The Senate met at 8:20 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

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

Let us pray.

Loving Heavenly Father, it is so easy for us to forget Thee, to live each day as though Thou are nonexistent. We profess faith, but practice atheism. Many of us were reared in homes where prayer and Bible reading were a daily part of family life. We have memories of Godly fathers and mothers who took Thee seriously and lived accordingly. But many of us have forgotten, or simply ceased to care. We rarely if ever pray, and then only in a moment of crisis or to make an escape hatch. Some of us do not even believe in prayer anymore, so why should we bother? Gracious Father, give to those who could not care less or who no longer believe, an awareness of the awful poverty of a prayerless life. Woo them back to Thyself, that they may spend much time in prayer to His Heavenly Father. Amen.

We pray in the name of Him who行政机关

Mr. STEVENS. Mr. President, I do wish to thank those who have already indicated that they will not pursue amendments in order to facilitate the action of the Senate on this bill today.

That is a tall order, I am sure, but I do ask on behalf of the majority leader for the cooperation of the Members of the Senate to let us try to define the scope of the problem that we are about to tackle.

THE ALASKA RAILROAD

Mr. President, I see the distinguished Senator from Ohio in the Chamber. I want to voice my hope that the omnibus rail bill may be considered by the Senate before we recess. I do hope that he will be able to complete his review of the railroad bill and the serials of visits in my office yesterday from labor union leaders and people who are interested in that bill. It is a vital bill to the Nation; it is most essential to my State.

The Congress for some time, and now the administration, has indicated that it does not believe the Alaska railroad should be operated as a Federal entity. My State has been involved in a series of negotiations with Congress and the administration to take over the operation of that railroad. We hope to take over the operation of the railroad on the basis that the transferee does not discriminate against Alaska as the owner of the railroad. We intend, if at all possible, to get that railroad into private ownership as quickly as we can. We have been working now for a long time on the bill. It just so happens that the House bill is being held at the desk and it does take unanimous consent to take it off the desk.

I am hopeful that the Senator from Ohio will see his way clear to permit full consideration of the bill today so that we can continue negotiations with the House.

As I have indicated, it is a matter of extreme urgency to my State. The Alaska railroad serves two of the most strategically important military bases in the country, Fort Wainwright and Eielson Air Force Base. It is the railroad that is taking a considerable portion of the supplies to Fairbanks where they go up the road to the North Slope operations, to Prudhoe Bay and the exploration activities that are taking place in northern Alaska. It is the only railroad facility we have to start exporting coal from Alaska. We have half the coal of the United States in our State. We are now in the position where the production and exportation of that coal can commence to the benefit of the whole economy.

I am certain that there are questions about some of the provisions, and we would be pleased to discuss them, but I do hope we are not forced into a situation where that bill will not even be able to be considered until after the postelection session because of the Senate's unique parliamentary situation.

Mr. President, I expect that today will be a very late day. We have a list of over 80 amendments which may be offered to the continuing resolution. It is going to be most important we attempt to shorten the time on these amendments to the maximum extent possible. Hopefully, later on today, we will be discussing with the minority leader the prospect of putting some amendments back to back so that we might have some shortened roll calls in order to expedite consideration of this bill.

I see the Senator from Ohio is on his feet. I did address a subject of concern to both of us. If he would like me to yield, I will be happy to do so.

Mr. METZENBAUM. Mr. President, I would appreciate it if the acting majority leader would yield to me.

Mr. STEVENS. I yield.

Mr. METZENBAUM. Let me first comment on the question of amendments to the pending continuing resolution.

The Senator from Ohio has an amendment and is prepared to go forward with it immediately after the conclusion of morning business, if that be the will of the leadership on both sides. I do expect the matter will not be debated lengthy, and I am prepared to put it to a vote at an agreed upon time as determined by the leadership of the majority and minority.

With respect to the Alaska Railroad—

Mr. STEVENS. Before the Senator addresses the railroad question, has the Senator a time limitation on his amendment?

Mr. METZENBAUM. No. As a matter of fact, I indicated publicly on the floor of the Senate my willingness

* This “bullet” symbol identifies statements or insertions which are not spoken by the Member on the floor.
to agree to a time limit. When the chairman of the Appropriations Committee spoke out with respect to those limitations, he did not include that. I do not know exactly why he did not, but I am still willing to agree to a time limitation.

Mr. STEVENS. It is my memory that we did agree to limitations on those amendments on which there was no objection on either side. We do have time agreements on a number of amendments, and we requested those people who had the time agreements to be here this morning to proceed with them.

The problem is that we do not have the amendment of the Senator from Ohio cleared as far as a time agreement is concerned. I hope that he would not offer that until we are able to get a time limit because there may be others who will want to debate that at length. We are trying to get an agreement on the time limit that has been prepared yet to enter into a time agreement on the Senator's amendment.

Mr. METZENBAUM. I am perfectly willing to withdraw the amendment, speak briefly, and let the opposition speak to it, all in accordance with my right as a Senator to offer an amendment for the lease of the Alaska Railroad for 99 years, and nays, or, assuming that it would not be accepted with or without a time agreement, go forward with it. I do not want to just sit back with the amendment because I consider it to be of major importance. The unemployment benefits extension is a matter that has been discussed previously. It is a matter that I think most Members of the Senate will support.

So I say that I expect to call it up early, but I do not intend to speak to it at length; and I doubt very much that any Member of the majority would be inclined to speak to it at length. If the majority leader could find out from those on his side exactly what their position is and when they would like to go forward with it, the Senator from Ohio will try to be as cooperative as possible.

With respect to the matter of the Alaska Railroad, there are two parts to that bill. As a matter of fact, as it comes to the Senate, there is only one part to it, and it has to do with the State of Alaska being given the Alaska Railroad, which I am told—I cannot vouch for the accuracy of the figure—but has a value of approximately a half-billion dollars. I am not prepared to debate whether that figure is $100 million high or $100 million low or whatever.

I am also told that the bill that passed the House is a somewhat different measure. That measure provides that the State of Alaska would pay 75 percent of the value, and there is an adjective describing the manner in which that value is determined, but I do not recollect it at the moment.

That is possibly a horse of a totally different color. It is a question of whether the State does or does not pay for it.

The further fact is that the House measure provides a certain number of provisions in which the railroad unions are interested. I have advised the members of the railroad unions, or, rather, the leadership of those railroad unions with whom I have spoken—that I am not willing to pay the price of giving away the Alaska Railroad to Alaska simply in order to get to their amendments.

On the other hand, I advise the Senator from Alaska that if he or his staff wish to discuss the subject, I am not adverse to doing that. But my fundamental position is that we should not give away the property of the Federal Government, regardless of what other provisions are contained in the bill that has been prepared yet to enter into a time agreement on the Senator's amendment.

Again I emphasize that the Senate bill does not have those other provisions in it.

Mr. STEVENS. Mr. President, the Senator from Ohio is entitled to his opinion, and I would be happy to debate the matter with him if he would permit the bill to come up for debate.

As a practical matter, there is no giveaway in this railroad. The railroad is a Federal property. It is vital to the military bases in our State. The Federal Government has operated it from the beginning.

It is a railroad that, by definition, is not one that is of interest to the private sector because the railroad has no value as a going concern. It is losing money. It has deferred maintenance cost which is staggering. It needs modernization. It needs coal-handling facilities. It has liabilities to employees.

My State has agreed with the Federal Government, in negotiations, to assume these liabilities, which more than offset the liquidation value. I think that is the phrase the Senator from Ohio was looking for. The net liquidation value is the value a purchaser would pay for the assets individually at an auction.

I am certain that the railroad cars and the tracks could be sold to a foreign purchaser who would take a complete railroad to another country, a country in which subsidies of railroads are still in vogue. Unfortunately, in this country they are not.

I am sure that if the Senator from Ohio would study it, he would find that the railroad properties were turned over to other States and local subdivisions and nonprofit corporations in terms much more generous than those involved here.

As a practical matter, I think the Senator from Ohio is speaking for only one person from the State of Alaska, an extreme environmentalist. To stand behind the concept that he is dealing with this bill on the basis of whether or not there is a giveaway, in my opinion, puts the Senator from Ohio in a very strange position. I am bringing some studies that deal with the amount of trade that originates in the State of Ohio that goes either to the pipeline area, the oil and gas area of my State, or to the military reservations.

On the trip I will soon take through the State of Ohio, I intend to try to visit the labor unions and the chambers of commerce and other entities and explain to them why those manufactured products of the State of Ohio will have to come to a halt soon, because there will be no way to get them to their destinations in my State.

I also intend to talk to the people in the State of Ohio, who are now paying higher gas bills, to see whether they understand that the lawsuit of the Senator from Ohio against the Alaska Natural Gas Pipeline is the disquieting factor that has prevented, to date, any further negotiations concerning the financing of the largest pipeline in the United States. I want to tell the fact that the Soviet pipeline, which was planned after our pipeline and is a longer pipeline, is going ahead on the basis of our Western European allies buying Soviet gas. We are not even in a position to deliver our gas to the south 48 when it is needed, because the Senator from Ohio has the luxury, as a Senator, of filing a suit against a pipeline that Congress has approved overwhelmingly.

I think it is time the people of Ohio knew what is going on in the Senate. I assure Senators that the people of Alaska know what is going on, and they have asked me to take a small trip through the State of Ohio. That trip through the State of Ohio is going to be more extended if the Alaska Railroad bill is not completed before the time of the recess. As a matter of fact, I am seriously thinking about not going back to Alaska at all but spending all my time during the recess in the State of Ohio, so that the people of Ohio can understand that they have sent to the Senate a Senator who thinks he is the third Senator from Alaska and not a Senator from Ohio.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. Metcalfe). The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, if no Senator asks me to yield time, I will yield my time back.

I yield back my time.
CONTINUING APPROPRIATIONS, 1983

Mr. STEVENS. Mr. President, I call up the Exxon Impact aid amendment, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk must report the pending business at this time. Will the Senator withhold, please?

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 599) making continuing appropriations for the fiscal year 1983, and for other purposes.

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

The clerk must report the pending business at this time. Will the Senator withhold, please?

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, the time is not running against this amendment, is it?

The PRESIDING OFFICER. The committee recommendations have not been disposed of, so no floor amendment is in order at this point.

Mr. STEVENS. Then, I suggest the absence of a quorum, without calling up that amendment, and I ask that it be put aside.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. HATFIELD. 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. HATFIELD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The first committee amendment to House Joint Resolution 599.

Mr. HATFIELD. Mr. President, the Senate has approval House Joint Resolution 599, the continuing resolution reported from the Committee on Appropriations. The resolution covers all 13 regular appropriations bills, and it expires December 22, 1982.

I do not relish bringing this measure to the Senate floor. As my colleagues know, it has been one of my primary concerns as chairman of the Appropriations Committee to move the regular bills on a timely basis and avoid the necessity of continuing resolutions. But again this year circumstances control of the Appropriations Committee have prohibited our consideration of regular bills until very late in the year.

Frustrated struggles over the budget and the budget reconciliation bill, the debt limit bill, the several versions of the urgent supplemental, and the veto of the regular supplemental have consumed virtually the entire Congressional calendar this year.

Even though our committee has reported original Senate appropriations bills, and we have reported a total of nine bills, the Senate has only passed three bills to date, HUD, military construction, and agriculture.

So this resolution is necessary to provide an authority beyond midnight September 30 to allow the Government to continue to function until such time as we can return in a post-election session to conclude our work on the regular bills.

I regret the need to do that, but I am gratified by the President's support for such a session.

There is much to be done on this measure, and we must get to conference quickly, so I will not detain the Senate much longer with these remarks.

Before closing, however, I do want to emphasize to my colleagues that this is a temporary, stopgap funding measure. It will expire in a little less than 2 months, and we will have ample opportunity to consider a variety of issues of concern to Members when we work on our regular bills.

I, therefore, will have to oppose most amendments which are not of some emergency nature and necessary prior to October 1.

Finally, Mr. President, I ask that a brief summary of the spending rates for the bills covered in this continuing resolution be printed in the Record.

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

Agriculture, Commerce, D.C., Transportation, Treasury—Lower of House or Senate bill (reported bills deemed passed).

Labor-HHS-Education—"rate to maintain current operating levels".

Defense, Legislative—rate of Senate bill.

Foreign Operations, Energy and Water—current rate.

Military Construction—House or Senate rate, whichever is lower, at project and activity level.

HUD—rate of Senate bill for full year.

Mr. PROXMIRE. Mr. President, the continuing resolution before us today is simple in concept but complicated in execution. The concept, of course, is that the resolution extends the operations of the Federal Government at the current 1982 rate or, in the alternative, at the rates contained in House or Senate appropriations bills for fiscal year 1983 until we can pass those bills, hopefully later this year.

Because it is a stopgap measure, the resolution as reported from the Senate Appropriations Committee expires on December 22. Because it is a stopgap resolution, it cannot address in specific terms all of the problems that can easily arise pending enactment of the regular appropriations bill. However, because it is human nature to try to deal with the major difficulties that can be expected between now and December 22 when the resolution expires, the Appropriations Committee has approved 47 separate sections which cover everything from air control through FBI fingerprint processing.

I suspect that there will be many floor amendments introduced that will focus on other problems, but I hope we will keep in mind the fact that the Government comes to a standstill at midnight Thursday if we do not pass this resolution through the Congress and then gain House and Senate approval of a conference report after the resolution leaves the Senate for the first time.

It is imperative that we keep amendments to a minimum, and that we show a willingness to limit sharply our discussion of those amendments so that we can get the resolution off the floor and into conference as soon as possible.

Let me conclude by repeating that this is a stopgap resolution, that it cannot hope to address in detail the many issues that will be dealt with in the regular appropriations bills, and that speed is of the essence. If we can keep these facts in mind as we proceed with the resolution, I believe we can accomplish the very difficult job of getting it enacted into law by midnight Thursday.

Mr. SCHMITT. Mr. President, I am glad to provide some explanation of the recommendations our committee made to deal with matters in the continuing resolution that relates to the Labor-HHS-Education Subcommittee.

Our resolution adopts House language which provides for maintaining current operating levels for Labor-HHS-Education.

Current operating levels are somewhat different than the normally used "current rate" terminology. Under current operating levels, funding is based on program performance rather than on particular overall funding levels. The performance achieved in the old fiscal year is brought forward at the cost required in the fiscal year to continue the same level of activity, but at no greater cost than the authorization level. This approach may result in decreases if a program is being phased down or out under congressional directive.

We wish to make clear that this terminology—current operating levels—should not be interpreted to require reductions in ongoing program activity or staffing levels that the Congress has approved for the preceding fiscal year. We also wish to stress that current operating levels shall not be interpreted to reduce fiscal year funding. These agencies have failed to build up program activity, including staffing, to the levels prescribed by Congress in fiscal year 1982.
The committee amendments for Labor-HHS-Education provide:

The full authorization, $296.5 million, for the jobs for the elderly program. This is $19.4 million above the fiscal year 1982 level.

For Family Immunization, $39 million, or $4.4 million above the 1982 level. The recommendation includes the maximum amount allowable—$32 million—for grants. This is one of the most effective disease prevention programs we have in this country.

The $64.4 million is the same level as in fiscal year 1982, to keep the health planning program going. Also included is bill language to make certain the Senate health planning agencies continue to be funded and that the States are not penalized 25 percent of their public health service grant money while the State agencies move to meet the requirements of the law.

For family medicine residencies, $34 million, or $7.7 million more than provided in fiscal year 1982. This training program is particularly important for our underserved rural areas.

For nursing research grants, $5 million, $1.6 million more than the fiscal year 1982 level for this program. This increase will bring the funding level for nursing research grants to the level this program received in fiscal years 1980 and 1981.

Bill language to make it clear that in addition to the funds provided by the resolution, $45 million is available by transfer under the provision of the recent Reconciliation Act for use in conducting money-saving audits of Medicare claims.

Bill language to protect the Treasury from payment of almost half a billion dollars to States seeking repayment for prior year claims going back to the 1950's.

Bill language to extend the time period for public comment and Congressional oversight of proposed nursing home survey and certification regulations by an additional 120 days.

For the Runaway Youth program, $18 million, an increase of $7.5 million over the fiscal year 1982 level. This represents a program increase of about 75 percent for the runaway and homeless youth program, which works to re-unite runaway children and their families.

Bill language to extend for 1 year the requirement that 90 percent of community services block grant funds be passed through from the States to the local community action agencies.

Bill language to make already appropriated funds available for close-out activities of the Community Services Administration.

Bill language to eliminate the requirement to make preliminary impact aid payments to school districts during the first 30 days of the fiscal year, except in hardship cases. This language is necessary to allow time, for the agency to learn what its final fiscal year 1983 appropriation level will be. Similar language was included in the current continuing resolution for fiscal year 1982.

For education basic grants, $50 million, in addition to the amount that would be provided under the continuing resolution. This would be used specifically for training and retraining youth and adults to be employable in the changing job market of the 1980's.

For funding the Chappelle James Aerospace Science and Health Education Center in Alabama, $9 million.

Mr. President, the committee approved a good package for the Labor-HHS-Education portion of this continuing resolution, and I would hope that it can be adopted without amendment.

CONTINUING APPROPRIATIONS BILL SUPPORTS STRONG INLAND WATERWAY SYSTEMS

Mr. SASSER. Mr. President, I would like to bring to the attention of my colleague, the full importance that the development of strong inland waterway development of the continuing resolution for 1983 being considered today. This section is very important in that it provides for continued operations and maintenance of water projects at the existing fiscal year 1982 levels.

As you will recall, the administration's proposed budget for 1983 reduced by $150 million the Corps of Engineers' budget for operation and maintenance of water projects on our Nation's inland waterways systems. The administration's reason for the $150 million reduction was based on the premise that legislation would be enacted this Congress to recover 100 percent of the operation and maintenance and capital improvement cost for commercial users of the inland waterway system. The administration's bill has met with great opposition and has been debated for months with no result in either the House or Senate. The fact that our waterway systems continue to be neglected and consequently slip further into a dreadful state of disrepair, I am particularly concerned about those projects important to the movement of coal.

Eight hundred and fifteen million tons of coal were mined in the United States last year and nearly 90 percent of this coal was transported on the inland surface transportation system from mines to electric utilities and ports for overseas shipment. If this country is to accomplish energy independence, the growth of the coal and waterway systems must be improved to arrest further deterioration, and to expand capacity to accommodate increased coal shipments.

A 5-year lapse in funding has already contributed to the reduction in safety, capacity, and efficiency of the inland waterway systems on the Ohio, Mississippi, Monongahela, Kanawha, and Black Warrior rivers.

Restoration of the $150 million reduction in the corps' budget for fiscal year 1983 was strongly supported in the House. I would urge Chairman Hatfield of the Senate, the ranking minority member on the Energy and Water Development Subcommittee, to support full funding for the corps as essential to both the maintenance of our inland waterways and the transport of coal.

Mr. KASTEN. Mr. President, I would like to ask the distinguished subcommittee chairman a question in the clarification of the continuing resolution on the authority of the Federal Trade Commission.

Mr. WEICKER. I would be glad to answer the Senator's question.

The House Appropriations Committee considered H.R. 6957, the State, Justice, Commerce appropriations bill, and the committee accepted, an amendment designed to extend the effectiveness of certain expiring provisions of the FTC Improvements Act of 1980. These provisions place certain limitations on the FTC's authority with respect to paying public intervenor funding, Improvements Act, section 10; commercial advertising, section 11; trade marks, section 18; agricultural cooperatives, section 20; and rulemaking, section 21, establishing legislative veto procedures. These limitations are scheduled to expire on September 30, and the Senate bill must be passed in order to maintain the status quo while new FTC authorization legislation is being finalized.

The House Appropriations Committee has reported H.R. 6957, but without any continued limitations of the kind contained in the Senate bill.

Am I correct that the continuing resolution will operate to make any amendment effective for the duration of the resolution?

Mr. WEICKER. Yes, the Senator is correct. The relevant provision of the continuing resolution's section 101(a)(3). Since with your amendment, the Senate appropriation bill contains authority for the FTC that is more restrictive than under the House bill, the Senate provision would become effective under the continuing resolution. The expiring provisions of the Improvements Act that you mention would be extended for the duration of the resolution.

Mr. KASTEN. I thank the Senator.

Mr. CHILES. Mr. President, I have heard speculation that some language in this continuing resolution might affect the laudable efforts of the Congress and the administration to reduce unnecessary regulatory burdens on the public. I wish to state in unambiguous terms that one basis...
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for our actions regarding the continuing resolution is that it will have no such effect. As one of the primary sponsors of the Paperwork Reduction Act of 1980, I cannot imagine that Congress would intend to affect key provisions of that act by any vague or unexamined language in a continuing resolution. I would like to know if the chairman agrees with me in this regard.

Mr. HATFIELD. I absolutely agree. As a member of the Paperwork Commission whose report led to enactment of the 1980 act, I have followed the Administration's efforts to reduce regulatory paperwork closely, and know that these efforts have very strong support in the Congress. This continuing resolution would do the contrary.

Mr. ABDNOR. I would like to interject that the Executive Office of the President also oversees regulatory policy under Executive Order 12291. That order, issued by President Reagan, but Presidents Carter and Ford had similar Executive orders during their administrations. Am I correct that Executive oversight under the Executive Order has not been fully effective as a result of this continuing resolution?

Mr. HATFIELD. The President is correct. What I have just said applies equally to the Executive order. General oversight of regulation is part of the President's constitutional responsibility to see that the laws are faithfully executed. Regulation has become such a large part of the work of the Executive branch that, as the Senator points out, recent Presidents of both parties have found it necessary to exercise a degree of central oversight of the process. In the case of the Executive Order of 1980, when we passed the Laxalt-Leahy regulatory reform bill unanimously earlier this term, which adopts many of the policies and procedures of President Reagan's Executive order. We could hardly intend to reverse ourselves on this critical issue today in providing funds for the executive branch to keep operating for a few more months. So let me reiterate that nothing in the continuing resolution may be interpreted as affecting in any way the customary management of regulatory or paperwork-reduction policies.

COMMITTEE AMENDMENTS

Mr. HATFIELD, Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, with the exception of the following committee amendment:

Mr. ROBERT C. BYRD, Mr. President, reserving the right to object, I know of no objection to this. I will ask the chairman if he knows whether or not Mr. Ford will be agreeable? I have no objection.

Mr. METZENBAUM. Mr. President, reserving the right to object, and I do not intend to object, will the chairman of the Appropriations Committee be good enough to advise whether the committee amendments include the McClure amendment?

Mr. HATFIELD. The exemption is the second one I enumerated, which will then provide Senator McClure an opportunity to withdraw his amendment that will have been agreed by the committee a little bit later during the day.

Mr. METZENBAUM. It will provide him an opportunity to do that?

Mr. HATFIELD. The FTC—It is the FTC issue in the professional groups. That was adopted by the committee, and now Senator McClure will move to strike that amendment that he had offered in committee so as to keep that issue. That is the result of his action that he plans to take. That is why we included it in the exceptions from the adoption of the committee amendments en bloc.

Mr. METZENBAUM. With that assurance of the chairman of the Appropriations Committee that Senator McClure's amendment will be withdrawn, I yield to the PRESIDING OFFICER.

The PRESIDING OFFICER. Without objection, the committee amendments so identified are agreed to en bloc.

The committee amendments agreed to follow:

On page 2, strike line 13, through and including line 16;

On page 3, line 16, after "House", insert "or the Senate";

On page 3, line 16, strike "the", and insert "that";

On page 3, line 20, strike "the", and insert "one";

On page 3, line 22, strike "the", and insert "that";

On page 3, line 24, strike "the", and insert "that";

On page 4, line 20, strike "activities", and insert the following: "activities, including those activities conducted pursuant to section 187 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended."

On page 5, line 4, strike "Such", through and including page 6, line 25, and insert the following:

"Notwithstanding any other provision of this joint resolution, except section 192, such amounts as may be necessary for continuing projects and activities under the terms and conditions and to the extent and in the manner as provided in the Department of Defense Appropriations Act, 1983, (S. 2951) as reported to the Senate on September 23, 1982."
On page 12, line 16, strike “108,” and insert “107.”

On page 12, line 22, strike “109,” and insert “110.”

On page 16, line 7, strike “112,” and insert “111.”

On page 16, line 8, after “resolution,” insert “except section 102.”

On page 16, line 8, strike “moneys,” and insert “or.”

On page 17, line 1, and insert the following:
“for acquisition of strategic and critical materials and for transportation and other incidental expenses related to such acquisitions, $320,000,000, which shall be derived from moneys received in the National Defense Stockpile Transaction Fund established by section 9 of the Strategic and Critical Materials Stock Piling Act (60 U.S.C. 861), as amended by Public Law 97-25 (95 Stat. 381), and shall remain available until expended: Provided, That of this amount $20,000,000 is to be expended for the purchase of domestic copper mined and smelted in the United States after September 30, 1980.”

On page 17, line 12, strike “113,” and insert “111.”

On page 17, line 18, after “House,” insert “or.”

On page 17, line 20, through and including page 18, line 7;

On page 18, line 8, strike “115,” and insert “112.”

On page 18, line 17, strike “116,” and insert “114.”

On page 18, line 22, strike “117,” and insert “118.”

On page 19, line 1, through and including page 20, line 5;

On page 19, line 5, strike “119,” and insert “115.”

On page 19, line 13, after “3109,” and insert the following:
“: Provided, that except for funds obligated or expended for planning, administration, and legal expenses, and for architectural or other consulting services, no funds herein appropriated shall be available for expenditure until such time as the Chancellor of the Smithsonian Institution certifies that all required matching funds are on hand or available through legally binding pledges.”

On page 19, line 21, strike “120,” and insert “116.”

On page 20, line 3, strike “121,” and insert “117.”

On page 20, line 3, strike “4(4),” and insert “4(4).”

On page 20, line 10, strike “122,” and insert “118.”

On page 20, line 10, strike “Notwithstanding,” through and including “1981,” and insert the following:
“Notwithstanding section 101 of this joint resolution, none of the sums provided by this joint resolution for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any alien unless the alien is a resident of the United States.”

“(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15), (20));

“(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;”

“(3) any alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (as amended by the Refugee Act of 1980), (as defined in section 101(a)(30) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), and for whom an alien refugee admission (or refugee admissions) or who has been granted asylum by the Attorney General under such Act, (4) an alien who is lawfully present in the United States as a result of the Attorney General’s withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)). An alien who is lawfully present in the United States as a result of practicing law in the local-conditional entry pursuant to section 203(c)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persisent or fear of persecution, on account of race, religion, or political opinion or because of being uprooted or threatened with instigation, or family, or any other similar governing law or this joint resolution, except section 102, an amount for the Basic Supplemental Food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1766), at the rate and under the conditions prescribed for in H.R. 7072 as reported to the Senate on September 22, 1982.

Notwithstanding any other provision of law or any other joint resolution, except section 102, and notwithstanding any other provision of law for payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under sections 1376 and 1389 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1389), as is payable by the Board, $48,400,000 is appropriated for services furnished under section 104 (49 U.S.C. 1376) for services provided after September 30, 1982: Provided further, That, notwithstanding any other provision of law or of the provisions of this paragraph, payments shall be made from funds appropriated herein and in accordance with the provisions of this Act (excluding services covered by payments under section 419(a)(7) and services in the State of Alaska): Provided further, That, notwithstanding any other provision of law, such payments shall be based upon orders applicable to such carriers as of July 1, 1982, and payments shall not exceed $113,500,000 in the aggregate: Provided further, That, notwithstanding any other provision of law, to the extent provided in this Act: Provided further, That, notwithstanding any other provision of law, to the extent provided in this Act, such payments shall be reduced by a per-
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centage which is the same for all carriers eligible for such payments: Provided Further, That nothing in this joint resolution shall be deemed to prevent the Board from granting an application under section 419(a)(11)(A) (49 U.S.C. 338) pertaining to a carrier for a special pay under such joint resolution, in which event the standards and procedures set forth in section 419(a)(11)(A) shall apply.

Sec. 127. (a) Sections 308(g) and 308(a)(c) of title 37, United States Code, are amended by striking out “September 30, 1982” and inserting in lieu thereof “March 31, 1983.”

(b) Section 301(b) of title 37, United States Code, is amended by striking out paragraph (3) and inserting in lieu thereof the following:

“(3) During the period beginning on October 1, 1982, and ending on March 31, 1983, any agreement entered into under this section which not more than eight years of prior active service and who are serving in pay grade O-4 or above, if payment of such pay was made to such officers; and

(iv) an evaluation of the progress made since October 1, 1982, toward eliminating or reducing special pay under such joint resolution.

Sec. 128. Notwithstanding any other provision of this joint resolution, there are appropriated $998,560,000 to carry out title V of the Older Americans Act of 1965, of which not more than $85,220,000 shall be for grants to the States for services for the aged, and $3,000,000 shall be for an evaluation of the progress made in carrying out such title since October 1, 1982, toward eliminating or reducing special pay under such joint resolution.

Sec. 129. Notwithstanding any other provision of this joint resolution, there are appropriated $39,990,000 for fiscal year 1983 to carry out section 317(b)(1) of the Public Health Service Act, relating to preventive health services to immunize children against immunizable diseases.

Sec. 130. (a) Notwithstanding any other provision of law, no funds appropriated by this joint resolution or any other Act for fiscal year 1983 for any allotment, grant, loan, or loan guarantee under the Public Health Service Act or the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1972, shall be subject to reduction under section 512(d)(2) of the Public Health Service Act during the period beginning on October 1, 1982, and ending on the date specified in clause (b) of section 102.

(b) Notwithstanding the proviso of the Acts or the United States Code, is amended by striking out “and” at the end of subsection (b) and inserting in lieu thereof the following:

“(3) During the period beginning on October 1, 1982, and ending on March 31, 1983, any agreement entered into under this section which not more than eight years of prior active service and who are serving in pay grade O-4 or above, if payment of such pay was made to such officers; and

(iv) an evaluation of the progress made since October 1, 1982, toward eliminating or reducing special pay under such joint resolution.

Sec. 131. Notwithstanding any other provision of this joint resolution, there are appropriated $34,000,000 to carry out section 786 of the Public Health Service Act.

Sec. 132. (a) Notwithstanding the proviso of the Acts or the United States Code, is amended by striking out “and” at the end of subsection (b) and inserting in lieu thereof “March 31, 1983.”

(b) The amendment made by subsection (a) and (3) shall take effect on October 1, 1982.

Sec. 133. (A) It is the sense of the Congress that eligibility for special pay for aviation career officers under section 301(b) of title 37, United States Code, should be available only to officers who will likely be induced to serve in active duty in aviation service by receipt of the special pay.

(B) The Secretary of the Navy shall submit to the Committee a report, by July 1, 1983, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301(b) of title 37, United States Code, since October 1, 1982. Such report shall include:

(1) A statement of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section since October 1, 1982;

(2) the number of officers within each critical aviation specialty who received the special pay under such section since October 1, 1982, by grade, years of prior active service, and category of the special pay received under such section;

(3) an explanation and justification for the Secretary as critical and for the payment of special pay under section 301(b) of such title to officers who have more than eight years of prior active service and who are serving in pay grade O-4 or above, if payment of such pay was made to such officers;

and

(iv) an evaluation of the progress made since October 1, 1982, toward eliminating or reducing special pay under such joint resolution.

Sec. 134. Notwithstanding any other provision of this joint resolution, there are appropriated $18,000,000 for fiscal year 1983 to carry out the Runaway and Homeless Youth Act.

Sec. 135. Notwithstanding any other provision of law, of the funds appropriated for fiscal year 1983 to carry out the Community Health Service Act of 1965, not more than 10 per centum of the funds allotted to each State under section 674 of such Act shall be used to reduce the number of health care workers or to designate limited purveyors to such groups in the United States selected on the basis of their being in critical need in order to conduct boundary surveys of National Forest System lands.

Sec. 136. The Secretary of Agriculture should jointly develop with the Secretary of the In-
(b) Section 5532 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f)(1) Notwithstanding any other provision of law, the retired or receiving an annuity from the Fund who, during any period described in section 8339a of title 5, United States Code, is amended by inserting at the end thereof the following new subsection:

"(g) Section 8344 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Subject to paragraph (2) of this subsection, subsections (a), (b), (c), and (d) of this section shall not apply to any annuitant who is entitled to any annuity under the Fund while such annuitant is employed, during any period described in section 5532(e)(2)(C) of this title or any portion thereof, in excess of the applicable rate of basic pay for so long as such employee is so certified by the Administrator.

"(2) Paragraph (1) of this subsection shall apply only in the case of any annuitant receiving an annuity from the Fund who,
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before August 3, 1981, applied for retirement or separated from the service while being entitled to an annuity under this chapter.

(b)(1) The amendments made by subsection 152(b), (c), (e), and (g) of this joint resolution shall take effect at 5 o'clock ante meridian eastern daylight time, August 3, 1981.

(2) The amendments made by the subsection 152(a) and subsection 152(d) of this joint resolution shall take effect on the first day of the first applicable pay period beginning after the date of the enactment of this joint resolution.

(3) The amendment made by subsection 152(f) of this joint resolution shall take effect on the date of the enactment of this joint resolution.

Mr. HATFIELD. Mr. President, I further ask unanimous consent that the resolution, as amended, be considered as original and that we complete the action on this bill by noon today in order to comply with the continuing resolution by noon today in order that we can complete the full Senate actions before adjournment tonight, Thursday night. There is no order of the day before adjournment.

I had indicated earlier yesterday that, in order to comply with the requirement for an appropriate period of time and I am prepared to go forward now. I will speak briefly and I will still be willing to agree to the time limitation.

Mr. HATFIELD. Mr. President, I yield the floor to the Senator from Ohio that I am willing to be totally cooperative. I might just as well get my amendment up. I am willing to agree to a unanimous consent to set it aside once it is called up and reserve its position on the calendar.

Mr. HATFIELD. Mr. President, with the approval of the minority, I ask unanimous consent to temporally set aside the excepted committee amendments in order that Senators may offer amendments.

Mr. METZENBAUM. Reserving the right not to object, I thought the committee amendments had been adopted.

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

Mr. METZENBAUM. If I have the floor, I yield to the minority leader.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. HATFIELD. Mr. President, I am happy to yield to the distinguished minority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

The chairman is proceeding in an orderly manner. He has proceeded to get consent en bloc for most of the committee amendments. Certain committee amendments were excepted from that en bloc agreement. Now before the Senate are those excepted committee amendments. Amendments from the floor are not in order until the committee amendments have been adopted. So there are four or five committee amendments that have been excepted from being accepted en bloc.

So I want to express my appreciation to the distinguished Senator from Ohio that those are the amendments that are now before the Senate. They must be disposed of before amendments from the floor are to those amendments or unless unanimous consent is given to set those aside to allow amendments from the floor. That is what the Senator from Oregon is trying to do.

Mr. METZENBAUM. I thank the Senator. I have no objection.

Mr. HATFIELD. Mr. President, let me make one clarification. I was attempting to clear the deck for the Senator from Ohio to offer his amendments.

Mr. METZENBAUM. I thank the Senator.

Mr. HATFIELD. I really misspoke in asking for unanimous consent because, under the previous unanimous-consent agreement, it is with the approval of the floor managers that we set aside these excepted committee amendments. The Senator from West Virginia and I, as managers of this bill, have agreed to set them aside, so that the deck is now clear for the Senator from Ohio to raise his amendment. In the meantime, I will try to work out a unanimous-consent agreement on a time limitation.

Mr. METZENBAUM. I thank the Senator from Oregon.

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. Metzenbaum), for himself and others, proposes an amendment numbered 3621.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the joint resolution, insert the following new section:

Sec. 1. (a) Notwithstanding any other provision of law, the provisions of subtitle A of title VI of the Tax Equity and Fiscal Responsibility Act of 1982, establishing a Federal supplemental benefits program of unemployment compensation benefits shall remain in effect, and an individual's period of eligibility shall continue, without regard to any provision in such Act relating to termination of such Federal supplemental benefit program, or to the end of such period of eligibility, until the national seasonally adjusted total rate of unemployment is less than 5.7 percent.

(b)(1) Notwithstanding the provisions of section 2402(b) of the Omnibus Budget Reconciliation Act of 1981 the amendments made by subsection (a) of section 2402 of such Act shall not be effective for determining whether there are State "on" and "off" indicators for weeks ending on or after June 1, 1982, and before the month following the first month thereafter for which the national seasonally adjusted total rate of unemployment is less than 5.7 percent.
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(2) For purposes of making such determina-
tions described in paragraph (1), the rate of in-
sured unemployment for all weeks shall be 
calculated in the same manner as it is 
calculated for the particular week with 
respect to which the determination of an "on" 
or "off" indicator is being made.

The Omnibus Budget Reconciliation Act of 1981 is amended by 
striking out "September 28, 1982" and in-
serting in lieu thereof "the national season-
ally adjusted total rate of unemployment 
less than 8.7 percent for at least one month 
occuring after September 1983".

(c) For purposes of determining whether 
there are State "on" or "off" indicators for 
weeks beginning on or after June 1, 1982, and 
before the first month following the first 
month thereafter for which the national 
seasonally adjusted total rate of unemploy-
ment is less than 8.7 percent, paragraph (1) 
of section 256 of the Federal-State Ex-
tended Unemployment Compensation Act of 
1970 shall be applied as if such paragraph 
did not contain subparagraph (A) thereof.

(e) In the case of any State with respect to 
which the Secretary of Labor has deter-
mined that unemployment compensation 
legislation is not amended in order to amend its State unemployment 
compensation law so as to include any re-
quivalences imposed by this section with re-
spect to the requirements of paragraph 
(1) of section 256(d) of the Federal-State 
Extended Unemployment Compensation Act of 1970 shall not be determined to be out of compli-
ance with this section until a subsequent 
State's unemployment compensation law 
shall be determined to be out of compli-
ance with this section.

Many of the Senators supported 
that which was then described as 
"supply-side economies". And it was as-
sumed that supply-side economics 
would produce real growth of 4.2 per-
cent in fiscal year 1982 and 5 percent 
in fiscal year 1983. It assumed that un-
employment rates would decline from 
7.2 percent in fiscal year 1982 to 6.4 
percent in fiscal year 1983. As a matter of 
fact, it was about February 1981 that 
the Secretary of the Treasury 
was quoted as saying that unemploy-
ment at that point, and by some esti-
mates, Mississippi and West Virginia.

Now what we are talking about here 
has to do with a thing called trigger-
ing. Last year the extended benefit 
program was affected by one of those 
amendments that did not gain a lot of 
attention. But under the reconciliation 
act substantially changed the ex-
tended benefits program for unem-
ployment.

Many of the Senators supported 
that which was then described as 
"supply-side economies". And it was as-
sumed that supply-side economics 
would produce real growth of 4.2 per-
cent in fiscal year 1982 and 5 percent 
in fiscal year 1983. It assumed that un-
employment rates would decline from 
7.2 percent in fiscal year 1982 to 6.4 
percent in fiscal year 1983. As a matter of 
fact, it was about February 1981 that 
the Secretary of the Treasury 
was quoted as saying that unemploy-
ment at that point, and by some esti-
mates, Mississippi and West Virginia.

What does our amendment actually 
do? It suspends the changes made 
in the extended benefits program recently adopted in 
last year's reconciliation bill dealing 
with counting those who have ex-
hausted their regular unemployment 
benefits until the national unemploy-
ment rate declines to 8.7 percent.

Why do we use 8.7 percent? We use 
8.7 percent because that is the as-
sumed unemployment rate that was 
made in the first budget resolution for 
fiscal year 1983.

If Congress believes that unemploy-
ment will decline to that level, surely 
we can afford to maintain the ex-
tended benefits program until it actu-
ally reaches that level.

The second part of this amendment 
would suspend the changes made last 
year's reconciliation bill in the trigger. Those changes are 
due to take effect on September 25, 
and a number of States will trigger off 
the extended benefits program as of that 
date. Of course, that date has al-
ready passed by.

The third part of this amendment 
modifies the Federal supplemental 
benefits program recently adopted in 
the tax legislation to key it to the rate of 
unemployment. As passed last 
month, the new FSb program will 
only last until March 31, 1983. Many 
people felt that date was selected to 
get us past the politically sensitive 
election period.

Whatever the reason, we certainly 
have to anticipate that it may go 
beyond March of 1983.
I believe it makes more sense to tie such a program to the rate of unemployment rather than to a calendar date. As a result, this amendment would terminate the FSB program only when unemployment drops below 7%

Some will question how much this amendment will cost. According to CBO, the net cost to Government would be only $430 million in fiscal year 1983. Although the cost of the amendment will cost. According to

employment costs are concerned, there is a major offset to the

amendment because of the cost that would otherwise be incurred for welfare, food stamps, and other similar programs.

Therefore, I think it is reasonable to assume that we are talking about a figure probably less than half of that $430 million figure.

This cost estimate also assumes the same rate of unemployment as was assumed in the budget for fiscal year 1983. If the cost were to be higher, it would be due to a failure of the economy and a failure of the projections as made by the Budget Committee to become the reality. That is not the fault of the unemployed in this country.

Mr. President, unless our amendment is passed, unemployment benefits will be reduced by 13 weeks in almost every State between now and the end of calendar 1983. That means the unemployed in many of the States will receive only 36 weeks or less of total unemployment compensation benefits compared to the 49 weeks of benefits provided in past recessions.


Mr. Dixon. Mr. President, I rise as an original cosponsor of this amendment, and as one who has made many statements on this subject before this body. We must address this issue of trigger rates, which increases, on September 26 of this year, making many States, such as Illinois, lose the extended benefits program. We can ill afford to abandon the unemployed in times such as these.

On September 14, when the substance of this amendment was introduced as S. 2904, I made a formal statement. I would ask that my colleagues refer to that statement which appeared in the CONGRESSIONAL Record page S11451.

Last night, during the President's news conference, he made several references to the unemployment level in this country and yet refused to take responsibility that he has taken place, and is now being exacerbated by the increased trigger for extended unemployment benefits.

Discussing the number of people who are currently working, the President said the following:

'last night, during the President's news conference, he made several references to the unemployment level in this country and yet refused to take responsibility that he has taken place, and is now being exacerbated by the increased trigger for extended unemployment benefits."

This coming month, when the figures are released, we think that it August has been in a kind of what we call a "dip." But that'll be a glitch. It won't be down lower than what it's been for the last several months.

I need not explain to anyone here that we are now at the highest level of unemployment since the Depression, and continuing upward. The President seems to think that the unemployment compensation is adequate to help those who are out of work. But ask the worker who has exhausted all benefits. Ask the worker who, until last week, was receiving benefits, and now will receive 13 weeks less than what he would have, because his State no longer qualifies for extended benefits. Ask the worker, who, on November 20, will exhaust all benefits afforded him under the Federal supplemental benefits program.

Not 5 minutes after the conclusion of the President's press conference, my office had a call from an Illinois constituent who has been unemployed for a year. He related the President's reference to the expected 10-percent unemployment level being termed a "glitch." According to the dictionary, that term means a mishap, err, or malfunctioning. This is no mishap. Unemployment is a logical result of the policies that this administration advocates. Our economy is indeed doldrums and it may show a dip. But that won't be down lower than what it's been for the last several months.

For that reason, we are really working under the gun, and I think the time estimate of the manager of the bill is absolutely correct. We should finish this bill by noon or as close to noon as possible if we are going to have a fighting chance to meet our responsibilities.

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

Mr. Proxmire. Mr. President, I ask unanimous consent that the amendment offered by the Senator from Ohio around 10:30 a.m.

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Mr. Hatfield. Mr. President, I ask unanimous consent that the amendment offered by the Senator from Ohio around 10:30 a.m.

The PRESIDENT. Mr. Hatfield. Without objection, it is so ordered.

Mr. Hatfield. Mr. President, I would ask that the leadership be informed and a hotline put out to alert Senators to offer amendments, those who plan to offer amendments, so that we will not lose time waiting for more Senators to arrive on the floor. The floor is open for amendments.

We have contacted, at this time, Senators who have entered upon a time agreement to take up their amendments. If we are to finish this bill by noon, as my hope is even now, we are going to have to move these amendments along. We cannot delay with long periods between amendments waiting for Senators to arrive.

I hope the Senator from Wisconsin will join me in saying that if we have to wait an inordinate period of time for Senators to come and offer amendments, we should go ahead and ask for third reading.

Mr. Proxmire. Mr. President, I am delighted to join my good friend from Oregon. He happens to be right on this. All of us recognize that we have to act on this resolution very promptly, because it has to go to conference, has to pass the floor, and pass the Senate—the conference report does. That is going to take time. If we are going to comply with the absolute requirements—all the continuing resolution that is in effect now expires tomorrow night at midnight.

For that reason, we are really working under the gun, and I think the time estimate of the manager of the bill is absolutely correct. We should finish this bill by noon or as close to noon as possible if we are going to have a fighting chance to meet our responsibilities.

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

Mr. Proxmire. Mr. President, I ask unanimous consent that the amendment for the quorum call be rescinded.

The PRESIDENT. Mr. Hatfield. Without objection, it is so ordered.
The Senator from New Hampshire (Mr. Humphrey), for himself and Mr. Bumpers, proposes an unprinted amendment numbered 1309.

At an appropriate place, add the following section:

Sec. --- Notwithstanding any other provision of this joint resolution, no funds made available by this joint resolution shall be available for the Clinch River Breeder Reactor Project.

Mr. Humphrey. Mr. President, in the interest of time, and I am aware as is Senator Bumpers that time is of the essence this morning, I will brief in my remarks. I think Senators have heard the arguments before, but the high points bear reiteration.

First of all, this is not an antinuclear amendment. The Senator from New Hampshire supports nuclear power. The issue under discussion and consideration this morning is the issue of waste. I am not talking about nuclear waste; I am talking about waste of taxpayers' money.

The Clinch River breeder demonstration project is involved in a stupendous cost overrun. It was originally estimated to cost $600 million, which is a small piece of its budget. But today after six reestimates on the part of the Department of Energy and predecessor agencies, the cost is estimated to be $3.6 billion, an additional $2 billion. To make matters worse, the General Accounting Office in a report issued just last week indicates that the true costs, including interest expense to the taxpayers, are really much closer to $9 billion—$9 billion for one plant.

It is bad enough that the program has suffered such a huge cost overrun, but to make matters worse we do not need it. We do not need this demonstration project for the reason that we have something better in the way of nuclear technology. And just what is that? Namely, light water reactors of the kind being used today.

Even by the Department of Energy's own studies, breeder reactors will be unable to compete economically with light water reactors for decades to come, in other words, until well after the turn of the century, the time frame of 2020 to 2030.

The chief advantage of breeder reactors, of course, is that they create their own fuel. But it happens that the chief advantage of breeder reactors has suffered such a huge cost overrun, but to make matters worse we do not need it. We do not need this demonstration project for the reason that we have something better in the way of nuclear technology. And just what is that? Namely, light water reactors of the kind being used today.

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fore, it makes no sense for us to be building a demonstration project.

Historically, demonstration projects have been built when a technology is on the threshold of commercialization. But this one is not. It is decades away from commercialization and it makes no sense for us to continue with this project. Even the utilities themselves in a way have acknowledged this. Originally, they agreed to participate and to share the cost with the taxpayers 50-50. They long ago pulled out of that agreement. Their total participation so far has been something on the order of 4 or 5 percent and they intend to make no further contribution.

So they are not willing to invest their money. Why should Congress invest the money of our taxpayers in this project which makes no economic sense and which has suffered such a huge cost overrun?

Mr. President, I believe at this point I will yield to my colleague from Arkansas and I may wish to raise a few other points after he has spoken but if he is ready I will yield the floor at this time.

Mr. BUMPERS. Mr. President, I ask the distinguished floor manager, are there any speakers here or coming on the other side of this issue?

Mr. HATFIELD. The majority leader is on his way to the floor to speak for at least part of his 15 minutes.

Mr. BUMPERS. Fine.

Mr. President, I have been opposed to the Clinch River breeder ever since I have been in Congress. I think I voted for it for the first year I was here. But since that time the whole idea for the project has degenerated unbelievably.

First, the CRBR represents an obsolete technology. The best physicists in this country say that if we go through with the project the earliest possible completion date will be 1990, and by that time the technology will be 16 years out of date. Any Senator who votes for this ought to vote for it in the certain knowledge that it is not going to be completed until 1990, that the cost almost certainly will be what GAO said last week it will be, $8.8 billion or more, and we will have a technological turkey on our hands when it is completed.

Second, a lot is said about the French, the Japanese, the English, the German, and the Soviet breeder programs. Every one of those nations has put their breeder reactors on the back burner. They all have them. The French are going to develop three breeder commercial projects immediately after they finished the Super Phoenix, and all three of these have been postponed and put on the back burner for good reason. Why should we emulate the worst of what other countries do? If we are going to emulate something, let us emulate something that has been successful.

Third, we are starting down the road of a plutonium economy. The Clinch River breeder, if completed during its lifetime, will manufacture enough plutonium to make nuclear weapons the size of the ones we dropped on Japan in World War II.

Fourth, one of the main claims initially made for the breeder was that we were going to need the plutonium to fuel our light water reactors, that uranium was running out. Now enriched uranium has dropped from $40 a gram in 1972 to $17. There is a glut on the market. There have been new finds in Australia and big new finds in Canada. We have more than enough uranium to run us well past the year 2025, and this reactor cannot possibly be commercialized effectively before the year 2020 according to every sensible person who has examined it.

Fifth, the GAO says that the DOE has grossly understated the amount of electricity they are going to sell from this reactor.

Sixth, the promise in 1971 from the nuclear power industry and the utilities of this country was, “We will put up half the money,” but the utilities signed a firm contract that they would not put up more than $257 million. That was back when we were expecting this thing to cost about $500 million. Now they have put up about $150 million. The cost has gone from $500 million to $8.8 billion and the nuclear power industry of this country say, “Count us out; we are not putting another dime in it.”

And I ask my colleagues, if they do not think any more of the Clinch River project than that, why should we?

Seven. Other projects are a better use of money. For example, I have been trying to get money to retrofit the dams on the Arkansas River. It is a travesty that those 17 dams were not outfitted with generators when they were built. But even today you can retrofit every dam on the Arkansas River with generators at a cost of $2,200 per megawatt, and with virtually no annual operating costs. Just open the floodgates and let the water through. Providing the facilities to generate this electricity at a cost of $2,200 per megawatt, or 1,000 kilowatts, will cost $20,000 in capital costs. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BUMPERS. We are trying to keep this total debate to 30 minutes, but there is no agreement to that effect, has there?

The PRESIDING OFFICER. There has been an agreement to that effect.

Mr. BUMPERS. How much time do the proponents of the amendment have?

The PRESIDING OFFICER. The proponents have 15 minutes.

Mr. BUMPERS. How much time do we have remaining?

The PRESIDING OFFICER. Six minutes and 15 seconds.

Mr. President, I ask the distinguished manager of the bill, if I may, to yield me five minutes.

Mr. BAKER. Mr. President, I yield myself—I ask the manager to yield me 5 minutes.

Mr. HATFIELD. I would be very happy to yield the Senator 5 minutes.

Mr. McClure. Mr. President, I think that is a distinguished-consent agreement who controls the time?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I yield myself—I ask the manager to yield me 5 minutes.

Mr. HATFIELD. I would be very happy to yield the Senator 5 minutes. Mr. McClure. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McClure. Under the unanimous consent agreement who controls the time?

The PRESIDING OFFICER. The proponents of the amendment and the manager of the bill.

Mr. McClure. In this instance the manager of the bill supports the amendment, does he not?

Mr. HATFIELD. Mr. President, I will be very happy to yield whatever time—if the Senator from Idaho is concerned—Mr. McClure. I might make an inquiry of the Senator from Oregon.

Mr. BAKER. Mr. President, the manager of the bill is the chairman of the committee, and I think that is a good way to leave it. I wonder if he will yield me 5 minutes?

Mr. HATFIELD. I would be happy to yield 5 minutes.

Mr. BAKER. Mr. President, I can recall back in the days of the Joint Committee on Atomic Energy when a decision was made to go forward with the Superphoenix breeder reactor, and there was a great debate at that time
on whether it was going to be a thermal breeder or a fast neutron breeder, to tell you the truth, my preference at that time was that it should be a thermal breeder.

One of the reasons for my view was that I thought a thermal breeder would be in Tennessee and the fast breeder would not. But I was convinced even then, as I am now, that the United States must explore the avenues for the production of power in the next century. I believed that advanced reactors and breeder reactors must be demonstrated as feasible or unfeasible, not only in terms of technical experience, but also in terms of their desirability from the commercial standpoint, well in advance of the time that we might need them. And I gave way in that debate and supported the sodium-cooled breeder.

My point, Mr. President, is this: That project was not conceived as a Tennessee project. Indeed at that time I was of the opinion that the plant in fact could be built some place else, because the development work had not been done in my State, and it certainly was not a boon to the State of Tennessee when the decision was made to go forward with the prototype fast neutron breeder.

Later, Mr. President, after that decision had been made by Congress, a decision on the basis of many other factors, one of which involved me. The considerations were that a demonstration project ought to be in a location not only where it could have access to the high technology that was necessary to build the system, but also where it could demonstrate the economic feasibility of the plant itself by feeding major power grid. The planners also wanted to find a way, I believe, to locate the facility in a manner that would demonstrate the licenseability of the breeder.

I suspect that other factors included proximity of the plant to hydroelectric power, to steam-generated electricity, and to nuclear power from conventional reactors. Finally, however, the object was a demonstration of the feasibility of a breeder system.

But I did not make that decision. As I recall, I had nothing to do with making that decision. I was delighted when the choice was made, and the location chosen was in Tennessee. But my point, Mr. President, is it certainly was not conceived as a Tennessee project; it is not a Tennessee project. It is a national project of major importance and, indeed, most of the money that has been appropriated by Congress and spent has been spent outside of Tennessee in the procurement of equipment and fabrication of the elements that will go into construction of this facility.

So, you must for pork. I have always been amazed at those who say that this is a Tennessee project, because while components will be shipped to Tennessee, I believe that construction of the demonstration plant will occur there, the major portion of the benefit will go to areas outside Tennessee, many of them very distant from Tennessee.

Mr. President, as you and my distinguished colleagues know, I would have greatly preferred that not only this, but many other similar amendments which our distinguished colleagues fervently want to offer on this interim funding measure, be deferred and handled in the normal, regular and appropriate process. But that has not been possible, and I would say to my distinguished colleagues, the Senators from Arkansas (Mr. BOMBERG) and from Tennessee (Mr. STROMEMER) and many other colleagues in this Senate, there is no fault of theirs that the Senate was not prepared to deal with the issue of the Clinch River project in the normal order of an Energy and Water Appropriations bill. The Republican majority is, the Republican House of Representatives has still, to this day, only given us four appropriations bills of any kind. The fact that we are here, at this late date, now having to deal with one or another measure that almost every Member of this body feels is vital and essential in one way or another is testimony to an appropriations process that has broken down.

So, Mr. President, my plea has been that this measure is better dealt with not on this interim funding measure, but in the normal, regular and appropriate process. But that has not been possible, and I would say to my distinguished colleagues, the Senators from Arkansas (Mr. BOMBERG) and from Tennessee (Mr. STROMEMER) and many other colleagues in this Senate, there is no fault of theirs that the Senate was not prepared to deal with the issue of the Clinch River project in the normal order of an Energy and Water Appropriations bill which the distinguished chairman of the Appropriations Committee, Mr. HATFIELD, assures me will be available for our consideration a little over 2 months, it is now. But since my pleas have thus far fallen on deaf ears, and because of the urgency which I understand my distinguished colleagues who have offered this amendment have, I am prepared to dispense of this issue, I trust once and for all, at this time. I would only add then a few comments, and I will be brief.

Mr. President, I am convinced that we need to go forward with this project not only because we have persisted in the development of it for such a long time, and invested a great deal of money. That is a consideration. I wonder what we are going to do about the $1 billion plus we have already spent. Are we just going to apologize and say we made a mistake, and we should not do that, or are we going to go ahead and finish it? Mr. President, it will take an expenditure, by the U.S. Government, to finish the Clinch River breeder reactor, this first-of-a-kind, engineering development facility. That investment, by any remotely normal cost accounting procedure, will be an additional $3 to $5 billion, depending on whether you care to believe the latest estimate of the Department of Energy, or the estimate of the General Accounting Office, that most conservative profit and loss assumptions for an operating, electricity-producing powerplant insure at least half that amount will be recovered through the $8 billion minimum sales of electricity over the project lifetime.

But that, Mr. President, is not the final determinant, in my judgment. The final decision ought to be made on the same basis as the original decision: Does the United States of America need to demonstrate the feasibility by a prototype breeder reactor to be available to this country and to the world, to the free world, if we need it at the turn of the century? That is the real issue.

Mr. President, if we were deciding at this time that we are going to elect, we are going to opt for a plutonium cycle power system fueled by a series of breeder reactors around the country, if we were called to make that decision at this time, I would, perhaps, vote no. I would not vote at this time. But that is not what we are doing. What we are doing is making one entry in that sweepstake. We are voting one bet on the necessity for having this system at the turn of the century.

The Soviet Union has three, the Germans, the Japanese, and the British are entered, the French have two—almost every advanced nation in the world has some prototype entry into the breeder technology. I think it would be foolishness in the extreme, Mr. President, for the United States to withdraw from that competition and cancel its hedge against the necessity for this system in the future.

Mr. President, I for one do not believe that any government or any private entity has an investment in long-term, high technology research and development. There is almost universal agreement in this country that failure to keep pace with the technology in basic industries is at the root of many of our economic problems today. And yet here we are, once again, considering the wisdom of throwing away the single, proven technology that we know today can put a ceiling on the price of electricity forever at a price that is less than half the current cost of generating electricity from oil. No other inexhaustible energy system is yet close to that achievement.

Many of my colleagues therefore agree with those of us who believe the advanced breeder reactor technology must be preserved, but question whether this reactor, the Clinch River breeder reactor, is technologically adequate. My distinguished colleagues, I for one am not equipped to make that final judgment, and I trust that few of us here today are. I do not believe...
the GAO even is necessarily equipped to make that judgment, but they have asked that question of a good many experts who are. And the General Accounting Office, which has had much to say about CRBR, some good, some not so good.

No one we talked with was able to provide us with any specific facts indicating that components or design features were obsolete.

Mr. President, we lost 5 years in a construction and licensing hiatus on this project, a hiatus which was finally broken by the favorable August 5 decision by the NRC. We are ready to proceed and I would urge my distinguished colleagues to finish what we have begun. Let us not lose the landstraw with the relics of incomplete ideas. Let us have the courage today to say, once and for all, we will put a ceiling on the price of one form of energy, electrical energy, for the indefinite future.

I urge my colleagues to reject the amendment before us.

Mr. BUMPERS. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes, Mr. BUMPERS.

Mr. BUMPERS. First of all, I want to say there is not a man in this body for whom I have more respect than the distinguished majority leader, nor is there a State with which I have a closer affinity than my own State of Arkansas with the exception of Tennessee.

I am happy to see any project go in Tennessee, except this one. I have absolutely no quarrel with Tennessee being the location for our first fusion commercial demonstration.

But I want everybody to bear in mind that we have spent more than $1 billion already, and just last week they took a bulldozer down there and started clearing a site. That billion dollars was mostly for R&D and we have gotten the benefit of that, but most of what we have gotten are things that will not work, rather than the things that will work.

I want to quote what Edward Teller said. He does not happen to be one of my favorite people. But he has called the project "inconsistent with badly needed economy in the Government" and "technically obsolescent."

David Stockman—maybe not the best fellow in the world to quote any more—when he was in the House of Representatives, sent out a "Dear Colleagues, let me tell you that any Chinc River is "incompatible with" the free enterprise system.

Secretary Edwards testified before the Senate Committee on which I sit, that this administration's energy policy will be only to put Federal dollars in long-term, high-risk technology. There is nothing high risk about this. This is just like the British and the Japanese and the Soviets have them. Every one of them has put their technology in the back burner because of cost overruns and inefficiencies.

This technology is not long term, and it is not going to ever be competitive with those with fired reactors, hydropower, or any other power I know anything about.

This project was started because we thought we were going to need the technology to create a 7 percent annual increase in energy demand. That demand is now between 1 and 2 percent, where it has been for 3 years. We do not need the Clinch River project, a project that we have spent $20 billion worth of fuel produced by this plant during its operation and that is not credited at all. So they use a phony fuel cost and ignore a real fuel benefit in the assessment of the economic value of the cost of this program.

Mr. President, I do not know exactly how to compete with the kinds of accusations that have been made in the very limited time available to us this morning.

Before turning to the substance of the amendment, I want to state at the outset that I fully respect the good intentions of the cosponsors and their declared supporters of this amendment.

The Clinch River project has remained a controversial project ever since President Carter publicly targeted it for termination less than 1 month after his inauguration in 1977. Despite the best efforts of the Carter administration and its congressional supporters over the last 4 years, the project is proceeding at an unacceptably slow rate today. I am sure that thousands of Americans, as well as this Senator, took great pride in the newspaper pictures in the last few days of construction work finally underway at the site in Tennessee. Perhaps a few others, including the supporters of this amendment, were saddened by those pictures. In any event, I want to assure my possibly disappointed colleagues as we begin this debate, that this Senator approaches the debate as a legitimate and healthy exercise of the legislative process in fashioning our Nation's energy policy and future. Needless to say, I am convinced that our energy policy and future will be best served and assured by defeat of the amendment and continuation of the Clinch River project. Let me now turn to the substance of the amendment.

Mr. President, this amendment deletes funding for the Clinch River breeder reactor project. The liquid metal fast breeder reactor represents the only known technology capable of supplying our electrical energy needs for the indefinite future at a cost which approaches the current cost of electricity generation. We therefore believe it is essential that such amendments be defeated in order to preserve the advanced breeder reactor option in this country.

For 5 years, the Clinch River breeder project has been attacked with a variety of arguments for its termination. Each year, Congress has repudiated those arguments, and the plant today stands with 70 percent of components...
completed or on order and onsite con‐
struction finally begun, pursuant to the
favorable August 3 decision of the
Nuclear Regulatory Commission. The
arguments against completing this es‐
sential research and development fa‐

cility are no more valid today than they
have been in previous years. The Amer‐
ican breeder reactor program is today
at the point where the sensible next step is the engineering demon‐
stration of a first large-scale breeder
reactor electric powerplant. The
CRBR is therefore appropriate and
prudent in a carefully timed, conserva‐
tively paced engineering development
program.

The Clinch River breeder reactor is
not technologically outmoded or in‐
herently unsafe, as some have argued.
Repeated do assessments by the General
Accounting Office, most recently sup‐
ported by their July 12 report, have
found that among "a wide range of
knowable industry, government, and
academic * * * man named to us with‐
we talked with was able to provide us
with any specific facts indicating that
components or design features were
obsolete.

The continued keen interest of
French, British, Japanese, and
German breeder experts in aspects of
the CRBR design makes clear that the
technology, with a number of impor‐
tant design refinements and a funda‐
mental advance in the core con‐
figuration developed in the past 4
years. In short, the Clinch River reac‐
tor is meant to be a technology devel‐
opment and demonstration facility,
and the current design achieves that
objective.

Those who attack the project costs
often do not mention that the final
cost estimate for CRBR in early 1974,
before contracts were let, was $1.7 bil‐
lion. Inflation has doubled all prices
since 1974, so it is quite remarkable that the project, with the number of
important design refinements and a
fundamental advance in the core con‐
figuration developed in the past 4
years. In short, the Clinch River reac‐
tor is meant to be a technology devel‐
opment and demonstration facility,
and the current design achieves that
objective.

To those who argue that the nuclear
industry should fund this project, be‐
cause they have already substantial con‐
tributions, it must be pointed out that
CRBR is subject to a licensing process
which has never been completed for a
breeder reactor, and which will un‐
doubtedly be longer than that for con‐
ventional light-water reactors. With
the confused Federal policies of the
last few years, the evolutionary licens‐
ing procedure that attaches to this
new technology, and the precommer‐
cial scale of this technology demon‐
stration facility, the private sector
might purchase French breeder
France would want to subject their
technology to this construction sched‐
ule that could be used in other nuclear reactors. The
energy value of the uranium already
mined and above ground is roughly
seven times the OPEC oil reserves.

Scientists recognize the monumental
implications this technology has for our
fuel supply and have been working on
breeders for over 30 years. In fact,
America's first nuclear-generated elec‐
tricity was produced on a breeder reac‐
tor.

