drew Center's commitment to community service. Contact, a quarterly newsletter, acts as a liaison with community groups and other service agencies and was developed in an effort to help educate the public.

Obviously, the Charles R. Drew Community Mental Health and Mental Retardation Center provides us with a shining example of public service, and the dedication of the center's employees and volunteers to improving health care in Philadelphia is particularly admirable. Especially worthy of recognition, the Drew Center embodies a noble approach to health care, as every effort is made to insure that no individual is turned away or denied service because of an inability to pay. For these reasons, the Charles R. Drew Community Mental Health and Mental Retardation Center is deserving of our thanks and admiration for its outstanding record of service to the Philadelphia community.●

THE QUESTION OF SMOKING IN AIRCRAFT CONTINUES

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. YOUNG of Florida. Mr. Speaker, yesterday, the Civil Aeronautics Board (CAB) defeated a proposal to ban smoking on short flights, but it did agree to prohibit all smoking on planes having 30 or fewer seats and cigar and pipe smoking on all flights. The Board also upheld a rule that prohibits smoking when airplane ventilation systems are shut down and kept the requirement denying airlines the ability to place a nonsmoking section between two smoking sections.

As a longtime advocate for the rights of nonsmokers, I shared my support for these proposals in testimony I submitted to the CAB on February 27, 1984. I applaud the CAB's decision yesterday and their efforts to protect nonsmokers from breathing undesired smoke. However, we cannot forget that these important protections could be shortlived without legislation.

Since the 92d Congress, I have introduced legislation requiring the Department of Transportation to prescibe regulations for the separate seating of nonsmokers aboard planes, trains, and buses traveling in interstate commerce. Because I continue to believe that the nonsmokers of America have rights, too, I have reintroduced H.R. 4955, the Nonsmoker Relief Act. I have also cosponsored legislation (H.R. 4395) which would codify existing CAB regulations and aircraft practices governing the protection of nonsmokers' health and safety aboard commercial aircraft. Both measures attempt to continue the role our Government has played in insuring the basic right to clean air on airlines and all forms of public transportation.

As we know, the CAB will cease to exist at the end of this year. Without legislation in place to designate which Government agency should handle smoking and other consumer-related regulations, protections like these which mean so much to so many could die with the Board. Because I am concerned about that possibility, I recently addressed the House Public Works and Transportation Subcommittee on Aviation during their hearings on the sunset of CAB.

The Aviation Subcommittee is continuing to review the elimination of the CAB and I urge them to consider the serious role this Congress will play in the near future. Without laws in place to provide for a fair and orderly transition, the American public will continue to fear the possibility of changes that could curtail or even eliminate the protections we all enjoy today. It is our responsibility to insure that the next breath we take is not filled with smoke, and I urge my colleagues on the Aviation Subcommittee to include language similar to H.R. 4395 or H.R. 4955 in any legislation they consider that would transfer the authority of the CAB.●

EL PASO'S HISPANIC STUDENTS: NO LONGER CAMPUS "TOURISTS"

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. COLEMAN of Texas. Mr. Speaker, I want to take this opportunity to point out that the University of Texas at El Paso is known for more than its nationally ranked basketball team. Over the year, a dramatic turnaround has taken place in the composition of the student body, and for the first time in its 71-year history, Hispanic students are the largest group on campus. As the following article from the Chronicle of Higher Education—March 12, 1984—points out, this change reflects the desire of Hispanics to improve their economic and social standing through education.

The article follows:

[From the Chronicle of Higher Education, Mar. 14, 1984]

EL PASO'S HISPANIC STUDENTS: NO LONGER CAMPUS "TOURISTS"

(By Charles S. Farrell)

Jose F. Avila says the alienation he encountered as a freshman at the University of Texas at El Paso in 1961 was overwhelming.

The university had only a few Hispanics at the time, and the El Paso native says, "I felt like a tourist in my own town. I didn't feel like I belonged."

He left the university, but after a three-year hitch in the Air Force, a more confident and worldly Mr. Avila returned to his studies able to cope successfully with the culture shock he had experienced earlier.

Now dean of students at the university, Mr. Avila has witnessed a dramatic turnaround. This year, for the first time in the university's 71-year history, Hispanic students are the largest group on the El Paso campus, making up about 48 per cent of the total of 15,630 students. White students are about 46 per cent of the total, with blacks and "others" making up the rest. The increased Hispanic presence at Texas-El Paso is reflective of the fast-growing Hispanic population nationally and the desire of Hispanics to improve their social and economic standing through education.

The 1980 census found about 14.6 million Hispanics in the United States—not counting the 3.2 million residents of Puerto Rico, who are American citizens.

The number of Hispanics is expected to increase dramatically in the next decade, particularly for those of the college age. Some predict that by the end of the century, Hispanics could outnumber blacks in the United States.

But some educators, such as Rafael J. Magallan, executive director of the Hispanic Higher Education Coalition, say that while more Hispanics than ever are going to college, a lack of opportunities, along with other barriers, continues to prevent a more proportionate Hispanic participation in higher education.

In 1980, the last year for which figures are available, Hispanics constituted 6.5 percent of the U.S. population but only 4.2 percent of the approximately 9.3 million college undergraduates. In contrast, blacks, who were about 11 percent of the total population, were 10.1 percent of all undergraduates.

Only about 30 percent of the Hispanics who enter college complete their studies, compared to 61 percent of whites and about 40 percent of blacks.

However, while problems remain, more colleges and universities are beginning to shoulder the responsibility of addressing the needs of Hispanic students, particularly in the Sun Belt states, where the greatest population increases among Hispanics have occurred, says Mr. Magallan, whose organization advocates policies designed to improve the opportunities in higher education for Hispanics.

While Hispanics are found in every state, 85 per cent are concentrated in nine states; Arizona, California, Colorado, Florida, Illinois, New Jersey, New Mexico, New York, and Texas. California alone is home to about 31 per cent of all Hispanics in the United States; another 20 percent live in Texas.

HISPANIC LABEL RESISTED

El Paso, located in the far western corner of Texas, a short distance from New Mexico and just across the Rio Grande from Mexico, has been a crossroads between the Anglo north and the Latin south for more than 385 years. The state university at El Paso—a city in which 63 per cent of the residents are of Mexican-American descent—shows a strong Hispanic influence.

Students dress with Hispanic flair. Conversations outside the classrooms are mainly in Spanish. Buildings on the campus have the hacienda style of many homes in El Paso.

But, while the Hispanic presence at the university is increasing markedly, there is resistance to calling it "Hispanic."

"I don't think we should have an ethnic identity," says Haskell M. Monroe, Jr., the president. "We're accepted as an institution that sees our primary role as servicing the region centering around El Paso."

Several factors have led to the increase in the number of Hispanics at the university, says Roberto E. Villarreal, director of Chicano studies. World War II spurred Hispanic interest in a college education, he says, as young Hispanics inducted into the services got to travel extensively and see many of the social problems that plagued the country. "Many of the parents of the kids here now decided something was wrong, and they had to educate themselves or see that their children were educated," he says.

The civil-rights movement led to additional awareness and concern about educational opportunities for minority-group members, he says, and Hispanics began to realize that college could and should be a reality.

A certain amount of cultural ideology had to be surmounted in order to improve Hispanics' access to college, Mr. Villarreal says. Many Hispanics come from working-class communities, and they failed to see what benefit four years, or even two years, of ad-

ditional schooling could provide when there was an immediate need for family income.

But as more Hispanics go to college, earn degrees, and get higher-paying jobs, the resistance is wearing down. Gradually, the notion of college has become more attractive, Mr. Villarreal says. "Hispanics, little by little, are making more contact with the idea that without a higher education, you're not going to get anywhere."

There has also been a change regarding the role of Hispanic women, Mr. Villarreal says. Once their place considered to be only in the home; now they are being encouraged to pursue an education.

Among Texas-El Paso's Hispanic students, women outnumber men—reflecting a national trend, according to Mr. Magallan.

Improved counseling and preparation in high school have also helped increase the Hispanic presence in higher education, as has a greater awareness of where to get financial aid.

For the most part, though, college for Hispanics remains a first-generation phenomenon. And unlike blacks, who historically have had their own institutions to turn to for a college education, outside Puerto Rico only three institutions, Boricua College and Hostos Community College, both in New York City, and Saint Augustine Community College in Chicago, have been established in the United States to serve Hispanics.

Couple that with a national shortage of Hispanic faculty members and administrators to serve as role models, and many Hispanics continue to feel a certain alienation from college.

But at Texas-El Paso, the large Hispanic influence that envelops the university has made it what many consider an ideal setting for students who might otherwise feel alienated and retreat, much as Mr. Avila, the dean of students, did during his first encounter with college.

Mr. Avila encourages Hispanic students who want to go to colleges where there are few Hispanics to do so, but he warns, "The cultural adjustment, particularly for first-generation students, can be particularly bad. It is not easy to leave a Mexican-American family, because there are a lot of ties.

"It is less traumatic for them to come here," he says. "It is close to home, for one thing, and it is less expensive. The idea is to get started in college close to the things you know and love."

600 MEXICAN CITIZENS ENROLLED

Nearly 85 per cent of all students at the university are from El Paso County, and about 600 Mexican citizens attend the university.

The university is doing a good job accommodating Hispanics because it is accustomed to having Hispanics around, Mr. Avila says. "That makes for less social pressure and less culture shock." Many elementary courses are offered in Spanish to help overcome language difficulties.

But Mr. Avila adds, "Our Hispanic graduates are ready for American society. We might soften the culture shock, but they are exposed to American society. This is the best of two worlds, because here they can maintain their cultural identity."