ECONOMIC GROWTH REQUIRES ADEQUATE
ENRGY

Because of its convenience and ver‐
satility, our country is relying more
and more heavily on electricity to pro‐
vide its power. As the economy recov‐
gers and grows over the next few years,
electric power demand will increase as
well.

According to the Electric Power Re‐
search Institute, the United States' annual
growth rate of 3 percent will require
the United States to double its entire
electric power capacity in 25 years—
that is twice as many powerplants; this
does not even take into account re‐
placement power needs for retiring
plants or substitutes for inefficient oil‐
fired plants.

An electricity shortfall could be the
limiting factor in the Nation's econom‐
ic growth.

DOMESTIC COAL AND URANIUM WILL SUPPLY THE
BULK OF OUR ELECTRIC NEEDS

To break the stranglehold foreign oil
exporting countries have on the
United States, we will have to step up
the use of domestic resources to gen‐
erate electricity. Utilities today have two
choices—coal and uranium. Few coun‐
tries have even one abundant energy
resources. For electric power, there
is only modest annual growth in demand,
so that for a 3 percent growth rate over
the next 25 years, the Nation will have
to double its total electric capacity
between now and 2005. The Nation will
have to step up the use of domestic
resources.

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the next 25 years, the Nation will have
to double its total electric capacity
between now and 2005. The Nation will
have to step up the use of domestic
resources.

Nuclear power is the partner—and
the competitor—that coal needs. Pru‐
dence demands that we use our domes‐
tic uranium resources wisely. The nu‐
clear breeder technology will enable us
to extend our finite resources from
decades to centuries.

CLINCH RIVER: THE NEXT LOGICAL STEP IN OUR
NATIONAL PROGRAM

The Nation is now approaching mid‐
point in the development of breeder
technology. Hundreds of millions of
dollars have been invested in building
tests and technology during which a
breeder demonstration plant can be built. The Clinch River breeder reac‐
tor is the next step which is needed to demonstrate the performance, reliability, environmental acceptability and licen-
sability of such a plant in an actual utility system.
A total of 753 utilities have pledged $257 million to the project—the larg­
est industry/utility part­
nership in the history of this country.
Plant design is more than 85 percent complete.
Nearly $660 million worth of equip­
ment is either complete or on order.
It is a prudent scaleup of technol­
ogy. At 375 MW(e), Clinch River is 2½
times the size of the fast flux test fa­
cility (FFTF), the current U.S. breeder
test plant, and roughly 2½ times
smaller than the next generation
power generator—but rather as the logical next step in breeder research and development.

IN CONGRESS

The Congress has repeatedly en­
dorsed the Clinch River project, in con­
sidering its fiscal year 1980 DOE
authorization bill (H.R. 3000) on July 26, 1979, overwhelmingly rejected, 237 to
182, an attempt to kill CRBR. Similar­
ly, on September 19, 1979, when the
full Senate was given the opportunity
to vote on a proposal by Senator DALE
BUMPERS to delete CRBR funding from a continuing appropriations reso­
lution (H.J. Res. 404), it was tabled by
a significant 64 to 33 margin. More re­
cently, both House and Senate ver­
sions of the Omnibus Reconciliation
Act of 1981 included authorization to
continue funding of the Clinch River
breeder reactor project. Furthermore,
in action on the fiscal year 1982
energy and water development appro­
priations bill, the Senate voted 206
to 186 against an amendment offered by Representative LAWRENCE COUG­
ham to delete funds for the Clinch River
project and the Senate voted 48
to 46 in opposition to a Humphrey/
Bumpers amendment to discontinue
funds.

FROM INDEPENDENT EVALUATION GROUPS

In addition, virtually all Govern­
ment or private studies have conclu­
ded that this Nation should pursue the
breeder as a viable energy option.
Most recently, in a July 12, 1982,
report, the Government’s General Ac­
counting Office reiterated its belief
that the Clinch River project is the
next logical step in the Nation’s breed­
er program. Failure to construct Clinch River, it said, would “foreclose
the large potential for development of
energy programs that are essential to our security and economy—nuclear energy
problem—uranium mining and use.”

OTHER COUNTRIES ARE COMMITTED TO THE

Breeder technology is the only de­
volutionary energy technology today
that can be assured to produce large
amounts of power in the first quarter
of the next century. Without opera­
tion of a breeder plant, the U.S. will not risk tight capital on a technol­
gy that has not benefited from
proven hands-on experience.

Clinch River has had strong support—with
the Administration.
The Reagan administration supports
Clinch River and, accordingly, request­
ed $252.5 million in the DOE fiscal
year 1983 authorization bill for its con­
tinuation. David Stockman, Director
of OMB, reiterated this support in a
letter to DOE Secretary Edwards. Mr.
Stockman left no doubt that the ad­
ministration strongly believes the
project is compatible with President
Reagan’s free-market approach to
energy. He said that:

The Clinch River Breeder Reactor should be constructed and operated—not as a com­
mercialization activity or as an economical
power generator—but rather as the logical
next step in breeder research and development.

By building the Clinch River breeder
reactor and assuring that the breeder
will be proven and available when
needed, we can hand down to the next
generation not another energy prob­
lem, but an energy solution—an
energy source to replace those our
own generation has consumed.

Wise decisions today can enrich the
lives of all Americans in the future.

It may be, Mr. President, that all of
this debate is irrelevant, that every­
body has already made up their minds
and they are going to vote however they
wish to vote and all the record is for is for a historic reference point to
the vote that was already taken, to
ratify attitudes that are already in
place.

The fact of the matter is exactly as
the Senator from Tennessee has sug­
gested, and that is if the United States
is to develop technology, if we are
going to be able to compete at the end
of this century and the beginning of
the next century, we must develop
that technology now. We cannot wait
until events have outstripped us, have
left us behind.

The French obviously are doing a
great deal more than we are. There
are those who say if we need a breeder
reactor we can always buy one from
the French. Tell those who follow the
French because we refused to partici­
pate in the development of the new
technology that will be applied at
some time in the future.

But, besides that, Mr. President, what
happens to our licensing and our
safety requirements if we try to install
something that was developed by
someone else under a very different
regime of safety and control of the
components than we have in this
country?

Mr. President, I think it is obvious
that if we are to stay where we are as
a competing industrial nation we must

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be able to continue to develop the technology and will be applicable in the future. That is why to make any current analysis, as the Senator from Arkansas did, and say this costs more for electricity than some other method, does not make sense. That simply ignores the fact that we are in a demonstration program. We are not in a commercial program. As a matter of fact, we are trying to move the technology forward so that we will have option to exercise that at a future date, an option that we do not at this time have.

Mr. President, I thank the Senator for yielding. I do not want to take all of the time that is available to the opponents of the amendment. I just urge my colleagues, who have had any opportunity to study the issues at all and look at the facts as they really are, not to accept as gospel the facts that are thrown out by the opponents when, as a matter of fact, they are not factual at all. They are myths and they are propaganda, they are misleading and they are calculated to mislead.

Mr. PROXMIRE. Mr. President, will the Senator from New Hampshire yield one-half minute to me?

Mr. HUMPHREY. I yield 30 seconds to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I rise in support of the Humphrey-Bumpers amendment.

What is wrong with the Clinch River breeder reactor? Practically everything. It is technologically obsolete and economically illogical. Even worse, it greatly increases the risk of nuclear proliferation.

And there is nothing about Clinch which warrants this risk. The entire breeder reactor program was designed to respond to anticipated shortages of the uranium needed to fuel conventional nuclear reactors if the shortages have not occurred and neither have the high prices that were supposed to make Clinch competitive with conventional nuclear power. Instead, the first time this plant might be competitive is in the year 2040, yes 2040.

Despite the fact that the final cost of Clinch will be close to $10 billion and not the $406 million originally promised, industry's contribution will remain frozen at $278 million. The utilities know a bad project when they see one.

The Department of Energy's own advisers do not consider Clinch a top priority. Their Energy Research Advisory Board rated Clinch near the bottom of its project class.

And if this were not enough, according to Dr. Ted Taylor, former Deputy Director of the Defense Atomic Support Agency, one bomb dropped on an operating breeder reactor could release as much of two of the most dangerous radioactive isotopes, as detonating every nuclear warhead now existing.

And breeder reactors increase the risk of nuclear proliferation by increasing the amount of plutonium available for diversion into bombmaking. Is the program worth these risks? Of course not.

Mr. President, going forward with this plant does not make any sense. All of the other countries experimenting with breeders are pulling back from the technology. The enormous expense is not worth the risk.

A recent Wall Street Journal editorial says it best, "There is no need and no excuse for new subsidies for its development in the midst of a budget emergency."

I urge my colleagues to support the Bumpers-Humphrey amendment.

I thank my good friend.

Mr. HUMPHREY. Mr. President, the essential point in this debate is that breeder reactors will not be commercially attractive until well after the year 2020. I am using the words of the GAO in this instance—well after the year 2020.

So there is no point at this juncture in spending all of this money on demonstrating a breeder reactor. We do not need it. That is the essential point.

And I say to my colleagues that you do not need to take it from me, because the Energy Research Advisory Board, which is appointed by the Secretary of Energy, had the following to say about the Clinch River breeder reactor:

The Energy Research Advisory Board believes that the construction of a breeder reactor demonstration at this time is not an urgent priority and, thus, under current budget constraints, recommends that such a demonstration be delayed until a future time.

That is a body of advisers appointed by the Secretary of Energy. So the Department of Energy has given him its own advisory board. We do not need this demonstration project at this time.

Let me also make it clear that if we zero out Clinch River that does not zero out our efforts in the area of breeder reactor research. The bulk of the program goes forward. In fiscal year 1983, under the House appropriation, at least, Clinch River is $227 million. The total for breeder reactor research is $539 million. Even if we zero out Clinch River, the bulk of the breeder reactor research program remains in place.

Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the Wall Street Journal this past Monday supporting the point of view of the opponents of the Clinch River breeder reactor and an editorial in the Washington Times, also published this past Monday.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

"Plutonium Pork Barrel"

Congressional proponents of nuclear power can vote against the Clinch River breeder reactor with impunity. They will not be re Doug the nuclear commitment as some Senate leaders imply. They will be voting against government waste; against what Sen. Gordon Humphrey
aptly describes, as a "plutonium pork barrel." The issue is not nuclear power anyway. It isn't even breeder reactors. The issue is three billion dollars so the Department of Energy has recommended deferring construction "because of its low urgency, low economic potential and low cost ratio."

The House Energy Subcommittee estimated the project's start-up cost of $3.8 billion—minus the research-and-development costs—annually ridiculous, will be more like $6.5 billion. Such costs as Senator Humphrey believes, will rise to $10 billion once you add "indemnities" like interest payments.

As for dependability, nobody is quite certain—which tells you something right there. Breeder reactors still are in their experimental stage; and although safety is not necessarily in question, shut-down time should be definitely more than 1 minute.

About all one can say for sure about Clinch River is that when and if it is completed, it will be obsolete. Reactors now being planned in France and Germany will have much more advanced technology. The technology behind the Clinch River reactor is a decade old and getting older.

That brings us to a perfectly reasonable suggestion. Let Congress abandon the Clinch River embarrassment and save part of its tremendous budget for future research in breeder reactors and their like.

Then, when we need a truly fuel-efficient, reliable low-cost source of energy, we might have one—instead of another decimal point in the national debt.

Mr. HUMPHREY. Mr. President, how about.

The PRESIDING OFFICER. The Senator has 11 seconds remaining.

Mr. HART. Will the Senator yield 6 seconds?

The PRESIDING OFFICER. The Senator now has no time remaining. The opponents of the amendment have 5 minutes remaining.

Mr. JOHNSTON. Will the Senator yield 1 minute?

Mr. HATFIELD. I yield.

Mr. JOHNSTON. What is involved here is not a phoniness of cost estimates, but the question involved here is whether the United States wants to lose its edge technologically in one of the emerging fields. The United States has been the leader since the early days of atomic energy in the atomic area. We are the greatest exporter not only of nuclear fuel but nuclear components.

The question involved here is, Do we want to try to keep whatever edge is left of nuclear excellence? If we do, then we ought to go ahead with a project which is over one-third complete, the components are over 70 percent complete, and the technology is not obsolete. The technology is the latest in the state of the art.

Mr. President, I think it would be silly for the market approach to energy policy to continue, the only technical force available. The President, the Clinch River breeder reactor has shown a remarkable ability to sustain itself in the Federal budget. Today, however, a series of overwhelming forces—astronomical cost overruns, decreasing growth in demand for electricity, and unfavorable economics—will justify a Senate vote to eliminate this project.

The estimated costs for building the Clinch River breeder reactor have skyrocketed, anywhere from fourfold to thirteenfold, depending on the estimates. The cost of this project exceeds those that plague many of our weapons systems. In fact, the Federal Government has already spent $1.2 billion on the project, yet not one piling has been completed, and the technology is not the latest in the state of the art.

The original 1971 cost estimate for the Clinch River breeder reactor was $400 million in today's dollars. An industry consortium of 753 utilities pledged to contribute $257 million—or $600 million in today's dollars. Its share, at that time, represented more than 50 percent of the total estimated cost.

During the past 10 years, DOE, or $8 billion, has drastically decreased as the price of uranium exceeds the breeder reactors make economic sense. Yet, despite the massive increases in the price of uranium, the industry's dollar contribution has remained the same. Consequently, instead of sharing 50 percent of the cost, the industry now will share less than 10 percent, should the project go forward.

If, as originally intended, this project will demonstrate the commercial viability of breeder reactors, why should the private sector not continue to bear its original 50-percent share of the costs? It should—if it truly believes in the commercial viability of breeder reactors. But, apparently, the private sector has its doubts. Early on, it secured an agreement that the Federal Government would pay all costs exceeding the original 1971 estimate.

Others also have doubted whether breeder reactors, in general, and the Clinch River reactor in particular, could pass muster in the free market. Our current Budget Director, David Stockman once described Clinch River as "incompatible with our free-market approach to energy policy."

The breeder cannot compete with existing nuclear technologies within the timeframe contemplated by its advocates without continuing massive subsidies. Stockman wrote that in 1977. And, as the estimated costs have spiraled, Clinch River has become even more "incompatible" with free market principles.

The spiraling costs alone would not justify terminating the Clinch River breeder reactor if the project reaped countervailing economic benefits. But, breeder reactors do not make economic sense today. And, according to the study after study after study, they will not make economic sense until well into the next century, if ever.

The reason is as simple as the law of supply and demand. Breeder reactors use plutonium—the raw material of nuclear weapons—to boil water and produce the steam that turns the turbines to generate electricity. Plutonium is an extremely expensive fuel extracted by an extremely technical process from the spent uranium fuel rods discharged from conventional nuclear power reactors. The GAO estimates the cost of the plutonium fuel for the Clinch River breeder reactor could cost from $30 to $200 per gram. Thus, to supply Clinch River with the .2 million grams of plutonium required to fuel it for 5 years will cost between $143 million and $1.2 billion.

Because breeder reactors can use the plutonium "left over" from conventional reactor fuel and produce—or "breed"—more fuel than they consume, many experts a decade ago saw them as the ideal way to extend our supposedly scarce uranium resources. But using plutonium in breeder reactors to generate electricity is like feeding wheat to a cow only when the price of oats or hay exceeds the cost of producing cream would it make economic sense. Similarly, only when the price of uranium exceeds the cost of producing plutonium would breeder reactors make economic sense.

Today, the price of uranium would have to increase tenfold, from its current level of $17 per pound, for breeder reactors to become economically justifiable. Yet, the proven uranium reserves in this country have doubled over the past 10 years. At the same time, the projected demand for uranium has drastically decreased as the growth in demand for nuclear power has declined. Consequently, the domestic uranium industry has tumbled into a severe depression that has thrown out of work virtually half of...
The domestic uranium industry has strict imports of less expensive even persuaded the spend billions of dollars to develop an alternative to uranium fuel, when the domestic uranium industry verges on collapse?

Favorable economics do not justify use of the breeder as a "uranium insurance policy," then adoption of alternative technology to the breeder reactor will make it even more economically unjustifyable. Back-fittable technology currently under development by the nuclear industry and the DOE could increase by 15 percent the uranium efficiency of existing nuclear power plants. This technology could save ratepayers $1.27 billion through the year 2000, according to the GAO.

In addition to the uranium savings that would result from back-fittable existing reactors, we can further reduce uranium consumption by up to 40 percent with a new generation of uranium-efficient, advanced converter reactors. It is critical to develop these reactors as an alternative to breeder reactors, not only significantly extend our uranium resources but also give us a highly competitive, proliferation-resistant technology with which to capture our former share of the international nuclear market.

If, as many suggest, breeder reactors are the nuclear equivalent of the supersonic transport and the Concorde jets, then uranium efficient, advanced converter reactors are the nuclear equivalent of the Boeing 787 and 787. If the administration truly wanted to help the domestic uranium industry, it would reject the economic chicanery of those supporting the Clinch River breeder reactor and promote the development of uranium-efficient advanced reactors, a product that can survive in the free market.

We have all heard the argument that breeder reactors will increase the risk of nuclear proliferation by leading us into a plutonium economy in which tons of weapons-grade material move in international commerce each year. This grim prospect alone should clinch the case against the Clinch River breeder reactor. But if it does not, economics should. In a period of severe budget austerity, declining growth in electricity demand, and abundant supplies of and decreasing demand for uranium, we should terminate now the Clinch River breeder reactor, once and for all.

Mr. HOLLINGS. Mr. President, I rise in support of the amendment of the Senators from New Hampshire and Massachusetts.

Mr. President, I have long been a proponent of the development of nuclear energy in this country. However, I cannot support the construction of the Clinch River breeder reactor. Despite the efforts made by the Department of Energy and Westinghouse to improve the technology, this project is not the best buy for the money.

Mr. President, at this time, I would ask that a list of arguments against the Clinch River breeder reactor be included in the Record.

There being no objection, the material was ordered to be printed in the Record.

ARGUMENTS AGAINST THE CONSTRUCTION OF THE CLINCH RIVER BREEDER

ECONOMIC AND BUDGETARY ARGUMENTS

1. It is always argued that France and the Soviet Union have prototypical breeder reactors for operation in the early 1980's. However, it should be noted that the French recently revealed that the cost of electricity from the world's first breeder of commercial size—the much touted SuperPhoenix—is almost twice the cost of electricity from conventional reactors.

2. There are fundamental economic questions concerning CRBR. Last year, the House Subcommittee on Research, primarily on economic grounds, decided not to include the Clinch River breeder reactor in the DOE budget. I would also refer a letter written by David Stockman in September 1977 that stated "early commercialization of the breeder will result in large economic savings in addition to a lengthy list of non-monetary risks in the safety, environmental and international relations areas. The future may be beyond the point of no return and will find the same arguments existing for the CRBR as the Tennessee-Tombigbee Weir Project.

3. In 1973, the CRBR was estimated to cost $422 million; in 1976, $699 million; in 1978, $1.3 billion. In September of 1982, the DOE cost estimate is $8.8 billion. However, the level of utility participation, despite the ever increasing cost of the CRBR, remains at $257 million—the same level as in 1971! If the economics supported the CRBR, so would the utility participation.

4. Numerous articles have surfaced the "technical" flaws of the CRBR. A Reader's Digest article described CRBR as "Senator Baker's Costly Technological Turkey"; the N.Y. Times refers to the project as a "costly, ill-conceived technological turkey"; and the Wall Street Journal calls it a "white elephant recognized as uneconomical even by the nuclear industry."

5. A broad array of Congressional and scientific critics argue that CRBR is rapidly becoming technologically obsolete. It solves the problem with the steam generators; the use of liquid sodium to cool the reactor's core is most unscientific because the sodium burns when it mixes with air. Sophisticated techniques are required to replace fuels without opening the reactor up.

6. Construction of the CRBR would lock the U.S. into the LMFBR before we have thoroughly researched other possible breeder technologies. To quote Dr. Schlesinger, the "commercialization of the LMFBR should be deferred to the completion of the Clinch River breeder cancelled. The
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Clinch River Breeder Reactor cannot be justified solely as a R&D project. To proceed now requires being fairly confident this type of breeder is going to be used as the next large scale reactor, that it is needed in the early 1990's. There are now serious doubts that this scenario is appropriate.

5. Critics also argue that the haste to build the CRBR and to quickly secure a technology that may be needed in the future is premature and wasteful. It also would divert attention and resources from safer, more economical alternatives—other forms of energy, or just better nuclear strategies.

6. It is often stated in editorials in support of the CRBR that the GAO and the National Academy of Sciences support the construction of the Breeder... and that is true. However, to support the breeder is not to support the CRBR. Let me quote, therefore, from the GAO and the National Academy of Sciences report:

7. I would like to quote from a telegram that Dr. Edward Teller sent to Congresswoman Schneider after she successfully defeated the authorization of the CRBR in the House Science and Technology Committee in 1961:

"I continue to urge congressional support and encouragement of the American nuclear power program, as it continues its development as the most secure and economical portions of national energy supply. However, Clinch River is technically obsolete, and, as small scale and low cost make it thoroughly inconsistent with badly needed economy in government."

Mr. President, based on the arguments and the cost estimate of this project, I would be remiss if I did not say the cost estimate for this project should also include the cost of the Barnwell facility. Since it is clear in my mind that the sole reason this administration wants to complete Barnwell is to provide the fuel for the Clinch River breeder reactor.

Mr. MITCHELL. Mr. President, I rise to support a long overdue and essential measure to eliminate funds for the Clinch River breeder reactor (CRBR).

In the late 1960's and early 1970's, when plans for the CRBR project were first conceived, a breeder reactor offered a special appeal because it would have the capacity to produce fuel while generating electricity; each successive breeder would be able to produce more fuel for the next reactor.

Clinch River seemed even more appealing due to fears that the price of uranium—the fuel of nuclear reactors—would skyrocket in the 1980's. That electricity demand would continue to grow rapidly through the last quarter of this century; and that nuclear power would account for much of that electricity growth.

In essence, President Nixon in 1971 promulgated an inexhaustible source of energy as our Nation headed into decades of electricity growth and energy insecurity.

Today, that promise has faded: the economic assumptions which gave rise to Clinch River in the early 1970's are contrary to the economic realities of 1982.

Electricity demand has not increased as projected. The annual electric growth rate of 7 percent between 1960 and 1978 has steadily decreased to a current annual rate of 3 percent.

Instead of steadily rising in price and becoming more scarce, uranium has decreased in price and become more abundant. Discovery of new reserves in the United States, Canada, and Australia. While uranium prices have dropped from about $40 to $20 per pound, numerous studies estimate that a breeder reactor would not be economical until the price of uranium reaches $165 per pound.

And nuclear power has not contributed to electricity growth as predicted. The Energy Information Administration now predicts that nuclear power will contribute 145 to 185 gigawatts of electricity in the year 2000, less than 15 percent of the previously projected 1200 gigawatts.

Clearly, these figures indicate that the economic basis for Clinch River has virtually disappeared.

While the price of Clinch River has faded, its cost has not.

In 1971, the Atomic Energy Commission and a consortium of utilities agreed to finance the partners in the Clinch River project. The original estimate for CRBR then was $400 million. The estimate rose to $700 million in 1972. Eleven years later, the new Department of Energy estimate for the project is $3.57 billion. The cost of Clinch River has increased seven-fold, even though ground was just broken at the site last week.

The cost overruns also provide evidence of why the private sector chose to sharply limit its contribution to the CRBR project. After establishing a partnership with the AEC in 1971, the consortium of utilities backed down from its full commitment a year later. In 1971, the Federal Government assumed all cost overruns with utility contributions frozen at $257 million.

To date, the consortium of utilities have committed only about $122 million. Of the total DOE cost estimate of $3.57 billion, American taxpayers will bear over 90 percent of the cost. The private sector will pay only 7.3 percent of the projected total cost.

What the private sector has deemed too costly, unprofitable, and not worthy of further investment, the Federal Government has continued to subsidize. The private sector's actions in regard to CRBR clearly indicate that Federal support for CRBR is poor public policy; that it runs counter to the free market; and it makes no economic sense.

But Clinch River is not merely an economic or energy issue. The project would also seriously increase nuclear proliferation risks. Breeder technology provides an easy means of acquiring plutonium, the stuff of nuclear bombs.

Mr. President, against the abuse of the breeder in this country, we might not be able to feel such assurance when other na-
tions build their own breeders for their own purposes. From securing our long-term energy needs and fulfilling the promise of endless energy, Clinch River would promise to have the immediate effect of providing us with lasting proliferation risks. As a member of the Senate Subcommittee on Atomic Energy, I have been extremely concerned and involved with issues of nuclear safety. The arguments over CBBR have traditionally centered on breeder technology, breeder economics, and nuclear proliferation risks. But there is a significant safety issue to Clinch River which also must be included in the arguments against the project. Take, for example, this assessment from an article in the summer 1982 Amicus Journal:

While the present generation of nuclear power plants is plagued with unsolved safety problems, breeders are potentially more dangerous. With a tightly packed plutonium core and an accelerated rate of neutrons, breeders are potentially explosive. Two earlier experimental reactors by the year 1970's, the EBR-I in Idaho and Fermi-I near Detroit, experienced fuel meltdown with subsequent fires, which could result in a hydrogen gas explosion. Two earlier experimental breeders in the United States, the EBR-I in Idaho and Fermi-I near Detroit, experienced fuel meltdown and have since been shutdown. Finally, Clinch River must be viewed in comparison with other competing national priorities. In a time of fiscal restraint, pouring money into an unnecessary, unsafe $8.5 billion project represents a misuse of the taxpayers' dollars. Our necessary national commitments are many; each presses its own claim on limited funds. But as Clinch River continues to receive a substantial share of Federal energy funds, Continued Federal support for this project only prohibits our turning more attention and resources toward more urgent tasks.

Clinch River is far too costly, obsolete, unnecessary and unsafe. We should face up to that fact right now, and eliminate for good the flow of funds to this project.

Mr. EAGLETON. Mr. President, I rise in support of the amendment being offered today by Senator Bumpers to delete funding for the Clinch River breeder reactor. Mr. President, many of those opponents of the Clinch River project who were against funding 10 years ago. Under the circumstances at the time, the project made sense. We perceived a need for a nuclear reactor that could make efficient use of uranium which we thought would be in scarce and expensive supply in the turn of the century. The breeder reactor was an attractive answer to that need. It was to be completed in 1979 at a cost of $700 million and would not only use uranium more efficiently, but it would also produce "breed" more fuel than it used.

For breeders are for which there has not been good to the project's development or to the premises on which the project's proposal was based. It has been with growing dismay and later due to the Clinch River's early supporters have watched the completion date and cost estimate lurch from one revision to another.

The Clinch River facility is now expected to being "demonstrating" breeder technology in the early 1990's—11 years late. The minimum completion cost, according to the General Accounting Office, is estimated to be $8.8 billion—$8.1 billion over budget. Putting aside these glaring testaments to any how entered ought not to be run, let us analyze the initial flaws for proposing the concept of a breeder reactor.

As I previously stated, Mr. President, the beauty of the breeder reactor is its efficient use of uranium and its ability to produce more nuclear fuel than it consumes. In the early 1970's, energy gurus predicted a severe shortage and price escalation of uranium based on three assumptions: First, The U.S. would experience a 5-percent electrical demand annual growth rate; Second, over 1,000 new nuclear plants would generate the additional electricity by the turn of the century (thereby depleting our uranium reserves); and Third, reserves of uranium in the U.S. would total 1.7 million—enough to fuel 340 reactors.

All three assumptions have turned out to be false: First, U.S. electrical demand growth has, in fact, slowed to 3 percent per year recently and has actually declined 1.9 percent in 1982. Projections are for 2 percent annual growth in the future. Accordingly, 60 U.S. nuclear plant proposals have been cancelled since 1975 and DOE expects no more than 185 operating reactors by the year 2000, and Third, currently, there is a glut of uranium on the market and estimates of uranium reserves have more than doubled since 1974.

In the early 1970's, we assumed that future high uranium prices would make electricity generated by expensive breeder reactors more economical than electricity generated by current light water reactors. This assumption, of course, is no longer valid. Uranium is and will be plentiful and the price of the fuel has declined 59 percent since 1974. The breeder reactor will not be economical for a long time to come.

In the words of Frank von Hippel, senior research physicist at Princeton University and chairman of the Federation of American Scientists:

At foreseeable uranium prices, the breeder cannot compete economically with ordinary power plants... it may be a century before the price of uranium can be expected to reach the level that would make breeder reactors economical.

Mr. von Hippel has joined a growing body of concerned scientists, labor and environmentalists, religious bodies, business-oriented consumer-oriented interest groups that view the Clinch River project as a flagrant violation of the trust that taxpayers have placed in Government to spend tax dollars in a prudent and beneficial manner.

It is ironic if not hypocritical that the Republican administration, which focused on terminating or crippling Government programs they perceive as wasteful or useless, now blindly disregards this $8.8 billion travesty being foisted on the American public.

Mr. President, I suggest that in place of giving, in effect, a blank check to the breeder reactor in Tennessee, the Senate consider reinstating past funding levels for the many fine programs the administration has cut. We could start by eliminating the administration's 1982 cuts of $1.5 billion for Medicare, $2 billion in Government employment, $7 billion in student aid, $1.1 billion in low income energy assistance, $1.6 billion in the Food Stamp program, and $256 million in weatherization funds. We could do this and still not come close to the $9 billion that will be spent on the Clinch River folly.

Finally, Mr. President, I would like to point out that this debate is not a debate about the nuclear industry, per se, nor will the vote be a referendum on the merits of nuclear power. Individuals from both sides of the nuclear issue have joined forces to put an end to what has been an expensive instance of pork barrel politics.

It is time to drop this "technological turkey" and get on the serious business of strengthening the U.S. energy base through the promotion of alternative energy systems, energy conservation and by shoring up our current coal and nuclear industries.

We have already wasted $1.2 billion on Clinch River. I see no reason to squander another $7.6 billion. The project will only become more wasteful and obsolete. I urge my colleagues to vote for Senator Bumpers' amendment and against continued funding for the Clinch River breeder reactors.
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The question is not on the breeder technology but on the economics and planning of this particular project. The issue is not only $180 million last year; it is $7.5 billion from 1985 to 1986, hundreds of millions of dollars in 1984, and so on, and so forth. We all know further increases in nuclear energy's estimated costs are inevitable. Next year it will be $9 billion. Also, even if this 375 megawatt project is completed by 1990 (again, construction has not yet started) there will still be a demand for a 1,000 megawatt demonstration plant, as the next stage of development. This will take another decade, and certainly billions more with no guarantee of private sector support.

Mr. President, for a small fraction of this cost and with much greater private investment we can firmly establish a solar and renewable energy industry in this country. We can attain, with a fraction of these costs, renewable resources sufficient to meet the 1 to 3 percent growth in electricity demand through the 1980's and 1990's.

This technology has promise and we should continue our R & D programs. However, I believe the time has come to simply stop the CRBR project and sincerely demonstrate to the American people that we are serious in our efforts to end the waste of public funds.

Mr. RIEGLE. Mr. President, I rise in support of the Bumpers-Rothshrey amendment to terminate all Federal funding for the Clinch River breeder reactor. This multibillion-dollar expenditure of taxpayers' dollars is one of the Nation can ill afford at this time. In the face of staggering budget deficits when we are told by the administration to cut food stamps, remedial education, aid to cities, and portions of the civilian space program, how can we be asked to spend from $2.3 to $7.5 billion to complete the facility which will not be useful for another 30 years? The basic assumptions which served to justify this project in the early seventies are no longer valid. First, uranium resources are not being depleted, in fact, uranium is the only energy resource which has decreased in price since the 1975 oil embargo due to abundant supplies. Second, the future demand for electricity from nuclear sources are currently projected to be at least 10 times less than estimates used in justifying the Clinch River facility.

As a former colleague of mine from Michigan wrote in 1977: We will be forcing a product on the market before its time. During the next three decades the breeder will not be the least cost alternative for generating electric power, yet it will be the one given the overwhelming competitive advantage by virtue of having been selected as the government's choice. The result of this premature commercialization will be billions of dollars in irretrievable loss to the economy.

Now, Mr. President, as my colleagues consider the arguments made both in favor of and against a decision to fund the project, I would have them take a good hard look at the one single overriding factor that has changed my mind—cost. Last year the project costs were estimated at more than $3.2 billion—a 450 percent increase from the original $699 million. This year we hear $5.3 billion, and the ground has still not broken.

We know that not only does the breeder reactor have an overwhelming competitive advantage by virtue of its design and development during the 5 years between 1977 and 1982, but the price of electricity has dropped. The administration further states that the Government should provide this vital research and development to the capital poor utility industry. I strongly urge the Senate to assign fiscal responsibility on the Clinch River project and delete it from the Federal budget.

Mr. DODD. Mr. President, it is rare that I have the chance to quote from a Heritage Foundation report in support of my position. But on the issue of the Clinch River breeder reactor, the Heritage Foundation is right: "The Clinch River breeder reactor may be the SST of the 1980's."

Congress at least had the sense never to get involved with funding the SST. Unfortunately, since the 1970's we have continued to saddle with the fate of the Clinch River breeder reactor—and have continued this project's livelihood long after it should have ground to a halt.

The Clinch River breeder reactor was authorized in 1970 in the hopes of producing an inexhaustible nuclear energy source. Unlike conventional nuclear reactors, breeder reactors produce fuel while generating electricity and were believed to be this country's best hope for producing economical, clean energy.

But more than a decade later, the Clinch River breeder reactor has yet to produce anything but mounting cost overruns. Congress has already poured close to $1.2 billion into the project—yet Clinch River's groundbreaking occurred only last week. Meanwhile, costs for the reactor have soared from the originally estimated $699 million to $3.57 billion. The Government's share of the liability has increased to $3.3 billion—eight times the original estimate. Worst of all, in 1975 the U.S. Government agreed to pick up all cost overruns for the project—while limiting utilities' contributions.

As costs for the Clinch River breeder reactor have escalated, arguments for its usefulness have diminished. The originally predicted miracle of breeder reactors—whereby fuel has never materialized. In fact, no new reactors have been ordered since 1978—and contracts for others have been deferred or cut. The country's electricity use appears to have peaked on the downsizing. The Department of Energy's own research board last year recommended deferring construction of Clinch River because of lack of demand for the project; the Congressional Budget Office concluded that the future need for breeder reactors appear at best to be unclear.

Mr. President, I would urge my colleagues to vote no against continued funding for the Clinch River breeder reactor. I would also like to submit for reproduction in the Record the following editorial from Connecticut's Hartford Courant. I believe that the editorial cogently outlines arguments against continuing funding for the Clinch River breeder reactor.

The article follows:

[From the (Conn.) Courant, Aug. 18, 1982]

NO NEED FOR THE "BREEDER"

No target for federal budget cutting could be more obvious than the Clinch River Breeder Reactor in Tennessee.

The breeder, which would take about $3.2 billion to build, is already considered a white elephant by some nuclear experts. It would create a slew of new safety problems, and no compelling case has been made that it's a necessity.

In fact, the General Accounting Office last month issued a report that said the priority given the project by the administration might be misplaced, especially at a time of extreme fiscal constraint.

Commercial breeders, which would produce more nuclear fuel than they consume, are not likely to be deployed for at least a half century. Why, then, the sense of urgency to provide federal money to subsidize a project that could be paid for by private industry anyway?
On its third try, the administration finally got the Nuclear Regulatory Commission to agree to permit a speedup of construction for the plant. The NRC has said the Energy Department could bypass normal licensing requirements and begin initial construction at Oak Ridge almost immediately.

The President must decide whether to appropriate about $253 million for the project in fiscal 1983, should not be speeded up by the President. If it were built, the plant would open up a whole new range of problems that President Carter tried to forestall with his opposition. Among them are the increased threat of terrorism and the possible diversion of the plant's radioactive plutonium product to re-fueling for use in nuclear weapons.

Congress still has the opportunity to nip potential nuclear problems in the bud, while shielding some conspicuous fail from the federal budget. It should vote no on funding for Clinch River.

Mr. SPECTER. Mr. President, after studying this matter at length, it is my judgment that the Clinch River breeder reactor project should not be halted after the Federal Government has already invested $1.3 billion. At this juncture, 70 percent of the components are completed or are on order. If we were to start anew, my conclusion might well be different.

As I see it, there is no doubt about the necessity to develop new energy resources in as many diverse ways as practicable. We have already learned a bitter lesson on reliance on OPEC. While I recognize the worth of the argument on the other side, I am persuaded that this project represents the state-of-the-art an important energy alternative, so that our substantial investment should not now be abandoned.

Mr. TSONGAS. Mr. President, the Senate once again finds itself considering the Clinch River breeder reactor project. Unlike many other projects, the Clinch River breeder reactor project is an important national energy project, a vital first step in insuring our Nation's future energy independence. I urge my colleagues to Join me and continue funding for this vital energy project.

Mr. SASSER. Mr. President, I rise in opposition to the Bumpers-Humphrey amendment to the continuing appropriations resolution. H.R. 599.

This amendment would eliminate funding for a demonstration project that is already one-third of the way completed. This amendment would, in essence, waste the nearly $1.3 billion already invested in the Clinch River breeder reactor project. The Clinch River breeder reactor is a necessary and vital first step in insuring our Nation's future energy independence. I urge my colleagues to join me and continue funding for this vital energy project.

Mr. President, this amendment has no place in our present consideration of the continuing resolution. The Clinch River breeder reactor project is an important national energy project, but for one of many projects included in the continuing resolution. To debate the continued funding of the Clinch River project within the context of this continuing resolution is an injustice.

Mr. SASSER. Mr. President, I urge my colleagues not to turn their backs on the Clinch River project. To accept this amendment to eliminate funding would put an end to the efforts of more than 3,200 people in a 30-State region and the District of Columbia who have worked long and hard on the design, fabrication, and testing of the Clinch River breeder reactor project.

This amendment would write off the $135.1 million that has already been contributed by the private utilities to develop and support the Clinch River breeder reactor; 753 private utilities have pledged a total of $257 million to date to support this demonstration project in the hopes that they will eventually be able to assume complete control for the development of this technology.

Mr. President, many of the criticisms and misconceptions surrounding the continued funding of the Clinch River breeder reactor can be attributed to findings and estimates which...
Mr. HATFIELD. Mr. President, if there is no one else who wishes to speak against the amendment I am willing to yield back the remainder of my time.

Mr. McCLURE. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes, eight seconds.

Mr. HATFIELD. I am happy to yield 1 minute to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding. I just want to underscore one thing that people ought to keep in mind. That is the benefit of the Clinch River breeder as measured today is clear in terms of the difference between the completed cost and the cost to cancel. There are components on order, not just the money which has already been spent, not just the money which would be wasted with respect to all of the reactor vessels, all the components, the sodium pumps, and all the rest that are already on hand, but what would it cost us to cancel the program by canceling the contracts that are already in being and pay off the contractors that already have contractual obligations with the United States for the furnishing of equipment, supplies, and construction? Compare that cost to the value of completing it. That cost gap is very, very small.

If people will focus on that for a moment there would be no debate. Really, there would be no argument.

Basically, what the Senator from Louisiana has said is exactly correct. It is a question of whether or not the United States wants to remain with the technological advancement it now has.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

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

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Hawaii (Mr. MATSUZANAGA) are necessary absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS), and the Senator from Massachusetts (Mr. KENNEDY) would each vote "yea.

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

The result was announced—yeas 48, nays 49, as follows:

Byrd, Hart, Nunn
Byrd, Robert C., Hatfield
Chafee, Hawkins
Chiles, Percy
Collins, Humphrey
Cranston, Pell
DeConcini, Proxmire
Dodd, Pryor
Durenberger, Jepsen
Durenberger, Kennedy
Durenberger, Mitchell
Durenberger, Moynihan
Durenberger, Goldwater

Mr. HATFIELD. Mr. President, if there is no one else who wishes to speak against the amendment I am willing to yield back the remainder of my time.

Mr. McCLURE. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes, eight seconds.

Mr. HATFIELD. I am happy to yield 1 minute to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding. I just want to underscore one thing that people ought to keep in mind. That is the benefit of the Clinch River breeder as measured today is clear in terms of the difference between the completed cost and the cost to cancel. There are components on order, not just the money which has already been spent, not just the money which would be wasted with respect to all of the reactor vessels, all the components, the sodium pumps, and all the rest that are already on hand, but what would it cost us to cancel the program by canceling the contracts that are already in being and pay off the contractors that already have contractual obligations with the United States for the furnishing of equipment, supplies, and construction? Compare that cost to the value of completing it. That cost gap is very, very small.

If people will focus on that for a moment there would be no debate. Really, there would be no argument.

Basically, what the Senator from Louisiana has said is exactly correct. It is a question of whether or not the United States wants to remain with the technological advancement it now has.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

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

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Hawaii (Mr. MATSUZANAGA) are necessary absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS), and the Senator from Massachusetts (Mr. KENNEDY) would each vote "yea.

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

The result was announced—yeas 48, nays 49, as follows:

Armstrong, Biden, Bradley
Bentsen, Boschwitz, Bumpers

So the amendment (UP No. 1309) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Ohio.

UP AMENDMENT NO. 1310

Mr. METZENBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration. It is an amendment to my amendment.

The PRESIDING OFFICER. The Senate will be in order.

The amendment will be stated.

The legislative clerk read as follows:

"The amendment from Ohio (Mr. METZENBAUM) proposes an unprinted amendment numbered 1310."

Mr. METZENBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the word "Notwithstanding" and insert in lieu thereof the following:

"any other provision of law, the provisions of subchapter G of title VI of the Tax Equity and Fiscal Responsibility Act of 1982, establishing a Federal supplemental benefits program of unemployment compensation benefits shall remain in effect, and an individual's period of eligibility shall continue, without regard to any provision in such Act relating to termination of such Federal supplemental benefits program, or to the end of such period of eligibility, until the national..."
seasonally adjusted total rate of unemployment is less than or equal to 6.7 percent.

(b)(1) Notwithstanding the provisions of section 2402 of the Omnibus Budget Reconciliation Act of 1981 the amendments made by subsection (a) of section 2402 of such Act and the effective date of determining whether there are State "on" or "off" indicators for weeks beginning or after June 1, 1982, and before the month following the first month thereafter for which the national seasonally adjusted total rate of unemployment is less than 8.7 percent.

(i) For purposes of making such determinations described in paragraph (1), the rate of insured unemployment for all weeks for which the determination is made shall be calculated in the same manner as is calculated for the particular week with respect to which the determination of an "on" or "off" indicator is being made.

(c) Section 2403(b) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "September 25, 1982" and inserting in lieu thereof "the first month thereafter for which the national seasonally adjusted total rate of unemployment is less than 8.7 percent."

(d) For purposes of determining whether there are State "on" or "off" indicators for weeks beginning on or after June 1, 1982, and before the month following the first month thereafter for which the national seasonally adjusted total rate of unemployment is less than 8.7 percent, paragraph (1) of section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 as amended shall be applied as if such paragraph did not contain subparagraph (A) thereof.

(e) In the case of any State with respect to which there is a determination of Labor that indicates that the State's unemployment compensation law so as to include any requirement or impose any penalty in respect to extended compensation, such State's unemployment compensation law shall not be deemed to be out of compliance under section 3304(c) of the Internal Revenue Code by reason of a failure to contain any such requirement for any period prior to the end of the first session of the State legislature which begins after the date of the enactment of this Act, or which begins after the date of the enactment of this Act and remained in session for at least twenty-five calendar days after such date of enactment. The term "session" means a regular, special, budget, or other session of a State legislature.

(f) Nothing contained in the preceding provisions of this section (or any amendments made thereby) does or shall be construed to authorize or require payment of unemployment compensation to any individual for any week prior to the first week which begins after the date this section becomes law, if such compensation would not have been payable to such individual without regard to the preceding provisions of this section.


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

The PRESIDING OFFICER. The Senate will be in order. Those Members wishing to converse will please retire to the cloakroom.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is not in order. It does not take priority over the second-degree perfecting amendment.

Mr. METZENBAUM. I am sorry? The PRESIDING OFFICER. This amendment is not in order. It does not take priority over the second-degree perfecting amendment.

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

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

Mr. METZENBAUM. Mr. President, the Senator from Ohio addressed himself to this issue at an earlier point today. We have been awaiting a member of the majority, the chairman of the Finance Committee, who wants to speak on the amendment, and some Members on this side of the aisle want to speak on the amendment. The Senator from Ohio is prepared to go to a vote while those who wish to speak have concluded their remarks.

I yield to the Senator from Kansas, if he seeks recognition.

Mr. DOLE. I am just standing here.

Mr. METZENBAUM. I yield to the Senator from Michigan.

The PRESIDING OFFICER. The Senate will be in order. Senators who are conversing will please retire to the cloakroom. The Senate will be in order, or we will not continue.

Mr. RIEGLE. Mr. President, I rise as a cosponsor of the amendment and in support of the amendment. I shall make a few brief comments about it so that we can expedite the business of the Senate today. The amendment at the desk, offered by the Senator from Ohio and other cosponsors, deals with some of the critical problems relating to the unemployment compensation program. The amendment deals with three serious problems.

The first one, and perhaps the most important, is the trigger problem, whereby, under existing law, 29 States have high unemployment problems that have triggered off or are due to trigger off the current 13 weeks of extended benefits.

While States then will be getting a replacement set of Federal supplemental benefits of either 6, 8, or 10 weeks they will lose the important 13 weeks of extended benefits.

I do not think this is what Congress intended. I know in the State of Michigan, where we now have over 700,000 people out of work and where we have had unemployment above 10 percent for 32 consecutive months, we face the prospect in October of the extended 13 weeks of benefits triggering off at a time when we really need them the most.

This legislation would correct that trigger problem so that we would not lose the 13 weeks of extended benefits at such a critical time.

It also deals with the question of the recently enacted emergency Federal Supplemental Benefits, the 6-, 8-, or 10-week extension, by providing that it not not arbitrarily end in March of next year. We feel is is much sounder to have an absolute way of being sure that come that date, if unemployment still is high in the country, the benefits would continue. Therefore, we establish a trigger level that would allow the program to continue so long as we are having extremely high unemployment rates.

The other item refers to restoring the pre-Reconciliation Act method of calculating how the insured unemployment rate trigger is established by including unemployed workers who are drawing benefits in that calculation.

So I think Members will find that in many States of the country this package of amendments will be very helpful to those States. It is certainly true in the State of Michigan and it is true, as I say, for at least 29 States.

I hope that the Senate will take this step. I think it is one that we will end up finding is a great help to unemployed workers in this country.

Mr. DOLE. Mr. President, are there other requests for time on the amendment?

Mr. HATFIELD. There is no time agreement.

Mr. DOLE. No time agreement.

Mr. METZENBAUM. Senator Levin indicated he might wish to speak. I do not see him on the floor. Whenever the majority is ready to vote, I am.

Mr. DOLE. Mr. President, as I understand the Metzenbaum amendment, it will rollover back important unemployment compensation reforms enacted in the Omnibus Reconciliation Act of 1981. It will do a number of
things that in our view would just be a giant step backward. In this Chamber all of us had an opportunity to vote for unemployment compensation, about 2 billion dollars' worth, when we passed the Tax Reform Act. And I regret the distinguished Senator from Ohio and the Senator from Michigan did not vote for the unemployed workers in their State in Michigan and in Ohio. That was a $2-billion program 8 weeks, 8 weeks, and 10 weeks, without any State costs; total Federal costs. It was worked out in the Senate with members of organized labor, with the House conferees and the Senate conference. It came back to the floor, and we thought that everyone would support that provision and support the restoration.

Now to come back with a $3.4 billion unemployment compensation bill as I understand the price tag in the last day of the session in the view of this Senator is not a responsible thing to do. So while I have no quarrel with those who now rewrite the act, it is obvious that this is legislation on an appropriations bill. I have great regard for the Senator from Ohio, the sponsor of this amendment. The cost estimate range from $559 million if the program is in effect until March 31 to $3.1 billion if the program is in effect for 1 full fiscal year. It is going to have a large Federal budget impact and also the states, and will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield? Mr. METZENBAUM. I yield. Mr. ROBERT C. BYRD. Mr. President, in August, the Congress enacted the Tax Equity and Fiscal Responsibility Act, which contains a provision that establishes a supplemental unemployment benefits program to provide additional weeks of benefits for the unemployed who cannot find worthwhile work. As we are now, the unemployed who exhaust other benefits will receive 10 weeks of supplemental benefits if they live in States that have been eligible for the extended benefits program at some point since June 1 of this year; they will receive 8 weeks in States with moderately high unemployment; and they will receive 6 weeks in all other States.

However, Mr. President, this provision leaves two very distressing and very substantial problems with the unemployment insurance system, as the Senator from Ohio has so capably pointed out. First, the extended benefits program—the permanent program that is intended to serve as the middle tier of benefits—was altered in two fundamental respects by the Reconciliation Act of 1981, which make it more difficult for States to gain and maintain eligibility for the extended benefits program.

The second problem that has developed has to do with the nature of the supplemental benefits program that was enacted as a part of the tax bill. As I noted previously, that program will provide additional weeks of benefits to unemployed workers, but it will end abruptly on March 31 of next year, regardless of what has happened to the unemployment rate in the Nation as a whole or in any individual State.

The combined effect of the 1981 Reconciliation Act changes in the extended benefits program, and the abrupt halt in the supplemental benefits program adopted as part of this week's Tax Act, is likely to be catastrophic for the unemployed in this Nation. Already, the unemployed in 14 States have lost eligibility for the extended benefits program, despite the fact that the unemployment rates in those States remain very high. Between now and the end of this year, the Congressional Budget Office projects that all but seven or eight States will lose eligibility for extended benefits as the final 1981 Reconciliation Act changes take effect. Practically speaking, Mr. President, the extended benefits program will cease to exist in all but a handful of States. That simply must not be allowed to happen while unemployment remains at record levels.

If the extended benefits problems are not remedied, and if the supplemental benefits program is allowed to end precipitously on March 31 of the coming year, the unemployed in all but four or five States will be eligible for a maximum of 26 weeks of regular unemployment insurance past that point. They will be eligible for fewer weeks of unemployment insurance than were available in each of the last two much milder recessions—and fewer weeks than they were eligible to receive in the great depression and States as recently as a month or two ago.

The Congress must not allow this to occur. We all are very familiar with our current tremendously high unemployment rate. Mr. President, last month it was 9.8 percent—the highest rate in over 40 years, since before World War II; 11 million Americans were out of work—and this does not even count those unemployed workers who are so discouraged that they have ceased to look for work because they simply cannot find jobs, nor millions who have been forced to work part-time or reduce the hours they work because full-time work is not available to them.

In my own State of West Virginia, the most recent Department of Labor statistics show that over 100,000 people are unemployed and the unemployment rate is 13.7 percent. Mining and steel have record unemployment. Our industries and their employees are suffering similarly. Under these circumstances, it makes no sense to reduce unemployment benefits.

I believe we have a very, very serious obligation to try to assist the unemployed of this Nation to contend with their plight, even as we seek to take steps to reinvigorate our economy. We must not allow the terrible burdens of this recession to fall on the backs of those who have invested their labor in making our Nation great—and who, more than anything else, badly want to return to work.

It is for these reasons, Mr. President, that I am cosponsoring the amendment being offered by the Senator from Ohio. I believe this amendment properly addresses the problems I have described, and does so in the most responsible fashion. As the distinguished Senator from Ohio noted in his remarks, the amend-
The problem arises as follows:

The tax conference did adopt a modified supplemental benefits program, but they failed to heed the second part of the instruction.

There were three segments to unemployment compensation: The first is the 26 weeks that every unemployed worker becomes entitled to if he or she qualifies. The second has to do with 13 weeks of extended benefits under the Federal law. And the third has to do with the additional 10 weeks that was provided by the tax conference pursuant to the instructions of the Senate.

Unfortunately, the problem has to do with that 13 weeks that are called Federal supplemental benefits that have been in effect but they are triggering off as of September 25. About 28 to 30 States either have already triggered off or will trigger off.

The reason they are triggering off is that during the budget reconciliation bill conference they included a provision for a lower trigger as to when Federal supplemental benefits would or would not be paid. That trigger relates not to the unemployment rate, but to the unemployment rate in a State but it relates to a thing called the insured unemployment rate, and that falls in the area of 4 or 5 or 6 percent even though the State may have unemployment rates of 10, 12, or 14 percent. It relates to the question of how many are entitled or how many qualify for unemployment compensation benefits.

Suffice it to say it is that trigger that has created the problem, and it is that trigger we are making an effort to correct.

I would further point out that under the tax conferences’ provision, the matter of the entire extended unemployment benefits, the additional 10 weeks they are talking about, would terminate as of a date in March this year.

Our amendment offered today would change that. It would change it to say that these provisions would no longer be applicable after the unemployment rate has been reduced to 8.7 percent. The 8.7 percent rate we are talking about is the rate that was in the budget projections and used by Congress in making its determination as it pertains to the budgetary matter.

Therefore, Mr. President, I would sincerely hope that we will have an up or down vote. I have been patient waiting for all parties to have an opportunity to be heard on this amendment. I think the best indication I can give as to the need for this amendment is the story in yesterday’s New York Times that 4,508 people lined up for 296 Long Island jobs, and the jobs were what? From dishwashers to clerks, which indicate just how serious this unemployment problem is. It is usually or more serious in my own State.

Thirty States need this measure. The costs will not be anything such as the chairman of the Committee on Finance indicated. They will be something close to one-half of $450 million. The only way they could rise to a much larger figure is if the unemployment rate is substantially higher than the budget reconciliation measure originally predicted.

I yield to the Senator from Michigan.

Mr. RIEGLE, is the Senator from Michigan correct in saying that the defect in the emergency 6-, 8-, or 10-week benefits just passed in the tax increase is that by not correcting the problem as I have no trigger in States like ours, where we are now getting 13 weeks of extended benefits, we are about to lose the 13 weeks, that as we lose these 13 weeks we could only gain the 10 weeks on the other side? So, as a matter of fact, we are actually worse off than we were before.

If we lose the 13 and we gain 10 and, in fact, we only gain 10 for a limited period of time, unemployment of the Senator from Ohio passes, either way we have been shorted. In other words, the unemployed workers in our States and the 39 States are put less able to cope, than if we had not changed the law at all.

Mr. METZENBAUM. The Senator from Michigan, as usual, is right on target. That is exactly what the situation is.

Mr. RIEGLE. I thank the Senator.

Mr. METZENBAUM. I thank the Senator. I believe the other Senator from Michigan wanted to be heard.

Mr. LEVIN. I have some remarks.

Mr. HEINZ. Mr. President, I thank my colleague from Ohio for introducing this amendment. I assume this is the amendment of which I am a cosponsor, is that correct?

Mr. METZENBAUM. As of the moment the Senator from Pennsylvania is not. But I ask unanimous consent that the Senator from Pennsylvania be named as a cosponsor.

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

Mr. METZENBAUM. I am delighted to have him as a cosponsor. He has been helpful in this matter throughout the entire proceeding, and I appreciate the fact that he is a cosponsor.

Mr. HEINZ. If the Senator will yield further, Mr. President, I have a further amendment which the Senator from Pennsylvania be named as a cosponsor.

Mr. HEINZ. Although the Senator from Ohio is not absolutely familiar with the details of the Senate from the Pennsylvania bill, he is my understanding the Senator from Pennsylvania’s measure is either identical or seeks to solve the same prob-
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pay the mortgage, no way to pay off the car loan, no way to avoid maybe taking the piggy bank of their son or their daughter and having to use that to pay the utility bill.

That, Mr. President, is not what we want to see happen. That is not a prospect we can allow our constituents and our unemployed to face.

So what this amendment does is to correct the problems in counting unemployment, to correct the catch-22 situation where through fluctuations in the insured unemployment rate a State where things are getting worse couldn't end up with the situation of individual people also getting worse, notwithstanding the intent of the Federal unemployment compensation law.

So, Mr. President, I very strongly rise in support of Senator Metzenbaum's amendment and congratulate him for crafting it. Also, it is something that he and I have been working for for many months, and I am glad we are going to have an opportunity at long last today to vote hopefully enact the needed legislation.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, the passage of the Metzenbaum amendment is critical to the Nation in general and to the States of Pennsylvania is absolutely essential to tiding people over who, through no fault of their own, are unemployed, have no job.

It cannot be predicted with certainty when any individual State might trigger off its extended benefits, and it is that way because the way the present law is written it is actually possible to have the so-called insured unemployment rate go down while the actual unemployment rate is going up.

Does that strike some people as a little bit absurd? Of course, it is absurd. There are all kinds of absurd things that work their way into the law from time to time, and sometimes it does not cause the problem. But in this case, Mr. President, the problem we are talking about would be those of tens of thousands of previous hardworking Americans who, through no fault of their own, might wake up on Thanksgiving Day (or Christmas) or New Year's and find that, lo and behold, they have no more unemployment compensation. They have exhausted their 26 weeks, they are in their 27th week and no more money in the 28th. They wake up on the 38th week and no more money on the 39th, and no way to pay the rent, no way to

Mr. HEINZ. My understanding further is that this is very similar to, if not identical, with the amendment that the Senator from Ohio and I have proposed to press forward with when we were considering the tax bill; is that correct?

Mr. METZENBAUM. The Senator from Pennsylvania is correct. He has been an able helper, worker, coworker, co-sponsor, in this entire matter.

Mr. HEINZ. Well, Mr. President, of course I rise in support of this amendment.

On Monday, I made a statement for insertion in the Record on this subject. In that statement I pointed out that unless this amendment is adopted, the States which are now experiencing the greatest hardship with unemployment are those States that are most likely either being hurt or going to be hurt when the extended benefit program unexpectedly in States is triggered off by variations in the insured unemployment rate.

In my home State of Pennsylvania at the present time workers who are unemployed are now eligible for the first 26 weeks, the so-called basic benefits and unemployment compensation. They are eligible now under existing conditions for the second 13 weeks, the so-called extended benefits; and, as a result of the action on the tax bill, which I supported, they are entitled to an additional 10 weeks of supplemental benefits which, of course, in States which have had persistent unemployment, such as Ohio or the State of Michigan, would be critical to survival for my State of Michigan in particular. Michigan has the highest rate of unemployment in the Nation and yet is about to be cut off from extended benefits.

I am wondering if anybody in this body can justify that. The State with the highest rate of unemployment about to be cut off from extended benefits. And it is no answer to say that a new supplemental program is a cure for it because it is not. It is for a short period of time. It is for a period that will not last for long. Also, he has absurd that perhaps 8 or 10 States are receiving both extended benefits and supplemental benefits while Michigan, with the highest unemployment in the country, will be receiving only the supplemental 10-week benefit program.

The Metzenbaum amendment cures this absurdity. First, this amendment will suspend, until the national unemployment instead of the date of March 31. There has been more than a little speculation that the March 31 date was chosen as the end of the Federal supplemental benefits program because it was not only after the election, but far enough after to avoid the most obvious appearances of its being political without it being so far after as to be too costly or effective, depending on your perspective. The threshold for terminating the supplemental benefits program under this amendment would be in March. In 1971, there was a supplemental benefits program in place when unemployment hit 5.5 percent. So the Metzenbaum amendment is the least we can do, and much less than we did in 1971, to give some extra measure of protection for the long-term unemployed.

While I would prefer a threshold level closer to the 1971 level, I realize there is a need to compromise. I am, therefore, pleased to co-sponsor the amendment of the Senator from Ohio.
On the House floor, the expiration date was changed from February 28, 1983 to December 15, 1982 and our committee changed this date to December 22, 1982. I ask unanimous consent this has been cleared with the minority side—that this correction be made when the resolution is printed after passage; that is to change the date to the actual date the House gave for the termination period.

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

Mr. Dole. 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. Hatfield. 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. Hatfield. Mr. President, I ask unanimous consent that we temporarily set aside the amendment that is now being debated—this amendment is to provide for the Native Hawaiians Study Commission.

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

Mr. Hatfield. I would hesitate to ask for a precise time. We may be in the middle of another amendment.

Mr. Metzenbaum. At 1:30 or 2 p.m.

Mr. Hatfield. I would be happy to accommodate the Senator to make it at 1:30 or 2 p.m., depending on the time situation that we are in at that time, or as close to that time as possible.

Mr. Metzenbaum. I thank the chairman of the committee for his cooperation.

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

UP AMENDMENT NO. 1311
(Purpose: To fund the Native Hawaiians Study Commission)

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

The PRESIDING OFFICER. The clerk will read.

The legislative clerk reads as follows:

The amendment offers by the Senator from Idaho (Mr. McClure) to provide funds for the Native Hawaiians Study Commission.

The nine-member study commission was created by Congress to study the culture, needs and concerns of Native Hawaiians, and to report back to the Congress on its findings and recommendations. The Communication was appointed by President Reagan in September 1981, and just last week published its preliminary report. A final report is due in June 1983 after public comments on the draft have been received and considered.

Under the law, enacted in December 1980, the Commission's initial meetings were to be funded by the Senate appropriations bill. However, the Commission was not appointed and did not hold their first meeting until nearly the end of fiscal year 1981, after the Interior Department appropriations bill for fiscal year 1982 had already been considered. Subsequently, the administration provided funds for the Study Commission's first meetings and a series of public hearings from the White House Unanticipated Needs Fund.

The amendment offered by Senator McClure would not extend the Study Commission's reporting deadline but would merely fund its second year of operations. The Study Commission's most important activity will be the consideration of public comments on its draft report and the preparation of a final report to the Congress.

Mr. President, I expect that the Commission's draft report will generate substantial public comment, and that the Commission's final recommendations will merit the full and most serious consideration by Congress. The passage of this McClure amendment would enable this process to continue, as authorized by the Congress. I commend the Senator from Idaho for exercising his responsibility to provide for the future of the Laramie Energy Technology Center at Laramie, Wyo. to the University of Wyoming. To that effect, the Wyoming Congressional Delegation sent a letter for consideration of the Senate Appropriations Committee, which I would like to read into the Record at this point.


Hon. Mark O. Hatfield, Chairman, Senate Committee on Appropriations, Washington, D.C.

Dear Mr. Chairman: The Wyoming Congressional Delegation is intent upon assuring the future of the Laramie Energy Technology Center (LETFC), and submits the attached amendment, requesting that it or something to the same effect be included in the pending Continuing Resolution.

The amendment transfers the LETC facilities, except the Anvils Range property, to the University of Wyoming under the execution of a cooperative agreement with the Department of Energy. The amendment is intended further to secure funding and staffing of the Center at 1982 levels during the transition period. We envision this transition period to cover negotiations and a resolvable period after the cooperative agreement is signed.

The University is in the midst of negotiations with the Energy to frame a cooperative agreement. These negotiations began nearly seven months ago,
when the University's Trustees passed a Resolution finding that (1) there presently exists a highly productive collaboration between researchers at the University and LETC; (2) these collaborative research programs are critical to the State of Wyoming; and (3) the continued and essential research mission of the LETC could best be discharged, and the needs of the State met at the same time, if the Center were administered as a program of the University of Wyoming.

We wholeheartedly support the University's conclusions, and submit the attached amendment to expedite and facilitate such a transfer. Your support and assistance in this endeavor will be much appreciated.

Sincerely,

MALCOLM WALLOP, Senator.
ALAN K. SIMPSON, Senator.
DICK CHENEY, Member of Congress.

TRANSFER OF LARAMIE ENERGY TECHNOLOGY CENTER

Funds appropriated by this and subsequent Acts for fossil energy research and development activities may be used by the Secretary of Energy to enter into arrangements with the University of Wyoming or any nonprofit corporation controlled by the University, for the purpose of encouraging and supporting research and development activities in the oil shale, underground coal conversion, and tar sand programs. In addition, the Secretary, subject to any reasonable terms and conditions which the Secretary may impose and upon execution of a corporate agreement by the Secretary and the University, or such nonprofit corporation, all of the Government's custodia of the Center at Laramie, Wyoming; and the Nation as well.

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Mr. HEINZ. I ask unanimous consent that the following new section:

"SEC. 9. Title I of the Tariff Act of 1930 (19 U.S.C. 1401 et seq.) is amended by adding after section 665 the following new section:

"Sec. 666. (a) In order to monitor and enforce export measures required by a foreign government, the President, through an international arrangement with the United States, the Secretary of the Treasury, upon receipt of a request by the President of the United States and by a foreign government or customs union, require the presentation of a valid export license or other documents issued by such foreign government or customs union as a condition of entry into the United States of steel mill products specified in the request. The Secretary may provide by regulation for the terms and conditions under which such merchandise attempted to be entered without an accompanying valid license or other documents may be denied entry into the United States.

(b) This section applies only to requests received by the Secretary of the Treasury prior to January 1, 1983, and for the duration of the arrangements.

Mr. ROBERT C. BYRD. Mr. President, retaining the right to object, is there an amendment pending?

Mr. HATFIELD. Mr. President, on behalf of the managers, I would indicate our approval of laying aside temporarily the committee amendments in order that the Senator from Pennsylvania may proceed.

The PRESIDING OFFICER. Without objection the committee amendments are temporarily laid aside.

Mr. HEINZ. If the Senator would wither, I was about to announce that this is an amendment sponsored by myself and the distinguished minority leader.

Mr. ROBERT C. BYRD. I have no objection.

Mr. HEINZ. This amendment is a technical correction that the Department of Commerce has asked for. The appropriate people on the Finance Committee have been consulted. I am a member of the Finance Committee also.

Mr. President, the purpose of this amendment is to clarify the Government's authority to require the Secretary pursuant to an international agreement between the United States and a foreign country or customs union, and to deny such products entry if they lack the necessary documents issued by the foreign instrumentality.

The amendment is narrowly circumscribed. It applies only to any agreement on steel mill products that is arrived at between now and January 1, 1983, and it can only be activated at the request of the President and a foreign instrumentality. Its intent is simply to permit any steel agreement that might ultimately be negotiated to be implemented effectively. It has no other ramifications.

Mr. President, this amendment has the support of the Commerce Department and the U.S. Trade Representative. Without objection to it, I ask unanimous consent to have a letter from Secretary Baldrige printed in the Record.

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

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hon. John Heinz, U.S. Senate, Washington, D.C.

Dear Senator Heinz: I understand that you shortly will be introducing an amendment to the Tariff Act of 1930 which would create unitized steel and countertrade duty charges. The proposed provision, narrow as it is in prod-

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Mr. HEINZ. Mr. President, on behalf of the managers, I would indicate our approval of laying aside temporarily the committee amendments in order that the Senator from Pennsylvania may proceed.

The PRESIDING OFFICER. Without objection the committee amendments are temporarily laid aside.

Mr. HEINZ. If the Senator would wither, I was about to announce that this is an amendment sponsored by myself and the distinguished minority leader.

Mr. ROBERT C. BYRD. I have no objection.

Mr. HEINZ. This amendment is a technical correction that the Department of Commerce has asked for. The appropriate people on the Finance Committee have been consulted. I am a member of the Finance Committee also.

Mr. President, the purpose of this amendment is to clarify the Government's authority to require the Secretary pursuant to an international agreement between the United States and a foreign country or customs union, and to deny such products entry if they lack the necessary documents issued by the foreign instrumentality.

The amendment is narrowly circumscribed. It applies only to any agreement on steel mill products that is arrived at between now and January 1, 1983, and it can only be activated at the request of the President and a foreign instrumentality. Its intent is simply to permit any steel agreement that might ultimately be negotiated to be implemented effectively. It has no other ramifications.

Mr. President, this amendment has the support of the Commerce Department and the U.S. Trade Representative. Without objection to it, I ask unanimous consent to have a letter from Secretary Baldrige printed in the Record.

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

There being no objection, the letter was ordered to be printed in the Record, as follows:

Hon. John Heinz, U.S. Senate, Washington, D.C.

Dear Senator Heinz: I understand that you shortly will be introducing an amendment to the Tariff Act of 1930 which would create unitized steel and countertrade duty charges. The proposed provision, narrow as it is in prod-

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(112,161),(887,864)
Mr. HEINZ. Mr. President, I move adoption of the amendment.

Mr. HATFIELD. Mr. President, on behalf of the leadership, we understand this is another exception and we accept the amendment.

Mr. ROBERT C. BYRD. Mr. President, I rise in support of this amendment offered by Senator HEINZ, and cosponsor by me. It addresses one of the most serious problems the U.S. steel industry may well face down the road if and when we can reach agreement with the Western European countries on limiting their steel exports to the United States. Subsidized steel exports from other countries merely export their unemployment to this country at a time when we do not need this kind of help. Our own steel industry is suffering from the effects of the administration's economic policies and their numbing impact on demand for steel generally, needs all the help it can get in dealing with unfair foreign competition from subsidized and dumped steel exports.

This amendment will authorize the Secretary of the Treasury to assist the United States in administering any steel export limitation agreements we may be able to reach with them. He will be able to do this by requiring certification on all steel exports to the United States that they are in compliance with the limitations mutually agreed upon by us and the Europeans.

Since European policing arrangements are notoriously loose, this amendment is both wise and necessary if we are to be able to adequately enforce limitation agreements we may be able to reach.

Last week, I was successful in securing language in the report on the fiscal year 1983 State, Justice, Commerce Appropriations bill relating to our problems with steel importers. It directs the Secretary of Commerce, in concert with the U.S. Trade Representative, to vigorously pursue investigations of the unfair subsidizations by foreign governments of their steel industries. I intend to continue doing everything in my power to bring an end to this flood of unfair subsidized steel coming into this country and hurting our industry and the many American families who depend on its health for their economic well-being.

In my own State of West Virginia, we will too well what unfair foreign competition has done to the domestic steel industry. Plant closings, layoffs of employees at plants that stay open, lost business, and lost capacity to ever come back all have the chilling and lasting impact on the State and its economy. I support this amendment because it represents a step toward ending the entry into this country of unfairly subsidized steel.

Mr. BAKER. Mr. President, I was called away from the floor briefly, and I have not had an opportunity to indicate that I am very pleased to hear the Senator from West Virginia, the minority leader (Mr. ROBERT C. BYRD), suggest the possibility of 4 p.m. I would be encouraged then to seek a unanimous consent order that passage occur at 3 o'clock or 4 o'clock this afternoon. I shall not put that request at this time, since there are only a handful of Senators on the floor, but I am going to run my hotline, Mr. President, as the minority leader has already inquired through his cloakroom, I believe. Senators should know, now, if this thing bogs down, I am going to make an effort to conclude it.

I understand the Senator from Colorado is on the floor and perhaps has an amendment that will not take much time. I am surprised that the Senator from North Carolina (Mr. HELMS) will be here shortly. There are no doubt others who want to come to the floor.

I think I must say that fair warning is fair warning. If we have other delays such as we are having now in quorum calls, with nothing going on, I intend to ask the Chair to advance the bill to third reading. That is not a threat; it is simply a statement of fact.

I hope Senators will come to the floor and call on me to move forward with the bill, because if they are not going to do that and, if they are not going to do that, let us know. I
hope they will agree to a unanimous-consent request that I shall put at 12 o'clock to establish 4 this afternoon as a time certain for passage.

Mr. ROBERT C. BYRD. Mr. President, if the distinguished majority leader will yield, does he know whether or not Mr. HELMS intends to call up his amendment?

Mr. BAKER. I do not. Mr. ROBERT C. BYRD. I urge that both sides do their very best to get Senators on both sides to the floor so we can call up amendments, because I would like very much to see this bill disposed of by 4 p.m.

Mr. BAKER. Mr. President, I am advised by Members on both sides that as far as they are concerned, they are ready to go now. I guess we had better wait a little, but that is an encouraging reaction.

Mr. President, I see the Senator from Colorado (Mr. ARMSTRONG) on the floor. I assume he is ready to call up his amendment.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, before we proceed, would the Senator from Oregon permit me to do two pieces of routine business that have been cleared on both sides, I believe?

Mr. HATFIELD. Yes, I yield, Mr. President.

APPOINTMENT OF ADDITIONAL CONFEREES—H.R. 5890

Mr. BAKER. Mr. President, I ask unanimous consent that the Senator from Texas (Mr. Towera) and the Senator from Kentucky (Mr. Ford) be added as conferees to H.R. 5890 solely for the purpose of considering section 5.

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

MISSING CHILDREN ACT

APPOINTMENT OF CONFEREES

Mr. BAKER. Mr. President, I am advised that we are in a position to go forward now with the missing children's bill. If there is no objection from the minority leader or other Members, Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 6976, the missing children's bill.

The PRESIDING OFFICER. Is there objection?

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

Mr. BAKER. Let me yield first to the minority leader.

Mr. ROBERT C. BYRD. Reserving the right to object, Mr. President, I think this can be done by unanimous consent.

Mr. BAKER. I thank the Senator. I ask unanimous consent that on H.R. 6976, the Senate insist on its amendment and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer (Mr. Armstrong) appointed Mr. THURMOND, Mr. HATCH, Mr. SPECTER, Mrs. HAWKINS, Mr. BIDEN, Mr. DeCONCINI, and Mr. HERLIN conferences on the part of the Senate.

Mr. BAKER. I thank the Senator from West Virginia. I thank the Senator from Oregon for permitting me to proceed on these matters.

CONTINUING APPROPRIATIONS, 1983

The Senate continued with consideration of the continuing resolution.

Mr. BAKER. Mr. President, once again, I shall put out a hotline on my side, indicating that at 12 p.m. or thereabouts, depending on when I can regain the floor, I shall make a unanimous-consent request to pass this measure by 4 p.m., or not later than 4 p.m. I hope it will not be objected to.

UP AMENDMENT NO. 1313

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk reads as follows:

The Senate from Colorado (Mr. ARMSTRONG) proposes an unprinted amendment numbered 1313:

On page 13, line 4, strike the period and add the following: "Provided, That notwithstanding any other provisions of this Joint Resolution, no other funds shall be available for the Water Resources Council.

Mr. ARMSTRONG. Mr. President, the amendment I am offering would eliminate any funds in this resolution for the Water Resources Council. The Water Resources Council will essentially be closed down by the end of this fiscal year and it is appropriate to zero out the funding in this resolution.

The Water Resources Council was established in 1965 under the Water Resources Planning Act. The WRC is chaired by the Secretary of Interior and the other seven members are the Secretaries of HUD, Commerce, Army, Agriculture, Transportation, EPA, and Energy. The staff of the WRC reports to and serves the Council members and chairman.

Authority for WRC appropriations expired at the end of fiscal year 1979. In fiscal year 1982, Congress provided $855,000 for salaries and expenses of the staff and $3.2 million for the orderly conclusion of ongoing studies.

The orderly termination or transfer of WRC activities should be completed by September 30. For example, WRC's work plan for the water assessment, flood plain management, and State planning grants has been completed. WRC responsibilities for the unified national program for flood plain management have been transferred to the Federal Emergency Management Agency. The study of North Carolina's Cape Fear will be managed by the Department of Agriculture to completion next year. The National Oceanic and Atmospheric Administration will manage to completion the Columbia River Estuary study.

The staff of 65 has been reduced down to 5, who will be in place by the end of this month, and I understand the Department of the Interior is working closely with this remaining staff to identify other positions for them.

With the President's Cabinet Council on Natural Resources and the Environment, the administration has an effective replacement for the WRC. The Cabinet Council has elevated Federal decision-making on water policy, is simpler, cheaper, and more effective.

Senate language in the joint resolution would have the effect of funding the WRC, which in essence no longer exists. The fiscal year 1982 levels, coupled with the carryover of unobligated balances from previous fiscal years, amounts to approximately $5 million on an annual basis. Even though the joint resolution covers a much shorter period of time, it makes no sense to continue appropriations for the WRC and this amendment eliminates such funding.

The point of this amendment, Mr. President, is simply to say, the function having concluded, let us stop spending the money for it.

I offer this amendment at the suggestion of the Department of the Interior and the suggestion of the Secretary who is, in fact, the chairman of the Water Resources Council. I urge its adoption.

Mr. HATFIELD. Mr. President, I should like to ask the Senator from Colorado if, on this matter, he has any comment from the authorizing committee chairman (Mr. Stafford), or from Senator Armstrong, who is chairman of the corresponding subcommittee?

Mr. ARMSTRONG. No, I respond to the Senator that I have not discussed it with them. I shall be happy to do so and set it aside pending that.

My understanding is that the original contemplation was for the termination of it on September 30, and so this would be consistent with that action, but I will be happy to lay it aside and check those signals if the chairman so suggests.

Mr. HATFIELD. Mr. President, it is a matter that I think would be appropriate to check with the authorizing committees, because in effect this is a question of legislation that does affect their committees and the legislation on the vehicle.

I should indicate to the Senator from Colorado that this matter will be...
in conference and will have to be worked out with Chairman BEVILL of the House committee, and also I would make as record the fact that the administration could, if they object to the continuation of the agency, send up a rescission or a deferral, so we are not closing out the possibilities.

I do not differ with the Senator's objection. But out of the general policy that we have set up, I am trying to resist as many amendments as possible we will, very frankly, make very little effort the the conference to hang onto them. I just want to lay that out to Senators right now, if they are successful with their amendments. We are going to have to get this completed before midnight tomorrow night, and I am not going to fight on an amendment that is going to bog down the process of going. That is the only point that are irrelevant to this continuing resolution and that can be handled on the amendment of the bill.

Mr. ARMSTRONG. Mr. President, I just want to conclude my thoughts on this and then I will be happy to lay it aside. I understand completely what the Chairman is saying about being unwilling to labor and die over amendments at this point. I would not encourage him to do so on this amendment. If it is a problem for him, let us vote it down, or if he is desirous of taking it and it is a problem for Chairman BEVILL in the House, I would be happy to have him concede it. I honestly cannot see why, if the Department as they do not need the money and prefers not to spend it and would like to put these seven people to work on other tasks, that would pose a problem for anybody. It is simply propor­tionately little. It is not important enough to fight over, and I certainly have no intention of doing so. It seems to me that the straightforward thing to do is simply adopt the amendment and move on. If there is a problem with our colleagues in the House, we ought to back off and argue when there is more time to do so. Certainly I do not want to elevate this issue to anything more than that.

Mr. HATFIELD. Let me say that I would be very happy to comply with the Senator's amendment and suggest we adopt it.

Mr. ABDNOR. Mr. President, I wish to comment on the amendment offered by my friend, the Senator from Colorado (Mr. ARMSTRONG). As chairman of the Subcommittee on Water Resources, which oversees the work of the Water Resources Council, I am opposed to this amendment.

The Water Resources Council has certain statutory responsibilities, such as the preparation of national water assessments, as well as overseeing the principles and standards by which agencies analyze federally funded water management and development projects. Those responsibilities will not vanish with this amendment. They remain in full force.

I recognize that staff work on these responsibilities could be pared among various departments. But I am convinced that these responsibilities should—and must—be supported by a core staff, however, small, at the Council itself. It is simply unrealistic to think one department should be doing the backup work for another. It makes far better sense to provide a core staff—currently seven persons—to facilitate this coordination and the work of the Council.

For 16 months, S. 1095 has been on the Senate Calendar. That bill would amend the Water Resources Planning Act, replacing the existing Council with a National Board on Water Policy to coordinate Federal water resources development efforts and to work more closely with the States. That bill has never been debated on the floor, despite promises over a year ago of an early resolution on the issue.

To eliminate any funding for the Council, without addressing the authorization of an alternative approach, would be wrong. It would be detrimental to our national water resources effort.

Mr. President, while I will not object, to the Senator from Colorado's amendment today, this issue should be considered fully in conference.

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

The amendment (UP No. 1313) was agreed to.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ARMSTRONG. Mr. President, let me say that if the Chairman has a problem with the amendment in conference, it certainly is not an item that I expect he should hang out for. I would be surprised if he did have that problem, but if he does he should let it fall by the wayside.

Mr. HATFIELD. I appreciate the comment of the Senator.

Mr. COHEN asks to speak. The Chair.

The PRESIDING OFFICER. The Senator from Maine.

UP AMENDMENT 1314

(Purpose: To amend the Tariff Schedules of the United States to provide duty-free treatment for imported steam.)

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

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Maine (Mr. CONN) proposes an unprinted amendment numbered 1314.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the joint resolution, insert the following:

Sec. . (a) Subpart J of part I of schedule 5 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by insert-
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The amendment I am offering today will change the Tariff Schedules of the United States to permit imported steam to enter the United States duty free.

The amendment is now being considered by the Senate.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The amendment (UP No. 1314) was agreed to.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

UP AMENDMENT NO. 1315
(Purpose: To provide that such funds as may be necessary out of money appropriated to the Federal Election Commission be used by the Commission to write regulations regarding use of union dues for political purposes)

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. ROBERT C. BYRD. Mr. President, I object. I would like to hear the rest of the amendment.
The bill clerk resumed and concluded reading the amendment.

The text of the amendment is as follows:

At the appropriate place insert the following:

Sec. . Notwithstanding any other provision of law, of the sums appropriated to the Federal Election Commission to carry out its functions under the Federal Election Campaign Act of 1971 and under chapters 95 and 96 of the Internal Revenue Code of 1954 (26 U.S.C.), such sums as may be necessary shall be used by the Commission to prepare and implement regulations applying section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b), in a manner consistent with the decisions of the United States Supreme Court holding that dues, fees, and other monies required as a condition of employment may not be used by a labor organization on behalf of political candidates or for other political and ideological purposes.

Mr. ROBERT C. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Madam President, I hope Senator Kennedy will yield to the request. I am about to make. I believe it is satisfactory to the distinguished Senator from North Carolina, and I hope it is satisfactory to the managers on the minority side.

The PRESIDING OFFICER (Mrs. Kassebaum). The Senate will be in order.

Mr. BAKER. Madam President, I hope Senators will give me their attention for a moment.

I believe that what I am about to do will materially expedite the proceedings of the Senate. As I say, the request to make it has been cleared with the Senator from North Carolina. I have advised the minority leader of the content of the request I am about to make, as well as the chairman of the committee, and I want all Senators to listen.

I ask unanimous consent that on the pending amendment by the Senator from North Carolina (Mr. Helms), there be a 30-minute time limitation, equally divided, with the further proviso that at any time after the expiration of the time allocated to the Senator from North Carolina, the Senator from Oregon will be recognized for the purpose of making a tabling motion against the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Madam President, reserving the right to object, will the distinguished majority leader put in a quorum call?

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

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Madam President, still reserving the right to object, I will not object if it is clearly understood that there will be no more than 30 minutes to be equally divided and at the close of 30 minutes there will be a motion to table and that there be no more such amendments offered, with one final condition that at the end of the 30 minutes this amendment, be set aside and the tabling motion occur at 2 p.m.

Mr. BAKER. Madam President, I do not think I have any problem with that. But to make it absolutely clear, I suggest to the minority leader that the way I framed the request earlier it would not be at the end of the 30 minutes; it would be at any time after the expiration of the 15 minutes allocated to the distinguished Senator from North Carolina but it might come earlier than 30 minutes but in any event I will check to make sure that there is no problem with stacking the vote until 2 p.m.

It will take me just a moment to do that. In the meantime, Madam President, once more I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Madam President, let me renew my request now. Am I correct that the Helms amendment is the pending amendment?

The PRESIDING OFFICER. That is correct.

UNANIMOUS-CONSENT AGREEMENT ON HELMS AMENDMENT

Mr. BAKER. I ask unanimous consent, Madam President, that the Helms amendment be in order and I ask unanimous consent that after the expiration of the time on the amendment the proponent or the yielding back of the time, that the Senator from Oregon (Mr. Hatfield) may, if he wishes, be recognized for the purpose of making a tabling motion which, parenthetically, he could do...
Mr. BAKER. There would be no further time for debate on this matter at that time. I believe that is correct.

Mr. ROBERT C. BYRD. Madam President, will the majority leader amend his request so that if the tabling motion fails then a vote on the amendment would not immediately occur and that debate would be in order?

Mr. HELMS. Madam President, I have no objection. I think we would have a question to be decided by the majority leader and minority leader. Obviously, I would like to have a vote. I do not want to do anything that would be perceived as not being accommodating to the consideration of this amendment.

Mr. BAKER. Madam President, I really hope we will not do that. I think we have a good agreement. Let me say this to the minority leader, I am perfectly willing to work with him and with the Senator from North Carolina and the managers of the bill on both sides to move this matter along. But I am very much afraid that we are going to lose what we have if we do not go ahead with it on this basis.

I hope the minority leader would not insist on the same condition and that we could proceed with it as it is.

Mr. ROBERT C. BYRD. Then, Madam President, amendments in the second degree would be in order in that event. In the event the tabling motion should fall, amendments in the second degree would be in order.

The PRESIDING OFFICER. Amendments in the second degree are precluded, and that was part of the agreement.

Mr. BAKER. Madam President, I understand there is no requirement for any modification of the request. Has the request been granted?

The PRESIDING OFFICER. It has been granted.

Mr. BAKER. I thank the Chair. Madam President, I will be as brief as possible. This amendment is as simple and straightforward as the Senator from North Carolina knows how to make it. It will simply require the Federal Election Commission to use money from this continuing resolution to prepare and implement regulations to enforce court decisions that have held or will hold that dues, fees, or other moneys required as a condition of employment may not be used by a labor organization on behalf of political candidates or for other political or ideological purposes. Let me emphasize that what we are addressing with this amendment are mandatory dues—not voluntary dues.

So, at issue, Madam President, is the political freedom of the American workers all across this country of every political persuasion who are now required by law to pay money to a union as a condition of employment—money that, in turn, is used by the union to support political candidates or causes the workers might oppose.

Now, let me emphasize, Madam President, that this amendment creates no new law. Rather, it will require the FEC to make regulations in accordance with the prevailing constitutional interpretation of the courts—as articulated in Abood against Detroit Board of Education and School Committee of Greenfield against Greenfield Education Association—that the use of forced dues, mandatory dues, for political purposes abridges the first amendment rights of dissenting workers.

In spite of the deluge of so-called campaign spending reforms of years past, the Federal Election Campaign Act grants to a special privilege enjoyed by no other organization—the right to take money from American workers—against their will—and use it to support political causes and candidates the workers often oppose.

Organized labor PAC’s do not contribute to political candidates the same way business and citizen political action committees do. Business and citizen PAC’s rely exclusively on voluntary contributions. But the bulk of organized labor’s financial support is in the form of unreported, indirect in-kind expenditures, the vast majority of which come from workers who risk losing their jobs if they refuse to pay their union dues. The practice of forced-dues politicking represents an infringement on workers’ constitutional rights and a dire threat to the integrity of the American political process.

Although the Federal Election Campaign Act gives the appearance of restricting the abuse of compulsory union dues for political purposes, the appearance is only that. While the law does prohibit the use of compulsory dues for direct, cash contributions to political candidates, it does allow labor unions to use compulsory dues money for partisan communications to their members and their families; voter registration and get-out-the-vote drives; and the establishment, administration, and solicitation of contributions to a political action committee.

While official statistics for total in-kind spending are not reported and therefore not available, the widely respected and authoritative labor columnist Victor Riesel has estimated that big labor spent $100 million on in-kind political activity in 1 election year—a figure other experts consider too conservative. Conservative or not, it is, for sure, a figure no other organization in America can match.
I have done my best to bring this problem before the Senate. But I recognize the Friends of Big Labor are powerful, and have managed to keep the Senate from addressing this issue. My bill to prohibit the use of compulsory union dues for political purposes has been bottled up in committee. The FEC authorization bill, to which I had intended to offer my bill as an amendment has not been brought before the Senate.

The FEC authorization bill is on the calendar. It has been on the calendar since the latter part of May. So unless I use this vehicle, Madam President, the probability is great that the Senate will not consider legislation to correct the obvious abuse by organized labor of compulsory, mandatory union dues for political purposes.

A lot of Americans, Madam President, just do not believe that is fair. With each day the Senate has delayed, the political freedoms of many, many American workers have remained in jeopardy.

Fortunately, Madam President, unlike the U.S. Senate, the courts of the United States have not sat idly by in such a situation. The courts, including the U.S. Supreme Court, have considered this issue. And in every instance they have ruled in favor of the political freedom of American workers.

The leading case, Madam President, is Abood against Detroit Board of Education, decided in 1977 by the U.S. Supreme Court. Dr. Abood and other teachers in the Detroit school system challenged the constitutionality of a Michigan law authorizing a system of union representation for local government employees that specifically permitted a union to use the local government employer to agree to an agency shop arrangement, whereby every employee represented by the union—even though not a union member—had to pay a fee as a condition of employment, a service fee equal in amount to union dues.

Dr. Abood and his fellow teachers objected to the use of their agency shop fees by the union for political purposes with which the teachers did not agree. The Court held such spending of forced dues money unconstitutional, and ruled that the first amendment of the Constitution prohibits labor unions from requiring any worker to contribute money as a condition of employment to support an ideological cause he or she may oppose.

Following the Supreme Court’s landmark decision in Abood, courts in numerous lawsuits across the country have ruled in favor of dissenting workers’ suing unions to recover compulsory dues spent on nonbargaining purposes.

Mr. President, however, even with the unconstitutionality of forced-dues politicking clearly established, workers have been forced to seek reimbursement of their money through a tedious union rebate system.

Because the rebate systems are administered by the very union officials who have a vested interest in forced-dues politicking, the Massachusetts Supreme Court, in School Committee of Greenfield against Greenfield Education Association, ruled that independent workers cannot be forced to negotiate complicated, union-related procedures before going to court to recover their money.

Since the union has failed to challenge the decision, the ruling that the union rebate systems are unconstitutionally inadequate stands as the law of the land.

Despite these decisions and the building precedent in the judiciary against the abridgement of first amendment freedoms by forced-dues politicking, union officials continue to pour hundreds of millions of compulsory union dues, and political operations virtually unchecked.

The abuse of compulsory union dues for political purposes continues to this day, Madam President.

The purpose of my amendment is to put some teeth into court decisions protecting the first amendment rights of dissenting workers by requiring the FEC to establish procedures to enforce the courts’ decisions to enforce court declared limitations on the use of compulsory union dues for political purposes.

Madam President, 2 days ago the Federal Court for the District of New Jersey, sitting in Trenton, N.J., handed down a decision that is particularly relevant to the pending amendment.

In the consolidated cases of Robinson against State of New Jersey and Antonacci against State of New Jersey, the court held that the unions involved violated the first amendment rights of dissenting workers by using union dues that had been paid under compulsion, mandatory union dues, for political purposes.

The court further held, Madam President, that the 5th and 14th amendment due process rights of workers must be taken into consideration before a union can take money from them and use it for political purposes.

This was 2 days ago. The court ordered the State of New Jersey to establish an adequate due process system to protect the first amendment rights of workers.

Is it not clear, Madam President, that Government action, action by this Congress, is essential to protect the constitutional rights of American workers?

A great deal is said about constitutional rights on this floor. We will see on this motion to table where Senators real concern, however, even with the unconstitutionality of forced-dues politicking clearly established, workers
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Federal Election Commission to prepare and implement regulations to enforce court decisions. That is all it does.
The FEC has not done this, and perhaps may consider it does not have the congressional mandate to do it. I simply propose that the FEC be instructed to prepare and implement such regulations. That is all it is mandated to do. I perhaps may consider it does not have the power. That is all it is mandated to do.

Mr. HELMS. I thank the Senator. Mr. HATFIELD. Madam President, I am ready to yield back the remaining time on the opponents side if the proponent of the measure is willing to yield back the time on the proponents side.

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

Mr. HATFIELD. Madam President, I move to lay the Helms amendment on the table. I believe the unanimous-consent agreement—I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. That is correct.

Mr. DANFORTH. A parliamentary inquiry, Madam President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DANFORTH. Are further amendments now in order?

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio (Mr. MERRICK).

Mr. DANFORTH. Madam President, I believe the unanimous-consent agreement is that this vote will occur at 2 p.m.

The PRESIDING OFFICER. That is correct.

Mr. DOLPH, Mr. BAUM, BANES, and Mr. CRANSTON, proposes an unprinted amendment numbered 1316. At the end of the bill, add the following section: "Since the threat of nuclear annihilation poses the most important moral issue in human history; "Since nearly half of President Reagan's term in office have elapsed and considerable time has elapsed since the President proposed the prohibition of U.S. and Soviet nuclear weapons policies, the Senate should demand a substantial reduction of U.S. and Soviet strategic force levels; "Since ten years have elapsed since the SALT I agreements, including the ABM Treaty, went into effect, eight years since the signing of the Threshold Test Ban Treaty, six years since the signing of the Peaceful Nuclear Explosion Treaty, and three years since the signing of SALT II, the last three having never been ratified; "Since the change in leadership at the Department of State presents a highly appropriate occasion for the Administration to clarify its nuclear weapons policies in light of recent actions which have caused anxiety at home and abroad, including: "(1) The recent announcement of restrictions affecting nuclear fuel cycles and reprocessing technology; "(2) The characterisation of SALT I and II as 'fundamentally flawed' and the suggested development of ballistic missile defenses in violation of the ABM Treaty; "(3) The Senate's opposition to the Helms Amendment; "(4) The indefinite suspension of negotiations on a comprehensive test ban treaty; "(5) The formulation of a defense guidance paper which has raised questions whether United States nuclear policy con­templates limited or protracted nuclear war and whether any circumstances justify the first use of nuclear weapons; "(6) The reported intention of the Department of Defense to seek 'preclearance' for the use of tactical nuclear weapons; and "(7) The recent assertions that a coherent nuclear weapons policy should be the highest responsibility of government, it is the sense of the Senate that the President of the United States should submit to Congress, at the earliest possible date, but no later than December 1, 1982, a comprehensive report on our nuclear weapons policies including where we stand, where we intend to go, and how we intend to treat the agreements that have been signed but not ratified.

Mr. DANFORTH. Madam President, I have discussed this amendment with Senator HATFIELD. The original resolution that is the same as this amendment was sponsored by myself and 18 Members of the Senate, including the chairman and the ranking minority member of the Appropriations Committee. It is a sense-of-the-Senate provision. The operating portion of the amendment states that it is the sense of the Senate that the President of the United States should submit to Congress, at the earliest possible date but no later than December 1, 1982, a comprehensive review of our nuclear weapons policies, including where we stand, where we intend to go, and how we intend to treat the agreements that have been signed but not ratified.

Mr. DANFORTH. Madam President, it is clear that people all over the world are concerned that governments are not doing enough to reduce the risk of nuclear war. Their concern is understandable, since governments now have the power to destroy—indeed, the entire creation. People are growing increasingly less willing to accept mere pronouncements and promises about reducing the risk of nuclear war. A higher standard of performance is being demanded. We expect specific accomplishments to reduce both the number and the spread of nuclear weapons.

New leadership has assumed responsibility of the Department of State. There could not be a more appropriate time for the Senate to ask the President to clarify the administration's nuclear weapons policy, especially in light of recent actions which have created anxiety here and abroad. These include:

Relaxation of nuclear export controls;

Abandonment of negotiations toward a comprehensive test ban treaty;

A request for renegotiation of the threshold and peaceful nuclear explosion treaties;

The repeated suggestion that abrogation of the ABM Treaty might be necessary; and

The possibility that U.S. policy might contemplate limited nuclear war and U.S. first use of nuclear weapons.

The United States has a solemn duty to exercise leadership in the struggle to reduce the risk of nuclear war. We cannot do so in a sea of ambiguity. We need a comprehensive report on U.S. nuclear weapons policy.

Mr. PERCY. Mr. President, I would have preferred that my colleague from Missouri would not have introduced this amendment, since it is not particularly germane to the legislation at hand and a resolution containing identical language which he has submitted is pending before the Foreign Relations Committee. Nevertheless, I am sympathetic to the Senator's intent in pursuing this matter and will support the adoption of the amendment.

Given the continuing difficulty that this administration is experiencing in trying to speak with one voice on its arms control and nuclear weapons policy, I, too, feel that it would be useful for the Congress to receive a comprehensive report on where we stand, where we are going, and how we intend to treat the various arms control agreements that have been signed but not ratified.

Each of the arms control and nuclear weapons issues cited in the amendment are, of course, matters of special interest to the Foreign Relations Committee, and each has been the subject of hearings, briefings and extensive correspondence with the administra-
tion. Last November, the committee held a series of hearings on the President’s strategic force modernization plan and its implication for U.S. foreign policy and arms control objectives. The committee conducted 5 days of hearings and heard from over 25 witnesses on the crucial problem of how best to negotiate significant reductions in U.S. and Soviet strategic weapons inventories. These hearings placed special emphasis on the role that reciprocal U.S. and Soviet restraint vis-a-vis SALT II and SALT II can play in contributing to the success of START. For the first 16 months of this administration, the committee pressed relentlessly to get the administration to complete its review of the Threshold Test Ban (TTB) and Peaceful Nuclear Explosions (PNE) treaties. Following the administration’s decisions in July with respect to the Comprehensive Test Ban negotiations and the TTB and PNE treaties, the committee met in executive session with ACDA Director Rostow to clarify the administration’s policy on nuclear testing, and again probed this issue during a hearing earlier this month.

Finally, both the Foreign Relations Committee and the Government Affairs Subcommittee on Energy, Nuclear Proliferation, and Government Processes, which I also chair, have actively monitored administration decision-making with respect to U.S. nuclear nonproliferation policy, including a hearing by the Foreign Relations Committee that is taking place today. In supporting this amendment, I do not want to suggest that the administration has not been forthcoming or cooperative in consulting with the Foreign Relations Committee on its arms control policies. To the contrary, the administration has generally responded to our dispatch in appearing before our hearings and in replying to written communications. In addition, I would note that on two recent occasions, the President has endowed to provide a comprehensive statement of his arms control policy and objectives. Mr. President, I ask unanimous consent that the two documents be printed in the Record following my remarks, President Reagan’s June 17, 1982, speech to the Second U.N. General Assembly Special Session on Disarmament, entitled, “An Agenda for Peace,” and his July 26, 1982, message from the President accompanying the 1981 Annual Report of the U.S. Arms Control and Disarmament Agency. The 1981 ACDA report, which is on file in the committee, is being printed by the committee, and I invite all Senators to review it carefully.

Mr. President, with these qualifications in mind, I support the amendment. There being no objection, the material was ordered to be printed in the Record, as follows:

**President Reagan: Agenda for Peace**

I speak today as both a citizen of the United States and one who some years ago had the heartfelt wishes of my people for peace, bearing honest proposals, and looking for genuine progress. Dag Hammarskjold said 24 years ago this month, “We meet in a time of peace which is no peace.” His words are as true today as they were then. More than 100 disputes have disturbed the peace among nations since World War II, and today the threat of nuclear disaster hangs over the lives of all our peoples. The Bible tells us there will be a time for peace, but so far this century mankind has failed to find it.

The United Nations is dedicated to world peace and its charter clearly prohibits the use of nuclear arms. Yet the tide of belligerence continues to rise. The charter's influence has weakened even in the 4 years since the so-called Disarmament. We must not only condemn aggression, we must enforce the dictates of our charter and resume the struggle for peace.

The record is clear: citizens of the United States resort to force reluctantly and only when they must. Our foreign policy is as unambiguous as Jesus’ words: ... is not difficult to state. We are for peace, first, last and always, for very simple reasons. We live in a peaceful environment, a peace with justice, one in which we can be confident that America can prosper as we have known prosperity in the past.

To those who challenge the truth of those words let me point out that at the end of World War II, we were the only undamaged nation in the world. Our military supremacy was unquestioned. We had advanced technology, we had the atomic bomb, we had the capacity to defend ourselves and to fight our own wars... is not difficult to state. We are for peace, first, last and always, for very simple reasons. We live in a peaceful environment, a peace with justice, one in which we can be confident that America can prosper as we have known prosperity in the past.

In the nuclear era, the major powers bear a special responsibility to ease these sources of conflict and to refrain from aggression. And that's why we're so deeply concerned by Soviet conduct. Since World War II, the U.S. has responded to each Soviet violation of the Yalta agreements leading to domination of Eastern Europe, symbolized by the Berlin Wall—a grim, gray monument to repression that I visited just a week ago. It includes the takeovers of Czechoslovakia, Hungary, and Afghanistan and the ruthless suppression of peoples under Soviet domination. Soviet-sponsored guerrillas and terrorists are at work in Central and South America, in Africa, the Middle East, in the Caribbean, and in Europe, violating human rights and undermining the world with violence. Commu­nist atrocities in Southeast Asia, Afghan­istan, and elsewhere threaten the free world as refugees escape to tell of their horror.

The decade of so-called detente witnessed the most massive Soviet buildup of military power in history. They increased their defense spending by 40% while American defense spending actually declined in the same real terms. Soviet aggression and support for violence around the world have eroded the confidence needed for arms negotia­tions. While we exercised unilateral restraint, they forged ahead and today possess nuclear and conventional forces far in excess of an adequate deterrent capability.

Soviet oppression is not limited to the countries they invade. At the very time the American people are hoping to manipulate the peace movement in the West, it is stifling a budding peace movement at home. In Moscow, banners are snatched, buttons are snatched, and demonstrators are arrested when even a few people dare to speak about their fears.

Eleanor Roosevelt, one of our first ambas­sadors to this body, reminded us that the high-sounding words of tyrants stand in bleak contradiction to their deeds. “Their
promises," she said, "are in deep contrast to their performances."

U.S. LEADERSHIP IN DISARMAMENT AND ARMS CONTROL PROPOSALS

My countrymen learned a bitter lesson in this century: The scourge of tyranny cannot be stopped with words alone. So we have embarked on a new effort to reinforce the strength that had fallen dangerously low. We refuse to become weaker while potential adventurists seek to renew their imperialist adventures.

My people have sent me here today to speak for them as citizens of the world, which they truly are, for we Americans are drawn from every nationality represented in this chamber today. We understand that men and women of every race and creed must work together for peace. We stand ready to take the next steps down the road of cooperation through verifiable arms reduction. Agreements on arms control and disarmament can be useful in reinforcing peace, but they're not magic. We should not confuse the signing of agreements with the solving of problems. Simply collecting agreements will not bring peace. Agreements genuinely binding only when they are kept. Otherwise we are building a paper castle that will be blown away by the winds of war. Let me repeat, we need deeds, not words, and the Soviet Union should they choose to join us on this path.

Since the end of World War II, the United States has exchanged nuclear warheads and nuclear energy by an international author­ity. The Soviets rejected this plan.

In 1946, in what became known as the Baruch plan, the U.S. submitted a proposal for control of nuclear weapons and nuclear energy by an international author­ity. The Soviets rejected this plan.

In 1948, the Limited Test Ban Treaty came into force. This treaty ended nuclear weapons testing in the atmosphere, outer space, or under water by participating na­tions.

In 1970, the Treaty on the Non-Prolifera­tion of Nuclear Weapons took effect. The United States played a major role in this key effort to express our commitment to cur­-rent levels and to strengthening the non­proliferation framework. This is essen­tial to nuclear security.

In the early 1970s, again at U.S. urging, agreements were reached between the United States and the U.S.S.R. for ceilings on some categories of weapons. They could have been more meaningful if Soviet actions had shown restraint and commit­ment to achieving lower levels of force. An Agenda for Peace

The United Nations designated the 1970s as the First Disarmament Decade, but good intentions were not enough. In reality, that 10-year period was marked by an upswing in military weapons and the flaring of aggression and use of force in almost every region of the world. We are now in the Second Disarmament Decade. The task at hand is to assure civilized behavior among nations, to unite behind an agenda for peace.

Over the past 7 months, the United States has put forward a broad-based comprehen­sive series of proposals to reduce the risk of war. We have proposed four major points as an agenda for peace:

1. Elimination of land-based intermediate-range missiles;
2. A one-third reduction in strategic ballistic missile warheads;
3. A substantial reduction in NATO and Warsaw Pact ground and air forces; and
4. New safeguards to reduce the risk of accidental war.

We urge the Soviet Union today to join with us in this quest. We must act not for ourselves alone but for all mankind.

On November 18 of last year, I announced U.S. objectives in arms control agreements:

1. They must be equitable and mutually sig­nificant, they must stabilize forces at lower levels, and they must be verifiable.
2. The United States and its allies have made specific, reasonable, and equitable proposals. In February, our negotiating team in Geneva offered the Soviet Union a draft treaty on intermediate range nuclear forces. We offered to cancel deployment of our Pershing II ballistic missiles and to remove our ground-launched cruise missiles in exchange for Soviet elimination of their SS-20, SS-4, and SS-5 missiles. This proposal would unimpeachably close systems about which both sides have expressed the greatest concern.

The United States is also looking forward to beginning new strategic arms reductions with the Soviet Union in less than 2 weeks. We will work hard to make these talks an opportunity for real progress in our quest for peace.

On May 9, I announced a phased ap­proach to the reduction of strategic arms. In a first phase, the number of ballistic missile warheads on each side would be reduced to about 5,000. No more than half the remaining warheads to be deployed mis­siles. All ballistic missiles would be reduced to an equal level at about one-half the cur­rent U.S. number.

In the second phase, we would reduce each side's overall destructive power to equal levels, including a mutual ceiling on all nuclear missiles at the current U.S. level. We are also prepared to discuss other elements of the strategic balance. Before we return to Europe last week, I met in Bonn with the leaders of the North­Atlantic Treaty Organization. We agreed to introduce a major new Western initiative for the Vienna negotiations on mutual bal­anced force reductions. Our approach calls for common collective ceilings for both the NATO and Warsaw Pact organiza­tion. After 7 years, there would be a total of 700,000 ground forces and 900,000 ground and air force personnel combined. It also in­cludes a package of associated measures to encourage cooperation and verify compli­ance.

We urge the Soviet Union and members of the Warsaw Pact to view our Western pro­posal as a means to reach agreement in Vienna after 9 long years of inconclusive talks. We also urge them to implement the 1975 Helsinki agreement on security and co­operation in Europe.

Let me make it clear that for agreements to work, both sides must be able to verify compli­ance. The building of mutual confidence in compliance can only be achieved through greater openness. I encourage the Special Session on Disarmament to endorse the im­portance of these principles in arms control agreements.

I have instructed our representatives at the 40-nation Committee on Disarmament to renew emphasis on verification and compli­ance. Based on a U.S. proposal, a commit­tee has been formed to address the issues as they relate to restrictions on nuclear testing. We are also pressing the need for effective verification provisions in agreements on chemical weapons.

The use of chemical and biological weapons has long been viewed with revulsion by civilized nations. No peacemaking institu­tion ignores the use of these weapons and still live up to its mission. The need for a truly effective and verifiable chemical weapons agreement has been highlighted by recent events. The Soviet Union and their allies are violating the Geneva Protocol of 1925, related rules of international law, and the 1972 Biological Weapons Convention. There is conclusive evidence that the Soviet Government has provided toxins for use in Laos and Kampuchea and are themselves using chemical weapons against freedom fighters in Afghanistan.

We have repeatedly protested to the Soviet Government, as well as the govern­ments of Laos and Vietnam, their use of chemical and toxin weapons. We call upon them to cease and desist and respond to our calls to their countries or to territories they control so that U.N. experts can conduct an effec­tive, independent investigation to verify ces­sation of these horrors.

Evidence of noncompliance with existing arms control agreements underscores the need for a new approach to arms control agreements with care. The democracies of the West are open societies. Information on what is available to our citizens, our elected officials, and the world. We do not hesitate to inform potential adversaries of our military forces and ask in return for the same information concerning theirs. The amount and type of military spending by a country are important for the world to know, as a measure of its intentions, and the threat that country may pose to its neighbors. The Soviet Union and other closed so­cieties go to extraordinary lengths to hide their true military spending not only from other nations but from their own people. This practice contributes to distrust and fear among us.

Today, the United States proposes an international conference on military expendi­tures to build on the work of this body by providing a comprehensive basis for arms control agreements with care. The democracies of the West are open societies. Information on what is available to our citizens, our elected officials, and the world. We do not hesitate to inform potential adversaries of our military forces and ask in return for the same information concerning theirs. The amount and type of military spending by a country are important for the world to know, as a measure of its intentions, and the threat that country may pose to its neighbors. The Soviet Union and other closed so­cieties go to extraordinary lengths to hide their true military spending not only from other nations but from their own people. This practice contributes to distrust and fear among us.

Last Friday in Berlin, I said that I would leave no stone unturned in the effort to re­inforce peace and lessen the risk of war. It's been clear to me that steps should be taken to improve mutual communication and con­ference and lessen the likelihood of mis­understanding.

I have, therefore, directed the exploration of ways to increase understanding and communication between the United States and the Soviet Union in times of crisis. We will approach the Soviet Union with proposals for reciprocal exchanges in areas as advance notification of any major strategic exercises that otherwise might be misinterpreted; advance notification of ICBM (intercontinental ballistic missile) launches within, as well as beyond, national boundaries; and an expanded exchange of strategic forces data.
While substantial information on U.S. activities and forces in these areas already is provided, I believe that jointly and regularly shared information will provide greater and more effective data and diminitive improvement in the surveillance environment and would help reduce the chance of misunderstandings. I call upon the Congress to add to the United Nations in exploring these possibilities to build confidence, and I ask for your support of our effort.

CALL FOR INTERNATIONAL SUPPORT

One of the major items before this conference is the development of a comprehensive program of disarmament. We support the effort to chart a course of realistic and effective measures in the quest for peace. I have come to this hall to call for international support of this effort, and I ask you to reinforce the General Assembly of the United Nations Charter— that all members practice tolerance and live together in peace as good neighbors under the rule of law, forsaking armed force as a means of settling disputes between nations. America urges you to support the agenda for peace that I have assembled here in the name of peace deepen our understandings, renew our commitment to the rule of law, and take new and bolder steps to calm an uneasy world. Can any delegate here deny that in so doing he would be doing what the people— the rank and file of his own country outside of the agency, marks a real and significant commitment to peace in the future and as a complement to the Charter of the United Nations.

As both patriots of our nations and the hope of all mankind, let us make every effort to settle disputes, and to help build the world peace that we have endorsed. Let us finally triumph over our failures of all those who have died for freedom and justice. "It is our duty to the past," Hammarskjold said, "and it is our duty to the future to do our best to keep both nations and the world.

I am firmly convinced that the road we are following is both rational and realistic. We have analyzed the Soviet approach to arms control, and we have concluded that arms control must play a vital role in the conduct of our foreign policy and as a complement to the policy of deterrence. We are committed to deterrence. We shall stand by our Allies and friends, and we shall consult with them on the business of reestablishing our conventional and nuclear deterrent forces. Deterrence has worked in Europe for more than 35 years. As you read through this 1981 Annual Report, I hope you will find, as I did, that the measured and considered approach to arms control, made possible by an exhaustive review and analysis, has, for the first time, resulted in a well considered program to reverse the trends of the past and bring about lasting peace. We intend to pursue arms control and disarmament through agreements that are understandable, verifiable, and equitable. I am certain that I shall be able to call your attention to similar progress in future annual reports.
The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, I ask unanimous consent that the pending Metzenbaum amendment be temporarily laid aside so that we can proceed with some technical amendments.

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

UP AMENDMENT NO. 1317
(Purpose: To make technical corrections)

Mr. HATFIELD. Mr. President, I send to the desk a technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

"The amendment as follows: the Senator from Oregon (Mr. Hatfield) proposes an unprinted amendment numbered 1317.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 34, line 24, strike out "Education" and insert in lieu thereof: "Budget".

On page 36, line 17, after "Sec. 145," insert: "Notwithstanding any other provision of law, the Secretary of Labor and the Secretary of Housing and Urban Development, in consultation with the Department of Justice, shall propose regulations for the purpose of carrying out the provisions of this title." On page 36, line 23, strike out "Committee" and insert in lieu thereof: "Committee on Appropriations, respectively".

On page 7, line 16, strike out all after "author-" and insert in lieu thereof: "have been requested for Foreign Assistance and Related Programs for fiscal year 1983".

On page 36, line 8, strike out all following: "7072" through "22," on line 9 and insert in lieu thereof: "as passed the Senate on September 29."

Mr. HATFIELD. Mr. President, this amendment will correct some noncontroversial technical errors in the continuing resolution. The change on page 34 corrects a public law title citation; the changes on page 36 clarify the intent of section 145 that the nursing home regulation moratorium be extended for an additional 120 days; the change on page 7 corrects the citation for the foreign operations programs; and, finally, the change on page 26 updates the reference for the WIC program to reflect the Senate floor amendment adopted yesterday. This amendment has been cleared by the manager for the minority, and I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment (UP No. 1317) is agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

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

UP AMENDMENT NO. 1318
(Purpose: To make technical corrections)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

"The amendment as follows: the Senator from Illinois (Mr. Percy) proposes an unprinted amendment numbered 1318.

On page 7, line 21, delete the words "or any other provision of law" and insert in lieu thereof: "and delete this phrase from the resolution because I believe the basic provision is not removed.

Mr. President, I have discussed this matter with the Senator Kasten, and I believe a message has been sent to him.

This amendment strikes the waiver on any other provisions of law from the continuing resolution for foreign operations. I move to strike this section because I believe the basic guidelines set forth in law for the operation of foreign assistance programs should not be waived. We have no idea what the consequences would be if that provision is not removed.

Mr. President, I have discussed this matter with Senator Kasten, and I understand that with the deletion of this phrase, the funds provided for in this continuing resolution are consistent with the levels and conditions set forth in authorizing legislation in last year's appropriations bill.

I believe, also, that Senator Kasten has discussed this matter with the chairman of the Appropriations Committee, Senator Hatfield. I ask whether my understanding is correct.

Mr. HATFIELD. Mr. President, the Senator from Illinois is correct.

The amendment offered by the distinguished chairman of the Foreign Relations Committee would strike language inserted by the House, expanding the continuing resolution language which waives certain sections of law so that funds can go forward in the absence of an authorization.

The basic language has appeared in every continuing resolution, at least for the past 10 years, according to my information.

However, I agree with the chairman that the additional language added by the House is not necessary. Therefore, I support his amendment.

This has been cleared by the minority side as well. On behalf of the committee, we accept the amendment.

Mr. PERCY. Mr. President, I very much appreciate the fact that not only the chairman of the Appropriations Committee but also the chairman of the Foreign Operations Subcommittee can accept this amendment. I hope the managers of the bill will be able to prevail on the House conferences to accept the Senate position and delete this phrase from the conference report.

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

The amendment (UP No. 1318) was agreed to.

Mr. PERCY. I thank my distinguished colleague.

Mr. METZENBAUM. Mr. President, what is the pending order?

The PRESIDING OFFICER. The question occurs on the amendments of the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am ready to vote, and I know of no reason why we should not go forward with the vote. I am not willing to set it aside any further.

Mr. HATFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on the printed amendment No. 1319.

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

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

UP AMENDMENT NO. 1319
(Purpose: To make technical corrections)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

"The amendment as follows: the Senator from Wisconsin (Mr. Proxmire) proposes unprinted amendment numbered 1319.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, again I ask unanimous consent to temporarily lay aside the Metzenbaum amendment in order to proceed with another amendment.

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

Mr. HATFIELD. Mr. President, I ask unanimous consent that on the next amendment, which will be the first excepted committee amendment, there be a time agreement that has been cleared with both sides of the aisle, Senator BRADLEY and Senator SMITH, of 30 minutes equally divided.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. HEINZ. Mr. President, reserving the right to object, and I shall not object, it is the Senator's understanding that the Senator from Oregon will offer this amendment in just a few seconds and at that point a point of order could be made against the amendment.

My question is, Would it be in order to reserve the right to make a point of order so that we might debate the substance of the amendment?

The PRESIDING OFFICER. Will the Senator from Pennsylvania restate his inquiry.

Mr. HEINZ. In a few seconds, the Senator from Oregon [Mr. HATFIELD] will offer the committee amendment to section 133. At that point under the parliamentary procedure it would be in order to make a point of order. But the Senator's question is, Would it be in order if the Senator reserved a point of order against the amendment to enter into debate on the amendment and make the point of order at some point later in the debate?

The PRESIDING OFFICER. The point of order would only be in order at the conclusion of the debate in any event.

Mr. HEINZ. I thank the Chair.

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

EXCEPTED COMMITTEE AMENDMENT—PAGE 33, LINES 3 THROUGH 13

Mr. HATFIELD. Mr. President, I ask that the Chair lay before the Senate the committee amendment on page 33, lines 3 through 13.

The PRESIDING OFFICER. The committee amendment will be stated.

The legislative clerk read as follows:

On page 33, beginning with line 3, insert the following new section:

Sec. 133. Notwithstanding section 306 of Public Law 98-272 or section 1122 of the Social Security Act, no payment shall be made, in or with respect to any fiscal year, under the PREX or any other Act, and said award shall not be recovered under the PREX Act, to reimburse State or local expenditures made prior to October 1, 1978, under...
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title I, IV, X, XIV, XVI, XIX, or XX of the Social Security Act, unless a request for reimbursement had been officially transmitted to the Federal Government by the State within the fiscal year in which the expenditure occurred.

The PRESIDING OFFICER. Is there objection to the time limitation of 20 minutes? Without objection, it is ordered.

Who yields time?

Mr. HEINZ. Mr. President, the time is under control in this instance, as I understand the unanimous-consent agreement, jointly between the Senator from New Jersey and the Senator from Oregon. I appreciate the Senator from New Jersey yielding me 4 minutes.

The PRESIDING OFFICER. By unanimous-consent request.

Mr. HEINZ. I request that the Senator from New Jersey yield me 4 minutes.

Mr. BRADLEY. I yield 4 minutes.

Mr. HEINZ. I thank my colleague from New Jersey.

I also rise because I strongly oppose the committee amendment, section 133 of this bill, and join with Senator Bradley, Senator Moynihan, and my other colleagues to see to it that we strike this provision.

It is my intention at the conclusion of the period of debate to offer and make a point against this amendment because it is clearly legislation on an appropriations bill.

But apart from the parliamentary situation, Mr. President, frankly this amendment, whether it is legislation on an appropriations bill or not, is bad legislation.

I know that our credibility is sometimes called into question, especially after we pass a $1 trillion debt ceiling bill. But in this instance we are talking about money that the Federal Government owes the States, some $382 million, that represents the Federal matching share of certain social security programs, AFDC, medicaid, state welfare programs.

I do not think we should begin to give people the idea that the Federal Government is going to welch on any part of its commitments under the Social Security Act programs.

Mr. President, the other point I would make is that the Federal Government has been ordered not once but twice to pay this money, first by a Federal district court and now by a Federal appeals court, and to date the Department of Health and Human Services has refused to honor that court order, and they point to this kind of legislation on this appropriations bill.

Mr. President, the only point that will be served by the Appropriations Committee continuing to put this kind of language in is that the will of the court, the determination of law, is simply going to be avoided. Now, it is going to end sometime, we all know that, and I say the time to end this absolutely absurd deprivation—really a contractual authority that the Federal courts were to slip by us unnoticed—with no action to remedy the inequities it creates.

I submit a table showing States with retroactive social security claims.

The committee recommends this section of the bill to clarify the congressional intent . . . that the claims in question are to be paid only if they had been formally filed with HHS within 1 year after the fiscal year in which the expenditure occurred.

On what grounds can the Appropriations Committee, without any consideration of this issue, go forward with such a clarification of congressional intent?

The States have received no notice of this rule change. The amendment was slipped in very quietly—no notice and no opportunity for the States to be heard. This is clearly a violation of the constitutional protection of due process and protection of vested rights. We simply cannot allow this to happen.

Finally, Mr. President, I would like to respond to the argument that this money would have to come from fiscal year 1982 or fiscal year 1983 appropriations. It is any understanding that the court decision said the funding should come from fiscal year 1981 appropriations. It is my further understanding that that money has been set aside for this and only this purpose. That money should be paid to the States to which it is owed.

Let me summarize, Mr. President, by saying that the Congress established a filing deadline. The States complied. The States have a legal right to the processing and payment of their allowable claims. There is no justifiable reason for extinguishing these claims. We cannot allow such an amendment to slip by us unnoticed—with no action to remedy the inequities it creates.

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I submit a table showing States with retroactive social security claims.

The table follows:

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<tr>
<th>States with retroactive social security claims</th>
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<td>Tennessee</td>
<td>2,000,000</td>
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Mr. BRADLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. The opponents have 7 minutes.

Mr. BRADLEY. I yield 2 minutes to the Senator from New York.

Mr. MOYNIHAN. I thank my friend from New Jersey. I rise here in the company of my friend and neighbor from Pennsylvania.

I would join in the amendment to delete section 133 from the resolution as reported by the Appropriations Committee.

Section 133 would permanently extinguish the rights of States to funds already earned under AFDC, medicaid, and other social security programs. It is an effort by OMB to override both a carefully considered action of the Congress 2 years ago and a very recent decision of a Federal appeals court aimed at OMB’s request at the last minute in committee and is not contained in the continuing resolution reported by the House. No notice was given on any of the affected interests, including the States that spend their own funds in reliance on the promise of Federal reimbursement. There were no hearings or any other opportunity for Members of Congress to consider the full impact of this provision.

The issue involves claims filed by many States for reimbursement of expenditures under matching fund programs. The claims are for periods up to and including fiscal 1978. Almost all involve expenditures in the 1970’s. Some $382 million in claims are at issue. OMB is regularly submitted by the State of New York.

All of these claims were duly filed within the time limit prescribed by Congress in 1980 in section 306 of Public Law 96-272. We adopted section 306—which was reported from the Senate Finance Committee after hearings, and which I sponsored together with Senators HATFIELD, BRADLEY, Tsongas, and others—in order once and for all to set time limits for the filing of State matching fund claims and to put a stop to efforts to insert such limitations in appropriations bills. In order to be fair to the States, which had never previously been subject to any deadlines for filing such claims, section 306 allowed any claims existing at the time of its passage in June 1980 to be filed by January 1, 1981, later extended by an HHS rule to May 15, 1981. The States concurred in this reform of claims filing procedures—and it is important to emphasize that the States did not deserve any blame for the filing of prior-period claims, which can result from court decisions, audits, changes in HHS rules and interpretations, and other causes beyond the States’ control.

Section 306 passed both Houses overwhelmingly, and was explicitly supported on the Senate floor by both ranking members of the Senate Finance Committee, Senators Dozes and Long, and the chairman of the Senate Appropriations Committee, Senator Magnuson.

Despite the passage of section 306, HHS has repeatedly refused to process claims that were properly filed by this statutory deadline, claiming that no funds have been appropriated to pay them. A recent decision of the U.S. Court of Appeals would be more destructive of Federal Columbia Circuit—reaffirmed by that court only last Thursday—held that the claims are payable out of any unexpended balances of fiscal 1981 appropriations. Moreover, they are otherwise allowable on their own merits. The court ruled that HHS should begin processing the claims, and it sent the case back to the lower court to determine the merits. The funds remaining available to pay them. No payment has yet been ordered—that must await processing of the claims on their merits by HHS. Payment of the allowable claims would be from unexpended 1981 balances.

Section 133 of the continuing appropriations resolution would extinguish all legal rights of the States to reimbursement of these claims. This maneuver would nullify our carefully considered action in adopting section 306 in 1980, which was a just and fair resolution of the issue of prior-period claims, and on which the States properly relied in filing these claims. Section 133 is a misuse of the appropriations procedure particularly at this time. The Congress should not allow itself to become a party to attaching such a provision to an urgent appropriations measure at the last minute, and in the process simply wipe out vested legal rights without any process and with no consideration of the merits of the States’ claims. It is hard to imagine an action that would be more destructive of Federal-State relations than summarily to extinguish entitlements after they have been earned and disbursed.

Accomplished action involving the Administration or the Department of Health and Human Services to think it can extinguish legal valid claims? We have passed legislation designed to speed up the submission of claims under the Social Security Act, which is a joint Federal and State activity, and local in many cases well. There is a certain amount of paperwork that slows down a claim as it makes its way through the system. It has been doing so perhaps too slowly. The matters are often litigated at local levels, also slowing the process but insuring validity. We passed that legislation and it is in place. But there can be no question of the validity of these older claims, and it is beyond my imagining that the Senate would seek to extinguish them. If so, the whole Federal-State relationship is clouded, for the integrity of our Government is involved.

The PRESIDING OFFICER. Who yields time?

Mr. BRADLEY. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes and three seconds on the floor.

Mr. BRADLEY. I yield myself 2 minutes, Mr. President.

Mr. President, this amendment is clearly legislating on an appropriation already agreed to. It amends the Social Security Act in seven different places. Nowhere else in this continuing resolution do we amend the Social Security Act.

This is the legitimate province of the committee of jurisdiction, which is the Committee on Finance, not the Appropriations Committee. All legislation changing the Social Security Act should be accomplished in the Committee on Finance, not in a continuing resolution that will forever alter the Social Security Act.

If the administration or the proponents of this amendment or wherever it originated, I do not know, if they want to prohibit payments of leg­itimate State and local claims for reimbursement under the Social Security law let them do that by coming to the Committee on Finance, making a case and convincing that committee, particularly when what is involved are the legitimate claims of 10 States to date, and potentially 20 States in the next year.

Mr. President, not only is the pay­ment of these claims consistent with the Federal law passed in 1980 but it is also consistent with several rulings of the court of appeals. So, Mr. President, I argue this is a very simple case of whether we are going to amend the Social Security Act in seven titles on a continuing resolution that will forever change the nature of that act.

I hope the Senate will not take that step. I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I am ready to yield back the time.

Mr. SCHMITT. Mr. President, will the Senate yield?
Mr. HATFIELD. I will be happy to yield 2 minutes.

Mr. SCHMITT. Mr. President, will the Senator make it 4?

Mr. HATFIELD. Four minutes.

Mr. SCHMITT. Mr. President, these claims are being referenced by the discussions of my colleagues just preceding, may or may not be valid over that issue. The committee amendment is an amendment recommended by the Secretary of Health and Human Services. It is a fairly complex issue.

However, what is important is that we make clear to the courts that Congress has already expressed its will on this issue. I think it is important before going into any details to recognize that these claims, prior year claims, could go as high as $561 million, according to current estimates. The Members of this body should understand that there is clearly a choice in the present budgetary climate between paying these dubious back claims and funding the vital and unfortunately vulnerable health and education program in this bill and in the future bill to be enacted after the continuing resolution has run its course.

The reason for this is that there is a choice of paying that cost that would count against the labor, health, human services, and education discretionary ceiling for fiscal year 1983, and we are already at that ceiling based on all estimates. Thus, you must make a choice. Do you want to fund these dubious claims going back into the 1980's or do you want to pay for them by cutting discretionary programs, including job training, disease prevention, the National Institutes of Health, mental health research, nurse training, elementary and secondary education, higher education, vocational rehabilitation, and the like? The list, of course, is long. Taking over $500 million out of the discretionary total available to this subcommittee would, in my judgment, be catastrophic on many of these programs. I think the answer is no.

There is in place a law that allows repayment in certain cases. Where recent claims have been filed, the law is very clear about the procedures that must be followed in order to file these claims. Congress has spoken in the past and I think we should be consistent with that statement by the Congress.

Mr. President, the committee has recommended an amendment at the request of Secretary Schweiker. This is a fairly complex amendment which will make clear to the courts an issue on which Congress has already expressed its will.

Before 1980, States could at any time submit prior year claims for services rendered under AFDC, Medicaid, child support enforcement and social services. These claims could come from services rendered in any prior year. Some of these claims are suspect and may represent services authorized by States which were shifted to the Federal Government after the fact.

The continuing resolution for fiscal year 1981, in an attempt to limit the U.S. Treasury's exposure, prohibited the payment of prior year claims for expenditures before October 1, 1978. Later in 1980, Congress passed a conflicting statute which 'held harmless' States that submitted prior year claims for HHS by May 15, 1981. Litigation arose because of these conflicting statutes with 10 States claiming nearly $400 million in prior year claims. The district court decided in favor of the States.

The continuing resolution for fiscal year 1982—December 15, 1981—specifically referenced language which would not allow prior year claims for services rendered before October 1, 1978, date. The court of appeals disregarded that language in a July 27, 1982 decision. A reconsideration by the appeals court was denied September 22, 1982, which means that the Department has 30 days to appeal to the Supreme Court, or the district court may order the Government to pay these claims—unless this amendment is adopted.

The committee amendment will make clear the intent of Congress that the Treasury not pay claims for services rendered before October 1, 1978. Mr. HEINZ. Mr. President, will the Senator from New Mexico yield for a question?

Mr. SCHMITT. Yes; I yield to the Senator on his time.

Mr. HEINZ. Will the Senator yield 30 seconds of his time for a question?

Mr. SCHMITT. Yes; I yield 30 seconds.

Mr. HEINZ. The question I would propose to the Senator from New Mexico is this: He has made the point that almost $500 million would have to be paid out. These claims have been in the mill for 3, 4, 5 years. Why can we not work out a repayment schedule so it does not cause that problem?

Mr. SCHMITT. The Senator knows whether you pay it this year or some other year it is going to come out of the same pot. I think that might be worth discussing between now and when we have another opportunity to debate this.