President Monroe says one of the primary reasons many Hispanics go to Texas-El Paso is that "they know the university offers a welcome to them and genuinely wants to serve their needs. This is an ideal situation for Hispanic students, becasue it provides them with a sense of security. El Paso is an oasis in the desert."

He agrees with Mr. Avila that, while cultural identity is important, "we produce graduates who participate fully in whatever area they choose."

Mr. Monroe boasts that the Hispanic graduation rate at the university is 62 per cent, exceeding the proportion for white students and for Hispanic college students nationally. The high rate, in part, is due to the security and encouragement offered, Mr. Monroe says. "We offer a good example of young people succeeding without regard to economic or ethnic background," he says. "We hope we are out front nationally in regard to ethnic cooperation and success."

Students seem to agree.

The campus' Hispanic ambiance is "an attraction, definitely a plus," says Kenny Tarango, a senior from El Paso who is majoring in industrial engineering. So is the institution's low cost, he says. (It is under $400 per academic year.)

Mr. Tarango, who is vice-president of the student association, says the atmosphere at the university is "very relaxed, because a person's color or last name doesn't matter. You're not viewed as a token. There may be advantages to going other places, but I doubt if you get the support other places that you get here."

Hispanics should seize opportunities to go to predominantly white colleges, he says, "but you get more of a chance to develop here. The role models you see on campus say something about staying home. This has given me a chance to develop as a person and be involved."

"It is really hard to discriminate against Hispanics here," says Ralph Zubiate, a sophomore from El Paso majoring in journalism. "That makes for a lot of opportunities. At UTEP you get along not because you're Hispanic or in spite of being Hispanic. You are just a student."

At the same time, Mr. Zubiate says, he can maintain his cultural identity, something that probably would be lost at most colleges. "You're exposed to it here. The more I'm exposed, the more pride I have in my background."

GETTING AWAY FROM BIAS

Juanita Sauceda, a sophomore computer-science major, transferred from another university because of the prejudice she encountered. She says she is much more at ease at Texas-El Paso.

Ms. Sauceda, who has three older sisters, is the first in her family to go to college, the first child that her parents "expected" to go to college. "They said, 'You've got to set an example for the rest of the children.' They're realizing the need for an education. They want something better for us. They don't want us to go through what they had to go through."

The university has followed through on her parents' desires, she says. "The emphasis here is you need to be someone."

Part of that emphasis comes from the 39 Hispanic faculty members, out of a total of 439. But there is agreement that while 39 is a substantial number compared to other universities, it is not enough, considering the composition of the student body.

"They are not nearly as many as we want," President Monroe says, "but it is difficult to bring them here." Relatively few Hispanics hold doctoral degrees, and the demand is high for those who do.

For example, Mr. Monroe notes, "Texas-El Paso hired one-third of the Hispanics who received a doctorate in statistics in the country last year. And we were lucky to get him," Mr. Monroe says.

Nationally, only about 1.5 per cent of all faculty members are Hispanics. Hispanics have increased their enrollment in graduate schools, but the numbers are still small. In 1980, Hispanics received only 2.1 per cent of the master's degrees and 1.4 per cent of the doctorates.

But an educational revolution among Hispanics is under way, Mr. Monroe says, and he expects things to improve. "It takes time," he says, "but there is more understanding and more awareness as you see more Hispanics succeed. There are many indications that we are in the midst of rapid change. Hispanics are becoming more aware of their role in the community and the United States. This should result in higher Hispanic enrollment and graduation."

FACING HISPANIC REALITY

Pat Mora, assistant to the vice-president for academic affairs, says that as the Hispanic population in the country increases, more and more colleges must face the reality that Texas-El Paso has had to face: "how to deal with Hispanics."

A Hispanic presence should be viewed as an institutional strength, Ms. Mora says. "You have to view high Hispanic enrollment as a resource," she says. "The question now is, How do you best prepare that resource for a country that is going to need them all over? You have to go past the point of accepting the demographics as a reality and view the reality as an opportunity."

Hispanic educators say Texas-El Paso is doing well in providing educational opportunities for Hispanics.

"The university is unique in doing what it has done so far," Mr. Magallan says. "It needs to be lauded and applauded loudly because most colleges do much more poorly."

But for opportunities for Hispanics to continue to improve, even better preparation and counseling in high school are needed, Mr. Magallan says, so that more students will see the need to attend college and be academically prepared to do so.

He also suggests:

Improved access to financial-aid information.

Additional recruitment efforts.

Improved college-admissions tests.

Pilot programs for admissions and retention.

Improved links between two-year and four-year institutions.

Better efforts at incorporating Hispanic needs and cultures into curricula.

"We have to improve the educational pipeline for Hispanics," Mr. Magallan says, "because there is so much leakage at all levels. A lot of talent is being lost. It is improving for some, but the numbers are not coming through. In some cases, it is getting worse—and that is the scary part."●

RABBI ZVI KESTENBAUM: MINORITY SMALL BUSINESS CHAMPION

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SOLARZ. Mr. Speaker, I rise today to pay tribute to Rabbi Zvi Kestenbaum, executive director of the Opportunity Development Association (ODA) of Brooklyn, upon his selection

by the U.S. Small Business Administration as Minority Business Advocate of the Year for 1983 from New York State.

For the last 9 years Rabbi Kestenbaum has devoted his considerable energy to expand business and job opportunities in the Chassidic community in the New York metropolitan area. ODA is based in Williamsburg, a neighborhood in Brooklyn, with a set of unique characteristics and problems.

Most of them are refugees from Eastern and Central Europe who survived the Holocaust. They came to the United States to rebuild their shattered communities and to maintain their way of life.

The Chassidics are ultra-Orthodox Jews who adhere strictly to Jewish law. Their dedication to tradition sets them apart from the community at large and exposes them to anti-Semitism and other forms of discrimination in many walks of life including the marketplace.

The Chassidic community in Williamsburg is poor. Data show a persistent pattern of poverty, youth unemployment, aging housing stock, and other indices of distress.

The Federal Government recognized the status of the Chassidic community in 1975 when the Opportunity Development Association was established with funds provided by the Minority Business Development Agency, U.S. Department of Commerce, and Community Services Administration. The Small Business Administration provided its first loans to ODA's clients in 1975. Rabbi Kestenbaum has been at the forefront of ODA's efforts from the beginning.

Since its establishment ODA has become a full-service community organization, providing management and technical assistance; loan assistance; assistance in obtaining procurement contracts through the 8A program to Chassidic businessmen; vocational education to Chassidic youth; housing counseling; energy conservation; and a home attendant program for disabled individuals, among other programs. ODA also opened a primary health care facility in Williamsburg that has become the largest on-site WIC program in New York State.

These programs reflect ODA's belief that improving the business climate must encompass a multifaceted approach to the community's problems.

Rabbi Kestenbaum is the driving force behind ODA. He is a tireless and indefatigable advocate for the Chassidic community, working closely with other community leaders; local, State, and Federal officials; and representatives of Federal agencies to improve business conditions.

Rabbi Kestenbaum richly deserves this award because he has, through his personality and will, made ODA an extraordinary resource for his community. It is impossible to imagine any one man doing more to advance the cause of minority small business than he has.●

JOJOBA TAX SHELTER ELIMINATED

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. STARK. Mr. Speaker, farm syndicates dealing in jojoba beans are outraged these days. The IRS has the gall to issue a regulation in November which clarified what most people already knew: The farm syndicate rules which require capitalization of expenses under section 278(b) apply to jojoba growers.

In case you are not up on the latest tricks in tax shelters, jojobas are beans which grow on bushes in arid climates and produce an oil used in shampoos and cosmetics and as an industrial lubricant. The jojoba plant takes 5 or 6 years to produce oil for marketing purposes. It takes 3 years to determine if the plants are female and bear beans. It takes then another 3 years for the plants to mature to a stage when they can produce the oil which can be marketed as a substitute for sperm whale oil.

During those first 6 years, the jojoba produces something better than even sperm whale oil. The jojoba syndicate provides a mechanism to shelter outside income by providing investors with a deduction for 6 years in a row before there is any income from the venture. At least, this is what the investors had argued.

Actually, the Tax Reform Act of 1976 provided that, when a crop grown by a farming syndicate is the type of crop which takes years to develop from planting to market stage, the investors must capitalize the costs of planting, cultivating and maintaining the crop until there is a commercial crop or yield. The section expressly covers fruits and nuts. Because the jojoba is the seed of a fruit and is inedible, the jojoba investors are claiming that section 278(b) does not apply to them.

I think they are wrong. The IRS issued a regulation last November making it perfectly clear the capitalization requirement covers jojoba growers. But while investors have petitioned this Member of Congress chanting "Save the Whales," somehow I cannot help but hear "Save the Shelter!"

And I am just not about to come to the rescue of people who have made a point of and profited from end-running the Tax Code.

To remove any possible shade of ambiguity, any doubt, that the capitalization requirements apply to jojoba syndicates, I am introducing a bill today to amend section 278(b) of the Internal Revenue Code to include inedible fruits as well as edible fruits.

The text of the bill follows:

H.R. 5199

A bill to amend the Internal Revenue Code of 1954 to clarify that the farm syndicate rules of section 278(b) apply in the case of inedible fruits and nuts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 278 of the Internal Revenue Code of 1954 (relating to certain capital expenditures of farming syndicates) is amended—

(1) by striking out "a grove, orchard, or vineyard in which fruit or nuts are grown" and inserting in lieu thereof "a grove, orchard, vineyard, or other tract of trees, bushes, shrubs, or vines in which fruit or nuts (whether or not edible) are grown", and

(2) by striking out "grove, orchard, or vineyard" in paragraphs (2) and (3) and inserting in lieu thereof "grove, orchard, vineyard, or other tract".