But, right now, we are up against a situation where, if the Congress does not reiterate its past actions and make it very clear to the courts that we meant what we said and that the appeals court ignored what we said, we are going to be out of a very large number of bucks. And those bucks, somehow or other, are going to have to be coughed up, whether it is this year or next year or the next year.

And it is going to set discretionary levels that the Appropriations Committee has allowed for labor, health, and education programs.

I am sympathetic where these claims have been valid. But I still have another problem. I have to fund the present needs of our people rather than the past ones, if this is the choice that I am faced with.

Now, the Senate obviously can work its will once again, as it has in the past, and I am sure it will.

Mr. HEINZ. Will the Senator yield for 10 seconds? I just think that a repayment schedule would solve all of those problems. So I just cannot agree with the Senator's conclusion, but I thank him for yielding.

Mr. SCHMITT. Mr. President, I re­­serve the remainder of my time.

Mr. BRADLEY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from New Jersey has 2 minutes and 4 seconds remaining and the chairman has 4 minutes and 61 seconds remaining.

Mr. BRADLEY. I yield myself 1 minute.

Mr. President, the following States would be affected by this amendment and end up unable to recoup their reimbursable expenses: California, Connecticut, Illinois, Maryland, Michigan, New York, Oklahoma, Pennsylvania, and Wisconsin. Ten other States will have claims within the next year. Those are: Florida, Georgia, Tennessee, Kansas, North Carolina, Kentucky, Ohio, Massachusetts, Washington, and Missouri.

Those 20 States, Mr. President, would lose money if we agreed to what this amendment does, which is in and of itself unacceptable.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. BRADLEY. I yield myself 45 more seconds. Let me remind the Senate that the continuing resolution coming out of the Appropriations Committees amends seven titles of the Social Security Act and supersedes a valid judgment of the U.S. Court of Appeals.

Mr. President, if the administration, or whoever is the proponent of this amendment, wants to change the Social Security Act, let them come to the Finance Committee and make the argument and let the committee deliberate and vote on the up or down. Don't try to rush it through on a continuing resolution that will forever change this act.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.
The PRESIDING OFFICER. On whose time?

Mr. SCHMITT. 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. HATFIELD. Mr. President, I ask unanimous consent that the Bradley-Heinz amendment now pending be temporarily set aside in order that we may proceed to the rollcall vote on the pending Metzenbaum amendment.

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

Mr. HATFIELD. Mr. President, the yeas and nays have been ordered.

I would also alert the Senate that immediately following this vote there will be a vote on the Helms amendment, by unanimous consent.

VOTE ON UP AMENDMENT NO. 1310

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio, unprinted amendment No. 1310, to amendment No. 3621. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. LONG (when his name was called). Mr. President, on this vote I have a live pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present, he would vote "aye." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. KENNEDY), is necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

Rolcall Vote No. 366 Leg.

YEAS—47

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NAYS—51

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PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Long, against.

NOT VOTING—1

Kennedy

So Mr. METZENBAUM’S amendment (UP No. 1310) to amendment No. 3621 was rejected.

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

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

Mr. METZENBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. BAKER. Mr. President, parliamentary inquiry. Is the rollcall vote just ordered on the motion to table the motion to reconsider?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. KENNEDY), would vote "nay".

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

The result was announced—yeas 50, nays 48, as follows:

Rolcall Vote No. 367 Leg.

YEAS—50

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NAYS—48

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September 29, 1982

Motion to lay on the table the motion to reconsider the vote by which the amendment was rejected was agreed to.

Mr. BAKER. Mr. President, I yield to the Senator from Oregon.

AMENDMENT NO. 3621

Mr. HATFIELD. Mr. President, may I inquire of the Chair if the pending matter now is the Metzenbaum amendment in the first degree; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. And the yeas and nays have been ordered on that?

The PRESIDING OFFICER. They have been ordered.

Mr. HATFIELD. Mr. President, with the consent of the author of the amendment I ask unanimous consent that the yeas and nays on the Metzenbaum amendment in the first degree be vitiated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. METZENBAUM. The Senate has spoken twice on this matter. I have no objection.

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

The question is on agreeing to the amendment of the Senator from Ohio. The amendment (No. 3621) was rejected.

MOTION TO TABLE AMENDMENT NO. 1315

Mr. BAKER. Mr. President, what is the question before the Senate now?

The PRESIDING OFFICER. The question before the Senate is the motion to lay on the table the amendment of the Senator from North Carolina.

Mr. BAKER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, they have been ordered.

Mr. BAKER. I thank the Chair.

Mr. FORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. As I understand it, the next vote will be on the motion to lay on the table the amendment of the
September 29, 1982

CONGRESSIONAL RECORD—SENATE

25721

distinguished Senator from North Carolina (Mr. HELMS).

The PRESIDING OFFICER. The Senator is correct.

Mr. FORD. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from North Carolina.

On this motion, the ayes and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. Kennedy) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "aye.

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

The result was announced—yeas 62, nays 37, as follows:

[Roll Call Vote No. 366 Leg.]

YEAS—62

Baucus Ford Montana
Bentsen Glenn Texas
Biden Gore Indiana
Boren Hart Oklahoma
Bradley Hatfield Alabama
Bradby Heflin Alabama
Bumpers Hinds Arkansas
Burdick Hollings Minnesota
Byrd, Robert C. Riddellentan Virginia
Cannon Inouye Hawaii
Chafee Jackson Rhode Island
Chiles Johnston Florida
Chambliss Kassebaum Kansas
D'Amato Leahy Connecticut
Danforth Levin Ohio
DeConcini Long Arizona
Dixon Mathias West Virginia
Dodd Maseburna Oregon
Durenberger Melcher South Dakota
EagletonMetzenbaum New Jersey
Eron Mitchell Minnesota

NAYS—37

Abdnor Gann Idaho
Andres Goldwater Arizona
Armstrong Grossale Arizona
Baker Quayle Indiana
Boschwitz Hawkins Minnesota
Byrd, Harry F., Jr. Helms South Carolina
Coehran Humphrey Minnesota
Cohen Javich New York
Denton Kasten Minnesota
Dole Lally Wisconsin
Domenici Lugar New Mexico
East Mattingly Arkansas

NOT VOTING—1

Kennedy

So the motion to lay on the table UP amendment No. 1315 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the distinguished Senator from North Carolina (Mr. Helms) be recognized for not more than 1 minute to introduce a distinguished visitor to the Senate.

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

The Senator from North Carolina.

VISIT TO THE SENATE BY SIR JULIAN AMERY, A MEMBER OF THE HOUSE OF COMMONS

Mr. HELMS. Mr. President, I thank the distinguished majority leader.

I know all Senators will join me in welcoming a very good friend, Sir Julian Amery, a Member of the House of Commons. He has been a Member of Parliament for many years, and has served as Air Minister, Minister of State, and other cabinet-level posts. He is a man of extensive diplomatic and military experience in Africa, the Middle East, and China. He was Winston Churchill's personal liaison to Chiang Kai-shek, and he was deeply involved in the Balkans after World War II.

Fellow Senators, I am delighted to present Sir Julian Amery.

[Applause, Senators rising.]

Mr. BAKER. Mr. President, I yield to the minority leader so that he may make a request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes.

Mr. FORD. Mr. President, may we have order so we might be able to hear the leader.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia.

SENATOR JENNINGS RANDOLPH CASTS 10,000TH ROLLCALL VOTE

Mr. ROBERT C. BYRD. Mr. President, I take great pride today in announcing to the Senate that my distinguished senator colleague has just cast his 10,000th rollcall vote. He is the only living Member of Congress to have served in the first 100 days of the Roosevelt administration. The fact that he just cast his 10,000th rollcall vote indicates his dedication to duty, his high sense of purpose and his loyal service to his constituents.

I am very pleased to make this announcement.

I now yield to my distinguished colleague on the other side of the aisle, Mr. BAKER.

Mr. BAKER. Mr. President, if I could have the attention of the Senate just for a moment. I think we owe a special debt of gratitude to the distinguished Senator from West Virginia who has just done a historic thing in casting his 10,000th rollcall vote during his service in the House and Senate.

The debt of gratitude we owe to the distinguished Senator from West Virginia is for the sense of continuity he brings to his long service and the marvelous example he sets for all of us on both sides of the aisle by the dedication of his service.

I join with the minority leader in wishing the Senator well on his next 10,000 rollcall votes.

[Applause, Senators rising.]

Mr. ROBERT C. BYRD. Did the Senator wish me to yield to him?

Mr. RANDOLPH. It would be appreciated if I could respond.

Mr. ROBERT C. BYRD. Mr. President, I yield to my very distinguished senior colleague.

Mr. RANDOLPH. Mr. President, I am very grateful for the expressions given by the Democratic and Republican leaders of the Senate, Roscoe C. Byrd and Howard Baker, and for those Members, who have joined in kinship and kindness for a few minutes in this historic Chamber.

I cherish very, very much our Senate membership with all of you, without exception. And I respect your conscience and decisions and your judgments. There are differences within this body on votes that we come from different States and varying backgrounds. Here, in a real sense, as in the House of Representatives, we are assembled in the forum of the people of this Republic.

I often talk to citizens throughout this country, especially on college and university campuses, urging them to use the ballot in our free elective process. I feel that it is vital to the well-being of this Nation that they study public problems and that they participate in decision making as given to them through the Senate of Independence and the Constitution.

The Congress as now constituted, is approximately 193 years of age. This is not the occasion for me to discuss the crucial issues before us. Mr. President, I have faith in our country and its future and a belief in its inherent goodness and greatness.

Again, I refer to our legislative career. I am grateful for the dedicated members of my staff and for the assistance to me during House and Senate service. Included are the personnel of the committees of which I have been a member.

The Senate staff—all of them—have been helpful.

Citizens of West Virginia have been understanding of our mutual concerns, even when we have differed on votes I have cast.

The family, including Mary, my devoted wife, our stalwart sons, our wonderful parents, my good sister—they were with me in victory and defeat.

Yes, dear colleagues, I love you all. We can, in understanding, serve in this body in whatever are the years given to us to serve.

America is a good country, people believe, and women who believe in what we did in our beginning 200 years ago. In remembering the yesteryears,
let us look forward with confidence to the challenging years ahead.
Your tribute shall never be forgotten.
(Appause, Senators rising.)

CONTINUING APPROPRIATIONS, 1983

The Senate resumed consideration of the joint resolution.
Mr. ROBERT C. BYRD. Mr. President, I now would like to ask the distinguished majority leader, if I may, regarding the program for the rest of the day. I would anticipate that he would propose some unanimous-consent requests which would probably answer the question.

Mr. BAKER. I thank the Senator. Mr. President, since about 11 a.m. today, I have been saying that at some point we have got to try to finish this bill and that I would propound a unanimous-consent request for final passage later today. I had planned to do it earlier, but other circumstances intervened that made that appear undesirable. I think we have reached a point now, Mr. President, where we have worked our way through some of these amendments and sort of have an idea of what is still before us.

There is a formidable number of amendments which have been mentioned or identified. I really hope that all of them—most of them—will not be offered.

What I am going to do at this time, Mr. President, is what I notified Senators on this side by hotline I would do, and I believe the minority leader may have done the same.

Mr. President, I ask unanimous consent that final passage on this measure occur at not later than 4 p.m. today.

I further ask unanimous consent of the Senate that the majority leader retains the right to object.

Mr. BAKER. Mr. President, I am not totally surprised by that but somewhat surprised. What would it take to satisfy the distinguished Senator from South Carolina?

Mr. HOLLINGS. At least a reasonable time to present an MX amendment. I met with the minority leader earlier this morning and we said we would limit ourselves to 1 hour, a half hour to each side. If the majority leader wants to give me the remaining half hour, that will be fine, though I do not know how to gage it.

The second point is with regard to this particular bill being $2.9 billion over the budget. It is not within budget bounds.

I was also going to present a B-1 amendment, but I thought in light of the time, I might not raise that even later on in my amendment.

I know this Senator could very judiciously use 1 hour of time, and I am sure that many other Senators have a similar feeling about their concerns.

Mr. BAKER. This amendment deals with the MX?

Mr. HOLLINGS. Yes.

Mr. BAKER. I do not mean to bargain, at least not openly, but would the Senator consider 30 minutes instead of 1 hour on that amendment?

Mr. HOLLINGS. I talked earlier with the minority leader and the distinguished chairman of the Appropriations Committee, and also the Senator from Colorado who actually offered a similar amendment within the Armed Services Committee. He said no.

Mr. BAKER. I do not think I could offer an agreement without the distinguished chairman of the Armed Services Committee being here. Who else on the floor has an amendment that they absolutely and positively have to introduce?

Mr. TSONGAS. Mr. President, we had a discussion earlier on the same amendment that came up last year, on cost sharing.

Mr. BAKER. Does the Senator from Massachusetts have a suggestion about a time agreement?

Mr. TSONGAS. We have discussed this and 10 minutes to a side would be adequate.

Mr. BAKER. The Senator from Arizona?

Mr. DeCONCINI. One amendment on small business and one on the peso devaluation in Mexico. Twenty minutes for each amendment.

Mr. BAKER. Next, the Senator from Illinois.

Mr. PERCY. An amendment on interstate transfers, which I understand is acceptable to the committee and would not require a rollcall vote. Two minutes would be adequate.

Mr. BAKER. The Senator from Texas.

Mr. BAKER. Twenty minutes equally divided.

Mr. ARMSTRONG. I have an amendment on section 135 of the bill. I would suggest 10 minutes on each side.

Mr. BAKER. Twenty minutes equally divided.

The Senator from Idaho?

Mr. McCLURE. Mr. President, in addition to the one the Senator from Arkansas mentioned, there is a change in language with respect to another section which will take almost no time, and a possible amendment to be added at the end with respect to a pricing study by the Council of Economic Advisers. That will take no more than 10 minutes equally divided.

Mr. BAKER. The first one would take 5 minutes equally divided?

Mr. McCLURE. Yes.

Mr. BAKER. The Senator from New York?

Mr. D'AMATO. An amendment on the financial adjustment factor, an extension of time. Ten minutes equally divided.

Mr. BAKER. I thank the Senator. The Senator from North Dakota.

Mr. ANDREWS. Let me ask the majority leader a question. We have an amendment referencing the transportation bill which has passed the Senate Appropriations Committee. We can doctor up some of the points in it for my colleague from Vermont and my colleague from Illinois if the majority leader can assure me that when
the highway trust fund reenactment comes up tomorrow or the next day we can put the truck width amendment on that bill instead of putting it through here. Will we have time to do that?

Mr. BAKER. Mr. President, I must say I do not know.

Would that be within the jurisdiction of the Public Works Committee?

Mr. ANDREWS. That would be within the jurisdiction of that committee. It would be totally in order on that as an amendment. We could have our vote up or down and we would not have to get into the discussion now.

Mr. BAKER. Mr. President, I see the chairman of the committee here, the chairman of the Environment and Natural Resources Committee.

As I understand the Senator from North Dakota, he is saying that the amendment, which includes the truck width provision, would not be offered to the continuing resolution if we can assure him that he will have that opportunity when the highway extension is offered.

Mr. ANDREWS. That is right. We would then have an up or down vote on that and would not have to take the time of the Senate at this time.

Mr. BAKER. Could I inquire of the chairman?

Mr. STAFFORD. Mr. President, I think my distinguished friend should be aware that a number of our colleagues would be in opposition to the amendment.

Mr. ANDREWS. Let me assure the chairman I am totally aware of the opposition as well as the support for the amendment which exists. It does not matter to this Senator whether the vote comes on that bill on Thursday or Friday or on this bill. I am trying to accommodate the majority leader.

Mr. BAKER. I thank the Senator for his courtesy and cooperation. It is a big help that he is not offering it on the continuing resolution. I will assure him that I will do everything I can within my power to see that the Senator will have time to offer the amendment.

Mr. ANDREWS. I appreciate that.

Mr. BAKER. The Senator from New Mexico.

Mr. DOMENICI. Mr. Leader, I would like to reserve 15 minutes for a colloquy between the distinguished chairman of the committee and the distinguished chairman of the Energy and Natural Resources Committee.

Mr. BAKER. I thank the Senator.

Now, Mr. President, is there another Senator? The Senator from New Mexico?

Mr. SCHMITT. As chairman of the Labor, Health Services, and Education Committee, we have three technical amendments, none of which will take more than 5 minutes apiece, and probably less.

Mr. BAKER. I thank the Senator.
effective. I am not sure what would happen to my amendment in view of Oklahoma. I think they may accept it. I would be glad to make it 10 minutes equally divided.

Mr. BAKER. I thank the Senator.

Mr. MOYNIHAN. The Senator from New York may offer an amendment on the rebuilding of America—a bill I have introduced called rebuilding America.

Mr. BAKER. The whole thing?

Mr. MOYNIHAN. While we are here.

Mr. BAKER. Mr. President, does any other Senator seek recognition? I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I discuss briefly with the Senator from Oregon (Mr. HATFIELD) the International Coffee Agreement, on which I understand there is no problem. I have also discussed it with the distinguished Senator from New York (Mr. OCS). We have agreed it is something that must be done by October 1 or the entire agreement we have negotiated with Brazil would have to be renegotiated, and that is an inaccurate statement?

Mr. MOYNIHAN. Precisely so.

Mr. BAKER. Mr. President, does any other Senator seek recognition?

May I say that, once again, we have a problem. These are the amendments that I have a list of so that Senators will be aware of the memorandum I am working from if I can read it.

A Hollings amendment dealing with MX, 30 minutes equally divided; a Tsongas amendment—I did not make a notation what it is about, 20 minutes equally divided. It is not Clinch River. Oh, it is Clinch River. That is why he did not identify it.

Two DeConcini amendments, one dealing with SBA, one dealing with redistribution, 20 minutes each.

A Percy amendment, 5 minutes equally divided; a Danforth amendment on ADAP, 10 minutes equally divided; a Moynihan amendment on Medicare, 30 minutes equally divided; a staff amendment on highways, 30 minutes equally divided; an Exxon amendment on impact aid, 30 minutes; a Nunn amendment, 10 minutes; Bumpers on Federal lands, 15 minutes; a Ford amendment on billing, 10 minutes; an Armstrong amendment dealing with allocation of community block grant funds, 20 minutes; McClure amendment, 5 minutes; I did not get that notation.

Another McClure amendment, 10 minutes; another amendment by Senator D'Amato on financial adjustment factors, 10 minutes; Mr. DOMENICI, a colloquy, 20 minutes, with 5 minutes of that allocated to the Senator from South Carolina (Mr. HOLLINGS); three technical amendments by Senator Schmitt, 5 minutes each; a Stafford amendment, 5 minutes; a Bumpers colloquy; a Welcker OCS amendment, 15 minutes equally divided; a Stevens amendment, 5 minutes each; two Stevens amendments, 10 minutes each, one dealing with reenlistment, the other not specified yet; a Kennedy jobs amendment, 30 minutes equally divided; a provision for a Nickles second-degree amendment dealing with Davis-Bacon, 10 minutes equally divided; a provision for a Chaffe second-degree amendment. I did not get the designation, but it is 10 minutes equally divided. A Moynihan amendment dealing with rebuilding America, 10 minutes. A Dole coffee agreement; and one I cannot read. The one I could not read was the Glenn amendment, 40 minutes equally divided.

I yield to the distinguished Chairman of the committee.

Mr. HATFIELD. Mr. President, may I make just one observation? I think it will be very important for all the Senators to understand precisely where we are.

After the Senate concludes this continuing resolution, it will take in the neighborhood of 4 hours for the staff to prepare the document to send to the House before we can have a conference. We have between 8 and 9 hours of amendments, not counting any rollcall votes, if they all utilize the full time that has been indicated at this point.

All right, add to that 8 or 9 hours however many rollcalls we have. Then let us assume we have final passage. It is going to take 3 hours to get the document prepared to go to conference.

Let me also inform Senators that once the House and Senate go to conference, it is going to take a number of hours because we have many issues to resolve. It takes between 7 and 8 hours after the conference is concluded for the document to be returned to the respective Houses to vote on the report. It takes 12 hours for the enrolling clerk of the House of Representatives to prepare the document to send to the White House. It is obvious we are not going to finish before midnight tomorrow night.

Now, this is the backup position. We will have a resolution for 1 week, a continuing resolution to extend for 1 week, and all Senators will be back next week because we cannot let this Government come to a halt tomorrow evening even if we do not get the conference to finish before midnight.

I put the Senator on notice that there is no reasonable or human way possible to complete our work with this particular identification of the amendments yet to be finished on this continuing resolution.

So let us just make sure we understand where we are, because the Appropriations Committee cannot bail out the Senate. There is no way in which we can procedurally handle the responsibilities of the House and the Senate by midnight tomorrow night. The only way we can keep this Government going is to have a brief resolution for 1 week, and that means we will have to come back next week to handle that.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, the chairman of the Appropriations Committee states the situation absolutely correctly.

I said in the course of the debate on the debt limit that it looked like we were getting so that we passed two bills every year, one was the budget resolution and the other was the debt limit, because at that time it looked like the debt limit might be loaded up with a full year's agenda of legislative activity, but I was wrong. We pass two bills every year, but the debt limit, the other is the continuing resolution making appropriations.

Mr. President, we simply cannot do it the country's work this way. We simply must not continue with 40-some-odd amendments that we have, and half of them are amendments that developed since we last took the inventory.

Mr. President, I do not know what we are going to do to try to put this right, and it is too late to do anything this year. However, next year we are going to have to give some careful attention to what independent action the Senate can take to try to move the appropriations process without waiting for the House of Representatives, as this body has done for 200 years. Maybe the Constitution says we cannot do that, but I am not convinced the Constitution says we cannot do it. The Constitution says that we cannot originate revenue bills. I suppose we cannot originate a tax bill, although we would have a hard time convincing Ross Perot and Bob Dole.

Mr. President, one way or the other, next year we must get our way out of this business of trying to do the appropriations of this country in such a delayed time late in the session and against an adjournment deadline. I do not think we have any alternative. If we are going to try to work out these 40 amendments, indeed, we are going to have next week. If Senators persist in offering those amendments, I intend to leave the floor and call the Speaker and the minority leader of the House and tell them it is not possible for us to finish this bill before midnight and respectfully request them to send us some sort of emergency short-term legislation.

This is a full year's work, and there is no way we can transact that business.
Mr. President, I will not now make a request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. ROBERT C. BYRD. Mr. President, I hope the distinguished majority leader will proceed to get some of the amendments on some of the agreements, because even if we get a resolution extending the date by 1 week, there can be amendments offered to that measure as well.

I hope that we can proceed with this measure even though it may take us late into the evening or into the morning and then see where we go from there.

I for one am not willing to agree that we have to extend the deadline by 1 week simply because there are several amendments. I hope that the distinguished majority leader will try to get the agreement so far as those amendments are concerned; it will be that much work accomplished.

Mr. BAKER. Mr. President, let me put the request at this time on the amendments that we have listed.

Mr. President, I ask unanimous consent that the Bumpers amendment dealing with the MX to the continuing resolution presently before the Senate, which language will continue through each of the requests that I make, there be 30 minutes equally divided.

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. On an amendment by Mr. Taft, dealing with Clinch River, I ask unanimous consent that there be 20 minutes equally divided.

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

Mr. BAKER. On a DeConcini amendment dealing with small business, 20 minutes equally divided.

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

Mr. BAKER. On a DeConcini amendment dealing with peso devaluation, 20 minutes equally divided.

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

Mr. BAKER. On a Percy amendment dealing with what?

Mr. PERY. Interstate transfer.

Mr. BAKER. Interstate transfer of what?

Mr. PERCY. Highway funds.

Mr. BAKER. Highway funds, 5 minutes equally divided.

Mr. PERCY. Mr. President, because the Senator from Illinois has to keep a binding engagement in Chicago today, would the majority leader be able to assure the Senator that he would take the amendment— it would take 5 minutes and no rollcall vote—before departure at quarter to 6?

Mr. BAKER. I will do my best.

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

Mr. BAKER. Was the request granted on Percy?

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

Mr. BAKER. A Danforth amendment dealing with ADAP, 10 minutes equally divided.

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

Mr. BAKER. A Moynihan amendment dealing with medicare, 20 minutes equally divided.

Mr. MOYNIHAN. Mr. President, can we make that 10 minutes equally divided?

Mr. BAKER. I thank the Senator.

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

Mr. BAKER. A Ford amendment on highways, 30 minutes equally divided.

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

Mr. BAKER. An Exxon amendment dealing with impact aid, 30 minutes equally divided.

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

Mr. BAKER. A Nunn amendment dealing with the language that the Senator spoke of.

Mr. METZENBAUM. What is it?

Mr. MOYNIHAN. Dealing with medicare research.

Mr. BAKER. The President's Commission on Biomedical Ethics, 10 minutes equally divided.

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

Mr. BAKER. A Bumpers amendment on Federal land, 15 minutes equally divided.

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

Mr. BUMPERS. Mr. Leader, that is resolved. We can just throw that in. The committee will accept it. Senator McClure and I have agreed to that amendment.

Mr. BAKER. I thank the Senator. We will leave it there, and hope that it disappears.

A Ford amendment dealing with billing for office expenses, 10 minutes equally divided.

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

Mr. BAKER. An Armstrong amendment dealing with the allocation of community block grants, 20 minutes equally divided.

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

Mr. BAKER. A McClure amendment, 5 minutes.

Mr. MccLURE. That is on clarification of the wilderness withdrawal from mineral exploration, just changing language.

Mr. METZENBAUM. I reserve my right to object until I get a chance to see it.

Mr. BAKER. Very well. Another McClure amendment dealing with a pricing study, 10 minutes equally divided.

Mr. METZENBAUM. Study?

Mr. BAKER. Study. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. A D'Amato amendment on financial adjustment factors, 10 minutes equally divided.

Mr. METZENBAUM. I object until I know what that is. I do not know what "financial adjustment factor" is.

Mr. D'AMATO. We have no problem. It has to do with section 8 housing and extending the deadline from October 1.

Mr. METZENBAUM. I have no objection.

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

Mr. BAKER. A DeConcini colloquy, 20 minutes.

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

Mr. BAKER. Schmitt, three technical amendments, 5 minutes each.

Mr. ROBERT C. BYRD. Mr. President, I reserve the right to object until we can find out what those technical amendments are. Will the majority leader proceed?

Mr. BAKER. Yes. Mr. President, I will come back to that then.

A Stafford amendment, 5 minutes.

Mr. STAFFORD. Five minutes, and it involves a colloquy in which, as chairman of the Committee on Environment and Public Works, I will ask the chairman of the Transportation Subcommittee of the Committee on Appropriations to withdraw some language from the continuing resolution.

Mr. BAKER. Five minutes for a colloquy in favor of the distinguished Senator from Vermont.

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

Mr. BAKER. A Bumpers colloquy. I do not have a time. One minute.

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

Mr. BAKER. A Welcker amendment on the Outer Continental Shelf, 15 minutes, equally divided.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Oklahoma, reserves the right to object.

Mr. BAKER. Three committee amendments, 5 minutes each.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the majority leader pass those over for the moment?

Mr. BAKER. Yes.

Mr. STAFFORD. A Stevens amendment dealing with reenlistment, 10 minutes, equally divided.

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

Mr. BAKER. A Stevens amendment, 5 minutes.

Mr. BAKER. I will not put at this time, since I do not know the subject matter.
A Glenn amendment dealing with research, 40 minutes, equally divided.

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

Mr. BAKER. A Kennedy amendment dealing with jobs, 30 minutes, equally divided.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader pass out objection, it is so ordered.

Mr. BAKER. Yes. Does the Senator wish me to pass over the second-degree amendments as well?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. A Moynihan amendment dealing with the rebuilding of America, 10 minutes, equally divided.

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

Mr. BAKER. A Dole amendment dealing with coffee agreements, 10 minutes, equally divided.

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

Mr. BAKER. Mr. President, I will ascertain the description of the other amendments, and I will be back for another sitting. It is my purpose then to ask unanimous consent that only these amendments will be in order.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I would have to object to that request.

Mr. BAKER. The distinguished majority leader be willing to try to get a consent order that the rollover votes for the remainder of the day be 10 minutes each.

Mr. BAKER. Mr. President, I would not like to do that because we have Senators in other parts of the building and, in some cases, off the Hill, temporarily. As we have the votes back-to-back, I would be happy to do that.

Mr. BRADLEY. Mr. President, would it also be in order that on the amendment that is now pending before the Senate, on which we are trying to work out an agreement, if a substitute is offered, there might be a necessity for no more than a 5-minute colloquy? I understand that Senator Sullivant has 4 minutes remaining on his side, and I have 1 minute remaining on mine. So we can transfer the remaining time.

Mr. BAKER. I have no objection to that; and if the managers of the bill make that request, I am sure it will be granted.

Mr. HOLLINGS. Mr. President, will Senator yield?

Mr. BAKER. I yield.

Mr. HOLLINGS. Will the distinguished Senator from Texas want more time or less time? I did not understand the objection to the time agreement.

Mr. BAKER. I will make an effort to find that out.

Mr. ROBERT C. BYRD. Mr. President, there may be no objection to the time requested on the committee amendments, except to be reminded of what those committee amendments are. Could the clerk do that for us, quickly?

The legislative clerk reads as follows:

The pending committee amendment is page 33, lines 3 to 13. The remaining two after that amendment, through page 37, line 7; and the final one is page 38, lines 14 through 34.

Mr. ROBERT C. BYRD. Could we resolve the question I have asked?

Mr. METZENBAUM. I think that is one of these.

Mr. ROBERT C. BYRD. I beg the Senator's pardon.

Mr. BAKER. The three committee amendments are a social security amendment, an FTC amendment which will be withdrawn by the Senator from Idaho, and a highway amendment.

Mr. METZENBAUM. I thank the Senator.

Mr. ROBERT C. BYRD. I have no objection to the majority leader's request on those three amendments.

Mr. BAKER. I renew my request: 5 minutes on each of the three committee amendments as I have just identified them.

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

Mr. ROBERT C. BYRD. I ask one other question of the majority leader. As the orders now stand, second-degree amendments to the amendments would be without any time whatsoever. Would the majority leader make the request that there would be at least 5 minutes or 10 or some time on the basic amendment allotted to the second-degree amendment?

Mr. BAKER. Mr. President, we suggested but did not get an order for 10 minutes on second-degree amendments.

I ask unanimous consent that on all those first-degree amendments on which time limitations have been granted, the time on any second-degree amendment be limited to one-half of the time granted to the first-degree amendment, to be equally divided and controlled in the usual form.

Mr. ROBERT C. BYRD. And that the second-degree amendment be germane to the first-degree amendment.

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

Mr. BAKER. I yield.

Mr. BUMPERS. Mr. President, will the amendment be redeemable?

Mr. BAKER. I yield.

Mr. BUMPERS. I asked earlier for 5 minutes for a perfecting amendment, an amendment in the second degree to the amendment of the Senator from New York, and it is not germane to his amendment. All I ask is that one exception, to which the Senator from New York has objected.

Mr. MOYNIHAN. On the first of the two amendments listed for me, the Senator from Arkansas has a second-degree amendment he would like to offer, and it is not germane to the amendment I have agreed to. Might that be an exception to the request the majority is proposing?

Mr. BAKER. There is another one which I am sure the distinguished occupant of the chair, the Senator from Oklahoma (Mr. Nickles) wishes to qualify on the same basis.

The PRESIDING OFFICER. The Senator is correct.

Mr. METZENBAUM. Reserving the right to object, I have a concern about the second-degree amendment matter.

Mr. ROBERT C. BYRD. To what? Mr. MOYNIHAN. To the Senator.

Mr. BAKER. There is no limit as to what may be offered as a second-degree amendment at the present time, and it would just mean that the door would be wide open for non-germane amendments with a limitation of time.

Mr. BAKER. The request I have now put is that the second-degree amendment must be germane to the first-degree amendment, with two exceptions. The first is the Bumpers amendment to the Moynihan amendment, and the second would be the amendment to the Kennedy amendment. The first would be the Bumpers amendment to the Moynihan amendment.

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

Mr. BAKER. Mr. President, let us see where we are. The request that half of the time be allocated for debate on secondary amendments has that request been granted?

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Oklahoma, would object to that request.

Mr. BAKER. Mr. President, I will not put that request at this time. I will continue to work it out.

As I understand it, what we have is a list of amendments, all in the first degree, on which we have time limitations as of this moment. I inquire of the Chair: In the present status of the unanimous-consent order, what time would be available for the debate on second-degree amendments?

The PRESIDING OFFICER. Under the present circumstance, second-degree amendments would be nondebatable.

Mr. BAKER. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, I hope the majority leader is able to get consent with respect to amendment to the Kennedy amendment to those first-degree amendments on which time has been agreed to.

Mr. BAKER. I am happy to do that.
I think the hangup is on the question of two perhaps nongermane amendments, and I recommend that we go ahead and qualify those two and then consider a provision that, second-degree amendments would have half the time of the first-degree amendments and that they must be germane to the first-degree amendments except in those two identified cases.

Mr. ROBERT C. BYRD. Except in those two cases. On the Kennedy amendment there has been no time agreed to on that amendment and so the request with respect to second-degree amendments would not pertain to that amendment.

Mr. BAKER. That is correct, unless we get the time limitation on the Kennedy amendment, in which case it would.

Mr. ROBERT C. BYRD. I wish to reserve the right to object on that one at that point.

Mr. BAKER. We should just get the agreement with respect to the other amendment, the first-degree amendment that has been entered into with respect to time, if we get consent that with respect to second-degree amendments to those amendments that the second-degree amendment would have to be germane and would be limited in time to half of the time allotted to the first-degree amendment.

Mr. BAKER. Mr. President, I have no personal problem with that, but where we are headed is into a very difficult situation because we are limiting all of these amendments except Kennedy, and it may be that that debate can go on endlessly. I am not prepared to tie down everyone in the Senate with these amendments unless we can get a package put together that looks like it will let us complete this measure.

So, Mr. President, at this time I will not put any further request, and I hope to be able to do that in just a moment.

Mr. SCHMITT. Mr. President, will the majority leader yield one moment?

Mr. BAKER. Yes.

Mr. SCHMITT. It is my understanding that the distinguished minority leader objected to the technical amendments that I would offer. Was that because of not knowing what those amendments were?

Mr. ROBERT C. BYRD. Yes.

Mr. SCHMITT. I am sorry. The staff had been informed, and I apologize that the Senator was not.

Really now because the request of the Senator from Colorado has been granted for his amendment in his own right, there are only two technical amendments. One has to do with continuing the Public Health Service Commission Corps for the duration of this continuing resolution. The other has to do with continuing the current CETA operations until the act that is in conference becomes law and can replace that program.

Mr. STENNIS addressed the Chair.

Mr. BAKER. Mr. President, if the Senator will permit me to put that request then, with that explanation I ask unanimous consent that there be 5 minutes equally divided on each of the two Schmitt amendments as just described.

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

Mr. METZENBAUM. Mr. President, with the second McClure amendment I am perfectly willing to agree with the time limit, the one having to do with wilderness land.

Mr. BAKER. Mr. President, I ask unanimous consent that, on the wilderness withdrawal amendment to be offered by the Senator from Idaho, there be a 5-minute time limitation equally divided.

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

Mr. STENNIS. Mr. President, I shall be quite brief. I was called from the floor. When the military pay bill is offered here, it will have a very slight but a modest amendment to offer. I will not say that I will now but I might.

Mr. BAKER. Mr. President, the way the thing stands at this time, we are not precluding other amendments except we are limiting time on those listed and providing, as we have already provided, that time on second-degree amendments would be limited to half the time of the first-degree amendments.

I ask unanimous consent as well that in each of those cases if a point of order is made, we have already have a very slight but a modest amendment to offer. I will not say that I will now but I might.

Mr. BAKER. Mr. President, the way the thing stands at this time, we are not precluding other amendments except we are limiting time on those listed and providing, as we have already provided, that time on second-degree amendments would be limited to half the time of the first-degree amendments.

I ask unanimous consent as well that in each of those cases if a point of order is made, we have already have a very slight but a modest amendment to offer. I will not say that I will now but I might.

Mr. SCHMITT. Mr. President, would the majority leader yield?

Mr. BAKER. Yes.

Mr. President, could I first let the Chair consider the request that I just put?

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

Mr. BAKER. Now, Mr. President, I understand that that is satisfactory to the Senator from Wisconsin (Mr. Kasten), so I will put it as well.

Mr. President, I ask unanimous consent—no—let me withhold that. The idea that that time was that we were going to get a time certain and that we would wrap the package up, and I could assure the Senator that no Radio Marti amendment will be offered. I think that is still the case, but let me check on that again if I may.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield...

Mr. ROBERT C. BYRD. I hope that. I am not imposing on the majority leader by asking this question: Has the request been put and ordered that with respect to the amendments on which time has been agreed that amendments in the second degree that the Senator from New Mexico would be limited to half of the time allocated on the basic amendment?

Mr. BAKER. Would the Chair give us the status of this request?

The PRESIDING OFFICER. It is the Chair’s understanding that as put by the Senator from West Virginia, the minority leader, that request has not been made or agreed upon.

Mr. BAKER. Mr. President, I was under the impression that we had it. I am willing to put it now. I regret that we do not have an agreement on the Kennedy amendment. But as it stands at this moment there is no restriction on debate on the Kennedy amendment. There would be no requirement that second-degree amendments be germane absent a unanimous-consent requirement. Therefore, the rights of the distinguished occupant of the chair would not be affected.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Could the Chair state if my understanding of that situation is correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I thank the Chair.

Now, Mr. President, I put that request and so ask unanimous consent.

Mr. President, I failed to say that the Bumpers amendment to the Moynihan amendment is not germane and should qualify notwithstanding.

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

Mr. BAKER. Mr. President, that is a lot of progress, but it is a lot of progress into a thicket. I do not know how we are going to get out of this thicket. But I will desist from making further requests until I can confer with the chairman of the committee and other members.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, what is the pending question and the pending business?

EXCEPTED COMMITTEE AMENDMENT—PAGE 33—BEGINNING ON LINE 3

The PRESIDING OFFICER. The pending question is the committee amendment on page 33 beginning on line 3.

Mr. HATFIELD. All right.

Mr. President, that matter is now ready for resolving, and I yield to the Senator from New Mexico to finish up that business.

Mr. BRADLEY. Mr. President. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.
Mr. SCHMITT. Mr. President, I hate
to say to my colleagues that we have
an unusual problem. We do not have a
copy of the amendment typed in the
usual form, but I think if our col-
leagues will bear with me the group
has met that is concerned about the
bill. It has been really reached an
agreement within ourselves and also
with the Secretary.

Mr. MOYNIHAN. Mr. President, may
we have order? This is a matter of
importance.

The PRESIDING OFFICER. The
Senator is correct.

The Senate will be in order.

The Senator from New Mexico.

Mr. SCHMITT. Mr. President, I sub-
mit that agreement as an amend-
ment in the form of a substitute for
the committee amendment.

The PRESIDING OFFICER. Do
Senators yield back their time on the
committee amendment?

Mr. SCHMITT. I believe that we have
reached an unanimous-consent agree-
ment that we can transfer that time at
this point.

The PRESIDING OFFICER. The
Chair is not aware of such an agree-
ment.

Mr. SCHMITT. Mr. President, I ask
unanimous consent that the time re-
mainling to the two sides be allocated
to the discussion of this substitute
amendment.

The PRESIDING OFFICER. Is
there objection to the request of the
Senator from New Mexico?

Mr. ROBERT C. BYRD. Mr. Presi-
dent, reserving the right to object, and
I do not know that I will object, would
the distinguished Senator repeat his
request? The reason is I have no one
sitting here at the minority leader's
chair.

Mr. SCHMITT. I understand, and I
sympathize with the minority leader.

I believe that the time remaining on the
discussion of the committee amend-
ment be allotted to the discussion of the
substitute which has been agreed to by all
parties.

Mr. ROBERT C. BYRD. I have no
objection.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

Mr. BRADLEY. Mr. President, the
pending business is the substitute of-
tered by the Senator from New
Mexico, is that correct?

The PRESIDING OFFICER. The
clerk will report the substitute.

UP AMENDMENT NO. 1320

The legislative clerk read as follows:
The Senator from New Mexico (Mr.
SCHMITT) proposed an unprinted amend-
ment to section 1320.

Mr. SCHMITT. Mr. President, I ask
unanimous consent that further read-
ing of the amendment be dispensed
with.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

The amendment is as follows:

Sec. Notwithstanding the decision of
the United States Court of Appeals for the
District of Columbia Circuit in Connecticut v.
Schweiker (No. 81-2900, July 27, 1982),
section 133 of the Internal Revenue Code of
1986, and section 4332 of the Social Security
Act, no payment shall be made, in or with respect
to any fiscal year prior to fiscal year 1984, under
this act or any other act and no court shall
award or enforce any payment (whether or not
pursuant to such decision) from such amounts
appropriated or authorized by this act or any
other act, to reimburse State or local expendi-
tures made prior to October 1, 1978, under
title I, IV, X, XIV, XVI, XIX, or XX of the
Social Security Act, unless a request for re-
bursement had been officially transmit-
ted to the Federal Government by the State
within one year after the fiscal year in
which the expenditure occurred. After fiscal
year 1983, any payment made to reimburse
such State or local expenditures required to
be reimbursed by a court decision shall be
made in accordance with a schedule, to be
established by the Secretary of Health and
Human Services, over fiscal year 1984 through
fiscal year 1986.

Mr. SCHMITT. Mr. President, this
amendment merely makes it possible for
the ongoing litigation involving back claims without prejudice to the
courts to any current or future decision.
It will, however, preclude the payment
for those claims until a decision has been
met through the courts, and further authorizes that if the deci-
usions are adverse to the Government
there will be a schedule of payments
beginning in fiscal year 1984 through
fiscal year 1986.

Mr. BRADLEY. Mr. President, will
the Senator yield for two clarifying
questions?

Mr. SCHMITT. I would be happy to
yield.

Mr. BRADLEY. I think the Senator
has said this, but the amendment does
not prejudice the court of appeals' deci-
sion in Connecticut against Schweiker or any other court decision?

Mr. SCHMITT. It does not in either
way.

Mr. BRADLEY. The second, the 1-
year reference in the Senator's amend-
ment, as I understand it, is with re-
spect to those claims filed in 1978
which were filed within the 1-year
cutoff.

Mr. SCHMITT. In no way would it
prejudice those claims as they are al-
ready qualified by law.

Mr. BRADLEY. I thank the Senator
very much for his cooperation in this
matter. I think this is a workable solu-
tion and I yield to the Senator from
New York.

Mr. MOYNIHAN. Mr. President,
may I thank the Senator from New
Mexico? He has been more than gra-
cious.

Mr. SCHMITT. I thank the Senator
from New York and the other Senator
from Pennsylvania (Mr. Hawver) who
was involved in these discussions. He
cannot be with us at this time.

Mr. DANFORTH. Mr. President, I
rise in support of the amendment to
strike section 133 from the continuing
appropriations bill. The amendment is
concerned with the proper claims of a
number of States for reimbursement
from the Federal Government for State
or local expenditures under med-
icaid, AFDC, and other social security
programs. This issue of reimbursing
the States for their Just and lawful
payment has been debated on the floor
of the Senate several times. I thought
this matter was settled in 1979 when
we debated the Adoption Assistance
and Child Welfare Act. The money at
issue is owed to about 20 States, of
whom Missouri is one, for programs,
such as medicaid, which involve Fed-
eral matching funds. The State claims
in dispute are for expenditures made
before October 1, 1978.

The Department of Health and
Human Services does not want to pay
these old claims, and section 133 retro-
spectively sets such a strict limit on
filling those claims that they will not
be paid.

This is similar to the U.S. Court of
Appeals in the District of Columbia, in a July 1982 decision,
held that HHS is liable for the claims.

Clearly what we are talking about
here is retroactively nullifying a previ-
ous congressional appropriation, extin-
guishing vested legal rights, and per-
manently denying reimbursement to
States for entitlement funds already
earned. Again, these matching fund
claims involve moneys that States
spent subject to the Federal Govern-
ment's promise of reimbursement. My
own State of Missouri has reimburse-
ment claims totaling $7.3 million— in
effect we have been extending a $7.3
million interest-free loan to the Fed-
eral Government. We are not talking
about extraordinary expenditures or
unusual claiming practices. We are
only talking about claims which the
U.S. Court of Appeals has ordered
HHS to process, to the extent allow-
able, from unexpended 1981 funds, on
their own merits. Following the court's
ruling, we understand, in fact, review Missouri's $7.3 million worth of claims on their merits, found
that the State of Missouri had taken
every step required by law to submit
and preserve these claims, and had
begun to process the grant award to
the State.

We have spoken of the effect of sec-
ction 133 on pre-1978 claims. But I am
concerned this section also effects the
response claims program for future
years, for each and every State. This section
seem to cut in half the time States will
have to process and file claims.

Section 133 repudiates the basic Fed-
eral compact at the heart of these social security programs. Revers-
al of such a carefully considered con-
gressional policy should not be made
in a last minute rider to a stop-gap
appropriations bill. I urge my colleagues
to support the amendment to strike this section.
Mr. BRADY. Mr. President; I rise in opposition to the committee amendment which adds section 133 to the continuing appropriations resolution. If allowed to stand, section 133 would permit the Federal Government to refund the States for reimbursements of expenses incurred under various titles of the Social Security Acts. It considers section 133 to be a clear case of changing the rules in midstream, and an affront to the judicial process, which has upheld the claims of the States. It deserves to be removed from the continuing resolution.

At stake here is the disbursement of some $382 million owed to the States by the Federal Government in payment for "prior-period" claims under medical, AFDC, child welfare, SSI, and other Social Security Act programs. The States have already spent the money, and are now petitioning the Department of Health and Human Services to pay its share under matching fund programs. The dispute is over whether these claims for payment were filed in a timely fashion, not whether the States have a right to reimbursement.

The fact is that the operative law is Public Law 96-272. That bill contains section 306, which sets a 2-year filing limitation on claims. The States have submitted any claims in existence at the time of the bill's passage to be filed by January 1, 1981. Later regulations from the Department of Health and Human Services extended this filing period to May 15, 1981. This section was enacted as a result of a compromise between the Congress and the States, and represents a sensible solution to the problem of prompt filing of claims, and the unfairness of cutting off valid claims that had never before been subject to filing deadlines. The Congress did consider a more restrictive solution to this problem. The 1980 HHS appropriations bill contained language that would have allowed claims to be paid to the States only if filed within 1 year of expenditure. That language, however, was never enacted into law, since the 1980 HHS appropriations was never cleared by Congress, but rather replaced by a continuing resolution. It is clear that Congress intended to act differently if it had passed the 1980 HHS appropriations, but the fact that it did not do so left the provisions of Public Law 96-272 intact.

This was made completely clear by the unanimous decision of the U.S. Court of Appeals for the District of Columbia Circuit, earlier this year. The Department of Health and Human Services has been refusing to process claims, stating that as they had not been filed within a year of expenditure, it was the intent of Congress that they not be paid. The States involved countered with a lawsuit that asserted their right to reimbursement under the terms of Public Law 96-272. The court's opinion was that the States were indeed correct in their assertions, that the Department had been filed in a timely manner, and to the extent allowable on their own merits, should be paid.

What section 133 does is to upset this ruling. It changes the rules after the fact. It says that Congress actually meant to do something different from what it actually did, and so should not be held accountable for its actions. This is blatantly unfair to the States, which had acted in good faith, and in reliance upon existing laws and procedures.

If section 133 is adopted, my own State of New Jersey stands to lose at least $40 million in substantiated claims. None of these claims is outrageously old. They all date from the 1970's and were filed in accordance with Public Law 96-272. They represent just claims which the Federal Government has an obligation to pay under the statutory entitlements provisions of the Social Security Act.

I am a fiscal conservative, and I have voted on numerous occasions to reduce the growth of Federal spending. But I think it is very unfair for the Federal Government to try retroactively to save money and thereby unfairly financially strapped States of funds which to they are rightfully entitled.

I urge my colleagues to delete section 133, and allow the decision of the court of appeals to stand.

Mr. DOLE. Mr. President, the Senator from Kansas wishes to express his support for the compromise worked out with respect to payment of prior year claims under the Social Security Act programs.

The agreement which prohibits payments for these claims during fiscal year 1983, does not in any way attempt to resolve outstanding court cases, nor does it attempt to change the policy set by the Senate Finance Committee, and the Senate in 1979. Nor does it question the validity of the claims. While recognizing the concern of the Department of Health and Human Services and the concern of the Appropriations Committee regarding the expenditure of funds, this Senator does not wish to prohibit the States from realizing the payments in the future for legitimate claims, if the courts so find.

This compromise lends the decision with respect to scheduling of outyear payments, if they are to be made, to the Senate Finance Committee. This is reasonable given our responsibility for these programs.

Mr. HEINZ. Mr. President, I support this compromise amendment section 133 of the fiscal year 1983 continuing appropriations.

Mr. President, this amendment is intended to provide that any back claims owed to the States will not be paid until fiscal year 1984. Payments will then be made according to a schedule, to be established by the Senate Finance Committee. The schedule will cover a period of 3 years, from fiscal year 1984 through fiscal year 1986.

Mr. President, it is our understanding that the pre-1978 claims will be paid, if allowable, out of fiscal year 1984 through fiscal year 1986.

This amendment is not intended to prejudice in any way, any court cases involving this matter; nor is this amendment intended in any way to raise a question about the validity of any of the pre-1978 claims filed by the States.

Mr. President, it is our expectation that HHS will process these claims on a current basis.

I thank the distinguished Senator from New Mexico for his cooperation in working out this compromise amendment.

Mr. D'AMATO. Mr. President, I rise in support of efforts to delete section 133 of the continuing resolution. This provision would block reimbursement to States for prior period payments made by the States for medicaid, AFDC, SSI, child welfare, and other social service and health programs authorized under the Social Security Act. These funds were expended by the States with the clear understanding that they would be reimbursed for the Federal matching portion of these programs.

Prior to 1980, no time restriction existed with respect to the period within which the States had to file reimbursement claims. In June 1980, Congress established a 2-year funding limit on such claims, but recognized the eligibility of existing claims, provided they were filed during the first part of 1981.

Nevertheless, the Department of Health and Human Services maintained that language contained in several appropriations bills prevented it from reimbursing the States. Recently, a number of States, including New York, filed suit with the U.S. Court of Appeals in the District of Columbia in an attempt to resolve this dispute. The court found that the Department was indeed responsible for providing these funds to the States, and should make the appropriate payments from 1981 funds. Despite this decision, these claims have yet to be processed.

Adoption of the continuing resolution, in its present form would effectively eliminate the ability of the States to recover these funds—payments which they are entitled to receive.
Mr. STAFFORD. Mr. President, I rise to request that the committee amendment on page 26, lines 18 through 25, and on page 27, lines 1 through 7 be withdrawn, and I bring to the attention of my distinguished friend, the chairman of the subcommittee involved in the Appropriations Committee, Senator ANDREWS.

Mr. President, the Federal-aid highway program is unique. This program is funded from the Highway Trust Fund established pursuant to the Highway Revenue Act of 1956. The Committee on Environment and Public Works, under the rules of the Senate, has jurisdiction over the Federal-aid highway program. The programs authorized by the committee under title 23, United States Code, provide contract authority to the Federal Highway Administration without the necessity of an appropriation first being made. The Committee on Environment and Public Works is both the authorizing committee and the committee with spending jurisdiction over this program.

Mr. ANDREWS. Mr. President, will my colleague yield? I can understand the objections of the Senator from Vermont and I agree that an authorization bill is the place to set forth a comprehensive extension of the highway program. I must point out, however, that we are not in the best of circumstances and if this provision is not made in the continuing resolution, the lack of most highway authorizations, and an interstate cost estimate will mean a halt to most of the Federal highway funds on October 1 of this year.

Can the Senator from Vermont, as chairman of the key committee, give me assurances that this will not happen?

Mr. STAFFORD. The distinguished Senator is correct that authorizations for this program expire on October 1, 1982. States are, however, carrying forward approximately $6 billion in unobligated authorizations from previous years which will remain available to them. I am well aware that the amounts being carried forward vary among the States and among the various highway categories. However, because of spending safeguards which have been placed on the Highway Trust Fund, without at least a 1-year extension of the trust fund, we are restricted in the amount which can be authorized in fiscal year 1983 without invoking the Byrd amendment.

Mr. President, when the program was established, could I address the Senator from Vermont and ask him if he is expecting the highway bill to become law before October 1? If not October 1, can the Senator provide any guidance as to when, and if we will have these authorizations essential to getting 1983 funds out to the States?

Mr. STAFFORD. I would reply to my good friend, Mr. Chairman, that the extension of the highway trust fund is within the jurisdiction of the Senate Finance and House Ways and Means Committees. I am pleased that the Senate Finance Committee recognized the urgency of a simple, 1-year extension and reported such legislation out of committee. I am hopeful that the full Senate will expeditiously consider this legislation.

The Senate Environment and Public Works Committee has prepared an amendment in the nature of a substitute to S. 2874, the Federal-Aid Highway Act of 1982. This amendment would provide authorizations to continue the highway program in fiscal year 1983 along the lines of the fiscal 1982 program.

Mr. President, this program is vitally important to every State, and the distinguished Senator from North Dakota (Mr. Andrews) has my assurance that I will do everything possible, within the parameters of the funds available from the highway trust fund, to see that this program does not experience any disruptions.

Mr. ANDREWS. Mr. President, can you assure the distinguished Senator that I have been vitally interested in the one-half percent minimum interstate provision is an important source of interstate funds for some 17 States. In some cases it is the only source of interstate funds for those States. Do we have any assurances that this provision will continue to be included as part of the interstate program?

Mr. STAFFORD. I can assure the distinguished Senator that I have been vitally interested in the one-half percent apportionment for the interstate construction program for many years, with my own State being a one-half percent minimum State. In addition, nine of those States are represented in the Senate Environment and Public Works Committee. I will do everything I can to assure the continuation of this provision, and it will be a part of any 1-year simple extension of the highway program that we may pass.

Mr. ANDREWS. Mr. President, we then have no objection to the request, and I move to withdraw the amendment.

Mr. SYMMS. Mr. President, I am in full agreement with Senator STAFFORD, who so ably chairs the Committee on Environment and Public Works, that the authorization of the Federal-aid highway program should remain within the jurisdiction of the Environment and Public Works Committee. I share the very real concern of Senator ANDREWS, chairman of the Transportation Subcommittee of the full Committee on Appropriations, that the program may prove unimpeached in fiscal year 1983. This is of critical importance to each and every State. However, it is my firm
belief that the program authorization should not be done through a continu­
ing resolution; instead authorization of an extension of the highway pro­gram should stay within the existing jurisdiction of the Environment and Public Works Committee, which func­tions as both the authorizing and spending committee for this very com­plicated and essential program.

The necessary, first step is a simple, 1-year extension of the highway trust fund, and the Environment and Public Works Committee has been working closely with the Finance Committee, which has jurisdiction, on this. With­out the trust fund extension, fiscal year 1983 authorizations will have to be severely curtailed in order not to trigger the Byrd amendment. Legisla­tion with the trust fund extension has now been reported out of committee, and I appreciate the Finance Commit­tee's responsiveness on this urgent matter.

Concurrently, the Environment and Public Works Committee has been preparing an amendment in the nature of a continuing resolution to extend the highway program for 1 year and has asked the Senate Finance Committee to author­ize a 1-year extension of the highway trust fund to accommodate the pro­gram authorization.

The language which the Appropria­tions Committee approved would be impacted by the so-called Byrd amendment which prohibits deficit fi­nancing by the highway trust fund. Only $5.5 billion of new authorizations could be appropriated and available for obligation in fiscal year 1983 under the Byrd amendment. This is substan­tially lower than the authorizations extended by section 129.

I again commend the committee and Senator ANDREWS for the concern demonstrated by inclusion of this provision. I assure you that the Commit­tee on Environment and Public Works will make every effort possible to con­tinue this vital program in fiscal year 1983.

The PRESIDING OFFICER. Is there objection to the request to with­draw the amendment? Without objec­tion, the amendment is withdrawn.

Several Senators addressed the Chair.

EXCEPTED COMMITTEE AMENDMENT ON PAGE 35, LINES 14 THROUGH 24

The PRESIDING OFFICER. The clerk will report the last excepted amendment.

The legislative clerk read as follows:

On page 35, lines 14 through 24 add new language:

S. 257 4. This

EXCEPTED COMMITTEE AMENDMENT NO. 1321

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senate from Illinois (Mr. Percy) for high road purposes and is an unprint­ed amendment numbered 1321.

Mr. PERCY. Mr. President, i ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Add the following new section:

Notwithstanding any other provision of this joint resolution there is appropriated $518 million, to remain available until ex­pended, for Department of Transportation Interstate Transfer grants-Highways, and $985 million, to remain available until ex­pended, for Department of Transportation Interstate Transfer grants-Transit: Provided, That allocations of these funds shall be distributed in accordance with House Report 97-783 or Senate Report 97-567, whichever is higher.

Mr. PERCY. I offer an amendment relating to the interstate transfer app­ropriations in the continuing resolution. The amendment reduces the fiscal year 1982 Interstate transfers by $143 million and accommodates the al­locations for fiscal year 1983 funds recommended by the House and by the Senate. The amendment estab­lishes that the allocations—or ear­markings—in the House and Senate committee reports will apply.

This amendment is of great concern to my distinguished colleague from Il­linois, the Illinois congressional dele­gation, and the Governor of Illinois, all of whom have worked so diligently on its behalf.

The interstate transfer program per­mits local governments to withdraw unbuilt unbuilt mileage from the Interstate Highway System and to use the funds freed by this move for sub­stitute highway and transit projects. Not building the Crosstown Expres­sway in the northeastern Chicago metropolitan area eligible for approximately $2 billion in interstate transfer funds. Illinois' unfunded transfer balance represents nearly 35 percent of the Nation's unfunded bal­ance, more than any other State.

Mr. President, recognizing Illinois' large share of the unfunded balance, the House reported a fiscal year 1983 transportation appropriations bill that provided Illinois with nearly 24 per­cent of the total funds appropriated under this program. While my col­leagues would consider this an ex­tremely generous amount for a single State, I would note that it still falls short of Illinois' fair share of the un­funded transfer balance.

The House appropriated a total of $860 million for the interstate transfer program, earmarking $150 million for Illinois highway projects of the total $500 million in highway funding and
Mr. PERCY. Mr. President, I am pleased to offer, along with my distinguished colleague from Illinois, Senator Percy, an amendment to preserve interstate transfer allocations as included in the fiscal year 1983 Department of Transportation Appropriations bill recently passed by the House of Representatives.

The amendment also protects Senate allocations of interstate transfer funds, where those levels are greater than the House levels.

The net result of this amendment is to hurt no one who was expecting to receive funds under the program, and to provide an overall funding level below the 1982 level, while restoring funds to those areas that would otherwise lose money.

Illinois is one of the States that would otherwise be severely disadvantaged, and I appreciate the efforts and leadership of Senators Andrews, chairman of the Appropriations Transportation Subcommittee, and of Senator Chiles, the distinguished ranking member, in addressing Illinois' problems under the interstate transfer program.

Illinois currently is entitled to $1.9 billion in interstate transfer funds, as the result of agreements reached between the State of Illinois and the city of Chicago not to build the Crosstown Expressway. The Department of Transportation has approved those agreements. Illinois has approximately 35 percent of the outstanding interstate transfer balances, but has received far less than that percentage in past appropriations bills. The amendment would today will not provide Illinois with the amount to which it is equitably entitled, however, it does take a step in that direction. It does provide Illinois with a fair share of interstate transfer funds while not affecting allocations to other areas entitled to interstate transfer money.

I again thank my distinguished colleagues Senators Andrews and Senator Chiles for their willingness to accept this amendment and for their attention to my many requests on behalf of my State. I thank them for their courtesy and I hope the Senate will see fit to quickly adopt this amendment.

The PRESIDING OFFICER (Mr. Hayakawa). Is all time yielded back?

All time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois (Mr. Percy).

The amendment (UP No. 1321) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.
Washington—Federal officials said today that the Office of Management and Budget was studying proposals to raise the cost of the Medicare program by requiring elderly people to demonstrate financial need as a condition for eligibility.

The officials acknowledged that the introduction of a "means test" would represent a significant change, making Medicare less of an insurance program for the elderly and more of an income assistance program like Medicaid.

Lyndon K. Allin, deputy press secretary at the White House, said he knew of "no plans under consideration at the White House involving a cutout tax.

Senior White House officials said they were deliberately keeping themselves uninformed about details of the proposals for Medicare, and said the benefits programs because they did not want to move toward decisions on such controversial issues before the fiscal year 1984 starts.

About 36 million elderly and three million disabled Americans are enrolled in Medicare. The cost, about $5 billion this year, is expected to reach almost $100 billion in 1987 if the law continues unchanged.

Government data indicate that the average Medicare beneficiary, who is defined as a recipient this year is about $2,500. Medicare pays for most of the Medicare costs now borne by the Government would still protect the elderly by paying the cost of hospital and home health care, resigned last week after accepting an academic position and had a lack of enthusiasm for the next round of budget reductions.

Eugene Eidenberg, director of the Demo
cratic National Committee, said that the Administration was serious about a means test for Medicare, it would generate a "firestorm of reaction." He predicted that Republicans would disavow the proposal but that Democrats nevertheless "will campaign on the issue.

FURTHER FUEL ON THE FIRE

"Social Security is already a white-hot issue," Mr. Eidenberg said. "This throws further fuel on the fire."

Mr. Moran of the budget office, using a simile he borrowed, said Alan Greenspan, the economist, to recommend a bipartisan solution to the long-term financial problems of the Social Security system. The commission, which includes seven members of Congress, must submit its report by the end of the year.

In the budget submitted to Congress in February, President Reagan said there was an urgent need to trim the Medicare program because otherwise "the Medicare hospital insurance trust fund will see expenditures exceeding income in 1985 and will be exhausted by the early 1990's."

Some Democrats disagree with that forecast. But in any event, Administration officials said the problems of the Medicare trust fund would probably become worse if there was a transfer of money from the Medicare fund to the Social Security trust fund, which finances old age and survivors insurance benefits. Congress has authorized such "interfund borrowing."

Mr. Teach of the Health Care Financing Administration, who submitted the proposal to Congress in January, is looking for Medicare savings of $4 billion to $8 billion for the 1984 fiscal year, according to officials of the budget office. That would be in addition to the $2.3 billion in savings achieved by Congress through changes in hospital reimbursement rates that take effect in fiscal year 1983, which starts Oct. 1.

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Mr. Moran said, adding that no decisions had been made.

Lynn Etheredge, an economist involved in the discussions at the Office of Management and Budget, said a means test was a way of defining benefits to people who needed them most. He noted the large savings being sought in 1984 and said: "When one starts talking about Medicare reductions, I think it is necessary to start thinking about means testing. Otherwise you really do wind up hurting the poor very badly."
physician services above a specified amount, perhaps $10,000, or $25,000. The elderly could buy coverage for medical expenses below that amount, he said. Those with income above a certain level would have to pay the full cost of such insurance, while the Government would subsidize the coverage of those who could demonstrate financial need.

Under this arrangement, he said, elderly people would be automatically entitled to the portion of Medicare financed through Social Security payroll tax contributions. But the portion of the program financed with general revenues would be subject to a means test.

Dr. Robert J. Rubin, an Assistant Secretary of Health and Human Services, said he doubted that a means test would save much money because the median income of Medicare beneficiaries was only about $15,000 a year.

Other Federal officials said it was not easy to verify the income of elderly people. Large numbers of the elderly file no tax returns, either because they have small incomes or because they receive income, such as Social Security benefits, that is not subject to income tax.

[From the Washington Post, Sept. 18, 1982] U.S. EYES MEANS TEST AS WAY TO RESTRICT MEDICARE BENEFITS (By Spencer Rich)

Proposals to use a means test in Medicare and deny some or most Medicare benefits to high income elderly persons are under study by the Reagan administration.

Sources stressed that consideration of a means test, which had been applied to any major Social Security program, is only in the preliminary stage and may be junked before it gets very far. No decisions have been made, and the idea is just being weighed to see how much it could save for the $55 billion program.

But any plan to use a means test would breach the deeply embedded principle of automatic entitlement to rights earned by paying the Social Security payroll tax and would run into a firestorm of opposition. The AFL-CIO, American Association of Retired Persons and Save Our Security Coalition feared that they would go all out against the plan.

The White House and Office of Management and Budget officials are aware of the potential opposition and are wary of stirring it up. But they are eager to find ways to cut the giant program, both to strengthen its shaky financial condition and to fund other spending generally. Two proposals are under study:

Setting some income cutoff for the elderly, perhaps $30,000 a year, and denying regular Medicare benefits to those over the cutoff. These people, however, would be given a new “catastrophic insurance” guarantee under which, once an individual with heavy medical bills had paid $2,500 or $3,000 out of pocket, the government would pay the rest.

One problem with this idea, according to a government expert, is that very few elderly people have income that high, so in order to get any real money out of this approach, the cutoff would have to be much lower, perhaps as low as $10,000. In that case, large numbers of people of rather moderate income (instead of just a handful of wealthy) would be subject to this tax and have large out-of-pocket medical bills.

The administration is trying to find out how low the cutoff would have to be to realize large savings. If it’s too low, said one administration source, it would be both unfair and “political craziness to try to do it.”

Increasing the amount most Medicare patients pay out-of-pocket for days in the hospital would also make low-income people escape the extra charges. At present, a Medicare beneficiary pays $290 for his hospital stay, but gets free hospital care through the 60th day.

When Congress created Social Security in 1935, it decided against making it a charity program. It decided, said Senator Daniel Patrick Moynihan (D-N.Y.), in opposition to the use of any “means test” for Medicare beneficiaries.

The statement in support of S. Res. 472 was issued by two former Secretaries of Health, Education and Welfare—Wilbur J. Cohen, who held that post in the Johnson Administration, and Arthur Flemming, who headed the Department under President Eisenhower.

Cohen chairs the SOS coalition, which is composed of more than 100 organizations with a combined membership of nearly 40 million adult Americans, divided almost equally between contributors to, and beneficiaries of, social security. Flemming chairs the SOS Advisory Committee.

The SOS statement declared:

“The introduction of a means test to determine what people will receive Medicare benefits is wrong and would undermine the contributory concept on which the entire social security system is based. Such a move would destroy public confidence in the system, because it would require all who are contributing to Medicare, but would make its benefits available primarily to one class of people—those with low incomes.”

“Any reliance on an income test would result in a vastly increased amount of paper work, a larger bureaucracy, and a welfare-type system to replace one in which benefits are made available on a matter of right. Workers and their families build their entitlement on the basis of work and contributions, and there is no justification for tampering with this successful formula.”

“We applaud Senator Moynihan’s action in seeking to preserve the character of social security and Medicare. In particular, so that this system will continue to serve all elderly or disabled Americans and their families.”

“We call on the Senate to ratify this resolution, so that the American people will be reassured that there will be no attempt to erode these critical important benefits.”

NATIONAL COUNCIL OF SENIOR CITIZENS
September 29, 1982
Hon. Daniel Patrick Moynihan
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR MOYNIHAN: The National Council of Senior Citizens, representing over four million elderly persons, most of whom are Medicare eligibles, applauds your sponsoring of S. Res. 472, opposing a Medicare means test. We believe that a means test would destroy not only the health care protection of the elderly and disabled, but also the Medicare program itself.

We believe that to impose a means test on Medicare eligibility or benefit levels can only be regarded as a deliberate destruction of Medicare’s fundamental principles for questionable economic savings. In addition, we consider it a heartless limitation of health care protection for the population in greatest need of health care services.

Older people already pay 20 percent of their incomes toward health care because of Medicare’s limitations. The National Council of Senior Citizens, therefore, believes that there is positively no acceptable rationale for further burdening these citizens. To have them pay every cent of their own limited incomes, or worse, force them to sacrifice their health through a means test, is contemptible public policy.

Therefore we urge your Senate colleagues to join you in opposing a Medicare means test and supporting the look for Medicare program savings through legitimate and equitable industry-wide health care cost containment.

Sincerely,

William R. Hutton
Executive Director.

COMMUNICATIONS WORKERS
OF AMERICA,
Washington, D.C. September 29, 1982
Hon. Daniel Patrick Moynihan
Russell Senate Office Building, Washington, D.C.

DEAR SENATOR MOYNIHAN: The Communications Workers of America strongly supports legislation you have authored, Senate Resolution 472, which expresses opposition to any proposal that would affect eligibility for participation in the Federal Medicare program.

Along this line, the Union has been disturbed to learn that the Office of Management and Budget is studying the idea of imposing a “means test” to limit the protection offered by the Medicare portion of the Social Security system. Such an assault on this essential program could result in reducing assistance to thousands of aged, blind and disabled older Americans.

The late Senator Hubert Humphrey once observed that one of the basic measures of a decent society is how it treats those who are in the “twilight of life.” By its recent admission that it is studying the use of a “means test,” this Administration, however, stands prepared to tolerate a larger human deficit among the elderly, sacrificing their needs upon the altar of the budget deficit. While “survival of the fittest” may serve as the law of the jungle, it has no place in our nation’s social order.

From a different viewpoint, CWA firmly believes that the “means test” proposal is a backdoor attack on the Federal social security system. Adoption of this proposal could be a first step toward applying the budget meat axe to the social security program before the National Commission on Social
Security Reform has issued its report on this subject.

In conclusion, CWA urges Senators to support the legislation when it comes before the Senate for debate and vote next week as an amendment to H.J. Resolution 599, the continuing resolution. On behalf of our members, we ask you to do the right thing. A Senate majority voting for S. Res. 472 opposite the imposition of a means test on eligibility for Medicare benefits.

The Medicare program is part of a compact between older Americans and their government. As workers, today's elderly paid Social Security taxes with the promise of a secure income in their later years. With the inclusion of Medicare into the Social Security system in 1966, these same individuals added a pledge of a portion of their earnings (through the Social Security tax) to the provision of health care services. Older Americans have thus earned the right to the fullest coverage available under the Medicare program.

Any proposal such as the current one by the Office of Management and Budget, to subject Medicare to a means test is a shameless attack on our aged. The effects on the nation's elderly would be financially, physically and psychologically devastating.

Health care costs rose, according to the Bureau of Labor Statistics, by 12.5 percent in 1981. This is the largest increase since the government began reporting on medical costs in 1935 (NYT, 7/27/82). "Total per capita health care spending, not paid for by Medicare, also have grown as a percentage of the elderly's income over the past decade, from 18.6% of total income in 1970 to 19.1% in 1981." (Senate Special Committee on Aging—Information Package, "Medicare Insurance Coverage: In-Depth Analysis," September 1982.)

As described by the OMB the proposal under consideration would have the government continue to pay for hospital and physician services to the elderly above a certain amount (suggested to be $3,000 or $4,000 a year). Older people would then apparently be able to buy coverage below this specified amount. Those individuals with incomes above a given level would have to pay for the entire cost of such insurance and the government would subsidize the coverage of those who could demonstrate financial need. We believe the effects of these requirements for "demonstration of financial need" all too often amongst our retired group will cause many to live in fear of dependency and pride symbolizing years of hard work and contribution to the American economy. When help is needed, merely to ask for it can challenge the pride and provoke great fears of dependency in any older American. With the rising cost of Medicare, SSI, and other Social Security programs, it would be "too much to ask" for an "income guarantee" to "help our children get through college." This would not only jeopardize the integrity of the Medicare program, but would also be a betrayal to the 28 million senior citizens and disabled who rely on Medicare.

We firmly believe that something must be done to control the rapidly escalating costs of health care delivery. However, the only effective and equitable solution is for the Congress to enact a viable comprehensive cost-containment proposal.

Respectfully yours,

SOL C. CHAIKIN,
President, and as Chairman, AFL-CIO Committee on Social Security.


HON. PATRICK MOYNIHAN,
442 Russell Senate Office Building, Washington, D.C.

DEAR SENATOR MOYNIHAN: The AFL-CIO strongly supports the Medicare bills which you introduced on September 21st with Senator Kennedy.

Medicare beneficiaries have paid for their health insurance protection through social security payroll taxes. Means testing is a punitive proposal which would violate compli- cated forms and arbitrary eligibility deter- minations that would put senior citizens in the same category as welfare recipients and force many to purchase private health insur- ance out of their meager monthly benef- its. Older Americans would be faced with a cruel choice between food, fuel and health care, a choice nobody should be forced to make.

We consider the means testing proposal to be another example of the Administration's willingness to slash beneficial services rather than look for legitimate ways of re- ducing medical care costs. Means testing ig- nores the basic defects in our medical care system and would provide no incentive for the real decision makers, namely the provid- ers and suppliers of health services, to con- trol soaring doctor fees and hospital charges.

Sincerely,

RAY DENISON,
Director Department of Legislation.

CONGRESSIONAL RECORD—SENATE


HON. DANIEL F. MOYNIHAN,
442 Russell Senate Office Building, Washington, D.C.

DEAR SENATOR MOYNIHAN: On behalf of American Federation of State, County and Municipal Employees, I want to let you know of our strong support for S. Res. 472.

Means testing, which you introduced along with Senator Kennedy, expresses our strong opposition to means test for Medi- care. A means test would not only jeopardize the integrity of the Medicare program, but would also be a betrayal to the 28 million senior citizens and disabled who rely on Medicare.

We firmly believe that something must be done to control the rapidly escalating costs of health care delivery. However, the only effective method is for the U.S. Congress to enact a viable comprehensive cost-containment proposal.

Respectfully yours,

GERALD W. McEntee,
International President.


DEAR SENATOR: The UAW strongly opposes any move to make Medicare a "means tested" program. Recent reports indicate such a proposal is under consideration by the Administration.

Senator MOYNIHAN has proposed a "sense of the Senate" resolution that would place the integrity of the Medicare program at risk. This means test legislation is totally unacceptable.

We believe that Senator MOYNIHAN will hold his resolution as an amendment on the Senate floor next week. We hope you will support the MOYNIHAN amendment which protects the Medicare program.

Your considered position on this issue will be appreciated.

Sincerely,

DICK WARDEN,
Legislative Director.


DEAR SENATOR MOYNIHAN: On behalf of the Service Employees International Union's 700,000 members, including 250,000 health care workers, I would like to let you know of our strong support for your resolu- tion opposing opposition of a means test in the Medicare program.

A means test would not only jeopardize the integrity of the Medicare program, but would constitute a breach of faith with the 28 million senior citizens and disabled Americans who now depend on the program, and no less with the millions more who expect to rely on Medicare when they retire or someday become disabled.

We believe that something must be done to control the spiraling costs of health care. We are, however, firm in our opposition to so doing through imposing a means test on Medicare. Indeed, we continue to think that the only effective and equitable solution is
comprehensive cost containment legislation. Limiting Medicare eligibility or benefits only to the poorest Americans is not a just or effective substitute. Again, I would firmly support your efforts. Sincerely,

Mr. MOYNIHAN. I yield to the Senator from Colorado, who joins me as an original cosponsor in this matter.

The PRESIDENT. The Senator from Colorado is recognized.

Mr. HART. Mr. President, I am pleased to join with our colleague from New York, who, together with this Senator, recognized immediately the implications of this trial balloon and spoke out publicly.

In fact, Mr. President, when the first indications of an OMB proposal for a means test surfaced, Congressman PETER PESYER and I introduced a joint resolution in opposition to such a proposal. Hopefully both resolutions will result in Congress heading off this unfortunate idea.

We all know, or anyone who has taken the trouble to study the history of the medicare system knows, it is an insurance program. The net effect, in practical terms, of imposing a means test is to transform it into a welfare program in the worst sense of the word.

It would require, in effect, every retired person or every senior citizen in this country registering his or her income level and dependency to qualify for medicare. That would constitute a complete revolution in the medicare system. It would place every retired person and every senior citizen on notice that that individual would have to notify the Federal Government if his or her Federal assistance was that is not what the Congress intended. That is not what the law contemplates. That would completely reverse the intent of the program. It would place the responsibility for basic health care on every senior citizen in this country unnecessarily. For those reasons, if for no others, this resolution should be adopted. But, we must send a signal not only to the administration or anyone else in the executive branch who might be contemplating this very unwise idea, perhaps illegal idea, but more importantly to every retired person and senior citizen that the Senate of the United States and the Congress of the United States will not see a fundamental insurance program transformed into a welfare program.

In support of the resolution, I wholeheartedly commend the Senator from New York for his recognition of its implications. And I think the Senate should speak out strongly and uniformly against this proposal.

Mr. MOYNIHAN. Mr. President, I appreciate the remarks of the Senator from Colorado, but I must insist that we came together to the floor and we feel very firmly that social security is social insurance not welfare.

I reserve such time as I have remaining. The PRESIDENT. The Senator's time has expired.

Mr. SCHMITT. I yield 4 minutes to the Senator from Colorado.

Mr. DOLE. The Senator from Kansas will just take a minute. I do not have any quarrel with the resolution, primarily because I have not seen it. Maybe I will take a look at it.

I do not know of anybody in the administration who is talking about a means test, but maybe if somebody says there is and somebody repeats that somebody says there is, pretty soon it will be a fact.

I have heard what Secretary Schweiker has said in the House hearing. But I do not think we ought to try to deceive people who receive medicare or anything else. The system is about to go broke and the funds are going to be depleted in the hospital fund one of these days. We are already about to break up and the disability fund. So it is easy to stand up and say we are never going to do anything except drain out the money. I do not suggest that has been the intent of this amendment. But I do agree with Secretary Schweiker that is not under active consideration. It would come to the Senate Finance Committee. As far as this Senator knows, no one in the administration has discussed it with anyone on the Senate Finance Committee, unless they have discussed it with the distinguished Senator from Colorado.

Mr. ARMSTRONG. I have not read the resolution, either.

Mr. DOLE. The Senator has not read the resolution, either. So I think we all would agree it probably does not belong here. But I think if, in fact, we want to send a signal to anybody at this time, I think this may be a good way to do it.

Mr. SCHMITT addressed the Chair.

Mr. SCHMITT. Mr. President, again, echoing the Senator's remarks, the committee would have no objection to accepting this amendment. I think it is important, however, to recognize that the Secretary of Health and Human Services, Mr. Schweiker, has said specifically and publicly that he personally opposes the means test for medicare that no senior Department official has been involved in considering means testing for medicare and that he personally feels that in any policy debate within the administration his view on this subject would prevail.

Of course, as the Senator from Kansas has indicated, times change. We sometimes have to discuss things that we do not think we are going to discuss. But certainly at this time, all of us are in agreement that it is not appropriate to discuss means testing.

I think the amendment can be accepted by the committee. If the Senator from New York will allow us, we will vitiate the order for the yeas and nays.

Mr. MOYNIHAN. I have to report that my colleague from Colorado, who was not on the floor when I agreed to that, feels that we should have a 10-minute rollcall vote.

MERCED MEANS TESTING

Mr. BAUCUS. Mr. President, I strongly support this resolution, and I am pleased to cosponsor it. Adopting a means test to determine eligibility for medicare benefits would be a fundamental and inappropriate change in the medicare health insurance program. It would constitute a broken promise to America's 25 million elderly and disabled who rely on the protection that medicare affords. Offering this proposal demonstrates the bankruptcy of this administration's policy toward the most vulnerable members of society.

Mr. President, I do not need to explain to my colleagues that medicare is first and foremost an insurance program. Working Americans contribute payroll taxes and they will become eligible for hospital benefits when they retire or become disabled. Elderly and disabled medicare recipients pay monthly health insurance premiums for the coverage they receive under medicare part b for physicians' services.

The administration wants to convert this insurance program into a welfare program for one reason—the administration wants to halt any increase in Federal outlays for health care. However, this administration does not register beneficiaries to dilute medicare; proposal after proposal to dilute medicare benefits; proposal after proposal to dilute medicare benefits; proposal after proposal to dilute medicare benefits; proposal after proposal to dilute medicare benefits.

There is no question about the administration's medicare goals. The administration wants to put a "cap" on Federal medicare outlays, and it wants to use "vouchering" or "cost sharing," or "means tests" to disguise its basic rejection of the medicare program.

These terms are only code words meant to hide its goal—that they want to turn back the clock on the access to quality health care that medicare provides; and turn our backs on the
September 29, 1982

CONGRESSIONAL RECORD—SENATE 25737

health care needs of a vulnerable segment of American society.

Mr. President, I look forward to working with my colleagues to take steps to control health care costs, to improve Medicare administration, to promote a more effective and competitive health care system. But, I will not break the promise made to the elderly by Congress in 1965 by supporting a Medicare means test. I urge my colleagues to put the Senate on record on this issue; we should support this resolution and reject the proposal of a means test for Medicare eligibility or benefits.

MEANS-TESTING MEDICARE

Mr. KENNEDY. Mr. President, I am strongly opposed to any means test in Medicare. For nearly 2 years the senior citizens of this country have had to live in fear—fear that the two fundamental programs that provide security in their old age—social security and Medicare—will be dismantled. To a large extent, we have been successful in turning back the administration’s assaults against these critical programs. But so long as the administration and its Congress call for massive reductions, we must confront the citizen who can feel secure that their retirement years will be immune from reduction in social security benefits or the ravaging costs of health care. It is unfair to put the elderly of America to such uncertainty and anguish.

Early in their first year, the administration proposed massive reductions in social security that would cost recipients more than $80 billion and cut benefits by 23 percent. That proposal was dramatically and unanimously rejected by the Senate.

But no lesson was learned. The very next year, the Republican controlled Senate Budget Committee adopted a budget resolution which was endorsed by the Republican calling for a $40 billion budget cut in social security over 3 years—a $1,000 reduction for every recipient. This proposal was hastily withdrawn in the face of immediate efforts by my colleagues calling for a $14 billion cut, but it is a clear indication of the failure of the administration to protect the elderly, the disabled and for the working people of America.

Now we learn that the administration is considering proposals to means test Medicare, to protect all of the elderly and the disabled from the high costs of health care. It is a betrayal of the Government’s commitment to the senior citizens of America, who have contributed so much to the growth of our nation.

The proposal to means test Medicare is nothing more than a transparent attempt to shift more and more of the costs of Medicare onto the backs of the elderly. Older Americans already pay a substantial percentage of their limited resources for health care costs. In fact, Medicare pays only 45 percent of the costs of health care for the average elderly American and senior citizens pay an average of over $1,400 per year for health care costs not covered by Medicare—nearly 20 percent of their income. There is simply no justification for shifting even more of the costs to the elderly. We will never contain the skyrocketing costs of Medicare and health care until Congress attacks the problem by reforming our outdated system of reimbursement, which provides incentives to increase, not limit costs. We should not ask the elderly to pay the price of our failure.

When Medicare was enacted in 1965, it was based on insurance principles. Workers and their employers pay into Medicare during their working years in order to guarantee that their basic health care costs will be met when they reach age 65 or become disabled. Means testing Medicare is a betrayal of this basic trust and an affront to the millions of senior citizens who have worked and sacrificed to make our Nation strong. The administration has repeatedly attacked the foundations of this system, first through its unwarranted calls to dismantle the protection of social security and now through its unconscionable attempts to destroy Medicare.

I urge my colleagues to join us in supporting this amendment. Mr. President, I ask unanimous consent to have certain related material placed in the Record.

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

(Marched from the Washington Post, Sept. 22, 1983)

MEDICARE’S FOR EVERYONE

As the administration culls about for ways to lighten the federal budget, its attention is naturally drawn to the Medicare program which, next year, will spend over $50 billion on health care costs. Yet, there is no miracle cure for the high cost of modern medicine as applied to a fast-growing population of elderly, the only way to get quick and big savings is to make retirees pay more of their own medical bills.

Medical care, however, has become so expensive that most elderly and disabled people already find it a strain to cover the part of medical costs that isn’t covered by Medicare. The very poor can also get help from the Medicaid program, but most people can’t qualify unless they have used almost all of their own medical bills. This has led budget planners to think about schemes that would deny full coverage to people with relatively high incomes—in other words, introduce a “means test.”

Health and Human Services Secretary Richard Schweiker, however, told a congressional panel this week that he opposes such an idea and will strongly advise the White House not to propose it. That’s good advice.

There are many practical difficulties with this approach, not the least of which is that to make a proposal politically acceptable, the income limit would have to be set so high that it wouldn’t save much money.

But it’s not the practical difficulties that should give the administration pause. It should look instead at why a lower limit, or any limit at all, would meet with huge political resistance. Most people, with good reason, don’t look at Social Security and Medicare as gifts dispensed by a beneficent government. They look at universal retirement and health insurance as basic services that government should provide in return for the taxes they pay. True, many people could save up to buy health insurance for their old age—though they’d have to pay for it through their own earned incomes in return for the taxes they pay. True, many people could save up to buy health insurance for their old age—though they’d have to pay for it themselves. But that doesn’t mean Medicare should be dismantled.

There are numerous hazards that can’t be planned for—unemployment, divorce, desertion, compelling money demands for a child’s education or a parent’s care. Most threatening is the substantial risk that, just when health coverage is needed most, a private insurer will decide that a person is no longer a “good risk.” Full insurance is something that only government can provide.

That’s why, when the White House reviews its Medicare options, a means test should be ruled out.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
WASHINGTON, D.C., September 24, 1982.

Hon. Edward M. Kennedy,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR KENNEDY: On behalf of AFSCME’s one million members, I want to let you know of our strong support for S. Res. 472.

This resolution, which you introduced along with Senator Moynihan, expresses strong opposition to a means test for Medicare. A means test would not only jeopardize the integrity of the Medicare program, but would also be a betrayal to the 28 million senior citizens and disabled who rely on Medicare.

We firmly believe that something must be done to control the rapidly escalating costs of health care delivery. However, the only effective and equitable solution is for Congress to enact a viable comprehensive cost-containment proposal.

Again, we strongly support S. Res. 472.

Sincerely,

GERALD W. MCENTEE,
International President.
Mr. DOLE. Mr. President, I yield back any remaining time.

Mr. SCHMITT. Mr. President, the committee yields back its remaining time.

Mr. BUMPERS. Mr. President, did I understand the committee chairman to say he yielded back his remaining time?

Mr. SCHMITT. I did.

UP AMENDMENT NO. 1323

(Purpose: To express the sense of the Senate that October 10, 1982, should be declared “National Peace Day”)

Mr. BUMPERS. Mr. President, I send a sense-of-the-Senate resolution to the desk as an amendment in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senate from Arkansas (Mr. BUMPERS) for Senator Glenn, proposes an unprinted amendment number 1323.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the amendment offered by the Senator from New York, add the following:

NATIONAL PEACE DAY

Sec. 1. The Senate finds that:

a. Wars are raging in several parts of the world inflicting incalculable loss of human lives and property, with unbearable human suffering and grief; and

b. The presence of huge nuclear arsenals in the world present an ever present threat to the survival of mankind; and

c. Though war in a very troubled and divisive world is an ever present possibility and threat, the United States has been at peace since the end of the Vietnam conflict; and

d. The benefits of peace and the value of life should be ever present in the thoughts of all people; and

e. A day should be set aside for the American people to reflect on the values of peace and the horrors of war; and

f. The President should proclaim a day of peace and call on the people of the country to commemorate it with such ceremonies and activities as are appropriate and in keeping with an expression of gratitude for living in a great, free Nation at peace.

In view of these findings, it is the sense of the Senate that October 10, 1982, should be designated as “National Peace Day” and that the President of the United States should issue a proclamation calling upon Federal, State, and local government agencies, interest groups, organizations, and the people of the United States, to observe that day by engaging in appropriate activities and programs thereby showing their commitment to peace.

Mr. BUMPERS. Mr. President, this amendment is offered for myself, Mr. DECONCINI, Mr. SPECTER, Mr. DOLE, Mr. President, I yield back any remaining time.

Mr. SCHMITT. Mr. President, the committee yields back its remaining time.

Mr. BUMPERS. Mr. President, did I understand the committee chairman to say he yielded back his remaining time?

Mr. SCHMITT. I did.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The amendment is as follows:

At the end of the amendment offered by the Senator from New York, add the following:

NATIONAL PEACE DAY

Sec. 1. The Senate finds that:

a. Wars are raging in several parts of the world inflicting incalculable loss of human lives and property, with unbearable human suffering and grief; and

b. The presence of huge nuclear arsenals in the world present an ever present threat to the survival of mankind; and

c. Though war in a very troubled and divisive world is an ever present possibility and threat, the United States has been at peace since the end of the Vietnam conflict; and

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Mr. METZENBAUM. No, it does not. The Senator is not on the prevailing side.

Mr. BAKER. Mr. President, let me say this. The Senator from Alabama wanted an opportunity to speak on this motion to reconsider. I am not sure whether he lost the floor or not, but by someone else jumping in and making a motion to table, but that is not the way to treat this. I respectfully urge that we let the Senator make his presentation for 5 or 10 minutes, as he may wish, and then we can have the motion to table.

I ask unanimous consent, Mr. President, that the Senator from Alabama be recognized for 2 minutes on the question of the motion to reconsider.

Mr. MOYNIHAN. Reserving the right to speak, and I am not object to the majority leader, in ignorance of the identity of the Senator from Arkansas, ignored my objection to the amendment offered by my friend Mr. DENTON. Mr. President, yester- day, I entered a written objection to a proposition for which there was unanimous agreement sustained today by the Senate.

I regret that the Senator from Alabama is absolutely right. He had filed an objection which is already set up by others unknown to Members of this body. Tens of thousands of people are set up by those who are foreign to our interests. This is a sucker deal we are falling for, and we are to debate it later I believe that the Senator from Arkansas would respect my views on this matter.

I am not sure whether he would persist, but at least we would remain friends. Yesterday, we had an exchange which was only too brief, and I wish I had a chance to go over it with him more.

The only apology I can offer is that we were trying desperately to handle more than 40 amendments, together with second-degree amendments, and I simply did not ask for an identification of the second-degree amendment. I regret that.

The Senator from Alabama is absolutely right. He had filed an objection in writing to any unanimous-consent agreement on this proposal. That did not come to my attention simply because I failed to identify what that amendment was. I apologize to the Senator from Alabama.

Mr. BUMPERS. Mr. President, if I may take the majority leader off the hook, either this morning or last evening when I first said I would offer this amendment to the second-degree amendment, the nature of the amendment was identified on the floor. It was not when the majority leader was going through those amendments a few minutes ago. I had already said what the amendment was. It had 35 cosponsors, and it never occurred to me that anything as innocuous as apple pie and motherhood would be objectionable.

Mr. DENTON. Mr. President, I am frankly surprised and disappointed that the Senate by unanimous consent agreed to the proposal. That did not come to my attention simply because I failed to identify what that amendment was. I have already said what the amendment was. It had 35 cosponsors, and it never occurred to me that anything as innocuous as apple pie and motherhood would be objectionable.

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be notified in advance in the event of its consideration on the floor as an amendment. Our written objections were filed with the majority leader on September 28, 1982, and I ask that a copy be included in the Record following my statement.

My purpose in placing a hold on the resolution and amendment was to allow the Senate time to examine fully the National Advisory Council of Peace Links, an antinuclear war group based in Washington, D.C., and a behind-the-scenes sponsor of this resolution.

In my capacity as chairman of the Subcommittee on Security and Terrorism, I regularly have access to information that does not normally come to the attention of other Senators. In this connection, I could not help but note that two of the member organizations of the National Advisory Council of Peace Links have been publicly identified as, or linked by the Department of State with, Soviet controlled organizations. These are the Women Strike for Peace, an affiliate of the Soviet controlled Women's International Democratic Federation, and Women's International League for Peace and Freedom. In addition, I note that other sponsors are the radical left-oriented United States Student Association and the Committee for National Security, which was established by the radical left-oriented Institute for Policy Studies.

Mr. President, the fact of the KGB's involvement in the so-called peace movement is well documented. I therefore ask unanimous consent that documents published by Peace Links and some of its questionable component organizations be placed in the Record following my statement. I also ask that two State Department reports described in all of these groups, a report by Western Goals on the "Soviet Peace Offensive," and the April 16, 1982, Information Digest also be placed in the Record at the same point.

Finally, I ask that a reprint of an article from the Reader's Digest by John Barron, entitled "The KGB's Magical War for Peace," be placed in the Record at this point. Mr. Barron, my colleagues will recall, is the author of the definitive "KGB: The Secret Work of Soviet Secret Agents."

Mr. President, let me again state for the record that my purpose in seeking a delay in the consideration of this measure was to afford us time to give close scrutiny to an organization that, however unwittingly, lends itself to exploitation by the Soviet Union in its campaign to promote unilateral U.S. disarmament.

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

**PEACE LINKS—WOMEN AGAINST NUCLEAR WAR**

**PEACE IS WOMEN'S VALUES**

"... Women who have been working for their rights are also working for their values: values that put caring before mistakes, love before glory, the urge to survive over the urge to fight."—Ellen Goodman, Columnist.

**PEACE IS PARTICIPATION**

"... Women are a voice for peace. War is archaic and obsolete."—Mary Grefe, Past President, American Association of University Women.

**PEACE IS PATRIOTISM**

"... I want people to show their love and patriotism for our country by rallying around the flag of peace."—Betty Bumpers, Founder and coordinating council called "Peace Links". An office was donated by the State Nursing Association and the Winthrop Rockefeller Foundation granted seed money.

**PEACElinks-Women Against Nuclear War**

WHEN IS "PEACEDAY"?

Peaceday is to be a celebration of peace, October 10, 1982. States may organize celebrations as appropriate and timely. Arkansas, for example, the PEACE LINKS model state, plans a variety of celebrations that encompass family picnics and peace fairs at schools and colleges as a symbol that education is part of the political process. Local, state and national officials and candidates may speak, and bands and the singing of national and state anthems will figure in the celebrations of peace.

On Peaceday 1982 and in subsequent years, the theme tying together all of the peace festivals will be the gathering of families to express their views on the nuclear threat... to ask publicly that alternatives to war be developed by local, state and national leaders... to demonstrate that the flag can be a rallying point for peace no war... to share the truth that out of the year of nuclear war a movement can grow to help remove the threat of nuclear war to all human life. Peaceday 1983 and 1984 will be a year of grassroots women's groups to announce their own alternatives to war.

WHO ARE THE PEACE LINKS WOMEN?

Since Peace Links has become a national entity, its activities and success are being developed for organizing Peace Links campaigns in 15 states in the...
coming months, i.e., Arkansas, West Virginia, North Carolina, Massachusetts, Tennes­see, Iowa, Oregon, Michigan, Minnesota, Utah, Montana, New Hampshire, Nebraska, and the Wash­ington Metropolitan Area. By the end of 1983 Peace Links plans to be organized in all 50 states.

Prominent women in those states will take active roles in organizing Peace Links activ­ities. These women have organized on a local level or have benefited from the experience and advice of a working National Advisory Council whose members are affiliated with the organiza­tions listed below:


The Advisory Council assists in the organiza­tion of Peace Links in states that do not already have a state organization. It assists in the selection of target states, explores opportunities for international activi­ties, and provides support to the state Peace Links councils.

YOUR ROLE IN PEACE LINKS

Learn as much as you can about nuclear weapons and the arms build-up, including how the money is expended upon weapons, and to understand that concern about nuclear weapons is a global issue. Organize within your civic groups, senior citizens, professional and social organiza­tions, garden clubs, PTA's churches and synagogues to talk about nuclear issues and anxieties, and invite public policymakers to participate in your forums. Affilitate with organizations which have developed expertise and materials on nuclear issues for the general public. Link up with at least one human being from Europe, the Soviet Union, Asia, Africa, Canada, or Latin America to better bring­ing the unique problems of nuclear war to the United States.

PEACE DAY FESTIVAL

Join Us—You could make all the differ­ence—Oct. 10, 1982. This is the day selected in 63 J. Res. 251.

ACTIVITIES INCLUDE: Clowns and mimes, strolling musicians, folk singers, dancers, puppet show, band, jousting tournament. The festival begins at 4 p.m. in the William ter­rids. Enter at 18th or 19th Streets, or Con­stitution Ave. Bring your picnic—rain or shine, or hot dogs, hamburgers, soft drinks can be purchased.

At 3 o'clock, churches of all denomina­tions will ring their bells for PEACE.

Speakers: Mayors, Members of Congress, national officials, prominent citizens.

Sponsored by: Peace Links—Women Against Nuclear War.

[From the New York Times, May 26, 1982]

POLITICIANS' WIVES AND "PEACE LINKS"

(BY BARBARA GAMAREKIAN)

WASHINGTON May 24—When Betty Bumpers, who has recently returned from two months of traveling and speaking on the issue in her home state, said that the comments she received "made me forget to be nervous." With the help of a grant from the Winthrop Rockefeller Foundation, more than 2,000 women are now involved in the Arkansas pilot program; 15 of the state's 75 counties have coordinators and there is a state headquarters in Little Rock.

A Peace Links club is directed toward women. Mrs. Bumpers said that because of their responsibil­ity to wives and mothers, women have assumed a nurturing role and are more will­ing to admit that war in today's world is "ob­solutely ridiculous." But, she added, a break—however small, in whatever corner of
they don't want their children to be the last generation.”

PROMINENT VOLUNTEERS

The national effort is just getting off the ground with a Washington office and the appointment of Nancy Graham, formerly with the national Women's Action Network and some seed money from the Rockefeller Family Fund. There are grant proposals before other foundations, and a number of key women: Rosalyn Carter, in Georgia; Sharon Rockefeller, wife of Gov. Jay Rockefeller, in West Va.; Barbara Levin, wife of Democratic Senator Carl Levin, in Michigan; Teresa Heinz, wife of Republican Senator John Heinz in Pennsylvania, and Nicola Tsongas, wife of Democratic Senator Paul Tsongas, in Massachusetts.

“It is a difficult thing for politicians’ wives to get into, for it can be perceived as a partisan issue,” said Mrs. Bumpers. Her own husband, she said, wasn’t particularly keen about her early efforts, but has changed his mind.

A rally is planned for October 10th, three weeks before election, Mrs. Bumpers said, adding: “Let your congressmen know how you feel. We put them in and we can take them out. Let them find some answers for us.”

(From Women’s International League for Peace and Freedom, Philadelphia, Pa., Sept. 21, 1982)

WOMEN’S VOTING BLOCK: NOVEMBER, 1982

(Contact: Donna Cooper, Program Director, (215) 563-7110 or Jane Midgley, Legislative Director (202) 546-5044.

The Women’s International League for Peace and Freedom, a sixty-seven year old organization, called this press conference to highlight the growing political power of women in this country, especially in the area of opposing the arms race.

Women have always played a leading role in opposing the nuclear arms race. In the sixties, women were instrumental in pushing for an end to above-ground testing of atomic bombs. Women are now leaders in the Nuclear Freeze Campaign and in other peace efforts. When this is combined with women’s contribution to the women’s vote, the voting block of women is a growing force in American politics.

The undeniable fact is that women and men are voting differently and thinking differently on nearly all of the key issues that are likely to affect the power structure of this country. Women are inclined to vote Democratic in this fall’s race for Congress by a 53-35 percent margin, whereas men are closer to a 47-44 percent margin. If these percentages hold until the election, it will mean that the Democrats in Congress will have their enlarged majority almost wholly to the women’s vote. If instead women were to vote in a pattern similar to men, the Democrats could be reduced to a margin of no more than 10 or 15 seats in the House of Representatives.

According to the results of a series of nationwide telephone surveys based on samples of approximately 1,250 people and conducted by the polling firm of John F. Taylor, 1982, most women have now decided to pursue an independent course of thinking on matters that they feel affect their lives and the well-being of the community where they live and work.

The rise in the number of adult women who work from 36 percent to 53 percent in the last 22 years is a critical element in this new development. Harris studies suggest that as more women work and experience the world firsthand, they have an increased sense of pride in their own capacity to make a contribution to the world around them.

The burgeoning nuclear freeze movement in the United States is a good example. When the Harris Survey recently asked people how concerned they were “that the world will be plunged into a nuclear war,” a 51-48 percent majority of men did not say they were “very concerned.” But a 59-39 percent majority of women said they were “very concerned.” This result is not unexpected. Women have always expressed more sensitivity and concern for nuclear arms issues than men.

By 60-37 percent, most women worry that the next year “more people will be killed in wars in the world” compared with a 52-48 percent majority of men.

By 69-27 percent, a majority of women think that “women’s opinions differ from men’s on a variety of issues.” Women favor federal registration of all handguns by a 70-28 percent margin, compared to a much lower 58-41 percent majority among men. On affirmative action for women and minorities in employment, women favor such federal laws by 72-27 percent, compared with a 64-36 percent majority among men. Women favor federal enforcements of air and water pollution controls as now required by the Clean Air and Water Acts, by a 78-19 percent margin, compared to a 67-32 percent margin among men.

Women are now much more inclined to think that they are discriminated against in the financial and work marketplace. By 50-36 percent, a plurality of women think women are discriminated against in the wages they are paid, while by 49-42 percent men disagree. By 47-41 percent most women think women are discriminated against in getting promoted into managerial jobs, while a 47-43 percent plurality of men disagree.

Women are now a new force in society. And as they come into their own in the world of employment, they are becoming more political than ever before. Their political weight will be felt increasingly throughout the 1980s, and the chances are good that the struggle over the passage of the ERA will be recorded in history as the turning point.

WAND/PAC ENDorses SECOND Wave of Candidates Who support Nuclear Weapon Freeze

Boston, Mass.—In an effort to extend the margin of victory for a bilateral, verifiable nuclear weapons freeze, a second session of Congress, Women’s Action for Nuclear Disarmament has endorsed a second group of congressional candidates opposed to the escalating nuclear arms arms race.

The political action committee will support the campaigns of Tom Daschle (1st SD, SD, John Kerry (1st CD, MA), Peter Kostmayer (8th CD, PA), Ruth McFarland (5th CD, OR), and Arnie Miller (5th CD, NY). WAND/PAC has also endorsed the campaign of George Mitchell, who is running for U.S. Senate in the state of Maine.

This second wave of endorsements brings to thirteen the total number of candidates WAND/PAC will raise funds and provide campagin support.

“WAND/PAC selected these candidates because they have a clear record of support for a bilateral, verifiable nuclear weapons freeze,” according to network director Diane Aronson. “We narrowed the field to those congressional campaigns where our affiliate

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groups can become actively involved within the congressional district." In addition to its work on political campaigns, WAND/PAC conducts programs of political education for members and affiliated group members of Congress when nuclear weapons bills are debated.

WAND/PAC had previously announced its endorsement of seven congressional campaigns, including those of Doug Bosco (1st CD), Lynn Cutler (3d CD, IA), Barney Frank (4th CD, MA), Nicholas MAVroules (6th CD, MA), John Dow (23rd CD, NY primary), Claudine Schneider (2d CD, RI), and Frances Partee (3d CD, UT).

WAND/PAC, founded by Dr. Helen Caldicott, has an active network of both women and men who have endorsed programs and funding. Freeze.

"The response to organize in local communities or by congressional district has been overwhelming from women," Aronson said. "We believe that one of our real strengths as an organization lies in our ability to mobilize the votes of women around the nuclear weapons issue. We will be especially active in those congressional districts where our members can tip the voting balance in favor of an immediate U.S.-U.S.S.R. freeze."

STATEMENT BY U.S. REPRESENTATIVE PATRICIA SCHROEDER OF COLORADO

Stop the Arms Race Campaign may be the most important campaign ever. The women's vote has been in the hearts of women for centuries. It's that political power not to be ignored by today's government. And now this voting bloc is turning to the issue of nuclear disarmament.

We are doing our homework, raising the issues and putting the question of the national policy of the Pentagon and this Administration thought too complex for civilians, especially women. This voting bloc is also working to defeat those who think the arms race is winnable or survivable, even if this country goes bankrupt to do so. We're thinking war to disaster.

We've got the heart, we've got the mind, and we've got the vote. Let's use them before it's too late!

STATEMENT OF KATHY WILSON, CHAIR, NATIONAL WOMEN'S POLITICAL CAUCUS

The National Women's Political Caucus is pleased to join the Women's International League for Peace and Freedom in heralding what looks to be a new explosion of women's power in this country. The explanations for this phenomenon are many and complex, tied, in no small measure, to the Reagan Administration's insensitivity to concerns of special importance to women—economic equity, legal equality and military exemptions.

The Caucus, for its part, is determined to translate this "people" power into the highest level of political power. We in the final stretch of our Win With Women '82 campaign, this year's sequel to our ongoing drive to elect women—feminist women—to political office. And this time around, we're devoting special attention to the state legislative races. We've bolstered our involvement level in every area—from recruiting and training viable women candidates, to financing and electing them. We have long known that since we can only rarely change legislators' votes, we have no choice but to change the legislators doing the voting.

As we near the November showdown, our women candidates have behind them the unified strength of the WAND/PAC bloc of women, women who are infuriated that they've been denied the Equal Rights Amendment and afraid that the current administration intends to do them a lot more. Women have become galvanized by the present assault on their personal and economic lives, and are ready to disenchase their disenchanted to the ballot box.

If we're ever to be truly represented, feminists—men and women, Democrat and Republican—must and will be on the ticket. Equality, equity and peace are going to come around only when lawmakers come around to legislating them, and instead of pleading our case, we must elect people who will make it.

The National Women's Political Caucus is a 60,000 member bipartisan organization working to boost the number of feminist women in elective and appointive office.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM—BACKGROUND INFORMATION

The Women's International League for Peace and Freedom (WILPF) was formed in 1915, at the height of World War I. Jane Addams, founder of the revolutionary Hull House social settlement and organizer of the US Women's Peace Party, along with over 1,000 women from the warring nations, defied their governments and without official sanction held an International Women's Congress in the Hague, Netherlands. Their intention was to turn the power they had gained through the suffrage movement toward the end of war.

Today, as for the past 65 years, WILPF's goals are the achievement of steps toward world disarmament; the re-ordering of US priorities toward meeting human needs; and equality and justice for all people through elimination of the institutions of racism and sexism.

To reach their goals, WILPF women have marched in the streets for civil rights and against the Vietnam War in the 1960's; held conferences on such issues as chemical warfare in London and community development in New Delhi. WILPF delegates have visited the Middle East, Chile, and Nicaragua, and representatives meet regularly with national and international officials.

Wherever women are in the lead of an effective movement for peace and justice, they are likely to win. The Women's International League for Peace and Freedom (WILPF) was WILPF founders Jane Addams and Emily Greene Balch. US advisor to the UN Special Session on Disarmament, Kay Camp, was president of WILPF. Now, the women lead the massive demonstrations against the placement of US nuclear missiles in Europe are WILPF members.

One of the women's organizations with non-governmental consultant status at the United Nations, WILPF's International secretariat is the head of the UN Conference of Non-Government Organizations. With sections in 25 countries and on every continent, WILPF is one of the largest, oldest, and most active peace advocacy organizations in the world.

In the US, there are WILPF branches in over 100 communities. The national office is located at 1213 Race St., Philadelphia, PA, 19107.

WOMEN FROM EUROPE AND NORTH AMERICA To Join Forces in International Women's Day Rally Women from Europe and North America will join forces in a massive demonstration at NATO Headquarters to protest the planned deployment of Pershing II and Cruise Missiles in NATO countries. The action, to take place on International Women's Day March 8, 1983, will be the focus of the STAR (Stop The Arms Race) campaign which The Women's International League for Peace and Freedom initiated and United Nations Headquarters on International Women's Day of this year.

Plans for the march in Brussels were launched at a meeting of the executive committee of The Women's International League in Denmark from 21 August to 29 August.

"We are alarmed by the refusal of our governments to heed the popular demand for an end to the nuclear arms race. This is our last opportunity to force one generation of weapons designed only to destroy human life, We want the NATO deployment plans cancelled as the first step to control and disarm," said Carol Pendell, President of the League.

WOMEN UNITE TO BUILD PRO-PEACE VOTING BLOCK

The Women's International League for Peace and Freedom joined with Congresswomen and women's political organizations in a unified effort to build a women's voting bloc.

According to Yvonne Logan, President of the U.S. Section of the Women's International League, "Our membership has leaped by the thousands since January. This clearly illustrates to us the new sentiment and power among women in the U.S. We believe the strength of the women's vote and women's renewed commitment to peace will determine the outcome of many elections this fall.

Women's Action for Nuclear Disarmament announced plans to distribute PAC funds to a variety of pro-peace candidates around the United States. The National Women's Political Caucus is in the final stretch of their "Win With Women '82" campaign. Kathy Wilson, Chair of the Caucus, stated, "As we near the November showdown, our women candidates have behind them the unprecedented strength of a unified bloc of women voters."

Congresswomen Claudine Schneider (RI) and Patricia Schroeder (CO), both supporters of the "new political agenda" of the women's vote and commanded the Women's International League Stop the Arms Race campaign in bringing women's spirit and power together in a timely fashion to effect the November elections.

Pollster Louis Harris' recent survey showed that 42% of men and only 34% of women in the U.S. gave President Reagan a good to excellent rating. Women have also proven through polls and voting, records that their support for women's issues and peace will determine their vote and that their voting turnout will be higher than ever.

SOVIET ACTIVE MEASURES: AN UPDATE

(Report describes Soviet active measures which have come to light since the publication of Special Report No. 88, "Soviet Active Measures: Forging, Diamforging, Political Operations," in October 1981.)

The Soviet Union uses the term "active measures" (aktivnuye meropriyatiya) to
cover a broad range of activities designed to promote Soviet foreign policy goals, including undercutting opponents of the U.S.S.R. Active measures include disinformation, manipulating the media in foreign countries, the use of Communist parties and Communist-aligned organizations, and covert, paramilitary operations to further Soviet political influence. In contrast to public diplomacy, which all, nations practice, Soviet active measures often involve deception and are frequently implemented by clandestine means. Active measures are carried out not only by the KGB but also by the International Department and the International Information Department of the Central Committee of the Communist Party of the Soviet Union.

The active measures discussed in this report are necessarily limited to those that have been publicly exposed. They make clear that these activities take place worldwide. The open societies of many industrialized and developing countries afford the Soviet opportunities to use active measures to influence opinion in favor of Soviet policies and against those of the United States and its allies. We hope that this report will increase public awareness and understanding of Soviet active measures and thereby reduce the likelihood that people will be deceived.

FORGERIES

Forgery is a frequently used active measures technique. Several have come to light in recent months. Their appearance has been timed to influence Western policymakers, thereby reduce the likelihood that the Soviets would be made aware of the forgery. Several have come to light in recent months. Their appearance has been timed to influence Western policymakers, thereby reduce the likelihood that the Soviets would be made aware of the forgery.

The activity of disinformation efforts has been in thrust by Moscow. In the late 1980s, Sweden sponsored a project to breed special chemical weapons in Angola. The project was a CIA-financed effort to breed special chemical weapons in Angola. The project was revealed to the world in the late 1980s.

The purpose of disinformation efforts is to gain public acceptance for something that is not true. Since Soviet media lack credibility, the goal is to achieve the publication of false news in reputable non-Communist media. Soviet media, such as TASS or Radio Moscow, are able to cite credible sources in a report. The Soviets also have the advantage of the United States and its European allies. Several major newspapers and magazines have been picked up. In Tunisia, a number of African newspapers have been picked up. In the United States, South Africa, and others to plot against Angola. The U.S. Embassy in Tunis promptly denied the report.

The Seychelles Opposition may have delayed the November 25, 1981 attempt by a group of mercenaries to overthrow the Government of President Jean-Bédel Bokassa. The April 17, 1982 Congo Congolese newspaper Etoile, which had met with the United States, South Africa, and others to plot against Angola. The U.S. Embassy in Tunis promptly denied the report.

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newspapers not usually associated with Soviet propaganda, such as the influential Times of India and the Cape Times. The Moscow Times, Izvestia, and Pravda, for example, have been more restrained. The general tone has been more objective, but there have been occasional exceptions, particularly in the past months. The Moscow Times, for example, has occasionally published critical articles about the Kremlin's policies, although these articles are usually balanced and do not challenge the government's authority or legitimacy.

Military and political leaders have been particularly critical of the Kremlin's foreign policy. The new government of Prime Minister Mikhail Gorbachev has been more conciliatory towards the West, and there have been hopes that this could lead to improved relations between the Soviet Union and other countries. However, the countryside remains skeptical about the Kremlin's ability to achieve its goals.

The government's efforts to promote its policies through its media have been reinforced by the use of propaganda techniques. These include the use of disinformation, political influence operations, and the dissemination of pro-Moscow Communist parties and front organizations. These activities have been coordinated by the KGB and other government agencies, and have been carried out in a variety of ways, including through the use of agents of influence and active measures.

Disinformation

Disinformation is a common technique used by the government to influence public opinion. This involves the dissemination of false or misleading information, often in a way that is designed to create doubt or confusion. The government has used disinformation to try to cast doubt on Western policies, and to challenge the credibility of Western media outlets.

Political Influence Operations

Political influence operations are another common technique used by the government. These involve the use of agents of influence, who are individuals who are paid or otherwise compensated to carry out specific tasks. The agents of influence are often professionals, such as journalists or academics, who are used to influence public opinion or to carry out other tasks.

Front Groups

Front groups are nominally independent organizations that are controlled by the government. These groups are often used to try to influence public opinion, and to carry out other tasks, such as espionage or other forms of political influence.

Conclusion

The government's efforts to promote its policies through its media have been successful, and have helped to create a positive image of the Kremlin. However, the countryside remains skeptical about the government's ability to achieve its goals, and there are concerns about the use of disinformation and political influence operations. The government's efforts to promote its policies through its media must be balanced with a commitment to transparency and accountability, in order to build trust with the public.

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NATIONAL INTELLIGENCE SURVEY

In 1980, the government of the Soviet Union published a report entitled "National Intelligence Survey." The report was intended to provide an overview of the government's policies and activities, and to provide a basis for the government's decisions. The report was widely distributed, and was used to influence public opinion.

Conclusion

The government's efforts to promote its policies through its media have been successful, and have helped to create a positive image of the Kremlin. However, the countryside remains skeptical about the government's ability to achieve its goals, and there are concerns about the use of disinformation and political influence operations. The government's efforts to promote its policies through its media must be balanced with a commitment to transparency and accountability, in order to build trust with the public.
and lies; use of international and local front organizations; clandestine operation of radio stations; manipulation of media; production of economic and financial reports; dissemination of disinformation; and collaboration with the United Front, terrorist activity, and the exportation of arms and materiel.

Specific cases of Soviet "active measures" included here are: the Soviet anti-theater nuclear force (TNF) campaign in Europe; the "new career" defection of former Soviet officers; Soviet activities in support of the lifts in El Salvador; the Soviet campaign against the U.S.S.R.-Egypt relationship and the Camp David process.

"Active measures" are closely integrated with legitimate activities and Soviet foreign policy. Decisions on "active measures" in foreign countries are made at the highest level of authority in the U.S.S.R. by the Politburo of the Communist Party Central Committee—and as are all other important decisions of Soviet foreign policy. The activities are designed and executed by a large and complex bureaucracy in the CPSU Central Committee. Actual operations abroad are carried out by official and quasi-official Soviet representatives, including scholars, students, and journalists, whose official Soviet links are not always apparent. The high central control over the state's pervasive control and direction of all elements of society gives Soviet leaders impressive free use of party, government, and other citizens in orchestrating "active measures." The open societies of the industrial democracies are not immune to this, and the ease of access to their media, often give opportunities for open season for "active measures." Many Western and developing countries ignore or downplay Soviet "active measures" until Soviet blunders lead to well-publicized expulsions of diplomats, journalists, or others involved in these activities. The Soviet agents are adept at making their policies appear to be compatible or part of the legitimate activities of industrial, governmental, and other groups active in Western and developing societies.

The United States remains the primary target, Moscow is devoting increasing resources to "active measures" against the governments, the institutions of industrialized countries, or Communist organizations in the developing world. Moscow seeks to disrupt relations between states, discredit opponents of the U.S.S.R., and undermine foreign leaders, institutions, and values. Soviet tactics adjust to changes in international situations but continue, and in some cases intensify, during periods of reduced tensions.

"ACTIVE MEASURES" TECHNIQUES

The tactics and emphasis of Soviet "active measures" are not fixed, but change with the situation. For instance, Soviet use of Marxist-Leninist ideology to appeal to foreign groups often turns out to be an obstacle to the promotion of Soviet goals in some areas; it is now being deemphasized though it is not completely abandoned. At the same time, some analysts correctly assert that the Islamic religion occupies a favorable position in the U.S.S.R.—have assumed greater significance, as Moscow courted Islamic countries in Africa and the Middle East.

Similarly, while Soviet-dominated international front groups still are important in Soviet "active measures" abroad, Moscow is broadening its operations by using more single interest groups and fronts formed for particular purposes to promote its goals.

Soviet "active measures" involve a mix of ingenious and crude techniques. A brief sample of types of activities includes the following:

- Efforts to Manipulate the Press in Foreign Countries. Soviet agents frequently insert falsely attributed press material into foreign newspapers. In one developing country, Soviets used more than two dozen local journalists to plant media items favorably written for the U.S.S.R. Secretary of State Henry Kissinger used the Indian news weekly Blitz to publish forgeries, falsely accuse Americans of being CIA personnel or agents, and disseminate Soviet-inspired documents. In another country, the Soviets used local journalists to exercise substantial control over the content and tone of their publications.
- Forgeries. Soviet forgeries—completely fabricated or altered versions of actual documents—are used to mislead governments, media, and public opinion. Recent Soviet forgeries are better executed and more professional than in the past. Among forgeries that Soviet agents have produced and distributed are bogus U.S. military manuals and fabricated war plans designed to mislead the United States and other countries. In some cases, the Soviets used actual documents as models for style and format in their forgeries. In one case, Soviet agents, seeking to disrupt NATO theater nuclear modernization, circulated a forged statement that the U.S.S.R. Secretary of State Cyrus Vance had sent himself as a Soviet "active measures" in support of Soviet foreign policy goals. For instance, NVOI broadcast to Iran in 1978-80 consistently urged the American ambassador not to visit Iran until Soviet blunders lead to manufactured stories about the instability of the dollar, and to push a variety of related stories.
- Economic Manipulation. The Soviet Union uses rumor, innuendo, and distortion of facts to discredit foreign governments and leaders. In late 1979, Soviet agents spread a false rumor that the United States was behind the seizure of the Grand Mosque of Mecca. In another case, Soviet officials "warned" officials in the U.S. government that the CIA had increased its activities in the country and that a coup was being planned. Sometimes these disinformation campaigns have been coupled with economic manipulation, for instance, by the Soviet Union, enabling Moscow to cite foreign sources for some of the distortions and misstatements that often appear in the Soviet media. A recent and particularly egregious example was the August 1981 TASS allegation that the United States was behind the death of Panamanian General Omar Torrijos.
- Control of International and Local Front Organizations. The pro-Soviet international front organizations through the International Organizations Section of the International Department of the CPSU Central Committee. Front organizations are more effective than openly pro-Soviet groups because they can attract members from a broad political spectrum. Prominent among these fronts are the World Peace Council, the World Federation of Trade Unions, the World Federation of Democratic Youth, and the Women's International Democratic Federation. Moscow's agents use Soviet "friendship" and cultural societies in many countries to contact people who would not participate in avowedly pro-Soviet or Communist organizations. The function of front, "friendship," and cultural groups is to support Soviet goals and to recruit new members among those activities do not serve Soviet interests.
- To complement organizations known for their Soviet bias, the Soviets sometimes help establish and fund actual agents that do not have histories of close association with the Soviet Union and can attract members from a wide political spectrum.
- Cladistic Radio Stations. The Soviet Union operates two clandestine radio stations: the National Voice of Iran (NVOI) and Radio Ba Yi, which broadcast regularly from the Soviet Union to Iran and China. Moscow has never publicly acknowledged that it controls the stations, but Soviet officials themselves as organs of authentic local "progressive" forces. The broadcasts of both stations in the Middle East.

Economic Manipulation. The Soviet Union also uses a variety of covert economic maneuvers to disrupt NATO countries and to promote its goals. For example, a Soviet ambassador in a West European country warned a local businessman that his sales to the U.S.S.R. would be reduced if he went ahead with plans to provide technical assistance to China. In another industrialized country, Soviet agents sometimes operate over the stability of the dollar for the price of gold. This was accomplished by manipulating a flow of both true and false information to local businessmen and government leaders. The gambit failed because the Soviet officials who attempted to use economic manipulation to demonstrate their financial assets of the operation.
- Political Influence Operations. Political influence operations are the most important but least understood aspects of Soviet "active measures." These operations seek to exploit contacts with political, economic, and media figures in target countries to secure active collaboration with Moscow. In return for this collaboration, the Soviets use the media to influence the public opinion, and to exploit his broad personal contacts. The Russian diplomat who attempted to use economic manipulation to disrupt the American government's activities in the Middle East.

In other cases, Soviet officials establish close relationships with political figures in foreign countries and seek to use these contacts in "active measures" operations. Capitalizing on the host government officials' ambitions, the Soviet contact claims to be a close personal friend of the Soviet leader. To play upon his sense of self-importance and to enhance his credibility within his own government, the host government official
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The FDR also supported the establish-
ment of the Salvadoran insurgency in
Western Europe, Latin America, Canada,
Australia, and New Zealand. These soli-
darity committees have disseminated propa-
danda and organized meetings and demon-
strations in support of the insurgents. Such
committees, in cooperation with local Com-
munist parties, have contributed some 70
demonstrations and protests be-
tween mid-January and mid-March 1981
in Western Europe, Latin America, Aus-
tralia, and New Zealand.

The FDR and DRU are careful to conceal
the Soviet and Cuban hand in planning and
supporting their activities and seek to pass
themselves off as a fully independent, Inde-
genous Salvadoran movement. These or-
ganizations have had some success in gener-
in public opinion throughout Latin Amer-
ica and in Western Europe. The effort of
the insurgents to gain legitimacy has been
buttered by intensive disinformation ac-
tivity on their behalf. For example, at the
February 1981 nonalignment movement meeting in
New Delhi, a 30-man Cuban combined
committee operating closely with six Soviet diplomats,
pressed the conference to condemn U.S.
involvement.

At another level, the Soviet media have
published numerous distortions to erode
support for U.S. policy. For example, an
article in the weekly literary journal,
Molotov, recently stated that U.S. military advis-
ors in El Salvador were involved in punitive actions
against the insurgents, including use of
capital punishment. In another particu-
larly outrageous distortion, a January 1, 1981,
article in the Soviet weekly literary jour-
nal, Opytnoye Obozrenie, stated that the
United States was preparing to implement the so-
called centaur plan for “elimination” of
Middle Eastern oil.

Campaign Against the U.S.-Egyptian Re-
lationship and the Camp David Process. In
the Middle East, Moscow has waged an
“active measures” campaign to weaken the
U.S.-Egyptian relationship, undermine the
Camp David peace process, and generally
exacerbate tensions between the United States
and Soviets. Moscow’s “active measures” activities have been the use of forgeries, inci-
sults and threats, propaganda, and threats to
the U.S. Administration which insulted Egyp-
tians and called for “a total change of the
government and the governmental system in
Egypt.” This forged document titled, “for-
merly” and “in the possession” of the
United States, was the first of a series of bogus docu-
ments produced by the Soviets to compli-
cate the Egyptian-United States
relationship.

A forged document, allegedly prepared by
the Secretary of State, or one of his close
associates, for the President, which used
language insulting and offensive to Presi-
dent Sadat and other Egyptians and also to
other Arab leaders, including King Khalid of
Saudi Arabia. This forgery was delivered
anonymously to the Egyptian Embassy in
Rome in April 1977.

A series of forged letters and U.S. Govern-
ment documents, which criticized Sadat’s
“lack of leadership” and called for a
“change of government” in Egypt. These
false documents surfaced in various locations
during 1977.

A forged dispatch, allegedly prepared by
the Special Envoy for the President, ulti-
mate declaration that the United States had acquiesced in
plans by Iran and Saudi Arabia to over-
throw Sadat. This forgery was sent by mail
to the Egyptian Embassy in Belgrade in
August 1977.

A forged CIA report which criticized Is-
lamic groups as a barrier to U.S. goals in
the
The KGB has concocted more than 150 forgeries of official U.S. documents and correspondence portraying American leaders as treacherous and the United States as an unrelenting warmonger. One of the most damaging was a fabrication titled U.S. Army Field Manual FM30-31B and classified "SECRET" to be distributed by KGB Secret, Field manuals FM30-31 and FM30-31A did exist; FM 30-31B was entirely a Soviet creation. Over the forgery surfaced in the October 1, 1979 issue of the Syrian newspaper Al-Ba'ath.

The Soviet Union continues to make extensive use of "active measures" to achieve its foreign policy objectives, to frustrate those of other countries, and to undermine leadership in many nations. On the basis of the historical record, there is every reason to believe that the KGB leadership will continue to make heavy investments of money and manpower in meddlesome and disruptive operations around the world.

While Soviet "active measures" can be exposed, as they have often been in the past, the Soviets are becoming more sophisticated, especially in using psychological and political influence operations. Unless the targets of Soviet "active measures" take effective action to counter them, the KGB will continue to make heavy investments of money and manpower in meddlesome and disruptive operations around the world.

The KGB's "Military War for Peace" (By John Barron) It has spread like a raging fever throughout the world, from Bonn to Istanbul, Lima to New York, millions upon millions of people have become involved in the nuclear-freeze movement. It is a movement largely made up of the young who believe that they are doing what they must to prevent nuclear war. But it is also a movement that has been penetrated, manipulated and distorted to an amazing degree by people who have but one aim—to promote communist tyranny by weakening the United States and Europe. In an exclusive report, Reader's Digest Senior Editor John Barron, author of the bestseller "KGB: The Secret Work of Soviet Secret Agents," authorizes in detail how the Kremlin, through secrecy, forgery, terrorism and fear, has played upon mankind's longing for peace and security, for peace and security. It is tragic to see how well it works.

Today, the KGB is concentrating on one of the largest Active Measures campaigns mounted since World War II. Its objective is to secure military superiority for the Soviet Union. KGB strategists plotted for the United States to abandon new weapons systems that both America does endanger peace and that whatever America does endangers peace. To be for America is to be for peace. That's the KGB's long-term strategy, a sort of made-in-Moscow black magic. It is tragic to see how well it works.

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The Soviets also discretely encourage terrorism as a form of Active Measures. At a school where KGB personnel formerly trained, under the rubric of "Practice of Influence," thousands of young people each year from the Middle East, Africa and Latin America to be taught terrorism. The majority of these students have little or no training in technical areas of the work, but their inclusion in this course is intended to enhance their political reliability. Theapelocation that the Soviet Union benefits from any mayhem committed in the Third World. But a few are recruited to be KGB agents within the terrorist movement back home. And the best and most ideologically reliable are recruited to serve the KGB independently.

Beyond these types of Active Measures for which it is exclusively responsible, the KGB assists the International Department of the Central Committee in maintaining an interlocking web of front organizations. While all are controlled from Moscow, they are not popularly perceived as subversive. The most important fronts in the current "peace" campaign are the World Peace Council (WPC) and the Institute for the U.S.A. and Canada.

**FAÇADE OF PEACE**

The World Peace Council emerged in Paris in 1950 as a management of 100 international peace committees with which the International Department specialists in Active Measures and propaganda, given virtually limitless funds, the World Peace Council frequently rallies millions of non-communists to commemorate.

**COORDINATED EFFORT**

Another front, the Institute for the U.S.A. and Canada, affords disguised Soviet propaganda to the American people at all levels of American society than does the WPC. Its director, Georgi Arbatov, an intimate of former KGB chairman Yuri Andropov, has in recent years been a regular commuter to the United States, where he hobnobs with prominent politicians and preaches the gospel of disarmament and nationalism. The national peace committees with which the WPC maintains both open and secret ties in more than 100 nations rarely are stigmatized in the press as puppets of the Politburo.

Given the facade of an earnest institution that unites sincere men and women from all parts of the world in the quest for peace, given the expertise of KBO and International Department specialists in Active Measures and propaganda, given virtually limitless funds, the World Peace Council frequently rallies millions of non-communists to commemorate.

**NEUTRON BOMB, MOSCOW BOMB**

The Soviets' current peace campaign began 25 years ago with the non-maintained renunciation of the nuclear-test moratorium in 1961, the invasion of Cuba in 1962, the invasion of Czechoslovakia in 1968 and the suppression of Polish and East German parties. Many of the parties survive only through secret Soviet subsidies, often delivered by the KGB. The Russians, for example, long have smuggled between $1 million and $2 million annually to the Communist Party U.S.A.