(b) Subsection (c) of section 278 of such Code is amended by striking out "grove, orchard, or vineyard" and inserting in lieu thereof "grove, orchard, vineyard, or other tract".

(c) The amendments made by this section shall apply to amounts paid or incurred after March 20, 1984, in taxable years ending after such date.●

SPECIAL SERVICES PROGRAM AT AQUINAS COLLEGE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SAWYER. Mr. Speaker, I would like to affirm my confidence in the special services program at Aquinas College, located in Grand Rapids within my district, to fulfill the legislative requirements of TRIO funding. This program supports Aquinas College in its unique approach to continuing education, making a quality education possible to eligible participants within a career-oriented environment.

The special services program for continuing education students, one of a very few programs of its kind designed for adult returning students, helps participants build personal and academic skills through personalized instruction and intensive counseling. The program serves to retain students for degree completion and returns them to the Grand Rapids community fully prepared for useful and practical careers. It therefore serves the educational needs of disadvantaged adults within my district and retools them for long-term productivity within their society.

Funding provided to programs like the special services program at Aquinas College is clearly a productive investment.●

THE TRUTH ABOUT THE DEFICIT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, President Reagan has been incorrectly accused by the press of causing the large increase in the deficit through his tax cuts and defense buildup. The belief that the administration's original economic projections underestimated the deficit and overestimated the future growth of the gross national product has no basis of fact. The administration projected a balanced budget by 1984 only because the Office of Management and Budget (OMB) foresaw additional budget reductions which were not embodied in the proposal. Without these additional savings the nominal GNP growth and deficit estimates were placed in line with those of major private forecasters. The fact is that three-fourths of the recent increased deficit was caused by the economic recession and that the OMB had problems delivering additional budget cuts. However, the press has failed to deliver anything other than fiction about the deficit. I urge my colleagues to read Mr. Roberts' comments which will clarify the fiction surrounding the issue of the deficit.

[From Business Week, Jan. 23, 1984]

TOO MUCH FICTION ABOUT THE DEFICIT

(By Paul Craig Roberts)

The Reagan Administration's projections of large multiyear budget deficits have proven to be a boon to the President's political opponents. The deficits have been incorrectly attributed to Reagan's tax cuts and defense buildup, and erroneous reports to this effect threaten the success of Reagan's attempt to rebuild the economic and military prowess of the U.S. A detailed look at the origin and source of the budget deficits will provide a useful background for the public debate that will begin later this month when the President releases his new budget proposals.

It is widely believed that the Administration's original economic projections in March, 1981, were responsible for a rosy forecast that underestimated the deficits by overestimating future growth of gross national product. This belief has no basis in fact, and it is difficult to understand how a country with a free press can be so misinformed.

MISCONCEPTIONS

When the Administration issued its original projections, major private forecasters, such as Data Resources Inc. and Chase Econometrics, were predicting equal or higher GNP growth. The mix between the real and the inflation components of growth was different, with private forecasters predicting more inflation and less real growth than the Administration. But because nominal GNP forms the tax base, tax revenues are determined primarily by the level of nominal GNP.

Another misconception is that the Reagan Administration based its deficit projections on the Laffer Curve, predicting that cutting tax rates would raise revenues. The Administration never based any economic forecast or deficit projection on the Laffer Curve, a fact that can easily be established by anyone with enough energy to examine official Administration forecasts and statements of goals. If the Administration had relied on the Laffer Curve, there would have been no need to define its budget goal in terms of reducing government spending to 19.3% of GNP by 1984.

The Administration was able to project a balanced budget by 1984 in its original forecast only because the Office of Management & Budget projected additional spending reductions that it was not prepared to identify in 1981. When these "additional savings to be proposed" (which the OMB failed to deliver) are taken out of the original budget projections, the Administration's deficits fall between those of Chase and DRI.

In summary, the nominal GNP growth and deficit estimates were in line with those of major private forecasters, and the Administration is not guilty of the charge that it covered up deficits with a glowing forecast of economic growth. Indeed, in 1981, when the Administration was accused of rosy forecasting, the charge was based on the belief that the tax cuts would cause more inflation than was projected. Had this charge been true, the deficits would never have materialized, since higher inflation would have raised tax revenues.

The deficit dilemma arose because the recession caught almost every forecaster, including the Federal Reserve Board, by surprise. During 1981 the Fed was convinced by mainstream economists that fiscal policy was too expansionary and would produce higher inflation no matter how hard the Federal Reserve applied the monetary brakes. Administration critics greatly overestimated the expansionary force of the tax cut, causing the Fed to ignore Treasury's warnings during the latter half of 1981 that the money supply was dangerously below target and was leading the economy into recession.

SHARP DECLINE

It is indisputable that the economic recession, together with the additional budget cuts that the OMB promised but failed to deliver, accounts for three-fourths of the traumatic increase in the deficits between the Reagan Administration's original projections in March, 1981, and the latest official forecast in July, 1983. The sharp decline in money supply growth during 1981 caused both real GNP and inflation to decline dramatically relative to all forecasts. The unexpected collapse in real GNP and inflation resulted in substantially lower federal revenues and higher federal borrowing, pushing up interest payments on the debt. The OMB's empty promise of "additional savings to be proposed" accounts for a $160 billion deficit increase in the 1983-86 period.

In an attempt to shift the burden of balancing the budget to the Treasury through higher taxes from the OMB through spending control, Martin S. Feldstein, chairman of the Council of Economic Advisers, and OMB Director David A. Stockman have made unfounded claims of success in curbing discretionary spending—that is, total spending excluding defense, Social Security, medicare, and interest on the debt. Such claims are inconsistent with the OMB's published budget numbers. Discretionary spending for the 1983-86 period is $378 billion higher in the midsession 1983 budget than in the original budget in 1981. The only progress the Reagan Administration made in reducing federal spending was the 1981 reconciliation bill, and some of the cuts gained in that bill have since been given back.●

IN REMEMBRANCE OF THE HOLOCAUST

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. RATCHFORD. Mr. Speaker, on April 29 the Westport-Weston Clergy Association will gather for a service of commemoration for the victims of the Holocaust. I very much regret not being able to be with the association on that day, but am honored by the invitation.

Four decades ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide. The magnitude of this crime is hard to grasp—the numbers of the victims, the resources of an entire government which were put to such a use, the thousands of human beings who planned and carried out the slaughter, and the populations and world leaders who either did not have the will to grasp the horror of what was occurring, or simply refused to act.

There is a danger in the very senselessness of the destruction of European Jewry. The immensity of it tempts us into believing that such a holocaust is too fantastic ever to recur. The Pol Pot government's massacre of 2.5 million Cambodians, and Idi Amin's slaughter of 300,000 Ugandans are compelling evidence of the potential for history to repeat itself.

Every spring, as we honor the 6 million innocent victims of the Holocaust, I believe we do them, and ourselves, the best possible service. We honor their memory, and in so doing we renew our own. Many nightmares are best forgotten. This one must never be.●

A TRIBUTE TO DIXIE JOHNSON AND HER GIRL SCOUT TROOP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SKELTON. Mr. Speaker, it is with great pride that I acknowledge Dixie Johnson and her Girl Scout troop of six in their efforts to make the Truman Stamp Ceremony held

November 18 in Lamar, Mo., a memorable one.

In this great country of ours, there is a tendency to only give credit to those who stand in the limelight day after day. Well, today I would like to turn that light on Mrs. Johnson and her troop because they exude a spirit fundamental to the strength of America. In doing the somewhat tedious task of setting up 150 plus chairs, taking them down again and cleaning up the grounds afterward, Mrs. Johnson and her troop were the silent force that helped make the stamp ceremony pleasant for everyone. No one stood and applauded them in their efforts afterward, but that was fine because they performed those tasks unselfishly and out of respect for Mr. Truman. I am sure he would have been proud and I ask my colleagues to join with me today in congratulating Mrs. Johnson and her troop in a job well done.●

MARYLAND'S WOMEN BUSINESS OWNERS DAY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DYSON. Mr. Speaker, it is with great pleasure that I rise today to draw the attention of my colleagues to a recent proclamation designating March 9 to 10 as Women Business Owners Days in the State of Maryland. This proclamation coincided not only with Women's History Week, but also with a 2-day conference for present and prospective women business owners in the District of Columbia/Maryland/Virginia areas that was held in Washington, D.C., this past weekend.

This conference was a recognition of women business owners as the fastest growing segment of the small business community, sponsored by the U.S. Small Business Administration, the Capitol Area Chapter of the National Association of Women Business Owners, and the U.S. Department of Commerce. The theme of this conference was "Building A Bright Future Together," and it was a huge success. Over 1,000 attended and it offered nationally recognized women as keynote speakers, including Maureen Reagan.

I would like to recognize, support and applaud the role of women in Maryland's economy. Over 47,000 sole proprietorships are owned by women in our State, with business receipts totaling $618 million. A recent study by the U.S. Small Business Administration shows that 27.4 percent of businesses in Maryland are owned by women. Nationally, women are going into business five times faster than men.

This past week, we celebrated as a nation the contributions of women to American history. We should also pay tribute to the millions of women that are now contributing to the continuing success of our Nation through their business endeavors. I salute the women of this country, and especially the business women of Maryland.