The U.S.S.R. spends millions on the foreign propaganda program, and numerically small, they still constitute significantly to Active Measures. Their millions can disseminate pamphlets and promote Soviet themes that subsequently creep into respectable discourse. Members elected to democratic parliaments can insert these themes into the reportage of the non-communist press by echoing them in official debates. The parliaments thus assist the myriad of disciplined demonstrators who can take to the streets simultaneously in cities throughout the world to foster an illusion of spontaneity. They provide the indefatigable agents of influence with support and lodgment. Yet the World Peace Council has no visible means of support. Virtually all its money comes clandestinely from the Soviet Union.

Even so, many people, including diplomats, politicians and journalists, choose not to see the WPC for what it is. The United Nations officially recognizes the WPC as a "non-governmental organization" and joins in discussions of issues such as disarmament and nationalism. The national peace committees with which the WPC maintains both open and secret ties in more than 100 nations rarely are stigmatized in the press as puppets of the Politburo.

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**NEUTRON BOMB, MOSCOW BOMB**

The Soviets' current peace campaign began 25 years ago with the non-maintained renunciation of the nuclear-test moratorium in 1961, the invasion of Cuba in 1962, the invasion of Czechoslovakia in 1968 and the suppression of Polish and East German parties. Many of the parties survive only through secret Soviet subsidies, often delivered by the KGB. The Russians, for example, long have smuggled between $1 million and $2 million annually to the Communist Party U.S.A.

The U.S.S.R. spends millions on the foreign propaganda program, and numerically small, they still constitute significantly to Active Measures. Their millions can disseminate pamphlets and promote Soviet themes that subsequently creep into respectable discourse. Members elected to democratic parliaments can insert these themes into the reportage of the non-communist press by echoing them in official debates. The parliaments thus assist the myriad of disciplined demonstrators who can take to the streets simultaneously in cities throughout the world to foster an illusion of spontaneity. They provide the indefatigable agents of influence with support and lodgment. Yet the World Peace Council has no visible means of support. Virtually all its money comes clandestinely from the Soviet Union.

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crews of entire communist armed divisions, while causing minimal civilian casualties. The development of neutron weapons, Pakistan, though it carried little or no threat to the United States, was a prudent move. NATO, however, spoke almost exactly the same words.

In October, Secretary of Defense Harold Brown announced that the United States had approved production of the neutron bomb only if NATO allies agreed in advance to its deployment on their soil. Western European leaders recognized the ERW as a much safer, more credible deterrent than the nuclear warhead. Moreover, and privately wanted it added to NATO defenses. But by temporizing and publicly shifting the burden of decision to them, Carter exposed Allied leaders as well as himself to intensified pressures.

In January 1978, neutron bomb advocates and opponents called the weapon a "neutron killer," demonstrated before European consulates. The Berlin edition of the Frankfurter Allgemeine Zeitung reported an antineutron-bomb article. The Right-of-Center Wirtschaftswoche editorialized that "The KGB, the communists, and the government are all united in their insistence on the neutron bomb." The communist Dally World neglected to mention that the WPC group had disrupted the U.S. special committee to welcome Romesh Chandra and KGB agents. The KGB "Killer" bomb was a "cruel" weapon, the United States to "term the neutron bomb." And on two more occasions, a "long, emotionless, propaganda in the local press that did not ask who was paying for the neutron bomb." The neutron bomb was one of the most significant and successful since World War II," boasted one diplomat. The KGB, the communists, and the government are all united in their insistence on the neutron bomb."

The KGB provided the star of this show at the International Forum Against the Neutron Bomb. And Leonid Brezhnev himself decorated the American press with shouts of "Catholicism," "Baptism," and the Western Plains "Dignity," held in Washington from January 25 to 28. U.S. Rep. John Conyers, Jr., heartily greeted the group. "You have joined us to give us courage and inspiration in our fight for disarmament and against the neutron bomb," he said.

The balcony was packed with heads of state, prime ministers, foreign ministers, ambassadors, and other international officials. Overwhelmed by the number of world leaders who joined in the campaign, the chairman, Soviet Foreign Minister Andrei Gromyko, called it a great moment in the peace movement. The Department of State was satisfied with the results of the forum.

In late February, 126 representatives of peace groups from 50 nations gathered in Geneva to denounce the neutron bomb. They were drawn from countries across Western Europe, South America, and India. They were joined by representatives of the United Nations, the International Monetary Fund, the International Monetary Fund, and the International Monetary Fund.

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On March 19, in a rally organized primarily by the Dutch Communist Party, some 50,000 demonstrators walked through the heart of Amsterdam at considerable expense to the United States. The demonstration was called to protest the neutron bomb as a "cruel" weapon, the United States to "term the neutron bomb." And on two more occasions, a "long, emotionless, propaganda in the local press that did not ask who was paying for the neutron bomb." The neutron bomb was one of the most significant and successful since World War II," boasted one diplomat. The KGB, the communists, and the government are all united in their insistence on the neutron bomb."

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each with three nuclear warheads that can be directed at targets inside the Soviet Union now had an intimidating new force, which within 15 minutes from launch could obliterate 945 European targets—

including cities from Oslo to Lisbon, from Glasgow to Istanbul.

At the insistence of the Western European and lobby leaders such as Denis Thatcher and Edward Schumacher, the Carter Administration finally agreed to emplace, under joint U.S.-

NATO control, 572 Pershing II and cruise missiles as a counterweight to the SS-20s. Unlike the old missiles they would replace, the intermediate-range Pershing II and cruise missiles could reach Moscow and other cities in the western Soviet Union.

Both are mobile, can be hidden and could probably survive a surprise attack. Unlike

the SS-20, the new American missiles would be armed only with a single warhead.

NATO strategists reasoned that the SS-20 warheads would suffice to void the threat of

the new missiles, and the United States military power to the degree necessary to

buttress the theme that American rather than Soviet nuclear weapons most imperil

Western Europe. It succeeded in circulating in Great Britain, the Netherlands, Norway,

Belgium, Malta, Greece and France a pamphlet entitled "Top Secret United States

Forces Headquarters in Europe..."
The contents of that leaflet, which the American production and deployment of the

enhanced-radiation warhead re-initiated by Re-　　gulations for Pershing IIs and cruise

missiles, and a new manned bomber, the B-1. It would leave Western Europe vul-

nerable to the relentlessly expanding elements of the modern missiles, and the United

States promised to put them in place by late 1983.

Throughout the 1980 Presidential cam-

paign, Reagan vowed that any new weapons system

would be armed only with a single warhead.

The KGB all along played its traditional

role, and in light of the new weapons the

KGB agent Kapralov subsequently

For February 23, 1981, Leonid Brezhnev,

addressing the 26th Communist Party Con-

gress, issued an official call for a nuclear

freeze—an immediate cessation of develop-

ment of any new weapons system. Such a moratorium would achieve the fundamen-

tal objective of aborting 

275 and 300 predominantly

white-middle-class people from 33 states, 

Great Britain and the Soviet Union.

Records available today identify only two of the

invited Soviet guests. One was Oleg Bog-

danov, an International Department

specialist in Active Measures, who flew in from

Moscow. The other was Yuri S. Kapralov,

who represents himself as a counselor at the

Soviet embassy in Washington. Kapralov

was not merely an observer. He mingled

with the organizers and personally engaged on

in their efforts to abort new American

weapons. He was an official member of the

peace movement. Thus, little more than

a week after Brezhnev called for a nuclear freeze derives from its simplicity. It would

enable all people sincerely concerned about

the dangers of nuclear war to engage in the

question, "What can I do?"

According to a "peace" movement newspa-

per, the organizers at Georgetown com-
promised "between 275 and 300 predominantly

white-middle-class people..."
The idea of a nuclear freeze was not new in the United States. It had been advanced two years earlier at a convention of the Moscow Peace Council in the December of 1981. The freeze campaign had been launched in 1981, with the aim of stopping the arms race and promoting a lasting peace in the Middle East. The campaign had been endorsed by a number of organizations and leaders, including the United Nations, the Soviet Union, and the United States. The freeze campaign had been particularly effective in raising awareness about the dangers of nuclear war and the need for a more peaceful world. Despite the challenges posed by the arms race, the freeze campaign had managed to mobilize a significant number of people around the world, and had helped to bring about a number of important changes in the world. The idea of a nuclear freeze was not new in the United States. It had been advanced two years earlier at a convention of the Mobilization for Survival (MFS), composed of three dozen U.S. Peace Council, the U.S. Communist Party, the U.S. Peace Council, and Women Strike for Peace. One energetic leader of the Mobilization for Survival was Terry Provance, a World Peace Council activist who in 1978 participated in the founding meeting of its Boston branch, the U.S. Peace Council. Provance earlier led the campaign against the B-1 bomber and then became coordinator of the disarmament program of the American Friends Service Committee. When the freeze campaign revived in 1981, MFS sponsored a Boston conference attended by representatives of some 46 peace and disarmament factions and held in Boston, Massachusetts, from September 23 to 25. Provance, who had spoken at a disarmament rally in West Germany earlier in the year, discussed the European freeze movement active in the disarmament movement to come to the United States in ensuing months to stimulate the American movement. Conference participants were told that the months ahead would be "a key time to organize local public meetings and/or demonstrations from sending a "suspension of all U.S. plans to deploy Pershing II and cruise missiles."

The time had come adopted called for support of the nuclear freeze, solidarity with the European peace movement, "creative, dramatic actions" against large corporate, propaganda guillotines in El Salvador, Guatemala, Chile and South Africa.

On November 15, 1981, the day the U.S. Peace Council, gathering ended, the River­side Church in New York opened a confer­ence on "The Arms Race and Us." Serving as host and hostesses were the Rev. William Sloan Coffin, Jr., and his wife Barbara. The church was chosen as the Riverside Church disarmament-program director.

During the rally, Weiss was a leader of Women Strike for Peace. A Congressional study characterized Women Strike for Peace as "a pro-peace, anti-nuclear" which from its inception "has enjoyed the complete support of the Communist Party." Even while the fighting continued. Weiss traveled to both Hanoi and Paris to consult with the North Vietnamese. Subsequently she became a director of Friends of the Vietnamese and the American Catholic Action for the Vietnam, and in 1976, she joined a coalition formed to stage anti-war demonstrations during the bicentennial celebrations. Weiss also has helped sponsor the Center for Cuban Studies, a group to which Fidel Castro gave a speech in his appreciation on its tenth anniversary.

About 500 disarmament proponents from around the nation attended the conference. Among these was a common enemy which was a common enemy. As in the past, the freeze movement was faced with a "diversity of coalition," she explained, "requires a common enemy as well as a common vision." As useful enemies, Arbanov said, President Reagan, our military-industrial complex, racism and sexism.

Mel King, a Massachusetts state legislator and a leader on both the World Council and the U.S. Peace Council, demanded a more militant spirit. "We've been too damn nice," he declared. "It's time we stopped just getting mad and started getting even."

In workshops, alliances of the revolutionary Weather Underground lobbied for terrorism in general, "direct action" and "armed prop­aganda" against installations involved in production of nuclear power and weapons. Lowners as "genuine people's leaders" were two convicts: Puerto Rican Rafael Canel Miranda, one of the four terrorists who shot up the House of Representatives, wounding five Congressmen, and American Indian Movement leader Leonard Peltier, who killed two FBI agents from ambush.

Caldicott's program included the practical planning of 1982 demonstrations at air bases, missile sites and defense plants; the formation of task forces to write newspaper editorials, and electing officials in behalf of the nuclear freeze and against major American weapons systems. The Rev. Robert Weiss, an MPS national staff member and a leader in the Nuclear Freeze Campaign, together with staff organ­izer Paul Mayer, stressed the advantages of bringing the campaign to a climax during the U.S. Special Session on Disarmament beginning in June.

INVERTED REALITY

The World Peace Council in the December 1981 issue of Peace Courier happily reported that its U.S. Peace Council was progressing well in collecting signatures on petitions advocating a nuclear freeze, promoting a California referendum on the freeze, and advertising the Jobs for Peace Campaign. This improved the movement's ability to divert money from defense to welfare. The World Peace Council, its parent, the International Department, the KGB and
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the Politburo all had ample grounds to be pleased. Like the simple slogans of past Soviet periods, this one seemed to appeal to many Americans who honestly desired to do something about the trans­cendently vital issue of war and peace. That was the simple message that the Soviets hope­fully delivered at the beginning of the month. It was a message that did not warrant prolonged discussion or analysis. It was as simple as a Benjamin Franklin adage that a nuclear bomb would wipe out the earth, as a warning that this was a man-made catastrophe that was completely preventable.

On March 10, 1982, Senators Edward Kennedy and Mark Hatfield introduced a resolution demanding an immediate nuclear freeze, and in the House of Representatives, a parallel resolution was introduced. Even if adopted, the resolutions would be binding upon no one. But they did significantly aug­ment public concern over thefreeze campaign to prevent the United States from adopting the resolutions that would ensure a balance of strategic power.

Meanwhile, on orders from the Center at Lubyanka, the KGB Residency in New York concentrated on its power upon the United States. The KGB Residency identified more than 20 Soviet agents working for the nuclear freeze movement. A wife of a clergyman and other women in the movement were to be prominent in the campaign. The principal organizing tool of the dis­armament groups are supporting the March 1982 Brezhnev proposal for a nuclear freeze in Europe. A "nuclear freeze" in Europe would accomplish the Soviet goal of blocking NATO deployments. Aside from questions of check­ing the movement, a freeze would leave the USSR with both a decisive edge in conventional forces in Europe and with 300 mobile ICBM missiles and the warheads whose range, even if based on the Soviet side of the Ural Mountains, could reach NATO forces and U.S. bases as distant as England, Spain, Portugal, Greece and Turkey as well as countries in the Middle East and North Africa. It is also noted that while "nuclear freeze" proposals have been proposed for decades, including one proposed in 1980 by Randall Forsberg, director of the Institute for De­fense and Nuclear Analysis, the disarmament organizations which have links to the WPC and other Soviet covert action fronts have perceived the 1982 National Cam­paign for a Nuclear Weapons Freeze at a meeting in Washington, D.C., in March 1982 as a new and after an expression of sup­port for a nuclear freeze "a coup" by Soviet President Leonid Brezhnev in his address to the 26th Congress of Communist Party of the Soviet Union.

In the context of the local demonstrations against nuclear weapons-related facilities, the freeze campaign has been brought before town meetings, city councils, state legislatures and Congress; and organiz­ing for the June 13 demonstration in New York, the following directory has been com­piled of some of the key organizations and groups involved in disarmament, together with data on their leaders.

American Committee on East-West Accord (ACEWA)—227 Massachusetts Avenue, N.E., Washington, D.C. 20002 (202/546-1700) is in­corporated as a tax-exempt "independent educational organization" and says it is "aimed at improving East-West relations, particularly on U.S.-Soviet relations." ACEWA and its leaders have consistently urged U.S. trade, foreign policy and arms control initiatives being proposed for the Soviet Union with the East-West Accord, under whose banner the American Committee on East-West Accord campaigns for a nuclear freeze in Europe at a meeting in Washington, D.C., in March 1982 as a new and after an expression of sup­port for a nuclear freeze "a coup" by Soviet President Leonid Brezhnev in his address to the 26th Congress of Communist Party of the Soviet Union.

The freeze campaign against the U.S. and NATO alliance continues to esca­late its activities in the U.S. and Europe that targeted the United Nations Second Special Session on Disarmament (SSD-II) to be held in New York, June 9 to July 7, 1982. The aim of the European disarmament groups is to stop U.S. and NATO deployments of intermediate range Pershing II mis­siles, cruise missiles, and neutron warheads. The principal organizing tool of the U.S. disarmament movement is the "nuclear freeze" campaign that would stop development and deployment of any new U.S. stra­ategic weapon including the MX missile, Tri­dent submarine and B-1 bomber which previ­ously were the targets of separate opposi­tion campaigns. It is noted that the World Peace Council (WPC), the principal Soviet covert action front, has been conducting campaigns to block NATO deployment of Pershing II and cruise missiles and the neutron warheads and that many of the disarmament groups are supporting the March 1982 Brezhnev proposal for a nuclear freeze in Europe. A "nuclear freeze" in Europe would accomplish the Soviet goal of blocking NATO deployments. Aside from questions of check­ing the movement, a freeze would leave the USSR with both a decisive edge in conventional forces in Europe and with 300 mobile ICBM missiles and the warheads whose range, even if based on the Soviet side of the Ural Mountains, could reach NATO forces and U.S. bases as distant as England, Spain, Portugal, Greece and Turkey as well as countries in the Middle East and North Africa. It is also noted that while "nuclear freeze" proposals have been proposed for decades, including one proposed in 1980 by Randall Forsberg, director of the Institute for De­fense and Nuclear Analysis, the disarmament organizations which have links to the WPC and other Soviet covert action fronts have perceived the 1982 National Cam­paign for a Nuclear Weapons Freeze at a meeting in Washington, D.C., in March 1982 as a new and after an expression of sup­port for a nuclear freeze "a coup" by Soviet President Leonid Brezhnev in his address to the 26th Congress of Communist Party of the Soviet Union.

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weapons will bring total extinction of all life on earth and that it is therefore the responsibility of all people to take the initiative in getting rid of nuclear weapons.

ACEWA's influence in the business community is shown in a report on President George H.W. Bush written in 1990: "The committee has to be careful about taking positions that will cause its conservative members to resign."

The Zill report noted that ACEWA had received two years' worth of support from the former head of the Soviet Union, but curiously "these probably won't be repeated."

Another current ACEWA project is the production of 60-second radio spots for morning "drive-time" periods. Zill reported these will vary in approach "from a soft sell approach (what's in your interest, do you want to hear it?) to a hard sell (do you know the Soviets have two aircrafts to [our] 14?)." Mark Lewis, formerly with the U.S. Information Agency (USIA), Zill said, is working on the morning campaign and "monies have been received to date from the Rockefeller Brothers and the Ford Foundation."

In its newsletter, East-West Outlook, (March-April 1992, Vol. 5, No. 2), ACEWA boasts that among the 350-endorsers of the Kennedy-Haffield nuclear freeze resolution introduced in the Senate on March 10, 1982, are the following influential ACEWA members:

George Ball, Senior Managing Director, Lehman Brothers and former Under Secretary of State; Bernard T. Feld, chairman of the executive committee of the Pulitzer Prize-winning Committee on International Peace; William P. Thompson, Stated Clerk, General Assembly, United Presbyterian Church in the U.S.A.; former postmaster general; and Assistant Director, M.I.T., and Science Adviser to President Kennedy; George Kennan, former ambassador; former head of the Soviet Mission to the United Nations; former U.S. Ambassador to the United Nations; Dr. Avery A. Dulles, president, Princeton University; Dr. J. William Fulbright, U.S. Senator from Arkansas; former Under Secretary of State; George F. Kennan, professor emeritus, former Under Secretary of the State during the Eisenhower, Kennedy and Johnson administrations; former Under Secretary of State for National Security; J. 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Johnson also cited a Cuban tellings him in 1969, “If you North Americans could go back to your own country and work to disarm it and to end its counter-revolutionary and militarism, then we wouldn't have to carry weapons here in Cuba.”

As a result of AFSC support for the Vietcong, in 1972, the United States Committee for Peace in Vietnam (CPV) was formed. The CPV's efforts included lobbying for the end of the Vietnam War, promoting non-violent resistance, and providing humanitarian aid to Vietnamese refugees. The organization's members were active in organizing protests and rallies, as well as advocating for peace negotiations. The CPV's advocacy efforts were directed at influencing U.S. policymakers and public opinion, trying to create pressure for a change in U.S. policy toward Vietnam.

The CPV's work was part of a broader international movement, including similar organizations in other countries affected by the Vietnam War. These organizations sought to mobilize public support for the anti-war movement, and to pressure governments to end the war through diplomatic channels. The movement included both peace activists and other social justice seekers who were concerned about the human costs of the war and the broader implications of U.S. military involvement in Vietnam.

In conclusion, the CPV's efforts were part of a larger global peace movement, which sought to create a movement for peace and social justice. The movement was characterized by its focus on grassroots organizing, direct action, and advocacy for non-violent resistance. The CPV's work was an important part of this broader movement, and contributed to the eventual end of the Vietnam War.
Business Executives Move for Peace in Vietnam (BEM) and as co-director of the CDI's sister project, the Center for International Policy (CIP) where in 1976 his colleagues (CIP advisors included Donald J. Rumsfeld, Susan Weber, then editor of an IPS publication who had previously spent five years working for the Office of Management and Budget, and an officer of the Central Intelligence Agency) were engaged in the propaganda publication whose American staff are registered individually as Soviet agents under the provisions of the Foreign Agents Registration Act; Richard Barnet, IPS; Orlando Letelier, IPS; David Aaron, Senate Intelligence Committee, aide to Senator Walter Mondale and eventually President Carter's Assistant National Security Advisor; Anthony Lake, Barbara Watson and Joseph Nye, all of whom were appointed top Carter State Department officials in 1977; and William G. Miller, staff director of the Senate Intelligence Committee.

CIP attacks U.S. investment and development in Third World countries as exploitation. CIP particularly opposes development of nuclear energy in countries allied with the U.S. and its 1982 prime targets include the Philippines, Taiwan, Guatemala and Pakistan. In a field where it links nuclear power to nuclear weapons, according to the Zill report, CIP works with U.S. groups including the Washington Committee on Latin America (WOLA) and the late Washington lawyer J. William Fulbright's Center for National Security Policy, the National Security Research Institute (NIRSI), and Ralph Nader's Critical Mission. In its anti-Taiwan efforts, Zill reported CIP "deal[s] with the expatriot community and Memphians . . . would like an end to the economic embargo and to the U.S. and Southeast Asia; to promote an end to the economic embargo; and to work toward diplomatic recognition." CIP also targets a text of the Marshall Plan that is registered as a "formulation of public policy," CBEM>

Weber, then editor of IPS, now editor of the Center for the Study of Democratic Institutions, San Francisco. Zill's report, was arrested. The role is to bring naive clergymen to the Soviet and WPC propaganda line. The 1978 CIA report on Soviet propaganda in the Far East noted that "Metropolitan Nikodim (USSR) . . . has been President of the CPC since 1966 and is a member of the CPC as head of the Soviet and WPC propaganda line. Its role is to bring naive clergymen to the Soviet and WPC propaganda line.

The CPC operates as a surrogate of the World Peace Council and is represented on the WPC's presidential committee and on the Cuba-U.S. Sanctions Committee. The CPC maintains close cooperation with such bodies as the World Council of Churches, the Conference of European Churches, the Conference of Latin American Churches, the World Council of Churches, the Berlin Conference of Catholic Christians (East Germany) and Pax Christi International.

The American citizen has little opportunity to play a role in such policy determinations. Yet it is the ordinary citizen who pays the price of foreign policy failures—in blood, in economic hardship, and in higher taxes. CIP called its role an effort to "develop public action in the formulation of public policy," and said it works toward this goal through "a network of diplomats, in former diplomats, and international officers in the United States and abroad" who report on "fostering activity worldwide" as a basis for developing "public participation in the formulation of public policy." In 1976, while FFP president Nicholas Nyari was a delegate to the World Peace Council's "World Conference to End the Arms Race, for Disarmament and Detente" in Helsinki, CIP staff included Donald J. Rumsfeld, a 30-year career State Department official who had been director of the Office of European Affairs at the time of his retirement and is an opponent of South Korea; Lindsay Mattsson, formerly with Business Executives Move for Peace in Vietnam (BEM) and the Coalition for New Foreign and Military Policy (CNFMP); Carl M. Marcy, for 20 years chief of staff of the Senate Intelligence Committee, and later a legislative counsel at the Senate State Department; William Goodfellow, then director of the Indochina Resource Center and board member of the Campaign for a Democratic Foreign Policy; James Morrell, a founder of the Committee of Concerned Asian Scholars and staff of the Indochina Resource Center; Mary K. Lynch; Warren Unna, a Washington Post reporter for 18 years; and Susan Weber, a former copy editor of Soviet Life, an official propaganda publication of the USSR whose American staff, working from the Soviet Embassy, are individually registered as Soviet agents under the provisions of the Foreign Agents Registration Act, and then a Carter State Department official; and William G. Miller, staff director of the Senate Intelligence Committee.

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International President, WILPF; Rev. Dwain C. Epps, vice-president, executive sec- retary and coordinator, National Office of the World Council of Churches (WCC); Rev. John Moyer, secretary, United Presbyterian Church; Rev. Robert McLean, treasurer, director, and member of the Executive Committee of the World Order of the Board of Church and Society of the United Methodist Church; Bishop William J. Lee, Citizen-Exchange Corps; Richard Deats, Fellowship of Reconciliation (FOR); Howard Frazier, Pro- mocean; Rev. Robert McCloy, Church; Rev. Robert McConnell, Church; Rev. Robert Mc- lroy, Church; Wave United (CWU); Katherine Camp, WILPF; Philip Oke, CPC; Lour- dana Phna, Fellowship of Reconciliation (FOR); and James Will, Chris- tians Associated for Relations with Eastern Europe.

Christie Institute—operating from 1324 N. Capitol Street, Washington, DC 20002 (202/ 787-2108) was formed in 1961 as a public in- terest litigation group by attorneys and ac- tivists, a number of them formerly with the Quixote Center, who had worked on the Shekaru case. Including all the region, the Center for International Human Rights in the Shekaru, a counsel in the Silkwood and Harrisburg cases now handling an anti- nuclear lawsuit. Delmar Wedel, a counsel in the Silkwood case, and Joe Seely, former co- chairperson of the National United Nations Association; Stephen Thiemann, Friends World Committee for Consultation (FWCC); Delmar Wedel, formerly of the YMCA National Council; Herman Will, FOR; and James Will, Chris- tians Associated for Relations with Eastern Europe.

Clergy and Laity Concerned (CALC)—with national headquarters at 138 Broad- way, Suite 302, New York, NY 10038 (212/ 964-8785) was formed in 1960 by the Na- tional Council of Churches, but first became widely known in 1967 when it co-sponsored a White House demonstration in connec- tion with the Washington Demonstration for Civil Rights. The name of the group was changed to Clergy and Laity Concerned (CALC) in January 1970, CALC described its goals in these terms: “what we are about today is not simply an end to the war in Vietnam, but a struggle against American imperialism and exploitation in just about every corner of the world. . . Our task is to join those who are angry and who hate the corporate power which the United States presently represents, and to attempt, in our struggle, to liberate not only black, brown, and yellow masses of the world, but more importantly, to help liberate our own nation from its reactionary and exploitative pol- icy.”

CALC's present co-director, John Collins, was an endorser of the U.S. Peace Council's New Peace Coaltion's national conference. On 2/ 17/82, CALC released an open letter to “Congress” signed by 400 religious activists and leaders opposing U.S. aid to El Salvador, which called on Congress to hold hearings and stop funding anti-terrorist activities of the U.S. government.

On February 26, CALC endorsed and participated in a massive nonviolent protest, “1982 March on Capitol Hill,” which was organized by the Global Exchange and the United States Peace Council. CALC members joined with other organizers in a speakers’ bureau to stress the “need to cooperate with other groups and organizations.” CALC members plan to hold a meeting with the Department of State to discuss the possibility of a joint statement. CALC members are also planning to hold a rally on Capitol Hill to protest U.S. policies in Central America. CALC members have also been involved in organizing protests against U.S. military bases in the Caribbean and the Gulf of Tonkin.

CALC has also been active in the American Friends Service Committee (AFSC) and the Committee for Non-Violent Action (CNVA). CALC members have participated in the AFSC's human rights programs in Latin America and have worked closely with the CNVA on issues of nonviolent resistance and popular education.

CALC has also been active in organizing protests against U.S. military bases in the Caribbean and the Gulf of Tonkin. CALC members have also been involved in organizing protests against U.S. military bases in the Caribbean and the Gulf of Tonkin. CALC members have also been involved in organizing protests against U.S. military bases in the Caribbean and the Gulf of Tonkin.
ship drive to build its list of 15,000. The CLW Education Fund's tax-exempt status is being enforced for contributions to the National Nuclear Weapons Freeze Clearinghouse in St. Louis pending its own IRS tax-exempt status.

The CLW board of directors includes Jerome Groisman, president; Ruth Adams, Bulletin of the Atomic Scientists; Michael Alexander, FAS, New York City; Mark E. Fishoff, Harvard; Maurice Fox, MIT; Jerome Frank, Johns Hopkins; John Kenneth Galbraith; George Kistiakowsky; Adm. John M. Lee (Ret.); Matthew Meselson, Harvard; James Patton, National Farmers Union; Gene Pokorny, Cambridge Reports; Charles Price, University of Pennsylvania; Edw. Purcell, Harvard; George Rathjens, MIT; Eli Sagan, writer; Herbert Scoville, Jr., ACA; Jane Sharp, Co逃离l; William E. Trawick, business executive; Steven Thomas, management consultant; Koesta Tulpis, MIT; Paul C. Wark, Business Executives for National Priorities.

COUNCIL ON ECONOMIC PRIORITIES (CEP)—84 Fifth Avenue, New York, NY 10011 (212/691-8350) is a research group that investigates U.S. defense industries, national defense trends, and the role of corporations in defense advisory boards. A major 1981 CEP study by Gordon Adams, a member of the board of directors, and Terry L. Connolly, a former CEP fellow, produced the DEFENSE FUND TOOLS (DFT) report, which has been widely used as an educational and advocacy tool. The report examines the political and economic implications of the arms trade and the role of defense contractors in national and international defense policy. It also examines the impact of defense spending on the economy and the environment. The report was released in a hardcover edition and an electronic version is available online. The report's authors, Gordon Adams and Terry Connolly, have since gone on to become prominent figures in the arms control and disarmament movement.

The report's main findings include:

- The arms trade is a significant source of revenue for many U.S. companies.
- The arms trade has significant economic and social consequences, including displacement of workers and environmental degradation.
- The arms trade is a major recipient of government subsidies and tax breaks.
- The arms trade is a major driver of military spending and the political power of the military-industrial complex.

The report's authors argue that the arms trade is a major contributor to the global arms race and that it is necessary to take action to reduce the arms trade and to promote the peaceful resolution of conflicts.

The report's authors have since gone on to become prominent figures in the arms control and disarmament movement. They have testified before Congress on the arms trade, have written extensively on the subject, and have been consulted by policymakers and journalists. The report has been widely credited with helping to raise awareness of the arms trade and its consequences, and has been used as a key source of information by policymakers, journalists, and activists.

The report's authors have continued to work on the arms trade and related issues, and have been involved in a range of activities, including advocacy, research, and teaching.

In conclusion, the Arms to Its Leaders, Peter D. Jones, a CND activist who started a 4-month US tour in January 1982, has reported encouraging reports from the National Nuclear Weapons Freeze Clearinghouse in St. Louis pending its own IRS tax-exempt status. The CND, a long-standing peace organisation, has been active in the disarmament lobby and has been successful in raising awareness of the arms trade and its consequences. The CND's work has been recognised by its leaders, Peter D. Jones, a CND activist who started a 4-month US tour in January 1982, has reported encouraging reports from the National Nuclear Weapons Freeze Clearinghouse in St. Louis pending its own IRS tax-exempt status. The CND, a long-standing peace organisation, has been active in the disarmament lobby and has been successful in raising awareness of the arms trade and its consequences. The CND's work has been recognised by its leaders.
The Board of Directors includes individuals from the academic and activist wings of the anti-defense lobby including several individuals who are also members of the National Council of Peacemakers in Action. Board members include Betty Lall, chairperson, U.N. Committee on Disarmament and International Security; Hayward Alker, MIT; R.G. Barnet; Robert Baltimore, Dartmouth; Kay Camp, WILPP; Harvey Cox, Harvard; Richard Falk, Princeton; Sanford Goldsholle, New Directions; Robert Mathiesen, Institute for World Order (IWO), Cheryl Keen; Ann Lakhdir; Everett Mendelssohn, Harvard; Marjorie Morrison, MIT; George Rathjens, MIT; Judith Reppy, Cornell; and Brewster Rhoads, director, CNFMP.

Institute for Policy Studies (IPS)—1901 Q Street, NW, Washington, DC 20009 (202/ 234-9382) is a revolutionary think-tank that has consistently supported policies that facilitate the foreign policy goals of the Soviet Union and weaken the position of the United States. This has been true whether the issue is disarmament (for the West), abolition of nuclear power (for the West), opposition to intelligence agencies (for the West) and all of the Soviet-backed revolutionary terrorist groups.

To put its policy recommendations into action, it networks with other like-minded organizations among Congressional legislators and their staffs, academics, government officials, and the media.

In 1978, in an article in National Review, Brian Crosier, director of the London-based Institute of Contemporary Affairs, described IPS as the “perfect intellectual front for Soviet activities which would be restated if they were to originate openly from the CCCP.”

IPS has been particularly concerned with researching U.S. defense industries and arms sales policies to Free World countries under pressure from Soviet-supported terrorist movements. The director of IPS arms sales research, Michael Klare, is a veteran of the North American Congress on Latin America (NACLA), a Castroite research group that has aided CIA defector Philip Agee, and was worked with the Center for National Security Studies (CNSS), an IPS off-shoot affiliated with the Fund for Peace. Klare has traveled to Europe and Asia to “lecture” on U.S. arms policies to “graduate students” at the University of Havana, and has attended various disarmament conferences sponsored by WPSC groups.

IPS’s Arms Race and Nuclear Weapons Project is directed by William “Bill” Arkin, who is also the director of the Center for Defense Information, is coordinating an attack on the defense budget by a group including Bertram Gross and longtime IPS activist Richard Kaufman, assistant director of counsel for the Joint Economic Committee of Congress.

According to the Zill report, Arkin was co-chairman of the 1982 ENPI conference in Japan; he was a member of the 1982 ENPI conference in Holland; briefen led on U.S. weapons developments which affect Europe, (and) works closely in the production of articles on weapons with press people from the Wall Street Journal, The New York Times, The Washington Post and CBS where, at the end of February, 40 Minutes will feature a story of his on Nuclear Weapons in Europe.”

In addition to taking a leadership role in the National Council of Peacemakers Freeze Conference, February 18-20, in Denver, and conducting a workshop attacking the impact of military spending on local areas, and writing for other such forums, he has been dis tributed by the time of SSD-II, Zill reported that Arkin is “also teaching a course at the Defense Intelligence School called "Research Skills, with Applications to Nuclear War in Europe.”

IPS played a seminal role in the formation of a network linking Western ecological and anti-nuclear activists with key disarmament organizers and armament researchers, including some in Eastern Europe. These groups include the Nuclear Research and Information Service (NRS), the World Information Service (WIS), and the Nuclear Disarmament (END).

On April 10, 1982, an IPS-sponsored group visiting Moscow for a week of meetings with high-level Soviet officials responsible for disseminating disinformation and propaganda for U.S. consumption, met with U.S. reporters to serve as the unofficial means for floating the possibility that Brezhnev might agree to a New York summit meeting in New York. The trip was successful.

The IPS group, led by its principal spokesman, Marcus Raskin, IPS co-founder and senior fellow, included Robert Borosage, director of the Institute of Policy Leadership (NLC), a Soviet activist and former director of the Center for Natinal Security Studies (CNSS); Minneapolis lawyer Robert J. Lifton, IPS co-founder and director; Paul Moore, Jr., Episcopal Bishop of New York; New York lawyer Robert S. Potter; and Roger Wilkins, journalists and senior fellow of the Joint Center for Political Studies (JCPS) which specializes in “black issues.”

The IPS group identified only two of the CPSU Central Committee officials they met—Georgi A. Arbatov, head of the Institute of Economic Research and Management (END), and V. Zagladin, first deputy chief of the International Department of the CPSU Central Committee; and V. Zagladin, first deputy chief of the International Department of the CPSU Central Committee. The CPSU Central Committee is the most important organ in the Soviet Union.

In various U.S. interviews, Borosage has floated such standard Soviet themes as the analysis that the USA is motivated by “ruthless parities”ิ and is motivated by a “race for arms that the Soviets want to go back to SALT-II and get U.S. ratification” and “will still go ahead, so competition is futile; and that the modern U.S. weapons proposals for deployment are they hardly dangerous, and would lead to much more dangerous stages that will make both sides insecure, not more secure.”

Borosage took pains to say that the Soviets are “skeptical” of the disarmament movement and “they hadn’t expected it. It was much more powerful and widespread than they’d ever imagined.”

Institute for War and Peace (IWO)—World Disarmament Campaign (IWO/WDCC)—770 U.N. Plaza, 5th Floor, New York, NY 10017 (212/480-0016) is playing a key role in training disarmament campaign organizers. Eighteen disarmament briefings to which the IWO/WDCC invites United Nations correspondents has been held, and some NNW-based reporters have scheduled prior to SSD-II. To date, on the average, 25 reporters have attended each briefing. Speakers have included Herbert “Pete” Scoville, Robert J. Lifton, IPPNW, and Dr. H. Jack Geiger, PSS. On 2/25/82, the IWO/WDCC initiated a two-session “problem-solving the Soviet problem” conference. A series of disarmament and disarmament groups at 770 U.N. Plaza, IWO/WDCC coordinator Carolyn Krebs has an information packet distributed in advance. IWO/WDCC has issued reports. Its 35 items have been carefully selected to avoid a distaste tone.

The IWO distributes a network of 26 scholars in the U.S. and Europe and has a “network of research ways to transform the system of international relations.” Many IWO scholars and officers have been closely associated with IPS. Among these are Richard Barnet and Richard Falk, also active with the International Association of Democratic Lawyers (IADL). IWO’s 30,000 name mailing list includes 10,000 teachers. It has a staff of 18.

International Association of Democratic Lawyers (IADL)—10017 15th St., NW, Washington, DC 20009 (202/323-1001) is maintaining a report on Soviet Propaganda Operations prepared at the request of the House Intelligence Committee and published by the Committee on Interstate and Foreign Affairs of the House Committee on Appropriations. The IADL has an office in Algiers, “the real and ideological interests of the IADL were covered by the agenda which considered law to be a function in the development of anti-Americanism, anti-imperialism, anti-colonialism, neo-colonialism, racism and apartheid. Under the banner of anti-imperialism and anti-colonialism, it has IADL’s thrust was to do battle with the large international companies of 1,000 as a way to gain adherents and backing in the developing world.”

The IADL has a Western Hemisphere regional subsidiary, the Association of American Jurists (AAJ), headquartered in Havana. The IADL’s major U.S. section is the National Lawyers Guild (NLG), organized in 1938 with the assistance of the Committee on the Case of A. Philip Randolph. The NLG and the closely related National Conference of Black Lawyers (NCBL) are affiliated with the IADL. The 1982 IADL’s conference in Algiers, “the real and ideological interests of the IADL were covered by the agenda which considered law to be a function in the development of anti-Americanism, anti-imperialism, anti-colonialism, neo-colonialism, racism and apartheid. Under the banner of anti-imperialism and anti-colonialism, it has IADL’s thrust was to do battle with the large international companies.”

IADL activities parallel the other international Soviet fronts. During the anti-Viet nam period, lawyers active in the IADL’s U.S. section, the NLG, and in another CPUSA front, the National Emergency Civil Liberties Committee (NECLC) organized a secondary front, the Lawyers Committee for National Security (LCN). IADL activities parallel the other international Soviet fronts. During the anti-Viet nam period, lawyers active in the IADL’s U.S. section, the NLG, and in another CPUSA front, the National Emergency Civil Liberties Committee (NECLC) organized a secondary front, the Lawyers Committee for National Security (LCN). IADL activities parallel the other international Soviet fronts. During the anti-Viet nam period, lawyers active in the IADL’s U.S. section, the NLG, and in another CPUSA front, the National Emergency Civil Liberties Committee (NECLC) organized a secondary front, the Lawyers Committee for National Security (LCN).
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of Physicians; and Bernard Lown, a Harvard School of Public Health cardiologist and sponsor of the U.S.-Cuba Health Exchange (US-CHE), which provided glowing accounts of the Cuban Revolution's medical system, lobbied for an end to the U.S. trade embargo, and arranged for shipment of "drugs and medical supplies to Cuba." IPPNW's role overlaps Physicians for Social Responsibility (PSR).

Soviet delegation of 11 attended IPPNW's first conference and was screened by Georgi Arbatov, director of the Institute of the U.S.A. and Canada, an analyst and research apparatus whose staff, according to one recent Soviet defector, is one-third composed of KGB officers assigned to cultivate existing Americans, feed them disinformation, and scout for individuals who could be used as writing or unwitting Soviet agents.

IPPNW's role was described by Ann Zill of the Stewart Mott Foundation as "to coordinate all the (anti-nuclear) Physicians groups that have sprouted up in countries over them Canada, Sweden, Finland, Germany, England, Switzerland, Norway and Australia."

In a conference report presented at Newham College, Cambridge, England, during the first week of April 1982, and was attended by some 200 physicians. The large Soviet delegation was headed by Prof. Eberhard Richter of West Germany. Other participants included H. Jack Geiger, professor of chemistry at City College of New York (NNCY); Bernard Lown; and Horst-Eberhard Richter of West Germany.

Soviet scientists attended in Pravda (4/5/82) repeated the standard Soviet threat and propaganda line that "Soviet military doctrine * * * totally rejects the concept of a limited, ill-conceived nuclear war negated by certain Western strategists. * * * any thermonuclear war, which begins it, ends inevitably * * * become a world configuration."

A Pravda report on the IPPNW meeting (4/6/82) stated: "The representatives of the USSR and other socialist countries and many Western colleagues note that people can and must remove the threat which hovers over them today. To this end, it is necessary to develop public policy and a corresponding mechanism so that MX and MX-II in them to wage active struggle to end the arms race."

Pravda mentioned among IPPNW's most active members those in the U.S., USSR, Britain, Canada, Hungary, Holland, Finland and Czechoslovakia.

International Union of Students (IUS)-based in Prague, Czechoslovakia, works closely with the Budapest-based World Federation of Democratic Youth (WFDY) as fronts for Soviet covert action targeted against student and youth groups. Dissident radicals supporting "Eurocommunism" and Maoism have been expelled from the IUS, and its publications, statements and resolutions consistently follow Soviet policy and are opposed by the U.S. and Western European countries.

June 12 disarmament conference (J-12 DOC) in Riverside Church, 48 Riverside Drive, New York 10005, the first group appeared in October 1981 as the Campaign for the Special Session on Disarmament (CSSD) and operated from the New York office of the Mobilization for Survival (MFS).

The purpose of the group is to organize a major disarmament rally in New York to apply pressure on the U.S. government, particularly with President Reagan slated to personally attend the meeting, for disarmament concessions. Leading groups and individuals in the coalition include Cora Weiss, Riverside Church Disarmament Program; Elaine Meyrowitz, IPPNW; U.S. Peace Council (USPC); Women's International League for Peace and Freedom (WILPF); World Council of American Friends Service Committee (AFSC); Fellowship of Reconciliation (FOR); Peace Action Task Force; and Norma Becker, War Resisters League (WRL).

LCNF's role is described by an anonymous IPPNW participant attending the N.Y. conference as "the first week of April 1982, and was attended by some 200 physicians. The large Soviet delegation was headed by Prof. Eberhard Richter of West Germany. Other participants included H. Jack Geiger, professor of chemistry at City College of New York (NNCY); Bernard Lown; and Horst-Eberhard Richter of West Germany."
Srid Peck, a former CPUSA functionary, explained MFS's origins by noting that the WPC, in cooperation with the ICDP and Japanese Campaign Against Atomic and Hydrogen Bombs (the Japanese Communist Party-controlled Censenukyo) were "working closely with like-minded international organizations the world over to create the momentum impact on the United Nations Special Session on Disarmament in late May 1978." MFS has been supported by the June 12 Disarmament Coalition party to serve as a communications network for non-governmental anti-nuclear groups promoting their participation in disarmament activities; and to prepare disarmament information packets for outreach to churches, hospitals and trade unions.

National Lawyers Guild (NLAG)--1536 16th Street, NW, Washington, DC 20036 <202/483-0045>, is the largest U.S. affiliate of the International Association of Democratic Lawyers (IADL), the Soviet-controlled front for lawyers. The NLAG was founded in 1936 as a legal action front operated by the CPUSA functionary Nico Schouten and is a spin-off from the World Peace Council. A more obvious radicalization in orientation of the "nuclear freeze" campaign was evident at its February 19-20, 1982, national conference where influential WRL activist David McReynolds, urged opposition to U.S. aid to El Salvador to be included in the freeze. The conference revitalized the NWFC for not challenging "the whole structure of anti-Soviet prejudices. This is the something that should be done.

NWFC is coordinating many activities in connection with Ground Zero Week, including coordinated press conferences on April 26 backing the "nuclear freeze." The NWFC national executive committee projects a 3 to 5 year campaign will be needed to obtain U.S. government agreement to a "freeze," and members have expressed their belief that a change in the White House in 1984 would be necessary for victory.

Nuclear Information and Resource Service (NIRS)--1336 16th Street, NW, Washington, DC 20006 <202/387-1169> was set up late in 1981 as the National Nuclear Weapons Freeze Campaign (NWWFC). Pending its tax exemption, NWFC is being funded via the Council for a Livable World Education letter.

Coordinator of the Clearinghouse is Randy Kehler, a veteran WRL organizer who went to prison in 1970 for two years as a conscientious objector; and Ralph G. Ader, M.D., a psychiatrist who dropped out of Harvard Medical School in 1978 to devote full time to disarmament work.

NIRS has been described as "building detailed, up-to-date files on skilled people helpful to the anti-nuclear and peace movement." NIRS has played a central role in generating support for "nuclear-free Pacific" groups and in facilitating their activism. NIRS is a "nuclear freeze" organization and disarmament groups in the U.S., Australia, New Zealand, Japan, and Pacific island nations. NIRS has served as the U.S. center for "nuclear freeze." NIRS activities have included co-sponsoring a public speech by IPS "senior fellow" Joseph Barondess on May 10, 1981, in which he denounced U.S. reaction to the Soviet invasion of Afghanistan as an effort to start a "new Cold War" and attacked the U.S. for developing "destabilizing weapons systems..." not only the Trident, but the MX" and Pershing II and cruise missiles for Europe.

The present PSR, Inc., organized in 1978 by 10 Boston-area antinuclear health activists, is a "non-profit organization committed to public and professional education on the medical hazards of nuclear weapons." PSR works with a variety of groups backing U.S. and Western unilateral disarmament including IPPNW, the Union of Concerned Scientists and the Massachusetts Medical Society. PSR has given presentations to APL-CIO officials to adopt antinuclear policies. In 1981 Caldicott and other "peace activists" visited the PSR's new building in Cambridge where they set up her position at Harvard Medical School to devote full time to disarmament organizing.

PSR's presentations on the horrors of nuclear war are highly salted with radical supporters of Soviet-backed Third World terrorist groups, veteran unilateral disarmament proponents and health care professionals associated in the past with such groups as the Medical Committee for Human Rights (MCHR), Medical Aid to Indochina (MAIC), and the U.S.-Cuba Health Exchange (US-CHE).

A presentation on February 13, 1982, by the New York City PSR, P.O. Box 411, Plan­ etarium Station, New York, NY 10002 <212/477-6421>, an officer serving as executive coordinator and member of the Manhattan College Board of Trustees, and a past president of the American College of Physicians for Social Responsibility (PSR). --P.O. Box 144, Watertown, MA 02172 (202/337-1927) states that in 1981, PSR "acted as a united medical voice in warning of the hazards of atmospheric nuclear testing, significantly contributing to the momentum building for the SALT II Treaty of 1983." The present PSR, Inc., organized in 1978 by 10 Boston-area antinuclear health activists, is a "non-profit organization committed to public and professional education on the medical hazards of nuclear weapons." PSR works with a variety of groups backing U.S. and Western unilateral disarmament including IPPNW, the Union of Concerned Scientists and the Massachusetts Medical Society.

With funding from sources including the Fund for Tomorrow, the NIRS is some $200,000. The present PSR, Inc., organized in 1978 by 10 Boston-area antinuclear health activists, is a "non-profit organization committed to public and professional education on the medical hazards of nuclear weapons." PSR works with a variety of groups backing U.S. and Western unilateral disarmament including IPPNW, the Union of Concerned Scientists and the Massachusetts Medical Society.

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According to the Zill report, PSR has raised nearly one million dollars. On Veterans Day (November 11, 1982), PSR and the Union of Concerned Scientists (UCS) will attempt to duplicate their 1981 campus tour in 20 major
           success. PSR has targeted some 15 cities for its grisly presentations.
           Program for Church Disarmament (RCDP)—490 Riverside Drive (New York, NY 10025) will host its second conference, the National Center to
Military Spending, joined CNFMP; but dissolved in 1981 when money was raised for a TV spot in
           The Zill report noted UCS intends to conduct more involving "outsides" in U.S. with teach-ins in European centers too.
           UCS is planning an international meeting of 40 disarmament activists to be held in New York at Roosevelt University during the second week of SSD-II, and is raising money to fully pay expenses for 15, plus a possible $5,000 for the experiment. The general review of the U.S. national section of the WPC at a November 1979 conference in Philadelphia.
           Among those active role in the USC founding, speaking or listed as workers were: Frank Heideman, John F. Kruft, Michael M. Maltz, CNFMP; Sarah Staggs, CPC; Connecticut Rep. Irving Stolberg; David Cortright, SANE, Eric E. Van Loon, New England Coordination Group; John M. Ramsey, AFSC; Erica Foldy, CNFMP; Frank Chapman, AFSC; Archie Singham, Native CPUSA-newspaper; Dr. Eric E. Van Loon, WILPF; Massachusetts Rep. Saundra Graham; New York City Council members Miriam Friedlander and Gilberto Gerena-Wright; and Dr. L. Charles Gray, vice president, Connecticut Federation of Teachers, Hartford, CT.
           The movement to stop weapons of mass destruction is at the moment a skirmish, that seek to crush struggles for liberation.
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USP executive director is Michael Myerson, a long-time functionary of the New York State Communist Party.

War Resisters League (WRL) - 339 Lafayette Street, New York, NY 10012 (212/228-0409) was founded in 1923 "to support conscientious objectors whose pacifism was secular or political in nature or who primarily meant supporting anarchists, Marxists and communists who object to participating in 'imperialist wars,' but who did not object to class war and thus were not pacifists. WRL defines itself as supporting "radical pacifism" - an effort to create a just and peaceful society through nonviolent and lifestyle methods."

WRL's dual revolutionary slant is indicated in its selection of articles supporting Marxism and "social anarchism" ** without centralism, without a party, and without a slogan, "Stop the Arms Race."

Women Strike for Peace (WSP) - 145 S. 13th Street, Philadelphia, PA 19107 (215/923-8681) was founded in 1961 as a "national movement of women against the arms race and for the fulfillment of human needs." Virtually its first act was to assign CPUSA member Selma Rein to arrange WSP's affiliation with the WIDP.

WSP's national coordinator is Ethel Taylor, and its national legislative coordinator is Edith Villastriago. WSP members have comprised a substantial proportion of U.S. delegations to World Peace Congresses. WSP has been working in support of the local "nuclear freeze" initiatives, aiding in Ground Zero and SRP events, and carrying out effective "lobbies by proxy."

The Zill report would WSP went to Rep. Millicent Fenwick with 85 proxy cards and asked her to use her influence to hold hearings on Euro-missiles and the Middle East conflict. The three-day hearings by the House Foreign Affairs Committee commenced on 2/27/82.

World Federation of Democratic Youth (WFDY) - located in Budapest, a Soviet-controlled front that works closely with the USSR and other fronts in promoting Soviet foreign policy goals - when demilitarization and arms control or support for Third World terrorist movements. The WFDY's World Youth Congresses have served as occasions for introducing young radicals and communists to terrorist leaders. The U.S. WFDY section is the Young Workers Liberation League (YWLL), the youth arm of the Communist Party, U.S.A. (CPUSA).

World Information Service on Energy (WISE) - based in Amsterdam, and with a U.S. address at 1536 16th Street, NW, Washington, DC 20036 (202/387-0418) was formed by anti-nuclear activists and researchers in 1978 "to function as an international switchboard for local and national information on energy issues, to provide exchange information and support one another. In the U.S., WISE has received distribution and other support through the Peace Information Center, active with WPC, PSR, WSPC and convenor of the Mobilization for Survival (MFS) International Task Force.

In January of 1981, the WISE council decided to reduce its coverage of disarmament demonstrations and dates except when the links between nuclear power and nuclear arms are "clear." Another group for PSR, TNI-European Nuclear Disarmament (END) has taken over that function.

World Peace Council (WPC) - based in Helsinki, is the major Soviet-controlled international communist front organization. Operating under the joint control of the International Department of the Communist Party of the Soviet Union (CPUSU) and the KGB, the WPC has two main functions: to influence public opinion in non-communist countries along lines favorable to Soviet policy goals, and to provide logistical support to Soviet-sponsored terrorist groups.

The heavy-handed pro-Soviet stance of many WILPF activists includes participation in the WPC and USP by Disarmament Coordinator Katherine "Kay" Camp; frequent sponsorship of exchange visits with the Soviet Women's Committee; and a call for a "call for a campaign against anti-communist anti-Soviet campaigns in the media - defined as any suggestion that the USSR may be responsible for the arms race or for terrorism. WILPF's "STAR" petition campaign utilizes an old WPC slogan, "Stop the Arms Race."

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front of growing importance is the Christian Peace Conference (CPC), which has been under Soviet control since 1968 and operates in tandem with the WPC.

This Western analyst report, prepared in association with Images on Display, the authoritative newsletter specializing in investigative reporting on U.S. political and social movements, documents the strong influence if not overt control exerted by the WPC over the U.S. disarmament movement and reports on plans for protests and other activities designed to influence U.S. public opinion in favor of appealing the Soviet Union.

World Peace Council
Since 1958, when it launched the Stockholm Peace Appeal, the World Peace Council (WPC) has been the Soviet Union's single most important international organization. The WPC's first Stockholm Peace Appeal sought an absolute ban on the atomic bomb at a time when the Soviet Union's nuclear capability lagged far behind the U.S.

The 1950 Stockholm Appeal declared that "...the use of the atomic weapon against any country whatsoever would be committing a crime against humanity, and would merit a trial as a war criminal." This theme is still being promoted by leaders of the U.S. disarmament drive.

Soviet preparations for the launching of the nuclear arms race were traced to 1973, when it became clear that the U.S. withdrawal from South Vietnam would open a window of opportunity for the Soviet Union.

Meeting in Sofia, Bulgaria, in February 1974, the WPC Council set up a new body, the "Conference of Representatives of National Peace Movements," to meet annually and coordinate building up local WPC affiliates, particularly in the non-communist countries. The December 1974 meeting in Prague, Czechoslovakia, of this WPC body, chaired by Romrant, International Coordinating Committee, Pathfinder, Laot, and Khmer Rouge success.

The Prague WPC meeting issued an appeal entitled "Make Detente Irreversible" which, if accepted, would reverse the arms race.

The WPC appeal argued that the arms race, on the other hand, would lead to "militarism and fascism, colonialism and racism; detente is a vital factor for strengthening the efforts in all lands for national independence, justice and social progress."

"Detente has opened up fresh proposals for victories in the struggles for a new international economic order for the rights of the peoples to the riches of their own soil. It is a weapon in the fight for ending the plundering of the Third World monopolies and multi-national corporations.

"The arms race, the stockpiles of weapons in the hands of the imperialists, incite and encourage the forces of aggression, militarism and fascism. The arms race is the way of defending aggression and the way of preventing peace."

The WPC's "New Stockholm Appeal" closed with a request for collaboration "to all governments and parliaments, all peace and other movements, to political parties, trade unions, women's and youth organizations, to religious, social and cultural bodies which are engaged in endeavors for man's liberation, to fight new worldwide offensive against the arms race.

"World public opinion has greater responsibility and greater power than ever before. It can turn the tide of aggressive actions into the forces of peace, the forces of detente.

"The WPC's "New Stockholm Appeal" placed special emphasis on utilizing scientific workers for disarmament. The initial meeting to coordinate outreach to scientists was held in Moscow in July 1975, entitled "The Role of Scientists and the Struggle for Disarmament." The meeting was sponsored by the WPC's sister front, the World Federation of Scientists Workers (WFSW), and was attended by some 400 individuals from 62 countries. Soviet party chief Leonid Brezhnev sent a message calling for "practical efforts to have political detente complemented and reinforced by military detente," i.e., disarmament; and the WFSW issued an "Appeal of Scientists of the Soviet Union" that said in part:

"Scientific workers cannot remain indifferent to the use being made of their work. They bear a moral duty to workers, their responsibility before mankind, demands the prevention of the further use of this work for destructive purposes."

"We call on scientific workers of all countries and their organizations to use all their influence to ensure the end of the arms race and the beginning of an era of real disarmament and a secure peace.

As the new disarmament campaign escalated in 1975, the Communist-controlled U.S.-controlled World Peace Council (WPC) and the Third World Peace Council (WPC) then operating in the United States, were pushed to the front of the new disarmament campaign.

Before reviewing the WPC's activities in the United States and around the world, it must be emphasized that although the WPC enjoys a measure of "credibility," particularly in Africa and other Third World countries, an examination of the WPC's organizational structure and its role for "peace" shows that its efforts coincide without deviation from support of the client states, political parties, and trade unions, women's and youth organizations, to religious, social and cultural bodies which are engaged in endeavors for man's liberation, to fight new worldwide offensive against the arms race.

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through backing revolutionary terrorist
"national liberation movements" to support-
ing sweeping Soviet disarmament initiatives
that provide neither for international con-
trol nor inspections. Thus the WPC de-
defends Soviet and Warsaw Pact military ma-
nevers as "peace-keeping" exercises, but
denounces U.S. military exercises as aggres-
sion. In September 1981 U.S. Navy jets shot
down the Libyan Arab Air Force's F-14's at the
summer 1981 U.S. naval exercises in Medi-
cerranean waters near Libya, as "criminal
acts of aggression."
When two Libyan aircraft that opened
fire on U.S. Navy jets were shot down, the
WPC declared September 1, 1981, "Internat-
ional Day of Solidarity with the People of
the Libyan Arab Jamahiriya" and issued a
statement that said in part:
"U.S. imperialism has committed yet an-
other blatant crime using its war machinery
and tremendous military build-up thousands
of miles away from the U.S.A. in an attempt
those who defend their independence and
sovereignty."
Operating under the direction of the
CPSU International Department headed by
Boris Ponomarev, a secretary of the CPSU
Central Committee, the WPC has used its
(noting-voting) status in the Cominform to
exercise influence on governments and parties
against Soviet policies and in favor of Soviet
initiatives in Central America, Indochina, sou-
thern Africa, and the Middle East.
Organizationaly, the WPC is salted with
members of the pro-Soviet communist
parties and with reliable pro-Soviet leftists.
The WPC's president is Romesh Chandra,
62, who in the 1960's was a member of the
Central Committee of the Communist Party
of India. In 1978, at the request of Repre-
sentative John Ashbrook (R-OH), during
hearings of the House Intelligence Commit-
ttee, the WPC's Legal Counsel prepared a
non-classified study of Soviet propaganda
operations which the House Intelligence
Committee used as "an indication of the
WPC role, but holding
"The CIA and the Media." That
report said in part:
"Yet the Kremlin does not rely on Chand-
ra alone to carry out its policies in the
WPC. A representative of the Soviet Com-
munist Party has for years sat at Chandra's
side, in charge of the press office, and is
ultimately responsible. This position was held
for a number of years by Aleksandr Berkov,
but
the job was taken over in early 1977 by Igor
Belyayev. Berkov and later Belyayev were
listed only as one of a number of secretaries
in the WPC's list of officials recognized
within the organization as the final author-
ity, including the power of veto. Berkov, for
example, is the WPC's "specialist on
Chandra on certain decisions involving
meetings or other activities and relayed the
party line concerning WPC causes and oper-
ations."
The study concludes:
"Two other Russians playing key roles in the
WPC are Vitaliy Shaposhnikov, who is
listed as a Soviet member of the WPC Presi-
dential Committee, and Oleg Kharkharkin
who is executive director of the two member
Continuing Liaison Committee (CLC) of
the World Council of Peace Forces and also
vice-chairman of the WPC-affiliated Soviet
Peace Party. Both are officials of the Interna-
tional Department of the Soviet CP
Central Committee."
The study said that the International De-
partment "is responsible for major clandes-
tine political activities abroad including the
front organization of anti-NATO activist par-
ties and activities such as strikes and dem-
onstrations designed to destabilize foreign
governments."
In terms of power in Moscow, the report
stated that the International Department
"stands firmly over the KGB for clandes-
tine political activities in these matters, the
KGB may act only on the direc-
tion of the International Department.
Most of the WPC leaders are active in the
Communist parties of their own countries
and also lead the local WPC affiliates. These
WPC "national peace committees" in turn are
run as non-voting film Communist
party committees which, like the WPC,
are directed by the International Depart-
ment of the CPSU. The KGB uses this organ-
ization for ensuring that the resolutions and state-
ments of the local WPC affiliates do not de-
vote from the line set by the Soviet Com-
unist Party."
WPC coordination of U.S. anti-Vietnam
movement
The WPC coordinated international dem-
onstrations against United States military
aid to South Vietnam. These demonstra-
tions were held in coordination with major
U.S. anti-war organizations.
This was not coincidental as demonstrated by
the fact that U.S. anti-Vietnam activists met
continually with American WPC officials,
many of them known Communist Party
members, and traveled abroad to participate in
WPC planning meetings.
The WPC's coordination of the U.S. anti-
Vietnam demonstrations was thoroughly
documented from testimony and scores of
exhibits of WPC and Communist Party pub-
lications in a series of hearings published by
the House Committee on Internal Security
between 1970 and 1971 on the New Mobiliza-
tion effort in the North Vietnam War. By
New Vietnam (New Mobe) and its successor, the People's
Coalition for Peace and Justice (PCPJ).
For example, of the 50 members of the U.S.
dlegation to the June 1969 "World Assem-
ly for Peace" in East Berlin included
members of the South Vietnamese CPUSA
(CALC), Women Strike for Peace (WSP),
Women's International League for Peace and
Freedom (WILPF), various quasi-reli-
gious groups, the American Friends
Federation for Social Action (MPSA), one of the
Communist Party, U.S.A.'s oldest fronts;
and the U.S. office of the WPC in San
Francisco, Los Angeles and Chicago which
were active for two decades before the U.S.
Peace Council was organized; and a substi-
tual number of veteran leaders of the Com-
munist Party and its major fronts. These in-
cluded the two U.S. members of the WPC
Presidential Committee, Herbert Aptheker,
then the CPUSA's leading theoretician, and
Dr. Carlton Goodlett, West Coast trea-
surer and editor of the "National
African Dictatorship" which was a WPC
member and who was also a member of the
Organizing Committee for the World Peace
Assembly; Rev. Richard Morford, an identi-
ed CPUSA member also serving on the Or-
ganizing Committee; identified CPUSA veter-
ian Barbara Bick of Women Strike for Peace
(WSP) (which immediately on formation af-
nounced its support for the Soviet-Controlled
WILPF) and who was a highly active leader of New
Mobe and the People's Coalition for Peace
and Justice.
WPC initiation of Stockholm Conference
on Vietnam Emergency Action Conference,
where the problem of immediate material aid for Vietnam
was raised, to the country in the frontline
of imperialist aggression. The only state-
tment of the conference's Group on Material
and Medical Aid noted, called for a series of
demonstrations, boycotts, formation of "re-
search groups" on U.S. companies with de-
defense contracts, encouragement of desertion
and draft resistance and a petition drive in
support of the U.S. anti-enforcement of
North Vietnam (DRV) propos-
ts to the Paris peace talks.
The Emergency Action Conference docu-
ments said that in response to "international
and other material requests from the [commu-
nist] Vietnamese * * * we urge the forma-
tion of new groups everywhere to work con-
inually for medical and material aid, not
only to supply immediate needs but to enlist
the sympathy and support of countless indi-
viduals and to coordinate international action
in support of the Vietnamese people."
Shortly afterwards, U.S. activists formed
the Medical Aid to Indochina/Bach Mai
Hospital (MAIH), which was supported by
Cora Weiss of Women Strike for
Peace, provided just such material aid to
Bach Mai Hospital.
The conference documents listed partic-
pants as including Hans Goren Franck
(Sweden) who acted as the "observer" for
Amnesty International at the same time as
being a voting delegate for the Swedish
Vietnam Committee; Peggy Duffy (Britain)
of the International Confederation for Dis-
armament and Peace; the Women's Interna-
tional League for Peace and Freedom
and American Friends Service Com-
mittee; Jenifer Broderick, director of the
Women's International League for Peace and
Freedom; and sexologist and anti-Vietnam leaders including: Sherman
Adams, Student Non-Violent Cooperating
Committee (SNCC), member; Mrs. Althea
Alexander, Women Strike for
Peace (WSP); Mrs. Clara J. Brown, Black
American Civil Rights Activists; George
Carl 1944 American Deserters' Committee
(ADC); Prof. Noam Chomsky, Resist; Bron-
son Clark, American Friends Service Com-
munity (AFSC); Mrs. Eleanor Clark; Joseph
Crown, Richard Falk and Stanley Swedlow
of the Lawyers Committee on American
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Policy Towards Vietnam, set up by lawyers from the National Lawyers Guild Committee (NECLC) and National Lawyers Guide (NLD), the U.S. Section of the International and National Associations of Democratic Lawyers (IADL); Mrs. Sarita Puentes Crown, WSP; Westchester, NY; Prof. William C. Davidson; Bob Eaton, APSF; Mrs. M. Svec, USA; ANE (National Committee for a Safe Nuclear Policy), observer; Prof. John D. Nellands, chairman, Scientists’ Committee for West Coast Convention; Howard Peck, ACT; Prof. Anatol Rapaport, Toronto and Laymen Concerned about Vietnam (CALC); Mrs. Maria Joles and Miss Shirley J. known. In for Disarmament and Peace and Liberty, Paris; Bernhard Knobel; Prof. Gabriel Kolko; Donald McDonough, ADC; Prof. David Marx; Miss Doris Crown, (National Committee for a Safe Nuclear Policy), observer; Prof. John D. Nellands, chairman, Scientists’ Committee for West Coast Convention; Howard Peck, ACT; Prof. Anatol Rapaport, Toronto and Laymen Concerned about Vietnam (CALC); Mrs. Maria Joles and Miss Shirley J. known. In for Disarmament and Peace and Liberty, Paris; Bernhard Knobel; Prof. Gabriel Kolko; Donald McDonough, ADC; Prof. David Marx; Miss Doris Crown, (National Committee for a Safe Nuclear Policy), observer; Prof. John D. Nellands, chairman, Scientists’ Committee for West Coast Convention; Howard Peck, ACT; Prof. Anatol Rapaport, Toronto and Laymen Concerned about Vietnam (CALC); Mrs. Maria Joles and Miss Shirley J. known. In for Disarmament and Peace and Liberty, Paris; Bernhard Knobel; Prof. Gabriel Kolko; Donald McDonough, ADC; Prof. David Marx; Miss

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Yet Jack was taken in by the false idea that no one who offers criticisms of the Soviet Union could be doing Moscow's work. The fallacy is similar to the exposures in Europe that the "Euro-communist" parties that have offered criticisms of the Afghanistan war in Poland are financed through Soviet-owned banks.