Thank you.●

HOUSE NEEDS TO SETTLE DOWN TO WORK

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. CHENEY. Mr. Speaker, I cannot let another week begin in the House without rising to point to the calendar, to the repeated urgings of House Republicans, and the need for this body to settle down to work to meet the pressing needs of all Americans.

Mr. Speaker, this House has been in session for 9 weeks. Tuesday and Wednesday we take up the first major legislation we have considered in the 69 days since we convened. We will debate and decide H.R. 1652, vital amendments to the Reclamation Safety of Dams Act. We will finally consider H.R. 3, the Bankruptcy Court Act, to try to rebuild the structure of Federal bankruptcy courts, rather than watching them go out of existence entirely as a result of Supreme Court actions.

But the American people know well, Mr. Speaker, that those are but two of the major issues facing this House. Two issues in 69 days. Under the schedule the House Democratic leadership has set for us to confront America's most pressing needs, Mr. Speaker, it is obvious that the House and its Democratic leaders are not getting paid on a piecework basis.

Where is the immigration bill, Mr. Speaker? What action toward solving the deficit problem can the Democratic leadership show? Other than a thick stack of stale campaign speeches lamenting the problem and blaming everyone but themselves?

Where, Mr. Speaker, is the expression of commitment from those Democratic leaders that their whopping tax increase plans will not go for even more new Federal spending programs?

Where during the last 69 days have we seen a Democratic commitment to cut excessive Federal spending? Where have those Democratic leaders uttered a single commitment to bring a balanced budget amendment speedily through the committee process?

Will they let it be aired and considered on the floor, and by the American people?

Mr. Speaker, some 80 percent of the American people favor prayer in the public schools. Where is the Democratic leadership commitment to let this issue be discussed?

To refresh your memory, Mr. Speaker, when the Founding Fathers wrote the Constitution, they did not create a unicameral legislature. They created two bodies, both the House and the Senate, Mr. Speaker. They did not create the other body as an artifice behind which House leaders could hide. They called for action by both Houses in amending the Constitution.

Mr. Speaker, it does no good to claim the House cannot act without the Senate. In giving both Houses a role, the Founding Fathers were expressing in their refined way, Mr. Speaker, a 20th century boxing axiom: "You can run, but you can't hide."

Mr. Speaker, the House Republican Policy Committee, of which I am chairman, has adopted policy statements on a number of these issues. In each case, the Policy Committee has called on the Democratic leadership to allow the American people a voice in this, "the people's House."

It would be good, Mr. Speaker, if the House Democratic leadership would pause at the start of the day's session for a few minutes' quiet reflection on what the Constitution asks us to do for our country, not for ourselves or even our political parties in a campaign year.

Mr. Speaker, copies of three major Policy Committee statements follow:

THE HOUSE REPUBLICAN POLICY COMMITTEE,
Washington, D.C., March 6, 1984.

STATEMENT No. II-1

The House Republican Policy Committee calls on Members to sign discharge petition No. 8 quickly bringing the school prayer amendment before the House.

It has been 22 years since the U.S. Supreme Court restricted prayer in this nation's public schools. And it has been 13 years since Congress voted on the issue. Fearful of losing, the Democratic leadership of the House has kept every school prayer proposal bottled up since that time.

The American people overwhelmingly support such an amendment. President Reagan has endorsed it. The U.S. Senate has shown its willingness to debate the issue.

The House Republican Policy Committee calls on all Members to sign the discharge petition now, and overriding the controls of the House Democratic leadership and bringing this issue before the House for full debate and consideration.

STATEMENT No. II-2

The House Republican Policy Committee urges the House Democratic leadership to bring the immigration reform bill (H.R. 1510) immediately before the House.

Since the House Democratic leadership shelved the bill last year for partisan reasons, an estimated 400,000 aliens have entered the United States illegally.

While the House Democratic leadership has held this legislation captive for a year, job opportunities of working American citizens have been threatened.

Our understaffed border patrol is overwhelmed, our immigration adjudication

system is beset with unconscionable delays, and our undocumented population lives furtive lives—fearing exploitation and discovery. Many people wait abroad for years to join relatives in the U.S. at the same time others flout our laws.

H.R. 1510 is the vehicle for the first major immigration law reform to face floor action in a generation. It is the product of long work and extensive hearings by the House Judiciary Committee. The U.S. Senate approved similar legislation last year and in the last Congress. The time for partisanship is past. The time for House action is now.

This legislation would be law today if the House Democratic leadership had not decided to play partisan politics last year.

The House Republican Policy Committee calls for immediate consideration of H.R. 1510.

STATEMENT NO. II-3

The House Republican Policy Committee urges the Democratic leadership of the House to bring H.J. Res. 496 through committee and before the House so that a constitutional amendment pressing the federal government to operate on a balanced budget may be fully considered.

Time and again, Congress has shown that it cannot be trusted to exercise self control of spending. Despite free-flowing campaign rhetoric about fiscal integrity and responsibility at election time, deficits continue to grow year after year.

President Reagan has endorsed the balanced budget amendment. The American people are demanding action to stop fiscal imbalance. Lack of restraint within Congress will result in restriction in unpredictable form being imposed from outside, if necessary, through a constitutional convention. Already 32 of the 34 states required have passed petitions calling for a balanced budget amendment to the U.S. Constitution.

The House Republican Policy Committee calls on the House Democratic leadership to use its full powers to bring this matter to the floor for quick consideration.●

RECEIPT OF THE JOHN F. KENNEDY AWARD BY THE HONORABLE EDWARD P. BOLAND, MARCH 20, 1984

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. CONTE. Mr. Speaker, yesterday afternoon, all of western Massachusetts turned out to line the streets of the city of Holyoke in exaltation of the Irish heritage. While thousands participated in this special "wearing of the green," one man was singled out to receive the St. Patrick's Day Parade Committee's coveted John F. Kennedy Award, given annually to a person of Irish descent who has distinguished him or herself nationally in his or her field.

This year the committee gave long due tribute to the Representative of the Second Congressional District of Massachusetts, EDWARD P. BOLAND, by bestowing upon him this high accolade. First elected to the 83d Congress, EDDIE has been a model representative for the cities of Springfield and Chicopee and the surrounding towns. His work on the Appropriations Committee as chairman of the Subcommittee on Housing and Urban Development, and his more recent assumption as chairman of the Select Committee on Intelligence have made him a national leader as well.

EDDIE has been a friend whom I have been proud to call my neighbor since I was first elected to Congress, and I appreciate this opportunity to share his recent tribute with my colleagues.

I would like to submit for the RECORD a clipping from Eddie's hometown newspaper the Springfield Union about this prestigious award.

BOLAND RECEIVES KENNEDY AWARD

(By Debra M. Gorham)

HOLYOKE.—U.S. Rep. Edward Boland, D-Springfield, was honored in prayer, song and feast Saturday as the 1984 John F. Kennedy National Award winner.

In a ceremony at the Kennedy Memorial at Appleton Street, Boland told the crowd that the memorial was the "best in the country."

He said the marble and stone which made up the memorial honored Kennedy's strong character.

"The man for whom this award is named had the power of faith and the power of love," he said.

"Death has no dominion over that memory," he said.

"What the St. Patrick's Day Parade Committee does in this town makes his memory live on," he said.

At the Bishop's Mass at St. Jerome's Church Saturday night, the Most Rev. Joseph Maguire, Bishop of Springfield called Boland a man of power and faith.

"He is a man for others," Maguire said. Because he listens with his heart as well as his mind, he stands with pre-eminence among the great men of this country.

"He never forgets the little people; he is part of them, one of them," he said.

Parade President Peter Brady said Boland justly deserved the award given in honor of an American of Irish descent who has excelled in his chosen field.

"He has served the public for 50 years. He is a good husband, a good father, a good man and a good Christian," he said.

Boland told the large crowd gathered that the praises of Bishop Maguire "were the kindest remarks I've received yet."

"It's the first time I've been canonized from the altar," he said.

"It's been 20 years and four months since November 1963 and yet you gather in hundreds of numbers today and thousands of numbers tomorrow to pay tribute to the first Irish-American president of the United States," he said.

"This has a great deal of meaning to those of us whose forebears came from Ireland," he said.

Boland was feted again at the bishop's reception at Holyoke Community College Saturday night where more than 700 people gathered in his honor.●

PERSONAL EXPLANATION

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. SUNDQUIST. Mr. Speaker, I regret that because of a previous commitment that required me to be downtown on Thursday, March 15, I was unable to record my vote on H.R. 3020, the Small Business Authorization. Had I been present, I would have cast my vote in favor of this legislation. As a matter of fact, I was particularly pleased to see how overwhelmingly the bill passed.●

PRAY, LET ME WORK

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. TORRES. Mr. Speaker, too many people in this Nation remain unemployed. It has taken the Reagan administration almost 4 years of misguided economic programs to bring the unemployment rate back to the 1980 level. Unemployment continues to hurt millions of Americans. We must not allow the Reagan administration to cut programs that retrain the unemployed, such as the Job Training Partnership Act. We must support new legislation such as the Youth Incentive Employment Act that would help the Nation's teenagers to find jobs.

Above all else, we must never forget the despair and anguish that joblessness brings. Mr. Speaker, I have received an essay from a constituent of mine who has been unemployed for 3 years. Mr. John W. Andre, of Baldwin Park, Calif., writes about the pain that unemployment brings. For Mr. Andre, it is a tragic catch-22: the longer he stays unemployed, the more unemployable he becomes. I hope we will listen to Mr. Andre and support the programs that can help him.