As this report will show later, leaders of the U.S. disarmament movement working in association with the WPC's U.S. section are urging disarmament activists to include some criticisms of the Soviet Union as a tactic to gain spurious "credibility" with the media.

This report will also document that despite its appeals to the religious pacifist organizations in Europe and America, one of the WPC's primary functions is to provide propaganda and other logistical support to the Soviet-backed armed revolutionary movements, many of which utilize terrorism—violent attacks on the non-combatant segment of the community—in order to achieve their political or military goals. No true pacifist could countenance such activities.

The individuals who are giving their support to WPC initiatives on these issues are largely members of various "peace" and "peace" organizations. A number of them are known or admitted communists; others are prestigious non-communist figures who lend their names to providing a facade of independence and non-alignment. But most of those playing leadership roles with the WPC are affiliated with either the CPSU or the American Communist Party and have public records showing involvement in communist fronts and in support of communist-approved policies.

WPC disarmament offensive

At this time, to the WPC and its U.S. domestic supporters, the interests of the US are of little importance. In blocking U.S. defense modernization so that the Soviets can maintain their new strategic lead and continue their arms programs are paramount. A nuclear freeze or "nuclear moratorium" has been promoted actively by CPSU Chairman Leonid Brezhnev since the 26th Congress of the CPSU in 1981. A "nuclear freeze" or "nuclear moratorium" has been proposed and publicized as a gesture of good faith with the United States for it would preserve the Soviet strategic advantage.

Disarmament activists had their instructions confirmed on December 13, 1981, by Boris Ponomarev, the veteran head of the CPSU International Department and de facto commander of the Soviet "peace" offensive, in a speech to Soviet and foreign scientists, stating:

"The anti-war movement in Western Europe * * * and in the United States * * * has reached an unprecedented scale. * * *

However, the interests of preserving peace for further development of the anti-war movement, since no one has cancelled the U.S. giant military programs or Reagan's decision to manufacture neutron weapons * * *.

This Western Goals study documents not only meetings between WPC activists and the American government, but also the fact that the WPC is urging the Americans to boycott the U.S. disarmament movement during a U.S. disarmament groups during 1981.

Boris Ponomarev said, were on "an unholy war," but he denied that activities of the WPC with U.S. groups since the commencement of the "peace offensive" that coincided with Soviet gains in the Middle East, is to prevent further negotiations with the Soviet Union for ceilings on strategic weapons lower than those permitted under the Vladivostok Agreement.

"He greeted Chandra's suggestion that parliamentarians from around the world arrange a conference to discuss new initiatives to curb the arms race.

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"Mathias nodded agreement with a statement by Romesh Chandra, head of the delegation * * * that conditions are favorable for new initiatives to halt the arms race and strengthen U.S.-Soviet detente.

"Mathias responded that a "decommissioning" which the Soviet Union has offered in the Vladivostok Agreement is a procedural which the Soviet Union has offered in the Vladivostok Agreement.
Municipal Employees (AFSCME) Local 1840; Charles Miller, president; 329; Milton Tamber, president, AFSCME Local 1640; Louis Carreiro, president, UAW Local 878; and Edward Leon Green, president, UAW Local 78.

Working with the 1975 WPC delegation at various parts of its U.S. tour were former Danish MP Bjorn Ulstein; veteran of the WPC's Helsinki delegation of 1964, William T. Langer; William C. Massey, Jr., administrative director of the World Peace Council's Washington office; and Israel Allen Scott, president of the World Peace Council's New York Office.

The WPC's success, the WPC's World Congress of the People's Councils and Workers' and Farmers' Federations, concluded, was also visible in the U.S. House of Representatives, where Congressman Philip Burton, a member of the House Armed Services Committee's Subcommittee on Civil and Constitutional Rights and a sharp critic of U.S. defense policies, the major power of detente.

"Dialogue and campaigning against U.S. defense policies, the major focus of the WPC delegation was on providing support to the revolutionary Puerto Rican "independence" movement led by the Castrotide communist Puerto Rican Socialist Party (PSP) and spearheaded by several terrorist groups. According to the WPC, U.S. control of the Commonwealth of Puerto Rico is an "obstacle to peace and detente" to be solved by its "demilitarization and decolonization."

Most of the members of the WPC Bureau delegation moved on to attend the WPC's Latin America Conference, held February 2-4, 1978, in Mexico City. However, a small group including Alex Leguna of the World Peace Council in Argentina (ANC); Aldo Tessio of Argentina; Farouk Massarani of Lebanon; and Australian journalist Ernie Fisch, toured the U.S. West Coast. And East German representative Manfred Feist went to Detroit to
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participate in a meeting of the People's Unity Fight.

Other members of the WPC delegation were Vladimir Bogdanov, deputy director of the Institute of the USSR, Moscow; Moscow "research" center closely linked to the KGB; USSR Supreme Soviet member E. K. Dzhuraev; Leonid Parshin, chairman of the Russian Peace Council; James Lamond and Andrew Bennett, Francisco Astary, secretary of the Cuban Committee for Peace and Sovereignty; Elena Olg, Cuban Communist Party Central Committee; Panamanian Peace Council Camilo O. Perez, dean of the law faculty at the University of Panama; and Angolan U.N. Ambassador Elvis de Piqueiredo.

The U.S. State Department refused permission for two individuals accredited at the United Nations to travel to Washington with the World Peace Council group. These were the Vietnamese Ambassador to the U.N., Dinh Truong; and Zehdi Terzi, the chief of the Palestine Liberation Organization's U.N. observing group.

However, no attempt was made to deny the group U.S. visas.

WPC 1975-76 Disarmament Conferences

During 1975, the WPC held several meetings of the International Peace Bureau, "to End the Arms Race and for Detente." The Forum was held in York, England, in December and the Peace Council Secretary General, Charles Mackay, who shortly afterwards was expelled from the United States because of his central role in an espionage and agent of influence network operated by David Truong; and Zehdi Terzi, the chief of the Palestine Liberation Organization's U.N. observing group.

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Leo Demeyko, all from either the Institute of World Economics and International Relations of the Institute of the U.S.A. and Canada and the Soviet research group, which have intimate ties to the International Department and the KGB.

The published listing of members of the U.S. Congress who have visited the KGB included President Jimmy Carter, Vice President Walter Mondale, Foreign Minister Henry Kissinger, and Senator Joseph Biden of Delaware. The list also included representatives of the U.S. Senate and House of Representatives who have visited the KGB, including Representatives James Oberstar, John Dingell, and Barbara Mikulski.

Leo Demeyko, who worked for the KGB, was arrested in 1977 for his activities on behalf of the KGB. He was later convicted of espionage and sentenced to 15 years in prison.

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"It is much less well known that the Russian intelligence service (KGB) within the framework of this policy trains "church workers" who are sent to posts in the countries of the West and the Third World. Two such training centers for "religious agents" are located at Fedoskino in the Crimea and at Luga in the Ukraine."

"Religious workers are trained there who are placed in Switzerland, France, Belgium, Germany, the Netherlands, and Scandinavia. (The Protestant countries in Western Europe.)" The Catholic countries. Those who go to Latin America are schooled in the new theological trends, especially the theology of liberation.

"In Lithuania there is a training center for religious agents who are dispatched to the Alliance for Progress, the republics of the Federal Republic of Germany, Austria, the Netherlands and Scandinavia (mostly Protestant countries in Western Europe)."

WPC Anti-Neutron Bomb Campaign

One feature of Soviet propaganda operations is tight coordination combined with manipulation of disinformation. WPC's anti-neutron bomb campaign commenced in 1977 after the Washington Post leaked the fact that an American warhead was being secretly developed. The WPC's local affiliates in Holland, West Germany and other European countries set up subsidiary "Stop the Neutron Bomb" fronts to focus on this single issue and attract new supporters.

The Dutch "Stop de neutron bom" organization, for example, adopted the WPC's "moral" objections to the antitank warhead as the "perfect capitalist weapon" which "kills people but saves property," and utilized the WPC's shrill rhetoric that the neutron warhead was part of an American strategy to initiate a nuclear war in Europe. Such facts as the enormous Soviet and Warsaw Pact tank and armored personnel carrier forces, the tremendous numbers of troops deployed by the Soviet and Warsaw Pact countries, and the Soviet deployment of SS-20 missiles were not part of their campaign.

When President Carter decided not to proceed with U.S. production of neutron warheads, instead of disbanding, the WPC-controlled groups expanded to focus on NATO and the U.S. generally. The organizational name and slogan remained the "neutron" name as an example of a "viable" issue but added "Stop the Nuclear Arms Race" to indicate its "ultimate goal."

The WPC's campaigns against the Pershing II and cruise missiles were fitted into the shrill rhetorical campaigns by continuing the allegations that all three weapons together threaten the United States hopes to fight a nuclear war in Europe. U.S. disambiguating activities who have been in contact with the KGB are working secretly to disseminate the WPC-sparked anti-neutron campaign as a guideline for application in the U.S. For example, the coordinator of the Clergy and Laity Concerned (CALC) "Religious Peace and Jobs" campaign, Currie Burrus, after participating in meetings with disambiguating leaders in West Germany, the Netherlands and Great Britain that were sponsored by the American Friends Service Committee (APSC) wrote "CALC Report, January 1982."

"Perhaps the most important carry-over from the European experience is this: When an issue is presented in the U.S. able to address the issues that are alive in the media and seriously discussed in Washington, balanced with our ultimate goals, we do our best work."

"* * * And here is the similarity between the 'B-1 Campaign' and the MX Campaigns. By presenting viable alternatives (in addition to ethical arguments) to relevant and 'discussable' issues, you create the climate where you have to be taken seriously; you make winning the debate a possibility."

This has assisted the collection to the ongoing Freeze Campaign in the United States. ** * * as along as the Freeze proposal remains valid as an adherent to the nuclear arms race, and as popular support grows and broadens to reflect all sectors of the society, the Freeze campaign will have a national presence..."
this inhuman weapon. It is the latest step in the U.S. drive for military superiority and to thrust the world even closer to a nuclear catastrophe.

First President Ronald Reagan sent a protest message to the White House for use as propaganda that played on WPC claims to represent and control "world public opinion:"

"The World Peace Council with national committee and reef-country foundations has hundreds of millions of people is deeply shocked • • •. The overwhelming majority of humanity has already expressed itself as one voice in condemning these illegal nuclear weapons. • • •."

We urge • • • that you respond to the hopes and will of public opinion and resume your decision to go ahead with production of neutron weapons, enter into immediate Summit negotiations regarding Eurostrategic missiles and return to the START process. The World Peace Council intends to exert all possible efforts to further mobilize public opinion to these ends."

The WPC newsletter, Peace Courier (September 1981), used cartoon drawings of skeletons and corpses to highlight the WPC's concern with direct action. It attacked the neutron warhead as "the brainchild of the horrifying 'limited' nuclear war concept and extreme rhetoric, saving its answers by the White House and the U.S. military brass."

The West outside the United States, the World Peace Council customarily uses extreme rhetoric, saving its "moderate" mask for Americans. An example was its claim in a September statement: "It is the weapon par excellence of the aggressor, designed to enable him to take over the industrial cities and industries of another country after getting rid of the population."

**WPC Religious Targeting**

As the Dutch writer, J. A. E. Vermaat correctly noted, the Soviet Union long has attempted to manipulate religious organizations so that they support Soviet foreign policy goals. Through the WPC, Christian Peace Conference (CPC), and also through the World Council of Churches (WCC) in which the state-controlled Soviet bloc religious groups play coordinated and influential roles, the community has been made a major target for disarmament re- cruitment. As this report already noted, the WPC's "apology" for a delegation meeting attended by a number of religious and quasi-religious groups and leaders. Among the indicators of the WPC's religious targeting was a quote attributed to an anonymous "Dutch Roman Catholic pastor" by the WPC newsletter, "You know as well as I do that nuclear arms are directly against God's will. Stopping nuclear weapons is a fight for Christianity."

It is noted that at the initiative of the Patriarch Pimen of the Russian Orthodox Church, an "International Religious Conference for Peace" will be held in Stockholm in September or October 1982 that will continue the recruiting by the WPC of religious groups targeted at the June U.N. Special Session on Disarmament.

**WPC coordination of North American/Western Canada**

There is ample evidence of Soviet coordination of the European and North American disarmament campaigns through the WPC, CPC, and local communist parties and front groups.

Three World Peace Council activists—Werner Rumpel, head of the East German Peace Council; Nico Schouten, leader of the Dutch Cooperative Group to Stop the Neutron Bomb; and Terry Provance, head of the AFSC Disarmament Program and co-convener of the Mobilization for Survival's International Disarmament Conference sponsored a demonstration on Capitol Hill sponsored by the Mobilization for Survival (MFS) on October 23-25, 1979.

Rumpel, introduced by Provance as "my friend," denounced U.S. and NATO plans to deploy the Bighorn III nuclear cruise missile. Schouten said "It is easier to stop this weapon now, before it is deployed." Their U.S. trip followed a WPC disarmament conference in the Spokane and the related with "International Disarmament Week."

After listening to the speakers, some 500 demonstrators marched to the U.S. Department of Energy and conducted "civil disobedience" by blocking entrances.

But the many more recent evidence of WPC control and manipulation of the disarmament campaign include the following:

**Contingent Meeting of North American Youth for Peace, Detente and Disarmament, October 23-25, 1981.**

Held in Montreal, Canada, October 23-25, 1981, the "Contingent Meeting of North American Youth for Peace, Detente and Disarmament" was organized by 671 Danforth Avenue, Suite 305, Toronto, Ontario, Canada.

The meeting was a regional follow-on to the January 1981, "World Forum of Youth and Students for Peace, Detente and Disarmament" in Helsinki, Finland. The "World Forum" was organized by the WPC in conjunction with other Soviet-controlled international organizations such as International Federation of Democratic Youth (WFDY) and International Union of Students (IUS).

The featured speakers at the Continental Meeting in Montreal included officials of the Soviet Committee of Youth Organizations and the youth affiliate of the West German Communist Party. Participants included representatives of the U.S. and Canadian sections of the WPC, the youth groups of the Canadian and U.S. Communist parties, groups dominated by the Canadian and U.S. Communist parties, support groups for Third World revolutionary terrorist groups, and disarmament organizers.

The "appeal" issued by the Continental Meeting showed that the U.S. and NATO youth are the real targets: "In the last years, numerous protests have been staged in Canada and in the United States by different groups and organizations, by groups and organizations concerned with peace • • •. Lately, these protests have mounted in the United States and in Canada against United States military intervention in El Salvador; against the production and deployment of the neutron bomb; against the deployment of new nuclear weapons in Europe; against U.S. government support for apartheid and intervention in Angola; and against the reoccupation of the draft in the U.S.

In January of 1981, the World Forum of Youth and Students for Peace, Detente and Disarmament • • • declared themselves for complete and general disarmament, for an end to the arms race, for the establishment of cooperation in the relations between peoples and countries; and the conversion of war industries into civilian industry to meet human needs.

"The arms race and war preparations, but the destructions of above all the confrontation of the new U.S. Administration and exemplified by their decision to produce the neutron bomb, stand not only against the national independence of the countries on their way to liberation, but also against the basic interests of the North American people and youth."

The language of the Continental youth appeal paralleled not only the slogans of the World Peace Council, but also those of the U.S.-based Mobilization for Survival (MFS) in linking disarmament to social welfare programs, stating:

"The general demands of youth for jobs, health, a meaningful culture, full democracy, race and national equality, a safe and healthy environment and a peaceful future can only be successful in a world of peace and detente • • •."

Saying that the Continental Meeting was to "follow up the spirit of the Helsinki World Forum," the "appeal" outlined a program of coordinated action as follows:

We commit ourselves to support and organize mass actions of youth and students of our countries to pressure our respective governments to negotiate the limitations of arms, particularly nuclear arms; for an end to Canada's participation in NATO and NORAD; for declaring Canada a nuclear weapons free zone; to stop U.S. military build-up; no MX; Cruise and Pershing missiles; no neutron bombs; no U.S. intervention in other countries and reinstatement of the draft; and cut military spending in our countries and transfer these funds to meet human needs."

The workshop on "Deterrence And Disarmament" was addressed by guest speaker Ignatius of the USSR, Organized Youth Organizations produced five major resolutions, all adopted unanimously, which were included into the action program quoted above.

The workshop entitled "Disarmament in Europe" was addressed by guest speaker Ignatius of the Socialist German Workers' Youth (SDAJ), the youth affiliate of the West German Moscow-Lime Communist Party (KFD). Not unexpectedly, the resolutions it produced were blatantly pro-Soviet. For example:

"Whereas the millitarist forces in Western Europe and North America are pointing to the Warsaw Pact's deployment of SS-20 missiles as justification for their own demands for medium-range missiles in Western Europe; and

Whereas the same forces in the United States are emphasizing the so-called 'Soviet Tank Threat' necessitates the production of the neutron bomb which, even though a single neutron weapon could kill most of the people in a city the size of Paris, the American generals call an 'anti-tank weapon'; and

Whereas the SS-20 missile is simply a modernization of the old SS-4 and SS-5 missiles (with technology the Americans have had for years); a modernization that poses no new threat to Western Europe since for every SS-20 deployed, three SS-4 and SS-5 missiles are removed, and as a result the Western European countries and the Warsaw Pact airheads has not increased in ten years; and

Whereas Western Pact medium-range missiles in Europe pose no first-strike threat to American forces, while NATO medium-range missiles do in fact pose a first-strike threat to the Soviet Union; and

Whereas the myths of the SS-20 and Soviet tank threats have been invented by NATO and American military strategists as feeble justification for their own dangerous plans, and

Whereas this meeting made known to American military strategists its opinion that the SS-20 missiles and Warsaw Pact tank forces..."
offer absolutely no justification for their place to deploy Pershing and Cruise medium range missiles in Europe and to manufacture the neutron bomb.

The delegations of the 20 nations, by 21 to 19 in favor of 20 abstentions. The 20 delegations from "pacific" and other disarmament groups who attempted to substitute, in the one-sided nature of the resolution and tended to restrict their ability of these nations, and their activities. They attacked only the NATO for its leaders declined to allow the political intervention in their countries. By 20 nations to overthrow the Chilean Junta; by 21 nations to support the eventual armed struggle in Chile.

The U.S. delegation to the Continental Meeting in Montreal was top-heavy with members of the CPUSA's youth arm, the Young Workers Liberation League (YWLL). The U.S. group, all from New York, included Dennis Regler, a YWLL official who officially represented the Soviet-controlled World Federation of Democratic Youth (WFDY); Larry Moskowitz, YWLL Central Committee; Kris Buxenbaum; Lus Rodriquez; John Lee; Miltov; Lourdes Rodrigues of the CPUSA-controlled publication, New World Review; Kevin A. Tyson; and Andrea Bibbman.

WPC's generals and admirals for peace

In the disarmament drive, the World Peace Council and the Soviet media are making headlines by several former NATO military officers who, following their retirements which ended their ability to influence policy and their access to secret intelligence, have become highly useful "assets" for the Soviet disarmament propaganda machine.

Particularly important have been Gen. Nino Pasti, a former NATO Vice-commander elected in 1976 to the Italian Senate as an "independent Communist" Parey democratic ticket; Major Gen. Bert Bastian, formerly commander of the 12th Armored Division of the West German Army; and two retired U.S. Rear Admirals (one holding roles at an anti-defense organization, the Center for Defense Information (CDI), CDI director General LaRouque, and his deputy, Eugene Carroll.

Several of these retired military officers, including John Schott, Pasti, Johan Lee, Kristi of Norway, Francisco da Costa Gomes of Portugal (a WPC vice-president), Georgios Kumanokos of Greece, Von Meyendorf of the Netherlands and French Admiral Antoine Sanguinetti, signed a memorandum in November addressed to the NATO foreign and defense ministers, "We, the leaders of the Dutch and the Italian National Coordinating Committee for Peace and staff to attend a two-hour meeting with other activities in the Western Pacific.

"Whereas the resistance in Chile has recently come to the conclusion that armed struggle will eventually be necessary to overthrow the Chilean junta; "It is required that the U.S. army and navy prepare and arm the Young Workers Liberation League, which is now non-existent in Chile.

The Chilean solidarity work on the North American continent to increased and coordinated; in that it will provide support for the eventual armed struggle in Chile.

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ties and are rewarded for finding ever new ways to destroy and kill." By far the most effective speaker, she left immediately for her New York opening nights in Ibsen's play, "Hedda Gabler, in which the protagonist commits suicide rather than face social embarrassment.  

The essence of Pasti's remarks was that the United States is militarily superior to the USSR because it has a greater total number of nuclear warheads. Thus, he argued, cruise and Pershing II missiles are not only unnecessary, but might "provoke" the Soviets. The issue of the multi-warhead Soviet SS-20 missiles which could strike targets as far as Iceland and Morocco even if based on the Asian side of the Ural mountains was avoided.

Musili and Barnett supported Pasti's claims and credibility by emphasizing Pasti's NATO background (although he retired in 1980) and his position as an "independent" Italian senator.

IPS co-founder Barnet said the purpose of his presentation was "to underline the particular danger they [the cruise and Pershing II] pose to Europe" that being "highly accurate and a great potential threat to Soviet targets, as well as our own targets, there is increasing pressure on the Soviets in a crisis to use their own missiles prematurely. This situation on U.S. territory trades over the old line that the Soviets are merely reacting to American "millitarily," and completely ignores the fact demonstrated in Eastern Europe, Korea, South­east Asia, Angola, Ethiopia, Nicaragua, South Yemen and Afghanistan that the Soviet Union is a dictator that has seized every opportunity given it by American military and political policy to increase the territory under its control.

Barnet went on to present the Soviet proposals for a "nuclear moratorium" as reasonable and claimed the anti-NATO demonstrations in Europe were an "independent" reaction to American rejection of Brezhnev's "nuclear freeze" offer and the shelving of the SALT II treaty which would have preserved the USSR's ICBM superiority.

Barnet concluded that unless these U.S. decisions are reversed, the SALT II talks will be ratified and the "nuclear freeze" put into effect, it "is going to preclude possibilities in the future of serious control and reversal of Euromissiles.

Barnet enthusiastically described his meetings with European disarmament activists earlier in the spring.

Pasti returned to Capitol Hill on the following day, this time backed by WPC president Romesh Chandra and six other WPC activists.

The WPC contingent's schedule was coordinated from New York by Sandra Pollock of the U.S. Peace Council (USPC) and in Washington by Young Workers Liberation League (YWLL) veteran and USPC activist Fred White.

The WPC itinerary included a meeting with the Coalition for a New Foreign and Military Policy (CNFMP) prior to the Capitol Hill appearance, and a reception hosted by SANE's Sally Dinamar at her home in northwest Washington.

Members of Congress and staff were invited by Congressmen John Conyers (D-MI), Don Edwards (D-CA), Mervyn Damyllon (D-CA), George Crockett (D-MI), Ted Weiss (D-NY), and Senator Frank Church, and a delegation of the CPSU Central Committee, other disarmament enthusiasts including former French Defense and military structure include Dr. D. Lutz of Hamburg University, retired minister E. Eppel, and retired generals G. Birnstihl and W. von Baudissin, current director of the Hamburg University Institute for Peace Research and Security Policy. Their work preceded a pamphlet entitled "Generals for Peace." It is also noted that the disarmament lobby continues to use the services of Brig. Gen. Hugh B. Hester, who retired from the
Vietnam groups U.S. sobre by terming Reagan policies "sinister." "Peace Program for the 80s" with a letter
erring Reagan Administration defense policy efforts were motivated
ored by Promoting Enduring Peace (PEP),
"NATO Missiles: A European Perspective"

Approximately 75 Congressional staff
vestment and disarmament activists attend
ed a 2-hour "conference" in the Dirksen
ate Office Building on December 2, 1981,
entitled "NATO Missiles: A European Per-
spective." The meeting was sponsored by
SAN€ (A Citizens' Organization for a SANE
World).

Speaker David Crotty, SANE executive
director, said the Capitol Hill confer-
cence and subsequent meetings in the
U.S. would give groups the chance to hear
first-hand reports by "authoritative
European experts" and would aid in ending
the "myopia in regarding the European
disarmament movement as a creation of the
Kremlin."

Crotty introduced the four panelists:
Gianni Barni, characterized as re-
tired West German Commander with first-
hand knowledge of the strategic implica-
tions of INF missiles; Josephine "Jo"
Richardson, a British Member of Parliament, co-chairperson of the
Campaign for Nuclear Disarmament (CND) and member of the Labour Party
National Executive Committee; Petra
Kely, "Chairperson and Speaker of the
Green Party of West Germany and
Karl-Heinz Hansen, described as a
"Member of the West German Bundestag
since 1969, presently serving on the Defense
and Foreign Relations Committees."

tight told the audience that Hansen recently
had been expelled from the FRG's ruling
Social Democratic Party (SPD) on account
of his opposition to NATO plans to deploy
Pershing II missiles in West Germany.

Richardson claimed that the British
peace movement had arisen completely spontaneously
as a "movement of people" and an-
nounced with satisfaction that the British
Labour Party leadership had gone firmly on
record as favoring unilateral disarmament and committed to implementation of unilater-
al disarmament in the U.S. that would result in power. Richardson said the Labour Party
would implement unilateral disarmament by dismantling the British nuclear weapons
and closing and dismantling U.S. bases. She
attacked President Reagan's "zero option"
arms proposal to the USRR as a "cynical
peace movement" and announced that the British
Labour Party was not acceptable to them.

Gen. Bastian told the audience that it is
"a fundamental mistake" to view the peace
movement as speaking for or serving the in-
terests of the Soviet union. He attacked U.S.
Pershing II missiles as "designed (and in-
tended for nuclear war, not for deterrence;"
and said that NATO's nuclear forces did not
able the British to view the
USSR as a "cynical
Western nuclear warheads was greatest than those of the East.

Likewise, Bastian conceded that Warsaw
Pact populations, 20 million forces were larger than those of NATO, but emphasized that
NATO troops were better trained. He quoted
CDF-NY director Ivo J. Spatulina, stating NATO could defend Europe without using nuclear
weapons. Following Bastian, Bastian admis-
ited that the USSR had a marked superior-
ity in the number of tanks, but then said
these tanks were of World War II vintage
(apparently he had never heard of T-72 or
T-72 tanks deployed since the late 1960s or
the new T-80s being developed), and
cluded that "the number of tanks we had,
and the number of anti-tank rockets available
to each side, and each side had the greater number of anti-tank weapons,
but clearly implied that NATO was
"guilty" of having the larger number of
anti-tank weapons.

Bastian consistently reversed the role of
weapons, presenting NATO's defensive anti-
tank wa as an "off-duty" weapon, and
depicting the large Soviet and Warsaw Pact
armed divisions as "defensive."

Petra Kely, who attended college in the
U.S. from 1968 to 1970 and was active in the
anti-Vietnam movement was the most effec-
tive of the West German speakers on ac-
count of her personal experience as a WPC
member. She declared that she had been expelled from the FRG's
"Member Social Democratic Party
of the West German section of the WPC which is
controlled by the Communist Party (DEP).

Kely described her time as a WPC mem-
er as a "cynical slaughter of humanity" due to outsor-
ning the Soviet occupation of Afghanistan,
demanding total nuclear and conventional
disarmament as a condition for the dissolution of NATO and
the Warsaw Pact.

At a disarmament rally in London on Oc-
tober 24, 1981, Kelly revealed her bias by stating that what she would like to
play obviously, but it is NATO—not the
Warsaw Pact—that is going to introduce a whole new kind of war.

Kelly reiterated that NATO was
disarmament organizing body, but then
refused to say "a cynical slaughter of humanity."

"There is no missile gap. NATO is trying to create one."

Several U.S. appearances, she support-
ed the Krefeld Appeal, a petition to ban
deployment of Pershing-II and cruise missiles
in the U.S. that was initiated in November
1980 by the Committee on Non-Proliferation
(PDP) of the West German section which is
controlled by the Communist Party (DEP).

Kelly described the WPC's West German section as a
"concept of linking the antinuclear power movement to the disarmament campaign through
claims that nuclear power plants are dangerous to the public.

She dismissed as "propaganda of the
Reagan Administration" the concept of a
"objective of a nuclear war."

U.S. criticisms of the European disarmament
movement, she added, was based on "fear of
anti-militarism."

Karl-Heinz Hansen stated that the Soviet
Union "is more expansionist, no more imperialistic in our eyes
than the United States," and asserted
that Westerners had discarded the concept
that military strength enhances national se-
curity on the ground that there is "no de-
finite possible" against nuclear weapons. He
called FRG agreement making West Germa-
ny dependent on Soviet natural gas supplies
for much of its home heating needs a "posi-
tive" step.

In a brief question and answer period, panelist Ivo J. Spatulina, staff director of the
House Foreign Affairs Committee's Subcom-
mittee on International Security and Scien-
tific Affairs, asked whether nuclear parity
existed. Bastian reiterated that NATO was
deeper than the Warsaw Pact in nuclear,
avion and air systems; Hansen asserted (de-
spite the historical precedent of the the." Bastian retorted that NATO was
vocal in the very restricted regions of the FRG/GDR
border on account of mountainous terrain;
and Jo Richardson excused Soviet military
superiority saying that the Soviet Union
learned from the West German border while the U.S., Europe and People's
Republic of China together had a mere 2
miles of border. With Bastian's precedent set
Bob Sherman, military staff assistant to
Rep. Thomas Downey (D-NY), asked why
the four European panelists were concerned
with missile neutrality. pershing II and cruise
nuclear weapons rather than with "strategic nuclear weapons that could still
destroy the world." Bastian replied that it
was the responsibility of the Europeans
to prove to the U.S. that cruise and Pershing
missiles were not acceptable responses to
the Soviet SS-20 missiles.

Nordic Press manipulation by the U.S.S.R.

In the Scandinavian countries, the direct
role of Soviet KGB officials with WPC-re-
exported from Denmark for similar reasons.

In September 1981, Vladimir Merkou-
lov, Second Secretary of the Soviet Embassy
in Copenhagen, denounced the Danish
press as having "KGB connections," was de-
clared persona non grata and expelled for his
activities with disarmament groups.

Merkoulov worked on the Scandinavian
Committee for Cooperation and Peace, a coal-
ition of 50 disarmament groups linked with
to the West German Social Democratic Party and the Danish author Herlov Petersen, $2,000 to buy news-
paper ads promoting a "Nordic nuclear free
peace community"

Merkoulov and Petersen attempted to
influence Danish public opinion-makers with
lunches and gifts. Petersen has been
charged with violating the Danish Espio-
nage Act.

The Swedish newspaper Verdens Gang
(11/27/81) reported that two Soviet diplo-
mats were being expelled from Norway. One
of them, Soviet First Secretary Stanislav
Chebotok, offered money to several Norve-
gian writers to write letters against NATO and
nuclear arms to local newspapers. The article
stated that Chebotok previously had been
expelled from Denmark for similar reasons.

On November 29, 1981, the U.S. Depart-
ment of State said that a Norwegian news-
paper story that "Nordic circumstances" the U.S. would attack Norway with
nuclear weapons was "disinformation",
based on KGB forged letters.

Commenting on the Soviet efforts to ma-
ipulate public opinion via the Nordic press,
Berlingske Tidende (11/8/81) editorialized:
"The Soviet Embassy's interference in the
public debate on Danish security policy is so
gross a provocation that it is almost a car-
iture of reality. The financial support of a
campaign of advertisements for a nuclear-free
zone in the Nordic countries * * compromises Soviet policy with regard to the Nordic countries ** .
It comes as a confirmation for all those who
in the past were unwilling to see or hear
that his disclosed offer of Soviet contribution to such a zone was superpower trickery to
be used to blind the simple-minded."

Chronology of disarmament organizing

Having outlined the leadership role in the
International disarmament campaign that the
Soviet Union is playing covertly through the KGB and front organizations
lead by the World Peace Council, and
having provided examples of the collabora-
tion of leaders of U.S. disarmament groups
with the WPC, this Western Goals report
will examine a series of disarmament and re-
lated organizing conferences held during the latter part of 1981.

Focusing on the June 1981 U.N. Second Special Session on Disarmament, this section will analyze the role of Non-Governmental Organizations (NGOs), U.S. Peace Council (USPC), Mobilisation for Survival (MFS), National Council of Churches (NCC), Women's International Democratic Federation (WIDF), and the MFS, and the Women's International Democratic Federation (WIDF). In addition, recent activities of Non-Governmental organizations (NGOs), particularly on the disarmament, liberation for Soviet-backed terrorist fronts. The WPC/NGO Conference on Disarmament, August 5-8, 1981.

The WPC and other Soviet-centered international fronts play a very strong role at the United Nations in coordinating the activities of Non-Governmental Organizations (NGOs), purportly and on the issues of disarmament, public information and support for Soviet-backed terrorist "national liberation" movements.

The Information Digest covering the second U.N. Special Session on Disarmament moved into high gear with the NGO Urgent Action Conference in late 1980, in Geneva, which was organized by the Special NGO Committee on Disarmament co-chaired by WPC president Romesh Chandra.

Under the co-chairmanship of Chandra and Serge Wourgaft, secretary-general of the WPC, the NGO Urgent Action Conference discussed, as reported by the WPC in the Peace Courier September 1981, "obstacles to disarmament in the light of the new developments in the arms race, especially in nuclear arms, as well as NGO actions to overcome these... It also discussed NGO activities in connection with preparations from the Second Special Session on Disarmament. General Assembly, October 6, 1981, in Geneva. The NGO and United Nations NGO concerns were "the danger of the deployment of new nuclear medium range missiles in Europe and the immediate negotiations on this subject." The NGO and United Nations disarmament group agreed that their main activity would be to contribute to "the preparations and work of the Second Special Session on Disarmament Working Group, October 6, 1981.

The NGO report noted that the U.N. NGOs could be used to influence U.S. and European governmental leaders. A panel of disarmament activists "insisted that urgent measures be taken to stop the drive toward a nuclear arms race, and to withdraw the importance of NGOs in influencing decision-makers to curb the arms race..." The members of the panel were identified as Nino Pasti, Mrs. Randhall, executive director of the Institute for Defense and Disarmament Studies (IDDS), formed in January 1980 and based in Washington, D.C.; the World Council of Churches (WCC); Prof. G. A. Trofimenko, USSR; and Prof. Hylke Tromp, Director of the Polemological Institute of the University of Groningen, the Netherlands, co-sponsor of the Groningen nuclear war conference.

The Information Digest [19/19/80] reported that in cooperation with leaders of the Center for Defense Information, the IDDS was scheduled for the 1980 Democratic National Convention for disarmament, and that it took the position that "for the U.S. to regain nuclear superiority, rather than stopping the arms race, will produce unprecedented danger of first strike by both sides in time of crisis; and is the single greatest danger currently facing the world."

The Information Digest reported: "The executive director of the ISRD is Mrs. Randall. "Randy" Forsberg. Officers include Patrick Hughes, secretary, and George Sommaripa, treasurer. The IDDS Board of Directors reflects a spectrum from the academic and activist branches of the anti-defense lobby including several individuals and organizations active with the World Peace Council (WPC). Members of the board include Mr. Chandra, Ramesh, president, U.N. Committee on Disarmament and International Security, Political Science, National Council of Churches (NCC); Dr. Sterngold, political scientist, MIT; George Rathjen, economics, Peace Studies Program, Cornell; and Brewster Harts, director, Coalition for a New Foreign and Military Policy (CNFMP).

Prime among the United Nations NGO concerns were "the danger of the deployment of new nuclear medium range missiles in Europe and the immediate negotiations on this subject." The NGO and United Nations disarmament group agreed that their main activity would be to contribute to "the preparations and work of the Second Special Session on Disarmament Working Group, October 6, 1981."

On October 6, 1981, some 40 representatives of disarmament groups who constituted themselves as the Special Session on Disarmament Working Group (SSDWG) met in New York City to organize rallies and demonstrations in support of "International Disarmament Week" (October 24-31) and to launch the Campaign for the Second Special Session on Disarmament.

The leadership role was taken by representatives of CPUSA fronts, the U.S. affiliates of international Soviet fronts, and of groups that have close ties with Soviet fronts.

These groups included the U.S. Peace Council (CPUSA), "Women for Peace" Conference (WPC), Women for Racial and Economic Equality (WREE), a CPUSA front affiliated with the WIDF; Women's International Democratic Federation (WIDF); Women Strike for Peace (WSP); Promoting Enduring Peace (PEP); Riverside Church Disarmament Committee and Laity Concerned (CALC); the Disarmament Working Group of the Coalition for a New Foreign and Military Policy (CNFMP); Washington (D.C.) Peace Center; War Resisters League (WRL); Fellowship of Reconciliation (FOR); and the American Friends Service Committee (APSC) present as the Nuclear Freeze Campaign.

Other groups in the SSDWG included the All-African People's Revolutionary Party (AAPRP); Children's Campaign for Nuclear Disarmament (CCND); Coalition for a People's Alternative (CPA); Democratic Socialists of America (DSA); National Association of Social Workers (NASW); the SHAD Alliance (New York City & Long Island); SEIU Alliance (New Jersey); Unitarian Universalist Association; World Conference on Religion & Peace; and the Mobilisation for Survival (MFS) New York and Northeast Regional Board... They represented that it was not a pacifist organization, and that it supported armed revolutionary "national liberation struggles."
The “apology” denounces “acts of aggression *** perpetrated against *** people who struggle for their inalienable rights to self-determination, national independence and social justice.” It went on to say that “all forms of injustice, racial and colonial oppression and suppression of peoples must be fought from the face of the earth.” There was no suggestion in the WIDP appeal that that should take place without violence.

It also noted that in a report on the Women’s Congress by WRB activist Margo Nikitas in the World Magazine supplement to the CPUSA newspaper Daily World, (11/15/81), Soviet Women’s Committee vice-president Chechtkina was quoted as having drawn “an important distinction between the Soviet people’s voluntary struggle to liberate themselves and the experience of war. ‘We made a revolution and it caused suffering of neutron bomb survivors in New Mexico and Pantex’s weapons production sites in relations with U.S. military strength. And Chazov flatly said he wanted one hour on a major commercial network and an IPPNW speech had been broadcast over Soviet television.

Among the “breakthroughs and opportunities for local organizing efforts around weapons facilities and disarmament issues enumerated were the “challenge of keeping new nuclear facilities from being built” and the “postponement following the U.S. decision to cancel planned land-based of the MX missile in Utah and Nevada; expansion of support for the AFSC’s “Nuclear Freeze” montessorai campaign; a Public Broadcasting System documentary expose of nuclear weapons stations system in Wisconsin, the expansion efforts to bring scientists and physicians into disarmament activities through Physicians for Social Responsibility (PSR) and International Physicians for the Prevention of Nuclear War (IPPNW) together with successes in involving religious leaders and groups.

The first conference of International Physicians for the Prevention of Nuclear War was held in Alrlie, VA, and was attended by a Soviet delegation headed by Georgy Arbatov, head of the International Peace Information Digest (4/14/81), in an article entitled “Soviet’s Participate in U.S. Anti-Ruke Conference,” reported: “The first congress of International Physicians for the Prevention of Nuclear War (IPPNW) closed at Alrlie, VA, on March 21, 1981, after five days of speeches emphasizing the horrors of nuclear war, the typed and the desirability of cooperation with the Soviets. “IPPNW president Bardn Lown, a Harvard cardiologist, stated the IPPNW physicians were interested in dialogue; the meetings closed with the presentation of its lengthy conclusions to the Soviet Embassy in Washing­ton, D.C., and to the U.S. Department of State. And at a Washington press conference following the meetings, Jack Gelger, City University of New York, summarized IPPNW’s argu­ments as that in the event of a nuclear conflict, “The survivors will get no medical care. * * * The survivors will become dead.” Perhaps in a gesture to the large Soviet contingent and to its head and conference cochairman, Deputy Minister of Health V.P. Chechtkina, the IPPNW’s announcement that it would build the MIRV program, the Mexican nuclear submarines or their Backfire bomber. “One, you cannot win in a nuclear arms race. This is a stupid notion. You open the bottles and the genie comes out, the dangers and instabilities increase. We have expe­rienced this with MIRVs; the same can happen with cruise missiles.” So it is better to prevent the birth of new weapons rather than struggle with their conse­quences.

“Arbatov’s second point was a variation on the ‘better red than dead’ theme: “Forces are at work to undermine deterrence but the only way you can go from it is towards arms control and detente, not to­wards improving ‘deterrence’ or limited war­fare. The nuclear arms race has tremendous political and moral consequences. * * * nothing can justify such sacrifice as the loss of the whole of humanity. It’s absolutely irre­sponsible.”

As for the MX, Arbatov shrugged, “so to kill them one has to send more than one weapon for each. It is absurd to have to put into motion thousands of war­heads. What is the difference between this and the decision to start an all-out nuclear war? Certainly it was not in the in­terest of a Soviet official to point out that Soviet first-strike warheads absorbed on remote desert sites or on long-range missiles produce the number available for targeting against heavily populated industrial areas.

The Information Digest report observed that “When summarized by the Soviet news agency TASS (In English, 3/22/81), the similarity in content of Arbatov’s remarks to the materials produced by the Mobilization for Survival (MFS), Coalition for a New For­eign and Military Policy (CNFMP), U.S. Peace Council (USP, CPUSA, <PSR> et al., is striking.” The TASS report said: “the arms race is a heavy burden on the economy, vast manpower and material resources are squandered on the arms race, * * * it heavily taxes the energy and efforts of society. The arms race constitutes a danger not only to our country but to the whole world. And our country cannot hope for luck any longer * * * the arms race has assumed unprecedented scope and the situation is becoming ever more dangerous. The main reason why the main efforts must be aimed at establishing the control over arma­ments and consolidation of detente which is the most important condition for ensuring international security.”


An agenda for 1981-82 was adopted which included the following points:

September 29, 1982

CONGRESSIONAL RECORD—SENATE

25777

Materials on the Amsterdam meeting were distributed by the Nuclear Weapons Facilities Task Force co-convenors, Pam Solo and Mike Jendrezczky. Solo was an organizer of the American Friends Service Committee (AFSC) project against the Rocky Flats, CO, nuclear weapons plant from which the MPP's Nuclear Facilities Project (NFP) received funds. Jendrezczky is on FOR's staff. The AFSC and FOR jointly sponsor their own Nuclear Weapons Facilities Project which Solo and Jendrezczky coordinate and which forms the core of the MPP NWF Task Force.

Leaders of both the AFSC and FOR have participated in World Peace Council activities since the anti-Vietnam days, and neither organization's "peace" orientation has offered strong condemnations of armed revolutionary movements that utilize terrorism.

The AFSC approved a message of solidarity to the "Dutch Disarmament Movement" to be read on November 21 at an Amsterdam rally which said in part: "We of the Nuclear Weapons Facilities Task Force ** * seek to reverse the arms race today in the interest of the U.S. government to stop its planned deployment of the cruise and Pershing II missiles in Europe. We demand that the U.S. government negotiate on arms control with the Soviet Union. Recognizing our government's responsibility for the arms race, we are determined to struggle with you for a world without nuclear weapons." It is noted that among the member U.S. organizations, only the ICCR's Amsterdam conference were a number of MPP/NWF Task Force organizers and leading U.S. disarmament groups. The AFSC's Philadelphia office, and the Riverside, CA. Bendix Corp. meeting and include plans for a "Call for a New Foreign and Military Policy." (CNFMP) (202/546-8401) and the NWF Task Force provided an questionnaire for Senate candidates. Anti-Corporate Actions/Outreach in the Rocky Flats, MO, campaign on raising peace conservation, health, nuclear safety and "moral" issues at the annual stockholders meetings of major corporate, in the United Methodist Church. Testimony was prepared for the American meeting by both the AFSC/ FOR NWF Project and by the MPP NWF Task Force.

The NWF Task Force noted that the Amsterdam meeting was scheduled "on the same day as the U.S. theater missile contest." A follow-up meeting to consider those issues will be coordinated by Provance from the AFSC's Philadelphia offices, and by Linda Bullard of Ciercy and Laity Concerned (CALC).

As was the case at the MPS fourth national conference in Pittsburgh in January 1981, there was tension between local organizers who prefer smaller demonstrations on a local or regional basis, and national leaders focusing on New York or Washington based actions. The primary concern of local organizers in the West and Midwest was that SSD-II demonstrations be organized in such a way as to catch the high-profile Europeans active in the disarmament movement" will be coming to the U.S. in the face of a new defense budget. Their tours will be coordinated by Provan from the AFSC's Philadelphia offices, and by Linda Bullard of Ciercy and Laity Concerned (CALC).
Tom Joyce, Cruise Missile Conversion Project, 730 Bathurst St., Toronto, Ontario M5S 2B8, Canada. (416/532-6791). NOTTO

David Collins was the Project's delegate to the Continental Meeting in Montreal.

Marcia Lehman, Concord Naval Weapons Station Task Force, Mt. Diablo Peace Center, 65 Eckley Lane, Walnut Creek, CA 94596.

Dawn Longnecker, Sojourners, 1309 L Street, NW, Washington, DC (202)/727-2525.

Lee Mason, Wall Street Action, 35 Claremont Avenue, New York, NY 10027.

Bob Staley Mays, AFSC Cruise Missile Project, 831 Euclid Avenue, Syracuse, NY 13210 (315)/475-4822.


Dana Mills Powell, Sojourners, 1309 L Street, NW, Washington, DC (202)/727-2525.

Terry Provance, AFSC Disarmament Program, 1601 Cherry Street, Philadelphia, PA 19103 (215)/341-7177, WFC activist and USPC founder, with Kay Camp of WILPF co-head of the MFS International Taskforces.

Jim Rice, 915th 16th Street, NW, Washington, DC (202)/882-9814.

Paula Greenpeace, 2077 R Street, NW, Washington, DC 20036 (202)/332-4042.

Cindy Sagen, 3611 Thornhill Drive, Oakland, CA 94601 (510)/528-8790.

Charles Scheiner, Westchester County Peace Action Coalition (WESPAC), 255 Grove Street, White Plains, NY 10601 (914)/449-2115.

Steven Schroeder, Northwest Texas Clergy and Laity Concerned (CALC), 3500 S. Bowie, Amarillo, TX 79109 (915)/360-9843.

Verden Seybold, AFSC Cruise Missile Project, 821 Euclid Avenue, Syracuse, NY 13210 (315)/475-4822.

Craig Simpson, 201 Pine, SE, Albuquerque, NM 87106 (505)/243-6169.


Jenny Sprecher, Stop Project ELF, 1148 Williamson Street, Madison, WI 53703 (608)/256-0870.

Sara Stage, Dogwood Alliance, 303 Fern St., Asheville, NC 28805 (828)/258-0527.

John Stauber, Stop Project ELF, 1148 Williamson Street, Madison, WI 53703 (608)/256-0870.

Mary Stuckey, AFSC, 915 Salem Avenue, Dayton, OH 45406 (513)/728-4225.

Mary Swan, Committee for Non-Violent Action (CND), 71 Park Ave. #4 1, Voluntown, CT 06384 (203)/376-9797.

Nancy Sylvester, NETWORK, 806 Rhode Island Avenue, NE, Washington, DC 20022 (202)/526-9070.

Betsy Taylor, Nuclear Information and Research Service (NIRS), 1538 16th Street, NW, Washington, DC 20036 (202)/653-0045.

Chet Tchozewski, AFSC/Rocky Flats Project, 1680 Lafayette Street, Denver, CO, 80209 (303)/292-9670.

Edwina Vogen, 1145 East 6th Street, Tucson, AZ 85719 (602)/792-3517.

Ron Young, AFSC, 1501 Cherry Street, Philadelphia, PA 19102 (215)/341-7177.

Launching of the Campaign for the SSDWOG, October 31, 1981

A meeting to launch the Campaign for the Second Special Session on Disarmament (CSSD) organized by the Special Session on Disarmament Working Group (SSDWG) was held on Halloween, the last day of "International Disarmament Week," at Riverside Church, New York City.

The meeting was attended by nearly 200 representatives from 12 groups, including: Members of the Coalition of People's Organizations for Peace and Disarmament (COPD); the U.S. Peace Council (USPC); the Trotskyite communist Socialist Workers Party (SWP); the Irish-based Fourth International; Workers World Party (WWP); a strident supporter of Cuba, North Korea, and Soviet-supported revolution; and terrorist groups that have earned a reputation for street confrontations with police; the WFF-controlled People's Anti-War Movement (APAM); the Coalition for a People's Alternative (CPA), a revolutionary "party-building" formation including the CSCP, Mohawk for Survival Party (MSP) and American Indian Movement (AIM) organized by Arthur Kinoy of the National Lawyers Guild (NGL); and Center for Constitutional Rights (CCR, Vieques Support Network, that backs PSP causes aimed at making Puerto Rico the next Cuba; the Christian Socialists' Revolutionary Movement (AARPR); and the National Lawyers Guild (NLO).

Also part of the co-representatives of the American Muslim Mission; AFSC and AFPC Nuclear Freeze Campaign; Catholic Peace Fellowship (CPF); Church Women United (CUW); Concerned Action (CALC); Coalition for a New Foreign and Military Policy (CNFMP); Committee for Separatist East Center for Defense Information (CDI); Democratic Socialist Organizing Committee (DSOC); Educators Coalition for International Solidarity; Information y Solidaridad de America Latina (PFAL); The Guardian; WIN Magazine; Greenpeace; Intermedia; Jewish Peace Fellowship; National Association of Machinists and Aerospace Workers (IAM); Lawyers' Committee on Nuclear Policy (LCNP); National Association of Women Religious (NAWR); National Conference of Black Churches (NBC); New Activist Group; NY Public Interest Research Group (NYPIRG); Pax Christi; PEN American Center; River­side Church Disarmament Program; SHAD Alliance; Students for a Democratic Society (SDS); United Church of Christ (UCC); Lutheran Church; Presbyterian Church; U.N. NGO Committee, Women's Federation of Teachers (UFT), Committee for a Nuclear Freeze; War Resisters League (WRL); Women's International League for Peace and Freedom (WILPF); Women Strike for Peace (WSP); and the strongly CPUSA-Influenced Westchester County Peace Action Coalition (WESPAC).

At the Riverside singing organizing meeting, the representative of the Geneva NGO Special Committee on Disarmament, James Avery, brought the message that the European activists would like to see "significant opposition to the arms race" develop in the U.S. similar to the mass demonstrations in Europe.

There was consensus that although the disarmament talk has swirled, the real question is whether the "arms race" was not on the U.S., some criticism would have been made of the Soviet response that was a facade of "credibility" with the media and U.S. public. It was explained that it is necessary to develop this "creditibility" based on mild criticism of Soviet arms and policies because it would provide them with a platform for a media campaign to convince America that really is nothing to be feared from Moscow.

This opportunistic consensus was expressed closely by IAN special assistant to IAN president William Winpisinger, who said that because of the "myth of the red hordes" and "deep-seated panic that this country feels," they are looking for the only approach that will give us credibility to reach the myth of the Soviet threat.

After speeches from Pelmi Alipol of the U.N. Center for Disarmament, Rev. Timothy Mitchell of the National Conference of Black Churchmen; and WESPAC coordinator Connie Hogarth of WILPF, five workshop discussions were held on the topics of civil disobedience, religious, international, public, and 72nd Amendment to the UN for the SSD-II demonstration and rally. It is noted that among the key organizers of the CSSD and veterans of the anti-Vietnam coalitions such as the People's Coalition for Peace and Justice (PCPJ) including Norma Becker, WRIL Paul Mayer, a former NCI activist, and the AFSC Religious Taskforce; David McReynolds, WRL; Connie Hogarth, WILPF; and Cora Weiss, as a special assistant to WE. The group agreed that there should be a full day of protests and "cultural events" on the weekend of June 12-13, 1982, and that there should be a march, potentially the largest of the Denver-based peace group. The civil disobedience action or set of actions should take place on Monday, June 14 (Flag Day), the first working day after the mass march.

Based temporarily in the cramped offices of the New York MFS chapter (which is also the national office of the CSSD), the local coordinator, Susan Blake, and Cora Weiss, and was co-chaired by Norma Becker, a veteran organizer of anti-Vietnam mass demonstrations; and Cora Weiss. The group agreed that there should be a full day of protests and "cultural events" on the weekend of June 12-13, 1982, and that there should be a march, potentially the largest of the Denver-based peace group. The civil disobedience action or set of actions should take place on Monday, June 14 (Flag Day), the first working day after the mass march.

Cultural/Demonstration. Contact: Kathy Engel (212)/624-4525. The first meeting was held at the National Office of the CSSD, and was co-chaired by Norma Becker, a veteran organizer of anti-Vietnam mass demonstrations; and Cora Weiss. The group agreed that there should be a full day of protests and "cultural events" on the weekend of June 12-13, 1982, and that there should be a march, potentially the largest of the Denver-based peace group. The civil disobedience action or set of actions should take place on Monday, June 14 (Flag Day), the first working day after the mass march.

Civil Disobedience. Contact: John Miller (212)/634-0371. New York Local, WRL; Nora Lumsley, MY MPS (212)/673-1868; and Debbie Wilber, WESPAC. Meetings of this task force on October 30 and November 21 proposed that a civil disobedience action or set of actions should take place on Monday, June 14 (Flag Day), the first working day after the mass march. Organizers emphasized that civil disobedience actions "should be directed at altering U.S. policy" although they could not agree if "large numbers," potential targets of civil disobedience actions proposed included the U.S. missions of the nuclear powers, as well as the missions, traffic routes, and national airlines of the "borderline nuclear and major arms exporting countries," and the U.S. military mission.

The Civil Disobedience task force said it was seeking additional ideas and broader participation "as we build for the largest possible demonstration that will send a message to this nation, and possibly the world, has ever seen.

Public Education. Contacts: Andrea Tar­antino (212)/678-4640) and Susan Blake
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At its first meeting on November 21, 1981, the task force decided to promote a variety of disarmament strategies in the United States, including international cooperation within the disarmament movement and better serve the needs of public education and the Campaign. Four working groups were formed to plan project strategies for local organizers, operate a film and speakers bureau, and encourage “cultural peace.”

International.—Contact: Dave McReynolds, WRL, (212/228-0450). Meeting in the WRL’s Lafayette Street offices on December 6, 1981, the task force, with Terry Provance of AFSC and members of CALC taking leading roles, sketched its role as coordinating visits by foreign disarmament delegations, arranging U.S. tours, and “acting as a liaison between the international peace movement and the American peace movement.”

A key project is to be supporting a conference to coincide with the opening of the SSD-11 sponsored by the International Federation for Disarmament and Peace (IFDP). Educational conferences include several of the Soviet-controlled NGO’s. Religious.—Contact: Paul Mayer (212/865-2676), coordinator of the SSD-1 conference on developing the disarmament campaign among religious groups, leaders and congregations. Outreach to black ministers focuses on efforts to increase federal and federal church social welfare spending to the “arms race.” An “interreligious Convocation” will be held in New York in association with SSD-2 as the first SSD and an “international religious conference” of “religious activists and religious organizations” is planned to “develop strategy towards building a ‘broad international religious movement’ for disarmament.”

Members of the task force include: Ginny Newsom (212/496-0713). Fundraising.—Contact: Ken Caldeira (212/673-1808).

Outreach.—Contact: Tom LeLuca (212/673-1808). Organizers emphasize that in order to bring the members of the new constituencies who have been working on anti-MX and ecological anti-nuclear projects with the MFPS in the Midwest and Southwest to the SSD-11 demonstrations, the Campaign’s “coordination with MFPS must be emphasized.”

It is noted that CSSD organizers report that the campaign has been promoted as “in association with the MFPS for fundraising purposes; and that the $5,000 seed money to open the office in New York used by National MFPS was provided by Nora Lumley who borrowed it from an anonymous ‘sympathetic friend.’”

Convocations on the Threat of Nuclear War, November 11, 1981

Veterans Day was used to provide symbolism for a “teach-in” campaign of “Convocations on the Threat of Nuclear War.”

The Convocation was held primarily by the Union of Concerned Scientists (UCS) and three months in the planning, the campaign was able to mobilize over 300 on some 150 college campuses. In general, the format was a “teach-in” in which several thousand students and campus activists participated on the threat of nuclear war. The “teach-in” presentations were used to publicize demands for nuclear arms reductions that were virtually identical with the list of demands of the disarmament conference. They included:

• living on U.S.-Soviet ban on nuclear weapons test

Limits on flight testing of new missile systems;

• Substantial and verifiable reductions in the number of existing U.S. and Soviet nuclear missiles;

An intensive U.S.-Soviet effort to halt the proliferation of nuclear weaponry and to end discriminatory weapons reductions by other nuclear powers.

The Union of Concerned Scientists (UCS), with offices in Washington, D.C., and in

Washington, DC, was established at the Massachusetts Institute of Technology (MIT) in 1981 in support of the Strategic Arms Limitation Treaty (SALT). UCS claims more than 100,000 sponsors nationwide.

The UCS board of directors is chaired by Dr. Henry Kendall of MIT and includes Dr. James A. Pay, Dr. Kurt Gottfried, Leonard Meeker, Dr. Herbert “Pete” Scoville, a former CIA Deputy Director; and Richard Wright. UCS executive director is Eric E. Van Loon.

A number of UCS leaders are also active with the Bulletin of the Atomic Scientists, founded in 1945 as an anti-A-bomb, pro-disarmament outlet. Its editor-in-chief is Bernard T. Feld, active with the Institute for Policy Studies (IPS) anti-NATO and disarmament programs during those years. Coincident with the UCS teach-in convocations, the Bulletin of the Atomic Scientists published a 252-page book ($4.95) with articles by individuals active with the Pugwash conferences, Physicians for Social Responsibility (PSR), the Arms Control Association (ACA), UCAR, International Physicians for the Prevention of Nuclear War (IFPNW) and related groups compiled as a handbook “on the ultimate medical emergency—nuclear war.”

Contributors to the volume, entitled the Final Epidemic, include Herbert L. Abrams; M. Caldicott; Bernard T. Feld; John Kenneth Galbraith; H. Jack Geiger; George B. Kistiakowski; Robert Jay Lifton; Bernard Rotblat; Herbert Scoville, Jr.; Victor W. Sidel and Koeta Taipa.

It is noted that the December 1981 issue of Scientific American, a regular outlet for technologically-oriented pro-disarmament articles, features an article by Taipa, associate director of the MIT Physics Department’s Program in Science and Technology for International Security, and a frequent writer on “the role of science and technology in formulation of national-defense policy.”

The Taipa article is an attack on “a small group of people in the U.S. Congress, the Department of Defense and the aerospace industry [who] have contended that highenergy lasers have the potential for destroying intercontinental ballistic missiles in flight.” The paper shows “that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.” His argument “is that high-energy lasers are useless and that the USSR has already mounted a large effort to develop lasers as antimissile weapons.”

Members of the publication’s board of directors include Efraim Sanbar; Aaron Adler; R. Stephen Herrington; Seneca Dobson, coordinator; and Michael Mawby, legislative director.

The members of the NCSMX advisory council include Dr. Helen Caldicott; Dr. Arthur Macy Cox; Col. James A. Donovan, USMC (Ret.); Rear Adm. Henry E. Eccles, USN (Ret.); Maj. Gen. William T. Fairbourn, USMC (Ret.); Dr. Bernard T. Feld; Randall Forsberg; Dr. George B. Kistia­ kowsky; Vice Adm. John M. Lee, USN (Ret.); Dr. Linus Pauling; Dr. Earl Ravenal; Dr. Carl Sagan; Dr. Herbert Scoville, Jr.; Dr. Benjamin Spock; Dr. George Wald and Dr. Jerome B. Wiesner.

NCSMXM has distributed a brochure by the National Action/Research on the Military-Industrial Complex (NARIC), an AFSC project, which provides, “information on prime, associate and sub-contractors. The brochure credits its information on MX contracts and a map showing these contractors are located to the Council on Economic Priorities (CEP).”

It is noted that an article in the official U.S. Department of Justice publication, November 16, 1981, by its chief Washington correspondent M. Sturma singled out five American Jews as among those who now run the U.S. defense program “without bias.” Said Pavlovsky, “They include Dr. Helen Caldicott, head of the ‘Physicians for Social Responsibility’ organization; Henry Kendall, MIT professor and leader of the ‘Union of Concerned Scientists,’ Marshall Shulman, former U.S. State Department executive and professor at Columbia University; Paul Warnke, former head of the U.S. Arms Control and Disarmament Agency; Rear Admiral LeCrocq, head of the Information Center on Military Problems (sic-CDI) and certain others.”

After the major campus “teach-in” meetings was attended by some 800 students at Harvard University. Speakers included Magid Wiesner, chairman of the Senate Subcommittee on National Security (CNS), initiated early in 1980 after the Soviet invasion of Afghanistan by IFS leader Richard Barnet “to mobilize broad support for detention centers,” he countered the voices calling for a return to confrontation and intervention.” Among the better known CNS members is William Colby, former director of the Central Intel­ligence Agency.

Also speaking was Stephen Meyer, a MIT political science professor described as a consultant to U.S. military and intelligence agencies. But the most enthusiastic ap­pearance was awarded the performance of Yuri Krasnov, the high ranking counselor of the Soviet Embassy in Washington who has become Moscow’s virtual “ambassador” to the U.S. disarmament movement.


The second national conference of the U.S. Peace Council (USPC) was held in New York City, November 13-15, 1981, at the Martin Luther King Labor Center. The USPC meeting coincided with another major disarmament conference in New York City that appealed to much of the same
Following a November 9, 1981, press conference in Aden, the capital of the pro-Soviet People's Democratic Republic of Yemen (PDRY), to announce a February 1982 WPC-sponsored meeting in support of the Palestinian Liberation Organisation (PLO), WPC president Romesh Chandra flew to New York in advance of the USPC meeting to host meetings with a variety of "peace activists" and United Nations officials.