PRAY, LET ME WORK

"To work is to pray." So states the motto of the Benedictine Monks. Though no monk, I have been unable to "pray" in this manner for over three years. That is how long I have been without work.

It is a condition I have found undignified and painful. Undignified because I must, almost literally, beg for work. Painful because of the ceaseless rejection I have received. And both because I am unemployed.

As one of the long-term unemployed, I am generally thought of as a failure. As such, no employer will hire me because they apparently prefer to consider only those candidates who are demonstrably successful. After more than three years of such unreasoning intransigence, I am understandably frustrated. No, I am downright mad!

Newspaper classified advertisements, private employment agencies, and the considerable efforts of my friends and relatives have proven ineffective. Even self-initiated inquiries to a number of very carefully selected employers were unsuccessful. Apparently, my work experience and education are to blame.

Deplorably, my past employment appears to be altogether inappropriate. It spans a decade, is rather poorly paid, and will not fit conveniently into any conventional career pattern. Worst of all, it stands upon an unmarketable education.

Because I earned both baccalaureate and master's degrees in history, it seems that I am forever branded a teacher. Forgotten is the fact that history is a literary genre, demanding of even its poorest practitioners a not inconsiderable skill in written communication. Ignored is the additional fact that most historical research now requires using records and information resources and techniques of ever increasing diversity. Of these, the vast majority have current uses for other purposes.

That my education and experience appear worthless is exasperating because I owe much of my command of language, records and information resources knowledge, and skill in research techniques to them both. These abilities are highly marketable, but mine were gained differently. Seemingly, only those who acquire these proficiencies through acceptable patterns are deemed competent in their exercise. This approach may be proven, but it is not foolproof. There are always situations where the unacceptable is valuable and the inappropriate necessary.

Understandably, I am annoyed by what I consider an inordinately long and unreasonably difficult work search. To have work is a right and not a privilege to be granted. Work is now an essential part of life and must be considered a coequal necessity with food, clothing, and shelter. Admittedly, unemployment will never disappear. It is a part of the work cycle, but certainly nothing approaching the three years and more I have endured ought to be allowed.●

TRIBUTE TO MEADE ESPOSITO "KING" OF KINGS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BIAGGI. Mr. Speaker, it is a distinct personal honor to pay tribute to a great American and my very dear friend, Meade Esposito. After 16 years as chairman of the Kings County (Brooklyn) Democratic Party, Meade has decided to step aside. Personal considerations motivated this decision, chief among which was a desire to spend more time with his family. The retirement of this powerful and effective leader ends a remarkable career in New York politics. Yet, his influence and impact will remain. This is why Meade Esposito has been called a political institution, a legend, a treasure.

I have had the good fortune to know Meade for 20 years, and I have, therefore, the benefit of a very personal perspective. He is a man whom I respect like few others and for whom I have a deep and abiding affection. There are many attributes that particularly distinguish Meade, foremost among them is his loyalty and his genuine belief that a man's word ought to be the currency of his realm. Those principles, among others, make him the compassionate and powerful personality that he is.

In addition to my very close personal association with Meade, I have worked with him on a professional and political level. I served in the House of Representatives over the same 16-year period that Meade served as Democratic Party chairman. Although we represented different boroughs, we worked together on issues and programs affecting the entire city of New York. It was during these 16 years that I came to fully appreciate Meade, the politician.

The attributes of loyalty and honor that distinguish Meade as a friend have served him well in politics as well. He has stood like an oak tree firmly planted in the path of the Democratic Party. At times he stood firm on the tradition and policy of Democratic Party politics. However, true to his leadership and the ability to adapt to changing times the tree would bend to accomplish the overall good. His ability to withstand the dramatic and forceful movement of the sixties, and the peoples' demonstrations of the seventies that reverberated in the White House to the detriment of two Presidents, are a tribute to the strong roots planted by his years of fruitful service to the people and the party he loves so dearly.

Meade always says proudly that he came from the old school of politics. And proud he should be for the old school, in my opinion, is the best school.

The old school stresses personal contact with people over computers and mailing lists. Throughout his 77 years of life, and more than 60 years in politics, Meade has put this belief into practice. This is no small feat, since Brooklyn is the largest borough in all of New York and a place that has more Democrats than many States in the Union. Meade knows that there is no substitute for that personal touch whether it be a handshake, a letter, or a phone call. To him there is no problem too inconsequential; no person too insignificant. As a result, Meade has developed a knowledge and appreciation of Brooklyn and its people that is unmatched by anyone. He knows thousands of people there by name. This concern and affection is reciprocated by the residents of Kings County.

His Runyonesque personality has captured the attention of all who have met him. Meade is, in fact, a favorite of the press who consider this colorful politico, "good copy." Among the many articles written about him, few can match the comprehensiveness of a 1976 New York Times Magazine article written by Hendrik Hertzberg. Hertzberg observed that:

> The Esposito personality comes as something of a tonic. He is blunt, warm and earthy. He is very good company.

Meade's style and personality were at their best when he addressed a group of students at Harvard University about urban politics. I dare say the textbook analysis of politics paled in comparison to Meade's explanation of the way it really is. The rousing and boisterous ovation said it all. This wellspring of political knowledge has lectured at Sarah Lawrence and will soon speak at Columbia University. I would venture to say that those students who hear him are enriched beyond words by the experience.

What made Meade the man—the politician? A man such as this is not born, but molded by life's experiences. It all began in Brooklyn. Meade, like so many other Americans of the era, struggled to survive during the Great Depression. He married at 18 and became a father a year later. It was during this time that Meade developed his great interest, if not passion, for politics.

His political career began at 18 when he founded the Progressive Democratic Club. He recalled those early days in the Hertzberg article:

> We rented a little place on Fulton Street near Eastern Parkway. We awakened a lot of Italians to the possibility of political activity.

Involvement in the formal political structure of Brooklyn came in 1958 when he ran, albeit unsuccessfully, for district leader in Canarsie. Meade ran a strong and vigorous campaign that few forgot. Two years later he was victorious in another bid for the job.

The same magazine article observed:

> The rock on which the whole structure of Meade Esposito's political power is built is the Thomas Jefferson Democratic Club at Conklin Avenue and 93d Street in Canarsie. Politicians all over town agree that it is one of the most active and effective clubs in the city.

The article continued, "the real business of the club is service." A review of the cases which Meade and the Democratic Party tried to help every day ran the gamut from lost jobs to lost social security checks, from references to referrals. They were handled personally. In many ways, Meade and his club were what we now call ombudsmen.

The influence of this man transcended the borders of Kings County. He has been an important figure on the State and national political scenes as well. Meade enjoyed a very close relationship with Gov. Nelson A. Rockefeller. A New York Daily News article

dated October 23, 1983, made reference to the relationship:

Rockefeller according to Esposito was a "man's man, a doer."

They got along so well, Esposito revealed that Rocky once asked him to become a Republican. "He told me: 'I'll make you state chairman' ", Esposito said.

Esposito treasures his association with Rockefeller as much as he does the Picasso lithograph "of an owl on a settee" which the governor gave him. He estimates the print, a limited edition, is now worth "about $40,000."

"After he gave it to me, he asked me how my wife liked it," Esposito said "I told him, Hey she didn't like it. It spoils her color scheme."

The importance of the Democratic chairman did not escape knowledgeable people at the White House. I recall a private luncheon during a Presidential election year that demonstrates not only how important Meade's political influence was, but his wit as well. Among those attending the luncheon were former President Jimmy Carter, Meade, and the Bronx County Democratic leader, Stanley Friedman. President Carter was there seeking support from Democratic leaders. Stanley Friedman readily assured the President of his endorsement. When the President turned to Meade requesting a similar commitment, Meade responded:

Mr. President, the trouble with Stanley Friedman is that he hasn't learned how to pirouette. I have learned to tap dance on a charlotte russe without disturbing the cherry.

The high regard in which Meade is held transcends not only borders but political parties as well. My esteemed colleague and dear friend Senator ALFONSE D'AMATO said, Meade Esposito is a true public servant, an individual who has deserved bipartisan acclaim for his kindness, his humanity, and his good deeds.

As Meade makes this transition in his life, he can do so with a great sense of satisfaction and accomplishment. While Meade may have yielded the formal reins of office, he will continue to be a dominant force on the New York political scene. I know that I will continue to seek his advice and counsel as I have so often in the past.

Of course, as he moves from the constant demands of politics, the people who will benefit the most will be his family. While they share the feelings of pride in Meade's achievements, I know that they are eagerly awaiting the opportunity to spend more time with him. I would like to pay tribute to his wonderful family, especially to his beloved wife of 60 years, Ann. This wonderful partnership of love and purpose is truly something special. When people ask Meade when he got married, he will answer, "I was married when I was three." The fact is Ann and Meade Esposito are two wonderful people who care for each other today as much as they did when they were bride and groom.

Meade and Ann head a multigenerational family. Their daughter, Phyllis Zito, has three children: Dr. Gary Zito, Bob Zito, a lawyer, and Anita Hansson. In addition, the Espositos are great grandparents three times over. This entire family is close knit. They are united in love and respect for Meade and Ann. I have always said that there is no better reward to a man in life than to have a good and supportive family; Meade has been blessed a hundredfold.

To pay tribute to Meade is simple. To do justice to his remarkable life and career is more difficult. The words of Abraham Lincoln can truly be said to be the theme of Meade's life:

Let us have faith that right make might, and in that faith let us to the end dare to do our duty as we understand it.

Those of us who know and respect Meade as a good, honest, and decent man must grapple with the words to honor him. As time passes, the tales of his era will grow, and those who come after will be told about how Meade did this and did that—and with every retelling a modern Paul Bunyan will be born.●

THE EMERGENCY PETROLEUM INDUSTRIES STABILITY ACT OF 1984

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. CONTE. Mr. Speaker, yesterday I introduced H.R. 5175, the "Emergency Petroleum Industries Stability Act of 1984". This bill imposes a 9-month moratorium on mergers involving the 50 largest oil companies. Bigger is not necessarily badder, but I feel strongly that we need time to assess the impact that the huge, unanticipated consolidations now taking place in the oil industry are having on the economy and the national interest.

With the Federal Trade Commission's approval of the $10 billion Texaco-Getty merger in January, the largest corporate merger in U.S. history, the clear signal given to the oil industry was that the hurdle to such consolidations presented by the antitrust laws may not be as difficult to clear as had been originally perceived. As evidence of that, the reign of the Texaco-Getty merger as America's all-time largest consolidation seems destined to be short lived, given Standard Oil of California's bid to acquire Gulf for an unprecedented $13.4 billion.

The sheer size of these mergers, and the speed at which they are occurring, present a number of important concerns for review. Just 2 weeks ago, hot on the heels of the proposed Socal-Gulf merger, Mobil bid $5.7 billion for the acquisition of Superior Oil. When will it stop, or, more importantly, should it stop? Is a concentrated, uncompetitive oil industry the unavoidable result of the current merger mania? Are our antitrust laws, as written, sufficient to evaluate the appropriateness of these unparalleled consolidations? Are our current antitrust laws being adequately enforced by justice and the FTC? Most importantly, what will be the long-term impact on the American consumer, and on the employees of targeted companies?

These questions are but the tip of the proverbial iceberg with respect to the many disturbing aspects associated with the current merger craze. What of the increase in hostile takeover attempts? The Socal-Gulf merger is the direct result of an unwanted acquisition effort, and Texaco was forced to fight off an anticipated hostile takeover just weeks after gaining Federal approval of its merger with Getty. Are these hostile takeovers a desirable trend in what is nothing more than a necessary restructuring of the oil industry, or are they a blatant attempt by already wealthy investors to maximize short-term profit at the expense of the long-term health and stability of the oil industry? If they are the latter, the moratorium is especially important, because there are indications that hostile takeover attempts are likely to increase. The Wall Street Journal has identified a number of attractive targets, including such well-known firms as Pennzoil, Phillips Petroleum, Occidental, and Kerr-McGee. My bill would preserve, for the time being, the independence of these important companies in the marketplace.

There is also the matter of the huge amounts of money needed to carryout these mergers. Is investment capital being tied up inappropriately by the tremendous credit lines required to finance these mergers? Some reports have suggested that the $29 billion involved with the Texaco, Socal, and Mobil mergers represents 13 percent of the available credit. If that is true, perhaps the more fundamental issue that must be addressed is should the Federal Government get in the business of restricting the tremendous amounts of capital needed for these mergers, or should that be left to the marketplace and the forces of free enterprise?

A related concern is that as capital dries up, there will be a correlative decline in exploration for new sources of energy reserves. It should be remembered that these huge consolidations do not provide a single new gallon of oil for our energy reserves, but merely shift ownership and management of existing reserves from one company to another, larger one. Given the stabilization and reduction in worldwide oil

prices, our supply of domestic crude reserves is already declining steadily (from 33.5 billion barrels in 1977 to 27.4 billion barrels in 1982), and the consumption of capital required for these mergers may contribute to this alarming trend. As evidence of this, it has been reported that Cities Service's exploration budget was slashed by 63 percent after it was acquired by Occidental, and Mesa Petroleum has halved its exploration budget to help finance its acquisition bids. I am increasingly concerned that when the merger wave has crested, the only thing getting drilled will be the American people, and the only thing being pumped will be huge profits from the pockets of consumers.

Finally, there is the troubling matter of tax incentives that encourage merger activity. On a philosophical level, it seems to me that tax incentives which encourage consolidation are anathema to the values inherent in a truly competitive, capitalist system. But beyond that, I am concerned that tax dollars are being used, albeit indirectly, to finance multibillion dollar mergers. For example, the marginal tax rate for a corporation is 46 percent. Since corporations can deduct interest expenses on loans incurred to finance mergers and acquisitions, the effective interest rate on the loan is really only one-half of the rate charged by the banks. If, as the oil industry maintains, these mergers should be left to the irresistible forces of the free market system, then they should be left totally to that system and taxpayer dollars should not be used to subsidize the interests of private enterprise.

These are but some of the many issues associated with big oil mergers that demand our immediate attention. There are a number of proposals now before Congress, and others that are being considered, that address many of these concerns. I know, for example, that my good friend and colleague, the chairman of the Judiciary Committee (Mr. RODINO), and others have been working on a number of ideas in this regard. What is needed now is time—time to assess these proposals and the impact on the economy of these multibillion dollar mergers before the merger race overheats and it is too late to take effective and responsible action. The legislation I introduced yesterday would provide us with that necessary time.

H.R. 5175 institutes a moratorium on mergers involving major energy concerns. Those concerns are defined as companies which hold 100 million barrels or more of energy reserves, or which had an average net production exceeding 100,000 barrels per day. This definition will encompass the 50 largest oil companies, which control the lion's share of existing domestic oil reserves. By some estimates, these corporations control as much as 99 percent of domestic production. During the moratorium period, the Departments of Justice, Treasury, Interior, Energy, and the FTC would be required to prepare reports for Congress on various aspects of mergers, acquisitions, and the creation of royalty trusts.

The moratorium period would begin on March 19, the day the bill was filed, and end 9 months after enactment. Since the prohibition is on acquisitions, the Texaco-Getty merger would not be affected since that consolidation has already received Federal approval. The bill would, however, prohibit conclusion of the Socal-Gulf and Mobil-Superior deals since those acquisition attempts had not received Federal approval on March 19 and, therefore, were not yet completed.

In recognition of unanticipated hardships that may arise during the moratorium period and cripple an individual company, the legislation contains a failing company proviso. This provision permits a merger to take place during the moratorium period only if it can be shown that either of the firms involved would cease to be financially viable in the absence of the merger. This is one of the standard exceptions to prohibitions on otherwise anticompetitive mergers currently contained in the antitrust laws.

Although the oil industry has been deregulated, oil is a commodity that is an integral component of our economy, and a stable domestic oil supply is vital to our national defense capabilities. I believe, therefore, that it is not only appropriate, but essential that we put the brakes on this onrushing tidal wave of big oil mergers. We must have time to assess fully the long-term impacts and ramifications of this trend, and to determine if changes in our antitrust laws are required.

The original trust-buster, Teddy Roosevelt, once said:

> We demand that big business give people a square deal; in return we must insist that when anyone engaged in big business honestly endeavors to do right he shall himself be given a square deal.

The time is now for us to assess the cards being played by big oil in the multibillion dollar oil merger game. It is as much our responsibility today as it was when Teddy Roosevelt made those famous remarks to insure that, after the oil cards are shuffled, the deck will not be stacked and the people will be dealt a square deal.●

UPHOLDING THE CONSTITUTION

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. ST GERMAIN. Mr. Speaker, I am proud to submit the following speech for publication in the CONGRESSIONAL RECORD. It was written by Rebecca Segaloff, of my district in Providence.

As a citizen of the United States of America, I play a multifaceted, important and fundamental role in upholding its constitution. Along with the privileges and rights that vital document accords me, go responsibilities, both implicit and explicit, passive and active. To shirk the responsibilities is to risk losing the rights.

In this country we have freedoms, and our fate, luckily, is not that of Byron's "Prisoner of Chillon" who was among those to whom "the goodly earth and air are banned and barred" and who "suffered chain and courted death." It is basically the constitution that upholds these freedoms. In actively exercising my own rights and freedoms such as my right to vote and freedoms to speak freely and to practice any religion I choose, I am indirectly reinforcing the constitution. Speaking out against some actions of the United States or of its leaders does not undermine the government. On the contrary, by exercising my freedom of speech, I am strengthening the United States as a democracy and place of individual liberty, in which two opposing views may co-exist.

Ultimately, voting, as well as campaigning for any candidates, referendums or amendments I support, will also play an important role in my upholding the constitution. Participating in the political process to one's fullest capability helps the system to thrive. Implicit in the constitution is this responsibility; for without a healthy political system the government itself is unstable.

In addition, I as an individual can best uphold our constitution by never denying anyone else his basic, individual rights. As Lincoln said, "Those who deny freedom to others deserve it not for themselves . . . and cannot long retain it." It is our constitution which helps us retain our freedom. A very important part of my role in upholding our constitution is to remember that although I may disagree one thousand percent with the Neo-Nazis and the Ku Klux Klan, for example, and find each thoroughly offensive, I must allow them to demonstrate within the structures of our constitution. Sacrificing anyone's, and therefore everyone's, freedoms of speech and assembly would have far worse consequences than allowing these groups to exercise their constitutional rights. A Hitler-like dictatorship will never arise in a free society as a result of these groups; however, totalitarianism is a likely result of denying these basic and vital freedoms granted us by our constitution.

The Constitution of the United States has been amended, extended, interpreted and re-interpreted. The interpretations of this document reflect the times and the biases of men, but its actual words are timeless. If I feel these words are misinterpreted or ignored, I have both the opportunity and the obligation to appeal the error, if necessary, even to the Supreme Court. The United States is a nation of "Laws not men." These

famous words do not mean that we are a nation without compassion or humanity, but rather that a leader lacking these qualities is restricted and confined. Laws, however, cannot change themselves; People must change them. If something, like the Equal Rights Amendment, is newly relevant or applicable, the constitution can be amended and grow. This flexibility, coupled with its built-in checks and balances, makes our constitution an amazingly durable document.

As an upholder of the constitution I must be strong enough to refuse to succumb to pressures which, by denying me or others their individual rights, debilitate our constitution. It is my duty as well as that of every other citizen, to keep the constitution a functioning safeguard against violations of basic, individual rights. To have this tangible documentation of our rights is of vital importance. If I relax, comfortable in the knowledge of my rights, they may be forgotten, ignored and trampled over. To prevent such devastation of our fundamental freedoms is what I see as my role in upholding our constitution.●

SALUTE TO DOLORES O'CONNELL

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Ms. MIKULSKI. Mr. Speaker, on Sunday, March 11, 1984, I attended a surprise salute to Dolores O'Connell, given to her by her community.

She is an extraordinary woman. She is a devoted wife, mother, grandmother of 16, and great-grandmother of 2.

She worked in the business world where she was employed by Schreiber Bros. and later worked on several political campaigns.

Dolores has been a tireless volunteer with a long list of accomplishments. She was the secretary to the "Matthew T. Hogan" Memorial Fund Committee that raised funds and established the first eye clinic in Baltimore County; worked to improve the services of Baltimore County's Board of Health in the facilities leased in the Parkanna Medical Center; fought the county for ballfields on Rose Avenue for the recreation council; was involved in planning and development of the Southwest Area Park; and initiated and accomplished a project to have fencing along Baltimore-Washington Parkway to keep children from crossing the dangerous highway.

I presented her with a Congressional Certificate of Merit and she received many awards and citations, all of which were well deserved.

In this age where people are busy focusing on their own advancement, it is an inspiration to have a person like Dolores O'Connell who worries about others.●

LATEST IMPRISONMENT OF VALERY MARCHENKO

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FASCELL. Mr. Speaker, I have just been informed that Ukrainian human rights activist Valery Marchenko was sentenced on March 14 of this year to 10 years labor camp and 5 years internal exile, the maximum term under Soviet law, for alleged anti-Soviet agitation and propaganda. Mr. Marchenko is a journalist, philologist, and translator of Azerbaijani, Turkmen, and English literature. His scholarly articles and translations have been published in a number of major Ukrainian journals. Perhaps more relevant, however, is his authorship of a number of important samizdat documents, including appeals in defense of Soviet political prisoners, and an autobiographical sketch ironically entitled "My Fair Lady," in which Marchenko describes his betrayal at the hands of an attractive Aeroflot stewardess working for the KGB.

In June 1973, his human rights activity brought him to the dock for the first time, where he was accused of attempting to undermine and weaken the Soviet regime, specifically for having written samizdat material on the effect of Soviet rule in Ukraine, and for having distributed Ivan Dzyuba's famous treatise on the Soviet treatment of ethnic nationalities. As a result of this trial, he was sentenced to 6 years labor camp and 2 years internal exile, during which time his health was seriously impaired by the neglect and mistreatment prevalent in Soviet penal facilities.

In a letter to United Nations Secretary General Kurt Waldheim, Marchenko described the prison authorities' refusal to provide him with medical treatment, and the lack of a proper diet for prisoners. When he returned from exile in 1981, he attempted to secure permission through legal channels to travel abroad for treatment of his chronic kidney disease. This permission was denied three times on various pretexts, despite clear provisions for such treatment according to Soviet law. In July 1983, his apartment was searched and various letters and documents were confiscated. Arrested in October 1983, he now faces 15 years of labor camp and exile.

Given the precarious state of his health, it is not an exaggeration to say that his life may be threatened by the brutal conditions of camp, and the only slightly less primitive conditions in which Soviet political prisoners find themselves in exile. Only recently, the Soviet newspaper Sovetskaya Rossiya described the difficulties encountered by residents of Moscow in obtaining medicine at local pharmacies. How much decent medication can we expect that Valery Marchenko, a dangerous state criminal in the eyes of the Kremlin, will receive behind the barbed wires of the Gulag, or in the far reaches of Siberia, should he survive to serve his exile term?

Mr. Speaker, from the time that Valery Marchenko was released from his first term of exile in 1981, his only crime seems to be the desire to travel abroad for medical treatment. Under these circumstances, it is difficult to see anything else in this latest sentence than an attempt to further punish him for his previous human rights activities in Ukraine. We have heard so much about changes for the better in the Soviet Union as a result of recent changes in Kremlin leadership. This latest example of repression of an ailing human being does little to encourage such hopes.●

TANIA ZELENSKY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. BONIOR of Michigan. Mr. Speaker, I would like to call the attention of my colleagues to the tragic case of Tania Zelensky. Ms. Zelensky was a young woman, a U.S. citizen born in the United States, who was beaten to death by a misguided individual, solely because of her Russian heritage.

Her death stands as a sobering testimonial to the painful cost of our geopolitical conflicts, and our failure to seek a greater understanding of the plight of peoples on both sides of the Iron Curtain.

I am inserting for the RECORD a copy of a letter written by Tania's father to Aleksandr Solzhenitsyn, and Mr. Solzhenitsyn's reply:

NOVEMBER 9, 1983.

Mr. ALEKSANDR I. SOLZHENITSYN,
Cavendish, Vt.

DEAR MR. SOLZHENITSYN: On October 24, 1983, in Pittsfield, in the heart of Vermont not far from your place of residence, our beloved daughter Tania Zelensky was brutally murdered.

She was killed by a local resident. According to those who knew him, he was a gentle, hard workingman with a college education. He loved animals and nature and had many relatives and friends. As reported by the local press, his motive for the murder, according to his own admission, was Tania's Russian descent and his suspicions that she was a "Russian spy." Furthermore, according to the papers, remarks made by the County State's Attorney indicate that the direct cause for the slaying may have been the events in Beirut which took place on the eve of Tania's death.

On that day, terrorists, possibly supported by the USSR, staged an attack on a U.S. military compound, which resulted in the

deaths of over two hundred of our Marines. According to other accounts in the press, Tania's killing was motivated by a "violent act of patriotism."

Evidently, in this person's mind, the Soviet Union and Russia represent equivalent concepts, and all Russians, including Americans of Russian descent (Tania was born in the USA) are inherently communists.

The burden of guilt for the senseless and tragic identification, which equates two such mutually exclusive and incompatible entities, does not lie with the wretched killer alone. The full measure for moral and perhaps even legal responsibility to the American people for the creation of the fertile ground which breeds this kind of identification, rests with the news media and with many political leaders of this nation. Day in and day out they combine and interchange the intrinsically divergent terms: "Russia/USSR, Russian/Communists, Soviet/Kremlin," inevitably leading to the destructive conclusion: Russians equal communists. At times this occurs due to ignorance, but often is used in full consciousness with a definite, evil purpose in mind.

This brutal, fanatic act cut short a young life so full of boundless energy, ceaseless search, love for all people, love for her country and a fervent hope for the liberation of the land of her ancestors. Tania once wrote: "Greetings, Earth! Greetings, Thy people! My name is Tania Zelensky. Oh, how I love you all!"

Not I, not I alone should cry with my weak voice for the world to hear of her innocent blood spilled so senselessly. It is not for me to be the lone voice crying in the wilderness about this fatal equation of doom, the evils of which are many and they forcefully transgress all levels of personal tragedy.

Not knowing how to eradicate evil, some powerful institutions as well as separate individuals continuously sow the seeds of hatred. Instead of denouncing the oppressors, they denounce the oppressed. Should this distorted attitude prevail, the very first victims of communism, the Russian people, will become victims once more; victims of a hostility that is both misdirected and irrational.

My brother, let us prevent this! I ask you: Who, if not us? When, if not now?

Countless exiled Russians tried, with little success, to explain the simple truth which still remains incomprehensible to the west: "The Soviet Union is not Russia, Russians are not communists." All of their efforts fell upon deaf ears and the sinister misconception remains intact.

Until Tania's death, their efforts seemed the only conceivable plan of action. But now, seeing the futility of such conduct, new means must be implemented in order to prevent this monstrous wrong from occurring again.

With this message, I am enclosing a copy of the letter received from the tiny village where Tania was killed. It was signed by all who were not absent; people of all ages and trades . . . farmers, lumberjacks, carpenters, merchants, office workers, and teachers. This letter speaks for itself and points the way to a new path to follow.

The time has come, when not just Russian exiles, but all Americans in general, must act to put an end to this thoughtless identification of Russian people with communism.

Inspired by your word, the people will raise their own voices with a call to end all unjust linking of Russians to the murderous deeds of the Soviets.

The success of such action will deliver an irreparable blow to communism, because the greatest asset for the Soviets has always been the world-wide illusion of unity between them and the Russian people.

Does it really pay for America to foster this illusion?

With love and respect,

EUGENE ZELENSKY.

NOVEMBER 11, 1983.

Mr. EUGENE ZELENSKY,
Sea Cliff, N.Y.

DEAR MR. ZELENSKY: I am shocked by the circumstances of the death of your daughter, Tania Zelensky. Let her name become the pillar that will mark the final limit to which human brutality can reach. The prolonged years of irresponsible labeling through the misleading substitution of concepts by newsmen and many politicians produced a blindness in an ordinary American which resulted in the murder of an innocent woman. This is how the printed word breeds hatred towards a people and not to a system.

I wonder when Americans will finally realize that it is the Russians who are the very first victims of communism and that they have already lost tens of millions of lives to its vicious jaws? But what should one do and whose voice may sound loud enough to be heard in this country? The hope rests with the kindness of the American people and their support, the likes of which you encountered in the Pittsfield community.

My soul reaches out to you with sympathy for your irreplaceable loss.

ALEKSANDR SOLZHENITSYN.●

TRIBUTE TO LOUIS C. GIBSON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. EDWARDS of California. Mr. Speaker, on March 22 the many friends of Louis C. Gibson will gather to pay tribute to him upon retirement from the Postal Service. I want to share with my colleagues some of the highlights of Mr. Gibson's many years of civic involvement.

Louis C. Gibson was born in Columbia, S.C. on August 21, 1916. A graduate of Booker T. Washington High School, he received a bachelor of science degree from Benedict College in 1938. Upon graduation, he worked for an insurance company until being inducted into the Army in 1943. He served tours of duty in England and France during World War II, was stationed in Korea during the Korean conflict, and did another tour of duty in Europe at SHAPE Headquarters in Paris. He attained the rank of master sergeant—and the nickname "Sarge"—prior to his retirement on May 31, 1964, after 20½ years of service.

Louis Gibson moved to San Jose, Calif., in 1952. In 1953, he married his wife, Rosalie. Although "Sarge" and Rosalie have no children, they have a multitude of godchildren throughout the United States.

Upon retirement from the military, "Sarge" worked in the insurance business for a time. For the past 14 years, he has worked as an equal employment opportunity counselor for the U.S. Postal Service.

"Sarge" joined the Antioch Baptist Church in 1952. He has served as financial secretary, deacon, and as chairman of the deacon board. He also chaired the resource division, was president of the all-states of the church, and is a past chairman of the south coast area of the American Baptist Churches of the West. He has also served on the National Board of the American Baptist Churches, and on the board at Pilgrim Haven, a retirement home for American Baptists.

In addition to his considerable involvement in his church, "Sarge" has taken part in many other community activities. A life member of the NAACP, and th 1983 NAACP citizen of the year, he has served as a NAACP board member and treasurer for over 15 years. He has also served on the board of the Afro-Community Services Agency, as chairman of the minority adoption agency of Children's Home Society, as treasurer for the Iola Williams Committee, and as a member of the Mount Bonnell Lodge No. 2.

"Sarge" has touched the lives of many people in San Jose, and all who know him have great respect, admiration, and love for him. Over the years he has freely given his time, energy, and talents to different organizations and causes. His is truly an example of civic participation worth emulating.

Upon his retirement, he is returning to his birthplace, where he and Rosalie plan to spend their retirement years. All of his many friends, coworkers, and godchildren join in wishing them both every happiness.●

NICARAGUA'S U.N. VOTING RECORD

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, the State Department's report on voting practices in the United Nations was recently released to Congress laying bare the views and policies of all U.N. members. The report includes countries' percent coincidence with U.S. votes during the 38th General Assembly and provides a breakdown of the 10 most important votes affecting U.S. interests. As the study states in its introduction:

> Because a General Assembly acts on so many diverse issues, the voting record of a U.N. member tells us a good deal about a country's orientation in world arenas: where it stands, with whom it stands, and for what purposes.

Nicaragua's voting record in particular reveals some interesting facts and shows a disparity between that country's words and deeds. The Sandinista regime, a member of the so-called nonalined movement, has argued repeatedly that it is not bound to the dictates and policies of the Soviet Union. This, despite the fact that Nicaragua voted with the U.S. fewer times (14.1 percent) than the average Warsaw Pact country (14.2 percent). Among the 34 countries in the Americas which includes the Caribbean, only Cuba voted with the United States fewer times (10.2 percent).

Looking beyond this statistical indictment of Nicaragua's U.N. record, an analysis of the 10 key issues reveals the degree to which Nicaragua has become a puppet of the Soviet Union. On none of the 10 votes did the Nicaraguan representative vote with the United States. While he was present to vote against Israel's membership in the United Nations and to condemn the United States by name for supporting Israel, he was curiously absent when the vote was taken calling for an investigation into the Soviets' use of chemical weapons in Southeast Asia. Furthermore, Nicaragua voted to "deplore armed intervention in Grenada" yet abstained when a vote was held calling for the immediate withdrawal of Soviet troops from Afghanistan. Finally, in perhaps the most blatant illustration of Nicaragua's adherence to the Soviet line, the Nicaraguan representative abstained during the Security Council vote to condemn the shooting down of the Korean airliner.

Mr. Speaker, I recognize that a country's U.N. record is only one aspect of its policies and attitudes. Nevertheless, Nicaragua's record is very disturbing and flies in the face of the Sandinistas' portrayal of themselves as the innocent victims of "Yankee aggression." I would argue that the Sandinistas have brought a lot of their current problems on themselves by allying too closely with the Soviets and Cubans evident in their performance in the United Nations.●

JAMES JOSEPH McGINLEY RETIRES FROM DEPARTMENT OF PUBLIC WELFARE

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. HARRISON. Mr. Speaker, I rise today to pay tribute to James Joseph McGinley, Holiday Poconos, Albrightsville, Pa., who is retiring from the department of public welfare with 39 years and 2 months service.

Over these many years, Mr. McGinley has been not only an exemplary public servant, he has been a friend of those in need. He lent a helping hand, a compassionate ear, a word of wisdom and advice.

And so, his family, neighbors, and friends join together now in saying to James Joseph McGinley, "Well done," and in wishing him many happy years in a well-earned retirement.●

AMERICA'S DISADVANTAGED NEED ASSISTANCE

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. FORD of Tennessee. Mr. Speaker, all over America people are lining up for food. Among those standing in line for the soup kitchens and the emergency food centers across the country are the recently unemployed whose benefits have run out, the elderly on low and fixed incomes, and women heads of households with children who have also been affected by cuts in nutritional programs at their schools.

Many of these people receive food stamps, but by the middle of the month they are out of food. This forces many to go days without eating. Churches and charities are feeding countless numbers of people across the country. Hardest hit are the areas where housing and utility costs have risen dramatically over the past few years.

Today, I joined several of my colleagues in cosponsoring a bill introduced by Congressman TED WEISS, to increase the cap on the excess shelter deduction for food stamp recipients. By allowing a more realistic deduction, an average family may be eligible for an additional $15 per month in food stamp benefits. Currently, those who pay in excess of 50 percent of their net income for shelter, including utilities, may deduct the amount over 50 percent up to $125, from the net income figure used to calculate food stamp benefits. The bill would increase the excess shelter deduction to $175 in fiscal year 1985.

In addition, the bill would decouple child care from the excess shelter deduction. The Congressional Budget Office has found that 75 percent of all child care costs incurred by food stamp recipients cannot be deducted under the present coupling formula. A seperate child care deduction, capped at $160 per household, per month, would greatly benefit the working poor and provide an incentive to the unemployed food stamp recipients to seek work or job training. This new formula would also help to offset the effect of the social services block grant which eliminated the title XX set-aside for subsidized day care.

I urge the Members of the House to join me in cosponsoring this important legislation. Because of rapidly rising housing and utility costs, the current $125 cap on excess shelter is not adequate. Under the current administration's policies, the poor people of America have suffered the disastrous effects of repeated cuts in the food stamp program. Since food stamp benefits average only 46 cents per meal, it is not surprising that individuals living in areas with high housing and utility cost would run out of food before the end of the month. The challenge of reducing hunger in America is a real one. The response of the administration and the Congress must equal that challenge.●

4-H LEADER RUTH PATELSKI HONORED

HON. DANIEL B. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. DANIEL B. CRANE. Mr. Speaker, I am pleased to report to the Congress that one of my constituents, Ruth Patelski of Annapolis, Ill., has been selected for a high honor. She will be recognized as an outstanding Illinois 4-H volunteer leader at the "Salute to Excellence" program this week at the National 4-H Center in Washington.

President of the Deerhaven Supply, Inc., Mrs. Patelski is the organizer and leader of the Pathfinders 4-H, which has 30 members, and a clowning club with 15 members. During 6 years of active participation as a 4-H volunteer, she served as chairman of a State Leader Forum; workshop teacher for adult and youth leaders at a number of conferences and forums; a resource leader for the county general projects committee; committee member for State 4-H leadership development and the support committee for natural resources curriculum development.

All of us are proud of Ruth Patelski and the thousands of 4-H volunteers who give unselfishly in service to their Nation and communities.●

ZIVILI DANCE COMPANY OF CENTRAL OHIO CELEBRATES 10TH ANNIVERSARY

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1984

● Mr. KASICH. Mr. Speaker, this week the internationally acclaimed Zivili dance company of central Ohio celebrates it 10th anniversary. Founded in 1973 by three women of Croatian desecent, Zivili is the only fully professional dance troupe in America which performs exclusively the dance and

music of Yugoslavia. The company is comprised of 40 dancers, singers, and musicians from the Columbus area.

Zivili means "To Life" and the troupe's performances pulsate with that theme. Members of Zivili are in constant demand throughout the Midwest, and performed at the 1982 World's Fair in Knoxville as well as at Walt Disney World's EPCOT Center in Florida. A highlight of its 10 years in existence was a tour of Yugoslavia in 1980. One critic commented during that tour that "Zivili is well worthy of praise, especially because they have performed our folk songs and dances most correctly, down to the smallest detail."

The Zivili company deserves much credit for its role in promoting cultural understanding between the peoples of the United States and Yugoslavia. I hope my colleagues will join me in wishing the company many more years of success in bringing entertainment and friendship to residents of our country and countries overseas.●