On the November 13 rally held in the auditorium of the Ethnical Culture Society which opened the USPC proceedings, Chandra told the U.S. "peace activists" that it was in their position to transform the prospect of nuclear war. Rep. John Conyers (D-MI), who spoke at the USPC's founding convention in November 1979 and had participated in the WPC's January 1978 Washington meeting, said activists should work for passage of the Transfer Amendment to remove funds from the U.S. defense budget and transfer them to social welfare programs.

In addition to Chandra and the rally co-chairs, the WPC coordinators included Gerena Valentin (South Bronx), Gen. Hera, business agent of Local 6, Hotel and Restaurant Workers, in 1980 was a member of the Young American Congress for the WPC's first "World Peace Appeal"; and Massachusetts State Representative Representative Evangeline Chisholm, a member of the WPC presidency, the primary foreign speaker was Achim Maske of the West German democratic group who was formally introduced as the coordinator of recent mass anti-NATO demonstrations in Bonn. Maske said his disarmament movement to prevent NATO from stationing Pershing II and cruise missiles in Europe was supported by five million FRG citizens who had signed the petition that helped bring about that effect.

Both Maske and Chandra emphasized the importance of U.S./Soviet theater nuclear forces negotiations that were initiated in response to the deployment of Pershing II and cruise missiles in Europe.

Mike Farrell, USPC presidium, the WPC's founding executive director, said that "good friends" of the movement, including Reps. Gus Savage (D-IL); Michael Klare; Pete Scoville; and CDI director Gene LaCroque; also in attendance were several "new source persons" for a variety of groups including the Castrofrete research organization, the North American Congress on Latin America (NACLA), the Center for International Policy Studies (IPS), and director of the IPS Disarmament Program, program director Philip Agee. Responsibility for the first "World Peace Appeal" was captured by the " Arms Control Information Digest of October 16, 1981, providing the following report on Klare's activities:

"On September 30, 1981, Michael T. Klare, a "good friend" of the Institute for Policy Studies (IPS) and director of the IPS Disarmament Project, spoke to a public lunchtime seminar on his experiences as correspondent covering the NATO autumn military maneuvers. These were Reformatter (Return of Forces to Germany) from the Western European Federal Republic of Germany; and Display Determination, deployment from Naples, Italy.

According to both Klare and the Pentagon, he attended the maneuvers for The Nation, a weekly publication closely associated with the IPS and frequently promoted lines favorable to Soviet foreign policy goals.

At the IPS seminar, Klare called the NATO maneuvers "possibly the largest dress rehearsal for war ever held." He told his audience that he had ridden in President Jimmy Carter's limousine for the opening ceremony of the U.S. and NATO countries. Klare sought to present himself as a "moderate" saying that while he favored negotiation over confrontation, "I do not favor unilateral disarmament."
Joseph Luna, or his monitoring a press conference of General Bernard Rogers at SHAPE headquarters.

"... he assessed the morale and competence of U.S. military forces for an enhanced chemical warfare capability. But said nothing of the forces of other NATO members. He characterised the U.S. forces as over-dependent on the technological warfare of modern warfare.

"Klare implied that the simulated Soviet nerve gas attack was merely a ploy to dramatise the U.S. military's desire for an enhanced chemical warfare capability. Overall, Klare felt that the NATO scenario of a Soviet attack that would commence from a 'stand still' was unrealistic, as was the entire program of the maneuvers.

"Klare found no need for any increase in U.S. military capabilities for conventional warfare, saying that 'person for person, tank for tank, the U.S. is superior to the Soviet.'

"Although Klare acknowledged problems in the U.S. Armed Forces regarding illiteracy, drugs and alcohol, he stated that untrained 'informed sources' had told him that alcoholism was a far greater problem among Soviet soldiers.

... "Regarding the peace and disarmament movement in Europe, Klare said that 'Europe is on the move,' and added, without elaboration, that he had gone to East Berlin for a day to attend a conference on the effects of nuclear weapons during the NATO maneuver period.

"This was Klare's first experience in reporting on U.S. military maneuvers. In 1960, Klare was among the reporters and photographers at the 'Guitar Salad' exercises in the Mojave Desert of southern California. In an article that followed entitled 'Firedrill for the Carter Doctrine,' published in the August 1980 issue of Mother Jones, the magazine of the Foundation for National Progress (FPN), which stated in its 1976 financial report, 'FPN was formed in 1975 to carry on the West Coast the charitable and educational activities of the Institute for Policy Studies.'

** Klare provided a wealth of military detail and such comments as, "A desert war will be far more deadly that most Americans can imagine. As one officer at Gallant Eagle said, 'I hope America knows what the hell it's getting into.'"

"Klare included with this other quotation, this one from an unnamed, presumably American, colonel, that "I see as hell don't want to get killed because some Americans aren't willing to drive below 55 miles per hour."

"Klare's message was clearly intended to plant the idea that U.S. interests in Persian Gulf oil are based on the greedy self-indulgence of American consumers, and that a conventional war in the desert will cost too many American lives to be a viable option.

"Michael Klare, a founder and former staff member of the North American Congress on Latin America (NACLA), established himself as an authority on the U.S. military and defense industry within a few years of his book, "The Mobilization for Survival" (1972). Among the articles published in the Nation, Commonweal and other journals.

"Suffice it here to say that Klare has had articles published in Harpers, WIN Magazine, a publication associated with the War Resisters League (WRL) which has supported the use of revolutionary violence and terrorism by the Vietcong, Irish Republican Army (IRA), Sandinistas, People's Revolutionary Guerrillas and Weather Underground Organization; Inquiry; 'The Progressive'; The Bulletin of the Atomic Scientists; 'The Race and the Gun'; a magazine of IPS; a London subsidiary; The Nation; MERIP Reports; the publication of an IPS spin-off called the Middle East Research and Information Project; and the Middle Eastern pro-Soviet communist parties and terrorist movements attempting to destabilize such countries as Morocco, Lebanon, Saudi Arabia, Iran and Israel; and the Latin America and Empire Report published by Next, the Center for International Policy Studies.

"It should be noted that in its founding statement, NACLA said it sought as members those "who not only favor revolutionary change in Latin America, but also take a revolutionary position toward their own society." In the British edition of his book, "Inside the Company: CIA Diary," Philip Agee credited members of the Cuban Communist party, research facilities of the Cuban government in Havana, and three staffers of NACL for having obtained "vital research materials" used in his attack on the CIA.

"According to Transnational Link (Vol. II, No. 1, Jan./Feb. 1976, p. 8), a newsletter of the Institute for Policy Studies' international subsidiary, the Transnational Institute (TNI), Klare was also an Associate of the Center for National Security Studies (CNSS), the organisation established by IPS which has been at the heart of CNSS's main constituent: the Center for International Policy (CIP), and that he gave speeches as the University of Hawaii. In 1977, based on interviews with Ernest Prokosch of the American Friends Service Committee (AFSC), the Information Digest (12/9/77) reported that Klare had lectured in Europe to World Peace Council disarmament groups and had taken a leading role in protesting the sale of US arms to Argentina.

"At about this time, CNSS distributed a statement, "National Security Holt entitled "Exporting the Tools of Repression." Klare had written while still a NACL staffer with a Nancy Stein, a former member of the SDS Weatherman faction and veteran of the Venceremos Brigade journeys to Cuba.

"Klare's active role in the militant peace movement was expressed plainly in his article, "Confront the Arms Merchants," published in WIN Magazine (10/3/78). In it, Klare catalogued various defense contractor conventions targeted for protest and disruption, and in conclusion wrote, "For many activists, however, it is simply the inherent immorality of the events themselves that renders the arms bazaar an appropriate occasion for protest."

"Michael Klare, 38, was educated at Columbia University and holds bachelor's and masters degrees from that institution. He also studied at Yale University.

"In the Bill of Rights Journal (December 1977), Klare wrote, "The Mobilization for Survival (MFS) held its fifth national conference at the University of Wisconsin campus in Milwaukee, December 4-6, 1981."

"The Mobilization for Survival was formed by organizers long active with the World Peace Council in direct response to the WPC's plans to create the maximum impact on the first United Nations Special Session on Disarmament.

"The Information Digest of July 29, 1977 reported that the MFS made its formal debut in Philadelphia attended by individuals associated with the Chicago Peace Council, Women Strike for Peace, WILPF, Institute for Policy Studies (IPS), American Friends

head of "In Memory of Mildred Klare" stated, "We honor the dedication and devotion of her husband Charlie, and her children, Mike, Karl and Jane." It is noted that the 1981 Annual Report of the HorizonsHoist Committee on Un-American Activities (p. 86) reported that Charles Klare, Office of Secretary of the Brewery Workers Joint Board, had been identified as a member of the Communist Party, U.S.A., and had taken the 5th Amendment when questioned about his political associations.

While members of the audience wielded six-inch circular placards painted with the red and black hammer and sickle, the British lobby group, the Christian Peace Pledge Organization (CPPO), Australian-born pediatrician Helen Caldicott, who recently gave up her Boston medical practice to devote full time to working for Peace Council in direct response to the WPC's plans to create the maximum impact on the first United Nations Special Session on Disarmament.
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Service Committee (AFSC), Clergy and Lay Concerned (CALC), NACLCA, the CPUSA and related groups. The report cited an article by Sid Peck, former member of the CPUSA's Wisconsin State Committee, who has been a leader of the Chicago Peace Council, New Mobilization Committee and Progressive Political Action Committee (PCP), emphasizing that with its "New Stockholm Appeal," the WPC in cooperation with the AFC Disarmament and Peace (ICDP) and Japan Council Against Atomic and Hydrogen Bombs were "working closely with non-governmental organizations around the world to create the maximum impact on the United Nations Special Session on Disarmament in late 1982."

The report revealed that Peck and his associate, Sid Lens, another veteran Chicago Peace Council activist, have been on the AFSC's national peace secretary's list of "organizational collaborators" since 1980. The report stated that Peck was a member of the CPUSA Political and the WPC Presidential Committee, and Rev. William L. Hamilton and Terry Provance have been presidents of the AFSC and Clergy and Lay Concerned (CALC).

Terry Provance, as co-convenor of the Mobilization for Survival Task Force and a coordinator of the anti-nuclear World Information Service on Energy (WISE), was a featured speaker on April 4, 1981, at an anti-nuclear protest in Bonn, West Germany, organized by the Communist Party and the WPC.

As the Information Digest (April 10, 1981) reported:

"Members of the West German disarmament movement, including WPC leaders, blocked the U.S. Mobilization for Survival (MFS) and the communist-dominated anti-NATO "peace movement" in the Federal Republic of Germany. The movement, consisting apparently both the international Soviet-controlled communist fronts led by the World Peace Congress (WPC) and the National Peace Congress, and anti-nuclear power groups coordinated through the Amsterdam-based World Information Service on Energy (WISE) and the Transnational Institute, was organized in varying degrees with the Institute for Policy Studies (IPS) and its Transnational Institute (TNI).

Under the slogan, "Gegen die atomaren Bedrohung-Neun zu Atomraketten und Neutronenbomben," (Against the atomic menace-No to nuclear missiles and neutron bombs), protesters marched with placards and mock-U.S. flags with the stars replaced by lightning bolts. The protest groups, however, were unable to attract more than 25 of the more than 15,000 members and sympathizers of the West German National Democratic Front (BDA); and the Association of Democratic Lawyers (VDJ), the affiliate of the International Association of Democratic Lawyers (IADL).

Under the slogan, "Take Root in Struggle," the conference call described the role of the "coalition."

"The uniqueness of the Mobilization for Survival lies in our commitment to linking--linking organizations, linking issues and linking people in a community of struggle. With the imminent return of the draft and start-up of Three Mile Island I, with massive cuts out, escalating repression of persons persecuted under the Nazi Regime/League of Anti-Fascists (VNV/VPF) and the People's Defense; and the U.S. Senate on the Defense Appropriations (DAPA) bill, it is clear that the Mobilization for Survival a vital link in building a united movement..."

"Our strength as a coalition of national and regional groups rests in our ability to develop strategies and help carry out projects that promote organizational, personal and political growth. We must rekindle past ties while opening up the possibility of lasting links with new and diverse groups..."

MFS's rekindling of past ties is merely a reawakening of the Communist Party, U.S.A. dominated anti-Vietnam coalitions which operated in collaboration with the World Peace Council (WPC) from 1966 through 1975 in such incarnations as the National and New Mobilization committees and the People's Coalition for Peace and Justice (PCPJ). Among the three dozen national organizations comprising the MFS are the CPUSA and three of its outright front organizations, the United Friends Service Committee (USFSC); Women for Racial and Economic Equality (WREE), and the Southern Organizing Committee for Racial and Economic Justice (SOCERJ), founded in 1978 and the CPUSA's principal Southern organizer in the civil rights movement.

Other MFS national affiliates include the All-African People's Revolutionary Party (AAPRP); American Friends Service Committee (AFSC); Clergy and Lay Concerned (CALC); Fellowship of Reconciliation (FOR); Gray Panthers; National Assembly for Peace (NAP); the People's Anti-Nuclear Movement (NAM); People's Alliance (Coalition for a People's Alternative); War Resistors League (WRL); two groups thoroughly Communications Workers of America (CWA) and the Women's International League for Peace and Freedom (WILPF) and Women Strike for Peace (WSP); and the Connecticut-based Promoting Enduring Peace (PEP) headed by Howard Frazier that spends considerable..."
amounts on publishing monthly ads in the New York Times backing detente, disarmament and “peace conversion” of defense industries and arranges tours of the Soviet Union for U.S. Anti-War Organizing Society and similar groups. As previously noted, leaders of APSC, CALC, FOR, WILPF and WSP Union for America have organized Peace Council activities since the anti-Vietnam campaigns of the late 1960s.

Rev. Bob Moore, a member of the MPS network of the MFSP who lives in Brandywine and a high school student who is now organizing in Wisconsin, opened his keynote address by dedicating his remarks to the disarmament saboteurs, the “OE-5.”

It should be noted that the “OE-5”—William Hartman, Janee Hill, Roger Ludwig, Robert M. Smith and Bob Moore—were members of the Brandywine Peace Community of Media, Pennsylvania, who on October 29, 1981, entered the Philadelphia head-quarters of the General Electric Re-Entry Division, entered restricted areas and poured blood on the locked door of the Advanced Manufacturing Engineering Laboratory. They were arrested and charged with burglary and criminal conspiracy and criminal mischief, (felony), and criminal mischief, (misdemeanor).

The group demanded GE end production of 300 LA warheads for Minuteman III and MX missile plans. Noting the arrests of the Berrigan brothers and other members of the “Plowshares 8” convicted on felony charges for their illegal entry and destruction of property at the GE Re-Entry Division plant in suburban King-of Prussia.

Moore termed organizing protests to coincide with the June 7 to July 9, 1982 U.N. Special Session on Disarmament “our greatest challenge because it would offer a major opportunity to influence and affect U.S. military and defense policy toward disarmament. The activists will begin organizing task forces and delegations to visit Congressmen and Senators, to begin letter-writing campaigns to newspapers, elected officials and the President in order to influence the posture the U.S. government will take into the SDS-II. National guests and observers were present, and were introduced in an offhand manner. A Japanese peace delegation was headed by Von Gunston N. Satoko, who is the head of the St. Sidney-Like strategy caucuses for the SDS-II. However, his associate and a woman interpreter were not introduced and were not seen again in 1982.

Leslie Cagan, the MPS staff organizer in Boston, opened the Saturday morning proceedings with a pep talk explaining the purpose of the MPS which revealed that it was to serve as a basis for de facto party-building. But, said Cagan, at present it was “experiments because a coalition between the two makes it easier to call out more people to demonstrate.”

Cagan said that the members of the OE-5 campaign must be drawn into a permanent organization for the purpose of restructuring society. According to Cagan, the three “basic realities” to be fought to achieve “social change” were “capitalism, racism and sexism.” She explained that one tactic in the restructuring of society is to redirect federal funds away from the “arms budget” into social programs.

This could be accomplished, said Cagan, by working to build a “broad mass movement” (not limited to members of people, but rather with a wide “diversity of composition” with Native Americans, blacks and other minority groups), and working for “change in the hearts and minds of our country’s institutions.” She explained that “if you want to stop the arms race, you have to check into U.S. foreign policy and U.S. military postures;” and if stopping the construction of nuclear powerplants is the goal, you “have to address the fundamental question of energy.”

Cagan explained that to build a successful broad coalition, they needed “a common enemy as well as a common vision,” and that these enemies included President Reagan, the “new expression” of the right, “our military-industrial complex, racism and sexism.” While asserting that the “common vision” of the MFS coalition “must go beyond defeat of the enemy,” she avoided any too clear indication that form she thought the utopia would take.

The agendas of workshops and their leaders included:

**Special Session on Disarmament.**
- Ken Caldeira, Leslie Cagan and Dave McReynolds.
- Nuclear Freeze. George Wagner.
- Jobs with Peace. Frank Clemente.
- U.S. Foreign Policy and Imperialism. Holly Sklar.
- Repression. Jim Coben, Campaign for Political Rights (CFPR) field organizer.
- Corporate and Military Development in Wisconsin. Leslie Oyster, John Staub.
- Afternoon proceedings opened speeches by following Holly Near and Massachusetts State Representative Mel King. Near, who mentioned she had traveled to North Vietnam and the Philippines, emphasized the usefulness of music and “cultural activities” in making ideas for radical change “acceptable.” She pointed out that political rallies should be exciting and that a musical program can be central to a successful rally.
- Mel King, active with both the WPC and PAC, uses a militant phrase, saying “we’ve been too damn nice” and always on the defensive, “It’s time we stopped just getting mad and started getting even.”
- King urged MPS to “develop a game plan to which they must react.” He urged especially that “foreigners be brought in” to appear on U.S. radio and television shows and to speak to U.S. groups so that Americans “understand the ravages of war and that the people of these countries do not want war.”

As expected after the major fall organizing meetings that had set up the Campaign for the Second Special Session, in association with the MPS, SDS-II will be the major focus of MFS activity during the first half of 1983. Local MFS propagandists and Congressmen through visits to their local offices and letter writing campaigns are to begin at the New Year. The purpose, said MPS leaders, is to generate sufficient pressure to force President Reagan to attend the U.N. SDS-II, and to affect the composition and instructions of the U.S. delegation to the SDS-II.

Regarding the Presidentially appointed U.S. delegation to the SDS-II, MFS will demand that “responsible” (disarmament) people be appointed, that the U.S. delegation work on proposals to ban military intervention and to set dates for a nuclear-free world under the slogan “stop producing, start reducing;” and that the delegation accept the concept that “inner-city democrats” will take arms off the U.S. military and NATO ships.

A tentative calendar of SDS-II events was developed:
- June 7–Convergence of the World Peace March, “an interfaith project initiated by the Japanese Buddhist monks,” coordinated by the MPS Religious Task Force.
- June 8–9—Briefing Assembly or rally with cultural events.
- June 10–11—International Interreligious Convocation coordinated by the MPS Religious Task Force.
- June 12–Mass Demonstration, civil disobedience (“the greatest ever.”)

The Nuclear Freeze Campaign initiated and coordinated by the APSC and FOR will hold a national organizing conference in Denver in February 1982. The MFS activists were told that the Freeze is being directed by “international leaders” in a general decision-making committee of 40 people and that there is an “emergency decision”—the project is directed to not name them to the MFS participants.

Nuclear Freeze leaders including Dan Berrigan and E. J. Lotz said that a moratorium on construction of nuclear weapons was the first step in gaining broad U.S. public acceptance for disarmament because the public will not feel that a “moratorium” would endanger national security. Eben emphasized that “Freeze is only the first step toward total disarmament, and it’s only to be used as a tool toward that end.”

Noting that a multitude of coalitions have been formed since the freeze appeared in 1977, and with many MPS members raising criticisms of the heavy-handed domination of the People’s Anti-War Mobilization (PAM) and its All People’s Congress (NPC) by the Workers World Party (WWP), a militant Marxist-Leninist cadre that split away from the PAM, the MPS Gen meeting emphasized that the NPC coordinator Arthur Mitchell of the Gray Panthers described the coalition as a clearinghouse for seeking issues around...
which to rally left groups and community
groups and "build a movement to reorder
our priorities in favor of peace and human
needs." NPC will hold a People's Congress in
Among the NPC's supporting organiza-
tions are Women Strike for Peace (WSF),
Workers World League for Peace and
Freedom (WWLPF), SHAD Alliance, Riv-
side Church Disarmament Program, New
York Anti- Klan Network, New Alliance
Front for Free Speech and Freedom (GAFF),
the Center for Economic Justice (CEJ),
National Coalition for Economic Justice
(NCCEJ), National Anti-Racist Council
(NAROC), Interreligious Foundation for
Community Organization (IFCO), Gray
Panthers, Democrats for New Politics, Coali-
tion for a People's Alternative (CPA), Citi-
zens Party, the Coalition Against Registra-
tion and the Draft (CARD), and American
Indian Movement (AIM).

The NPC asked MFS to coordinate the
election of "people's candidates" to its
WPP primaries. MPC's and CPA's idea for
drafts of legislation which would be intro-
duced by Rep. John Conyers (D-MI), and to
work out details of sending a group to Moscow
to learn from "people's organizations" in the
of the Soviet people" a "People's Disarma-
ment Treaty" which would be ratified at the
Asia-Pacific Meeting.

In discussion it was noted that a caucus
formed by representatives of a number of
groups, including NPC and CPA, invol-
uing the Puerto Rican Socialist Party
(PSP), USWCP, WRL, CPA, MFS, NAROC,
SANE and the Progressive Student Network
(PSN), would be formed to work on various
aspects of the PAM from the WWP. According
to MFS organizers, on September 12, 1981, 90
representatives of 33 groups, including
NYC and formed the Ad Hoc Coalition
Against Reagan's Policy (ACARP) which
was considering calling for a mass mobiliza-
tion this spring in competition with demon-
strations planned by WWP and PAM.
ACARP groups are also active in the SSD-II
campaign.

In leading both the SSD-II caucus and
the Collective Strategy caucus, Paul Mayer
represents many of the ideas that the SSD-II
would be an opportunity for gaining the
maximum amount of media coverage through
which the U.S. public could be "warmed up in
central issues." Wearing, perhaps symbolically,
a bright red shirt, Mayer said that outside of SSD-II
organizations, the SSD-II caucus in
include the Nuclear Free Heartland campaign.
Discussion included a note that SANE and
the National Campaign to Stop the MX
war was already gearing up to block deploy-
ment of MX in refurbished Minuteman silos.
Other aspects of this campaign will in-
volve supporting efforts to defeat Rep. John
Ashbrook (R-OH) who is planning to run
against Sen. Howard Metzenbaum and dem-
onstrations against nuclear power plants.

Organizers explained that St. Louis was
selected as a target for economic organizing
because it is "world headquarters of the two
largest weapons manufacturers in the world:
General Dynamics and McDonnell Douglas,
plus Monsanto, Emerson Electric and
branches of the Bendix nuclear weapons
factory in Kansas City; Honeywell's Minne-
so ta facilities; and the submarine communica-
tions system Project ELF in Michigan and
Wisconsin.

The Heartland project's additional focus
on "Nuclear War" represented by the
Marion federal prison in Illinois has
brought into the MFS's programs groups
which are active in this area. Former West
Grease Groove Underground Organization and its
own arm, the Prairie Fire Organization
Committee (PFOC), which would be
Puerto Rican terrorist Raphael
Candel Miranda, American Indian Move-
ment (AIM) activist Leonard Peltier,
convicted of the serial murder of two FBI
agents, and Republic of New Africa (RHA)
leader Imani Obadele (Richard Henry) as
genuine people's leaders," the Mobilization
to Save the Heartland, whose address is
in care of the National Committee to Support
the Marion Brothers in St. Louis, said their
aspect of the "Marion's key place in the
government's attempt to take away our
rights and freedoms.

PFOC extended the MFS confer-
ence and distributed their theoretical jour-
nal, Breakthrough, and literature of the
terrorist FALN's "with the Movimiento
de Liberacion Nacional (MLN)."

While WPU/PFOC members lobbed MFS
conference participants in support of terror-
lit violence, MFS in stalled bags against nuclear-related in-
stallations as "direct action" and "civil dis-
obedience." According to the "Campaign
for Political Rights (CFR), formerly the
Campaign to Stop Government Spying,
were active in MFS workshops and at litera-
ture tables warning anti-nuclear activists to
take 'security precautions' against 'bugs,
taps and infiltrators.'

However, both the MFS conference partici-
pants from prosonption "reproductive rights"
groups were heard to comment that as far as they were concerned,
MFS's real "infiltrator" problems are certain Catholic
and religious other activists who oppose nu-
clear power and nuclear weapons as an
aspect of "the nuclear way of life" beliefs and
who oppose abortion.

The MFS "audio-visual" program included
the complete 3-hour showing of the Philip
Agee anti-CIA documentary, "On Company
Business;" "The Intelligence Network;"
"Paul Jacobs and the Nuclear Gane," a CDI
film; and the newly released film in support of the Puerto Rican revolu-
tionary movement.

Among the groups with members partici-
pating in the NPS conference in Milwaukee
were:
Abalone Alliance: Alliance for Survival;
American Friends Service Committee
(AFSC); Catholic Peace Fellowship (CPF);
Catholic Worker (Des Moines, Iowa); Center
for Defense Information (CDI); Clergy and
Laity Concerned (CRLC); Coalition for Nu-
clear Disarmament (CND); Coalition for a
New Foreign and Military Policy (CNFMP);
Fellowship of Reconciliation (FOR); Friends
of the Earth (FOE); Gray Panthers; Green-
peace, Great Lakes (Chicago) chapter; Na-
tional Congress of Black Women (NCBL),
New Movement (NAM); New Movement
in Solidarity with Puerto Rican Independence
(First SSD); National Network for Nuclear
Information and Resource Service (NIRS).

Also Pax Christi; People's Anti-War Mobil-
ization (PAM); Prairie Fire Organizing
Committee (PFOC); Sierra Club; Socialist
Party (SP); Socialist Workers Party
(SWP); U.S. Peace Council (USPC); War
Resisters League (WRL); WIR Magazine
Women's International League for Peace
and Freedom (WILPF); Women Strike for
Peace (WSP); Workers World Party (WWP);
World Information Service on Energy
(WISE).

Update on U.S. organizing
The United Nations Second Special
Session on Disarmament (SSD-II) scheduled
to be held in New York June 7 to July 9, 1982,
will be the primary organizing focus and
intergovernmental podium on the disarmed
offensive during the first half of
this year.
The first Special Session on Disarmament
(SSD-I), held in May 1978, was little noticed
by either the Western governments or
media and very little of the 129-paragraph
Final Document produced by SSD-I has
been implemented. However, SSD-I did es-
tablish a 40-member U.N. Committee on
Disarmament (CD) which has a staff based
in Geneva and which implemented the
SSD-I Final Document's call for a SSD-II.
Taking part in SSD-II will be the 156 U.N.
Member States of the "World Congress" of Peace
from non-U.N. members and from U.N.-backed
"national liberation" movements, represent-
atives from a variety of non-governmental
organizations and many of the U.N.-affiliated non-governmental
organizations (NGOs).

Sidney Peck has been appointed Director
of International Relations for the United
Nations NGO organization. Peck is respon-
sible for coordination of the demonstrations
targeted on SSD-II that are designed to
affect public opinion in America and West-
ern Europe, and it is expected Peck will take
the vice-presidency of the U.N. NGO organi-
zation, that will provide the bodies for those
demonstrations. Peck, a former Wisconsin
CPUSA functionary, was a leader of the
Chicago Peace Council before moving to
Boston in the mid-1970s. He has been active
in both the WPC and work of the Mobilization for Survival which
was formed to generate support for the first SSD.

Peck's boss in his new U.N. NGO post is
Jean Machibre, the Lenin Peace Prize winner
who is a vice-president of the Moscow-based Continuing Liaison Commit-
tee of the World Peace Council (CWPC), which
will hold a 1st Special Session in New York April 16-21, 1982.
At this time a 78-nation Preparatory Com-
mittee chaired by Ambassador Oyuymmi
Adeli of Nigeria will try to set up a 14-point
agend, which includes discussion of a
"World Disarmament Campaign" and a
"World Disarmament Conference." Prior to
this the CWPC Executive Commit-
tee will meet in New York (April 26-May 14)
as will a Disarmament Commission (May 17-
June 4).

With these U.N. activities as focal points,
U.S. disarmament groups, many of them asso-
ciated with the World Peace Council
(WPC) and its U.S. affiliate, the U.S. Peace
Council (USPC), are developing their or-
ganizing plans that will culminate with a mass
demonstration in New York on Saturday, June 12,
1982. As a report on the November USPC
conference in New York and its workshop
on "Disarmament and Detente" in the WPC
Newsletter Peace Courier (December 1981)
noted:
"As a target for activities during the next
six months, the White House is appointing
activities by peace forces in support of the
United Nations Special Session on Disarma-
ment to be held next June.

Speaking about the possibility of keeping
Washington to return to policies of detente," it
was emphasized.

Lee noted that the USPC was making
progress with programs including

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the Jobs for Peace Campaign, the California Statewide Peace Electoral Action Campaign (SPEAC), and in collecting signatures on peace petitions for a nuclear arms freeze.

It will be recalled that WPC president Romesh Chandra attended the USPC conference in New York last September and met with leaders of the Communist Party, U.S.A. (CPUSA), a large-scale "peace activist," and high-level U.N. officials. The WPC delegation met with the President of the U.N. General Assembly, Ambassador Ismat Kattani; U.N. Secretary General Kurt Waldheim; the Chairman of the U.N. Special Committee Against Apartheid, Ambassador Alijai Yusuf Maltama-Sule; and Chandra spoke before a meeting of the Special Committee Against Apartheid.

The WPC reported on the delegation as a successful part of its "framework of increased cooperation with the United Nations," and made no mention of its failure to obtain higher status with the U.N. Economic and Social Council. Regarding SED-II, the WPC reported:

"The preparations for the Special Second Session of the U.N. Commission on Disarmament were of special interest to the delegation. Meetings were held with Mr. Callag, officer responsible for the SED-II programme in the disarmament and non-military affairs section of the U.N. Disarmament Centre, as well as with Mr. Virginia Souruwien [sic], NGO officer responsible for the SED-II, the role of the non-governmental organizations and the contributions to the disarmament process." Serving as a highly visible "asset" to the WPC and USPC efforts to, in the words of the New York Post, "involve all the nationaliy and racially oppressed in the peace movement" is Rep. Gus Savage (D-Il). Rep. Savage was formerly the editor and publisher of the Afro-American newspaper in Chicago and was an active member of the National Newspaper Publishers Association (NNPA) led by Carlton Goodlett, a member of the WPC's Presidential Committee and identified CPUSA member.

Following his leadership role in the USPC's November conference, Rep. Savage led a January 16, 1982 disarmament march in Lisbon, Portugal, in which 50,000 people participated.

The march protected U.S. and NATO plans to deploy Pershing II and cruise missiles in Europe. Other groups involved in the march were the Portuguese Communist Party and the Communist-controlled trade unions with the local WPC affiliate. The Portuguese Socialist Party newspaper in Chicago and was an active member of the National Newspaper Publishers Association (NNPA) led by Carlton Goodlett, a member of the WPC's Presidential Committee and identified CPUSA member.

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The meeting was called by the Campaign for Non-Discrimination on Disarmament (CND), which was formed last October in conjunction with the Mobilization for Survival. However, CSSD leaders have made a tactical decision not to involve MF’s disruptions of the ultra-militant separatists. Women Revolutionary Cronin, two February Moderates urged both blame equally. Acting arist” groups end to arms race Europe has spent 50 years trying to prevent or delay implementation of the Soviet Union, through the World Peace Council and other organizations under Soviet control, is conducting a major “covert” offensive in Europe and America to prevent or delay implementation of U.S. and NATO defense policies.

At the same time, other items on the Soviet agenda in which the WPC plays a key role—including the destabilization of Namibia and South Africa, the lifting of the U.S. economic blockade of Cuba, the destabilization of Central America; and support for Puerto Rican revolutionaries—are being very actively promoted by domestic special interest groups. These groups work openly in close collaboration and coordination with revolutionaries in the world to manipulate public opinion in the US and in the USSR, its satellites and client states and which they and the WPC call “national liberation movements.”

U.S. efforts are being made by WPC-related U.S. groups to generate support for these various causes that further the WPC’s policy goals, among the economically and socially disadvantaged, suggesting that “militarism,” “interventionism” and “colonialism” removes funds that otherwise would be spent to expand social welfare programs. Additionally, WPC leaders with the appropriate credentials are making appeals to “opinion-makers” in the U.S. labor movement and the academic, scientific and religious communities to exploit any all sentiments against U.S. policies and direct them into the disarmament campaign.

The chief of the Soviet disarmament offensive recently remarked, the European response to the disarmament campaign has been “insufficiently strong.” It seems to be a result of a combination of factors including the genuine hopes of citizens of the Western nations for peace, the ignorance of the public about the security implications of Soviet “peace” proposals, the
The 1981-82 nuclear powers that will also involve civil disarmament activists. Committee amendments may be set aside purely on the basis of the recommendation of the leadership. The leadership does approve the setting aside of the committee amendments in order that the Chair may recognize a Senator to take up some other amendment.

The PRESIDING OFFICER. The Senator is saying that it is not necessary to make a request to set aside a committee amendment.

Mr. HATFIELD. Exactly. We do not have to have a unanimous-consent request. The Chair has only to ask the managers of the bill to set aside the committee amendments. That was in the original unanimous-consent agreement.

The PRESIDING OFFICER. The Senate will be in order.

The Chair states to the distinguished manager of the bill that he was informed by the Parliamentarian that unanimous consent would have to be obtained. Is the Senator saying that unanimous consent has been obtained?

Mr. HATFIELD. Mr. President, the Parliamentarian is in error.

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

Mr. HATFIELD. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to set aside the committee amendments. That was in order that the Chair may recognize any Senator for the purpose of raising an amendment.

The PRESIDING OFFICER. The Chair will stand corrected. The Parliamentarian made a mistake.

Who seeks recognition?

Mr. EXON. Mr. President—

UP AMENDMENT NO. 1254

(Purpose: To extend the financing adjustment factor for an additional 3 months)

Mr. D'AMATO. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. The Chair heard the Senator from New York first.

Mr. HATFIELD. Mr. President, will the Senator yield for a moment?

Mr. D'AMATO, I yield.

Mr. HATFIELD. Mr. President, I should like to say, especially for the benefit of the Senator from Nebraska, that early on, the minority leader reminded the Chair that there is no particular order of procedure, that whatever Senator can get the floor is recognized first.

I had hoped, especially after we obtained these unanimous-consent agreements, that we could develop an order of procedure so that a Senator would have little idea of when he could be expected to have his amendment considered. Inasmuch as we do not have that particular procedure, I apologize to the Senator from Nebraska, because he has been here since early this morning, hoping to be recognized. I had hoped we could follow an orderly procedure.

The PRESIDING OFFICER. The Chair states to the distinguished manager that if he is still the President of the Senate from Nebraska after the amendment...
of the Senator from New York is disposed of.

Mr. HATFIELD. I only say that that is because of the generosity of the Chair, rather than because of any orderly procedure.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. D'AMATO), for himself, Mr. Packwood, and Mr. Donn, proposes an unprinted amendment numbered 1324.

Mr. D'AMATO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the joint resolution insert a new section—"Section ___", that any amount remaining on September 30, 1982, from the contract authority and budget authority made available for use as provided in the third proviso under the heading "Federal Assistance for State and Local Housing (Recession)" in the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216), shall remain available for obligations in accordance with the terms of such proviso, except that the Agreement to enter into a Housing Assistance Payments Contract shall not be required to include a provision requiring that construction must be in progress prior to January 1, 1983; Provided, however, that amounts available for obligation in accordance with the foregoing shall be subject to the provisions of section 5(g)(1) and (3) and the fourth sentence of section 5c(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 218(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439a)."

The PRESIDING OFFICER. There will be order in the Senate, whether Senators are in the Senate or not. The Senate will please come to order. Senators who desire to converse will please retire from the Chamber. Staff in the rear of the Chamber will please keep conversations to a minimum or none at all.

The Senator from New York.

Mr. D'AMATO. Mr. President, I offer an amendment to the continuing resolution which would enable many new and substantially rehabilitated housing units to go forward without any additional appropriation, by merely extending a HUD regulatory deadline from October 1 to January 1.

The amendment would extend the financing adjustment factor, known as the PAF, an additional 3 months. A PAF is merely an adjustment intended to allow for the difference in interest rates and rental housing costs from the time the units were actually authorized by Congress and the program began.

This adjustment was made without any additional appropriation, when Congress redirected some fiscal year 1982, section 8, housing funds into the existing pipeline at HUD, during consideration of the fiscal year 1982, urgent supplemental.

The money being used to finance the pipeline is money that is already considered spent. It has been appropriated through fiscal year 1982 and is already obligated into contract authority.

Due to the delays in the release of these funds, our State housing agencies are facing an October 1 deadline that they cannot possibly meet for most of their outstanding projects.

In my State of New York, we have over 675 units of existing contract authority which are at risk if this deadline is not extended. The statewide rental vacancy rate in New York is dangerously low and our critical situation is shared by many States across the country. It is my understanding that there are approximately 30,000 units outstanding nationwide.

I feel we have an obligation to those State agencies which have packaged proposals, signed contracts with developers, opened lines of credit and bonds for the mortgage, to extend this PAF another few months to give them a chance to get their projects to the groundbreaking stage.

I understand that my amendment has the support of the distinguished chairman of the full committee, Senator HATFIELD, and the HUD subcommittee, Senator GAXT, as well as the ranking minority member of the subcommittee, Senator HUNDERSTON and I appreciate their cooperation and support.

While I share the view of many of my colleagues that our Nation's housing problems required a serious and comprehensive review, here is one way, at no additional cost, adhere to our commitment to housing the people of our Nation.

Mr. HUNDESTON. Mr. President, as ranking member of the Senate Approps Subcommittee on HUD-Independent Agencies, I am pleased to support the amendment offered by the Senator from New York (Mr. D'AMATO) extending the construction deadline for financing adjustment factor (PAF)-eligible housing projects from October 1, 1982, to January 1, 1983.

There was a comparable provision in the Senate version of H.R. 6986, the Department of Housing and Urban Development-Independent Agencies appropriation bill for fiscal 1983, but it failed in conference, principally because it was part of a more extensive amendment which failed.

In the urgent supplemental appropriation bill for fiscal 1982 (Public Law 97-216), Congress assumed the availability of $5 billion in recaptures and provided an additional $1.75 billion of fiscal 1982 funds to finance a revised financing adjustment factor and cost amendment to projects in order to try to clear the pipeline of projects which had been previously approved but had not gone to construction. Projects utilizing the revised PAF and cost amendments were to be under construction by October 1, 1982. Unfortunately, the urgent supplemental bill did not become law until July 18, 1982. PAF provisions had to be further clarified in the regular supplemental appropriations bill (H.R. 1688-Senate Amendment No. 25788-Public Law 97-257) which became law on September 10.

HUD has estimated that some 300,000 housing units have been approved but have not gone to construction. Many of these projects are viable and ready to move, especially with the revised PAF and contract amendment provisions, but some—perhaps up to 10 percent—will not be able to meet the October 1 deadline. These projects can provide more units for needy families and individuals and spur the construction sector of our economy. A few more weeks may make the difference in whether or not a project will ever be built.

In view of this situation, it seems only reasonable to me to extend the construction deadline for a limited period in order to encourage the completion of these previously approved pipeline projects.

Mr. D'AMATO. Mr. President, this amendment has been cleared with both managers of the bill, and I ask unanimous consent that it be adopted.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. D'AMATO. Yes.

Mr. HATFIELD. I yield back my time.

The PRESIDING OFFICER. The Senator has requested unanimous consent that the amendment (UP No. 1324) be agreed to. Is there objection? The Chair hears none, and it is so ordered.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1325

(Purpose: To provide for the continuation of preliminary payments to local education agencies in areas affected by Federal activity.)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) for himself and Mr. HUMPRHES, Mr. RAMDOHL, Mr. BENNET, Mr. NUNN, Mr. EAGLETON, Mr. ZORINSKY, Mr. WARNER, Mr. SARBARES, Mr. TOWER, Mr. HUMPHREY, Mr. BURCHIN, Mr. SULLIVAN, Mr. PELL, Mr. BACUS, Mr. FORD, Mr. NICKLES, and Mr.
HOLLINGS, proposes an unprinted amendment numbered 323.

Mr. EXON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 34, strike out lines 8 through 13, and insert in lieu thereof the following:

Sec. 137. Substituting section 620(k) of the Act of September 30, 1950 (Public Law 874, 81st Congress), not later than thirty days after the beginning of the fiscal year, the Secretary of Education shall, on the basis of any application for preliminary payment from any local educational agency which was eligible for a payment during the preceding fiscal year on the basis of entitlements established under section 2 or 3 of such Act, make to such agency a payment of not less than—

(1) in the case of a local educational agency described in section 3(d)(1)(A) of such Act, 75 per centum of the amount that such agency received during such preceding fiscal year.

(2) in the case of any other local educational agency, 50 per centum of the amount that such agency received during such preceding fiscal year.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the Chair.

Mr. President, the Chair has the full cooperation and understanding of the Senator from Nebraska as does my friend from Oregon, the distinguished chairman of the committee.

The Senator from Nebraska has been here since 9:30 a.m., but I have not sought recognition all of that time and not received it. The facts of the matter are since 9:30 a.m. this morning the Senator from Nebraska has been patiently and I emphasize patiently, trying to work out some kind of an arrangement, an understanding to expedite the amendment that I think vitally important.

I have been unsuccessful in that, and I was here because I think this is a vital important amendment and I hope that those in the Chamber will listen and those who are in their offices will listen to my words for a little bit and then I will ask for a rollcall vote on this amendment.

Mr. President, the amendment I am offering deals with preliminary 1983 payments to federally impacted school districts. I regret that I must offer this amendment, for I understand the need to pass this continuing resolution expeditiously. However, unlike many other amendments which are now being proposed, I do have really nothing to do with the continuing resolution, my amendment deals specifically with section 137 of the continuing resolution.

The best of my knowledge every impacted school district is supporting this amendment and are convinced that it is necessary.

The reason for this amendment is because of the inadequacy of section 137 of the continuing resolution. This section, as now written, prohibits preliminary payments to impacted school districts except in cases of undue hardships. Undue hardships is a term which is not defined in the continuing resolution. The Department of Education have a set of standards for what constitutes undue hardship.

Without amending the continuing resolution, I believe it is safe to assume that schools could virtually have to cease operation before they could claim undue hardship and be assured of any preliminary payment.

Mr. President, my amendment specifically states that preliminary aid program is not a new one. It has been in existence for several decades, and preliminary payments have been made under the authorizing legislation during the entire history of the program up until last year. Preliminary payments are necessary because school districts need these funds for cash flow purposes. In many cases, preliminary aid makes up the percent-age of a school district's budget, and impacted districts this year are in generally worse condition than they have been in past years because of the substantial cuts which Congress made in the impact aid program for 1982.

Our amendment is a simple one. It closely follows the authorizing legislation requiring the Department of Education to make the payment to impacted school districts equal to 75 percent of the 1982 level. This applies to districts which have at least 20 percent federal aid, limited to the following:

(a) districts which have less than 20 percent impress upon the Department that it should be made on a 50-percent preliminary payment.

Mr. President, let me briefly say what this amendment does not do. It does not add to appropriations above 1982 levels; it does not take away the flexibility. It does not require the Appropriations Committee to make changes in the impact aid distribution formula. If our amendment is passed, something between 25 and 50 percent of all impacted aid money, between $100 and $200 million, would still be available to the Appropriations Committee for changes in the impact aid distribution formula in the regular appropriations bill.

Mr. President, I believe it is important to note that the Appropriations Committee with whom I have talked also acknowledge the need for a change or clarification to section 137. I understand it is the intention of some Members to write to the Department of Education to inform the Department that it should make substantial preliminary payments to impacted districts. If this is the case, I suggest that we adopt this amendment and do the job right, by law, rather than relying on letters from individual Senators or conversations that individual Senators may have with the bureaucracy which obviously are not binding.

Last year without adoption of our amendment, I believe it was entirely possible, if not likely, that the Office of Management and Budget will direct the Department of Education to make preliminary payments as possible, ignoring a bureaucratic furor, and that concerted effort will be made on the regular appropriations bill to eliminate entirely funding for B category students. In my opinion, this would be a serious error; Congress has already cut the impact aid program substantially, and the Reconciliation Act of 1981 also calls for a phaseout of B students. I suggest it would be inap­propriate to advance that schedule in view of the fact that the impact aid program is subject to reauthorization in any case next year. Simply stated, a vote against our amendment is a vote against assuring that preliminary payments will be made to impacted districts, and it is a vote against B category students which have already been placed on a phaseout schedule by Congress.

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

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

Mr. EXON. Mr. President, I am glad to yield to my friend from Oklahoma.

Mr. NICKLES. I thank the Senator.

Mr. President, I rise in support of this amendment by my good friend from Nebraska.

I support this amendment to strike the provision barring preliminary payments of impact aid funds to affected school districts. In its place, Congress will require that preliminary payments of impact aid be made to all school districts that received funds in 1982. To districts that are at least 20 percent impacted, a preliminary payment of 50 percent of their funding level will be made. To all other impacted school districts, a preliminary payment of 50 percent will be required.

This small change in the continuing resolution is very significant to my State and others which have large areas of Federal land. These school districts begin the planning and budgeting process for the coming school year in July of each year. Most of the time, they have no idea how much impact aid money to budget with because Congress has not acted on appropriations. In fact, some districts in my State report not knowing how much impact aid money will be coming to their district even after the relevant school year has closed. Obviously, this causes a serious problem for school districts in their planning stages.

Withholding of prepayments has also caused a serious cash flow for impacted school districts. Last year, most
school districts in my State did not receive any impact aid money at all until March of this year, 7 months into the school year. This payment ranged from 50 to 70 percent of their total entitlement. Second payments were not made until after the school year had already concluded. Final payments have not yet been received in some cases.

With the continuing resolution's bar on preliminary payments for this school year, the inefficient cycle is starting all over again. The schools have already made their budgeting decisions, their school year is underway, and the bills coming in must be paid. Again, however, no impact aid money has been received. They do not know how much they will receive or when they will receive it.

The amendment we are considering today would begin to remedy this disruptive cycle. Schools would receive 50 to 75 percent of the total amount of impact aid money that they received last year by November 1 of this year, at the same time that the Department of Education has assured us that it can assist in some of the cash flow problems. If, despite my opposition, Congress would reduce the level of funds for the impact aid program, amendments could be made in the remaining payments.

I hope that my colleagues will vote for this amendment as a measure of sensitivity to school districts which have already finalized cycles disrupted by the inability of Congress to get appropriations bills enacted in a timely manner.

I thank the Senator from Nebraska. Mr. EXON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 2 minutes to the Senator to speak on this amendment.

Mr. ABDNOR. I thank the distinguished chairman for yielding me time.

Mr. President, I must oppose this amendment and I would like to point out that it is a very complicated program we are talking about when it comes to impact aid.

For instance, a few moments ago my colleague from Oklahoma, who strongly endorses the Exxon amendment, I think hardly realizes what he is doing when he endorses it. His State happens to be heavily covered with "A" students. In fact, Oklahoma has more super "A" districts than any other State in the Nation. In the long run, the Senator's State could conceivably suffer considerable damage. Allow me to explain the intent of the preliminary payment provision approved by the committee.

First, let me emphasize that my committee colleagues and I included the same type of provision we did in last year's first continuing resolution. We did so in order to be able to devote considerable time to study this program and to come up with some sound recommendations for revamping and reprioritizing. I am so anxious that we will address adequately those school districts in most desperate need.

There are some districts that are facing very serious financial circumstances and the proposal contained in the continuing resolution takes care of those as it did last year by providing for prepayments to the districts which are in dire need at this time.

I simply wish to point out that the districts with "A" students, are the school districts experiencing extremely serious cash flow situations. They have been losing real dollars, their impact aid payments have been dropping in total amount every year since 1980. Also, districts which have enrolled an increased number of "A" students are not being compensated one dime for the increased numbers of "A" children they are responsible for educating.

For instance, many super "A" districts which rely almost totally on Federal impact aid moneys to make up for the lack of a tax base due to substantial Federal land holdings, such as the Navajo Nation, and program American children residing on reservation land, are unable to tax well over 50 percent of the land within their districts. Native American children often comprise well over 70 percent of the total student enrollment in these very seriously impacted districts.

In fiscal year 1981, these districts lost 5 percent of what they received in fiscal year 1980. I have learned that in fiscal year 1982 the Department expects them to receive only 86.4 percent of what they received in fiscal year 1981.

This committee wanted an opportunity to study and give serious consideration to what might be done to alleviate the serious financial burden imposed on these school districts. The Exxon amendment is likely to take this opportunity away from us.

When you put the proposal of the Senator from Nebraska up to the light you will see that it would require that preliminary payments of 75 percent of the previous year's payments for both A and B students be made to super A districts, and 50 percent of the previous year's payment be made to all others, regardless of the severity of the financial burden imposed.

Now that sounds fine. School districts are going to get their money ahead of time. But the Exxon amendment requires that a vast amount of the total level of appropriations, available to be expended during the first 30 days of the new fiscal year. Therefore if we do find it necessary to make some corrections and revise the current allocation formula the committee will be unable to do it.

I think the proposed amendment is bad for the committee and for the committee amendments like this come up on short notice without ample opportunity for the Members of this body to see what is actually entailed, particularly because we know what direction Congress will take for the remainder of fiscal year 1983. It removes from the committee's hands completely an opportunity to do what we think is right in the handling of impact aid funds. The education of a great number of children, many of them Native American children, is at stake.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, on behalf of the committee I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. SCHMITT. The Senator from South Dakota has indicated the depth of some of the concerns about this amendment. Those concerns are shared in a general way by the committee.

The Senator's amendment would eliminate the flexibility we need in order to make changes in the program as it is presently structured, as almost everybody believes changes must be made.

The reason for that is that the current situation is one in which in the first 30 days of the fiscal year a great deal of money can be allocated on request to the various States, and we run the danger that when we finally come to an agreement later this year on the appropriate formula change—and it is a different mix than currently exists or might exist under this legislation—some districts may end up having been overpaid, requiring school districts to pay back funds later in the year.

The amendment would not insure that payments would be made any more quickly. It would simply be a matter of processing more payments. The Department has assured us that any preliminary hardship payments will be made as required under the provisions of the committee amendment.

It would be my hope that the Senator would not persist. We have worked on this problem most of the day trying to reach an accommodation with him. The results have not been entirely satisfactory.

However, it would be my recommendation to my colleagues that the committee accept the amendment. We will try to work out any problems in conference, and that may be the place where things have to be done anyway on this issue.

Mr. PRESSLER. Mr. President, will my colleague yield?
Mr. SCHMITT. I would be happy to yield to the Senator from South Dakota 2 minutes.

Mr. PRESSLER. Mr. President, there are some 8,000 students within category A impacted districts in my home State of South Dakota. These students are either residing on Indian land or have parents who work and live on Federal property. South Dakota also has over 5,000 category B students whose parents work or live on Federal property. Federal funding is critical to the survival of their schools. It is therefore necessary that our impacted schools receive preliminary payments under this continuing resolution. Without them these districts will not have proper cash flow and will be forced to borrow money while awaiting Federal payments. However, I have been assured that the committee language will prevent undue hardship to these schools.

As I understand it, the Exon amendment would delay the payment to category A schools in South Dakota; is that correct?

Mr. SCHMITT. I believe, if I am correct, it has the potential later in the year of sending payments to A students in a number of States, not just South Dakota.

Mr. PRESSLER. My State has 49 districts which receive impact aid funding. There are some 8,000 students within category A impacted districts and over 5,000 students within category B districts. But what we are talking about here is giving the committee flexibility rather than locking them in with the language proposed in the Exon amendment. Is that correct?

Mr. SCHMITT. The committee would much prefer, of course, the language that is in the resolution before us. We believe it does provide flexibility to reconsider the existing formula so that where, in a climate of reduced funding, the majority of students can be served. The Senator from Nebraska is suggesting a different mix and that we not preclude the early payments in the first 30-day window of the fiscal year as the committee would do. I have indicated I am willing to go to conference on that issue. We know we may have some difficulties with the House on this, but that is probably where we will end up having to resolve it anyway.

Mr. PRESSLER. For clarification, you do predict that the House conferences will have a negative reaction to this amendment?

The PRESIDING OFFICER. The time yielded has expired.

Mr. SCHMITT. In response to the question on my time of the Senator from South Dakota I would say the House has no provision, and may have difficulty with the Exon proposal.

If we were to delay the Exon amendment back this time, Mr. President, I yield back my time, and I recommend to the chairman of the full committee that we accept the amendment.

Mr. PRESSLER. Mr. President, I oppose the Exon amendment to the continuing appropriations resolution, House Joint Resolution 599. I oppose the amendment because it would set fixed percentages for the preliminary payments which are to be made to impacted school districts. We must assure flexibility in the making of these payments. Under the committee's language the preliminary payments would be made to avoid undue hardship, and I support that language.

My State of South Dakota has 49 school districts which receive impact aid funding. Federal funding is essential to these schools. While the allocation formulas may need to be reevaluated, this resolution is not an appropriate measure for taking such action. During the past 8 years, I have fought hard to assure that impacted schools are assured their funding and I will continue that fight.

I appreciate having the opportunity to work with Senator Annor and Senator Schmitt in attempting to clarify the committee report language.

The PRESIDING OFFICER. Does the Senator from Nebraska yield time?

Mr. EXON. How much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes and 50 seconds.

Mr. EXON. I am about to yield back with the understanding that the Exon amendment will be accepted.

I have been trying without success all day to explain the amendment to my two friends from South Dakota. It so happens that our States are next to each other and they are not dissimilarly treated in any way, shape or form.

The statement has been made that the Exon amendment does harm to B students. It is not true.

There is nothing in the amendment that says it hurts the B students. It makes sure that the schools that are impacted get their money. Rather than helping both A and B students it leaves it up in the air, as the committee language would do.

Another thing that I want to correct, Mr. President, is there is no change as to how much money we will give either A or B students in the Exon amendment, as some on that side of the aisle seem to believe. Where they come up with these fairy tales I do not understand. I wish they would spell them out.

Mr. SCHMITT. Will the Senator yield, Mr. President?

Mr. EXON. I will yield in a moment.

I simply say this does not have any more to do with appropriations. It merely provides that the money will be up front to meet the cash needs of the impacted schools, many of which are in dire straits financially these days.

Also, Mr. President, I certainly said in my opening remarks that if the Appropriations Committee in their normal processes wish to make some changes in the impacted aid later on with the regular appropriations bill, there would still be between $100 million and $200 million with which they could work.

I think this is not an amendment that straps anyone, except that it assures that the schools in impacted areas will get their money.

Mr. President, I ask unanimous consent that Senator Musgrave be added as a cosponsor of the amendment.

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

Mr. HUDDLESTON. Mr. President, I am pleased to be a cosponsor of the Exon amendment which will help assure continued Federal support for school districts in the country that are impacted by Federal activities. These school districts rely on aid from the Federal Government to finance the education of children in the area.

Unfortunately, the continuing resolution, as it is now written, will leave these districts in limbo for another 3 months until Congress decides what payments, if any, will be provided.

Section 139 of the continuing resolution now provides that preliminary payments would only be allowed for school districts where a delay in payment would cause undue hardship. It is difficult to determine what constitutes undue hardship. This language virtually assures that no payments will go to most school districts that are federally impacted for several more months.

I believe that most school districts in the country which are impacted by Federal activities will face undue hardship if payments are not forthcoming from the Department of Education.

The impact aid program is not forward-funded. The school districts are counting on this funding for a school year that has already begun. How can teachers and administrators be expected to provide an adequate education for the children if they still do not know if sufficient funds will be available to pay the bills?

Federally impacted schools cannot be left hanging every year while Congress waits to decide what funding will be provided. The school year is already a month old; teachers have been hired, books have been purchased; supplies are on hand. Some districts receive a high percentage of their operating funds from the Federal impact aid program and face the possibility of discontinuing operations if payments are eliminated or delayed for several months.

If we delay these payments until the Labor-HHS-ED Appropriations bill is enacted, some districts may not receive their Federal funding
Mr. TOWER. Mr. President, I am pleased to support the amendment of Senators Bentsen and Hatfield. The program would lift the payments another 3 million, and it is highly unlikely that the Labor-HHS-Education appropriations bill will be passed. It is more likely that education programs will continue to be funded under a continuing resolution. By delaying the payments another 3 months, we will be doing a disservice to the superintendents, teachers, and other personnel who are asked to work under such uncertain conditions. Even now we see that the final fiscal year 1982 payment has not yet been made to school districts even though the 1981-82 school year is but a memory. It provisions a reasonable means of distributing preliminary payments based on the level of Federal impact. This amendment would lift the payment for the 1983 school year is just a memory. It provisions a reasonable means of distributing preliminary payments based on the level of Federal impact. This amendment would lift the payment for the 1983 school year is just a memory. It provisions a reasonable means of distributing preliminary payments based on the level of Federal impact. This amendment would lift the payment for the 1983 school year is just a memory. It provisions a reasonable means of distributing preliminary payments based on the level of Federal impact.

Therefore, I would like to urge adoption of this measure by the Senate.

Mr. BENTSSEN. Mr. President, I join my colleague, Senator Exon, as a sponsor of the pending amendment to insure the timely distribution of funds that are desperately needed in the impact aid program. Failure to pass this amendment will cause unnecessary disruption of local budgetary processes, and if last year is any indication, when such a large portion of their budget is linked to Federal support, they are heavily affected by a high concentration of Federal military personnel—a burden imposed on States by the Federal Government. The Federal Government creates Federal subsidy, nor is its impact aid not a recently created Federal subsidy, nor is its

Mr. HATFIELD. Mr. President, this is purely bollweevil language that is offered on behalf of the committee. I ask for its immediate adoption. It has been cleared on both sides.

The PRESIDENT pro Tem. The clerk will report.

The legislative clerk read as follows:

The amendment (S. R. 1326) was agreed to.

Mr. HATFIELD. Mr. President, I wish to make an inquiry of the Chair. I believe there is only one committee amendment remaining to be acted upon and that has to do with the PTC.

The PRESIDENT pro Tem. The Senator is correct.

Mr. HATFIELD. Mr. President, at this time I yield to the Senator from Idaho.

The PRESIDENT pro Tem. The Senator from Idaho.

Mr. McCURLEY. Mr. President, the committee amendment referred to is pending is an amendment that I offered in committee and which was adopted after debate in the committee. It is since been the subject of further consideration. In order to try to expedite consideration of this bill dealing with the Federal Trade Commission and other matters that are before the Senate in connection with this bill, I am prepared to ask the committee to withdraw the committee amendment.
But, Mr. President, before doing that, I wish to state that this is the so-called FPC regulation of professionals amendment. I do not intend to debate that issue or the merits of the amendment, but I do wish to indicate that the chairman of the Appropriations Committee has agreed that we will get a vote on this issue, either on the FPC authorization bill itself or on the appropriations bill.

I would add to that, Mr. President, my understanding that if those two measures do not come up it may be added as an amendment to the next continuing resolution, so that we will have an opportunity for the Senate to resolve this issue before we get to the end of this session this year. And I have those assurances from the Senator from Oregon (Mr. Packwood), as well as others who are interested in this. The other Members who are interested in this matter have been consulted, as well, and they are not in disagreement with this process.

Therefore, Mr. President, I say to the chairman of the Appropriations Committee, the Senator from Oregon (Mr. Hatfield), that I request that the committee amendment be withdrawn.

Mr. HATFIELD. Mr. President, this is in agreement with both sides of the aisle. This removes one of the controversial issues so that we may expedite the handling of the continuing resolution. I appreciate very much the Senator from Idaho being willing to move to withdraw the committee amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, the amendment is withdrawn.

UP AMENDMENT NO. 1237

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. The clerk will report.

The Clerk's clerk read as follows:

The Senator from Idaho (Mr. McCLURE) for himself and Mr. Bumpers proposes an unprinted amendment numbered 1237.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On pages 15 and 16 strike all of Section 109 and insert the following in lieu thereof:

"Sec. 109. Except as expressly provided for by law, public lands and mineral resources which may be included as Category I and II lands and mineral resources will continue to be managed under Executive Order 12348.

The objectives of the President's initiative are three-fold: One, to sell excess Federal property and some public lands for higher and better use, two, to cut the cost of government by eliminating unnecessary management of lands and real property in excess of Federal needs, and three, to pay off some of the national debt.

These objectives should not be viewed as a means to an end or a threatening. It is an asset management initiative. It is not a privatization program.

The great difference in these two concepts is best illustrated by the asset management criteria for public lands. Without review or qualification of any kind, lands within the National Forest System, land within the Wildlife Refuge System, and Indian Trust Lands will not be considered for sale under asset management.

Asset management criteria will apply to lands currently managed by the Bureau of Land Management and those lands which become subject to BLM administration as a result of withdrawal revocations. All BLM lands under asset management will be assigned to one of three categories, as follows: Category I lands and mineral resources which will be retained in Federal ownership and will not be considered for sale or transfer. Category II lands and mineral resources which will be available for sale or transfer. Category III lands and mineral resources which will require further study in order to determine whether they should be placed in Category I or II.

Land and mineral resources in Category I contain environmental and/or economic assets of national significance. The Federal policy will be to retain these lands in the Federal system.

Public lands currently designated as national environmental assets in Category I include: Wilderness areas, wilderness study areas, national conservation areas, wild and scenic rivers, national or historic trails, natural or research natural areas, designated areas for cultural or natural history, designated areas of critical environmental concern, and wild horse ranges.

Currently designated mineral resources with national economic significance which will be affected in Category I are known recoverable coal resource areas, known geologic structures (oil and gas), the Outer Continental Shelf, known mineral source areas, areas identified to have nationally significant oil shale deposits, designated tar sands areas, and known potash, salt, and phosphates.

Further classes of lands, minerals, or other resources with economic or environmental significance may be included as Category I and as
further studies of Category III lands are completed.

Category II lands are Land and Mineral Resources for Sale or Transfer. Public lands which are likely to be placed in Category II include: lands proximate to cities, towns, or development areas not under Federal jurisdiction; lands that are located near water courses for agricultural, commercial, or industrial development as the highest value or otherwise most appropriate use; and other types of lands and minerals identified for sale in an existing land use plan.

Additional lands may be included in Category II during further studies of Category III lands are completed.

Category III lands are Land and Mineral Resources Requiring Further Study—Lands and mineral resources in Category III include lands, minerals and other resources requiring further study in order to determine whether these lands should be placed in Category I or Category II.

When these criteria are applied to the 540 million acres of unappropriated and unadministered land, this means that 397 million acres (approximately 74 percent) have been exempted from inventory or sale under asset management, either as parks, refuges, Indian trust lands, or the Category I BLM lands. Approximately 2.7 million acres of public land, or 0.5 percent of Class I or II lands, have been identified for disposal in existing land use plans and therefore placed in Category II. These remaining categories are based on the BLM's preliminary inventory of public lands which was released in June. These 2.7 million acres of public lands were identified as needing management, either as land or minerals, under the asset management program.

These preliminary figures on BLM lands were prepared in a very short timeframe and were based on inventory work, environmental review, political determination and land use planning process. Further planning, inventory work, environmental review and political determination are required before any BLM land is sold under asset management.

Public participation and consistency with State and local plans and regulations. Public participation and State and local government consultation and coordination are an integral part of asset management as applied to DOI-managed public lands. The land use planning process requires formal participation opportunities for both local citizens and State and local governments. Each land use plan must be consistent as practicable under Federal law with State and local plans already in existence. DOI coordinates with State and local governments to assure that they have been given an opportunity to review the BLM land use plans. It is through these land use plans that sale lands will be identified. Also, the formal sale procedures require that State and local governments, as well as local government officials with zoning, administrative, or public services responsibilities, in the geographic area where public lands are located must be notified not less than 60 days prior to the sale. This comment period provides sufficient time to assure consistency with local plans and time to either amend or vacate the sale.

Sale Authority under the Federal Land Policy and Management Act is important to point out that adequate authority is provided in the Federal Land Policy and Management Act to accommodate the asset management initiative for public lands administered by the Bureau of Land Management. This Act authorizes the Secretary of the Interior to sell land, as determined by the Secretary, for the purpose of raising income. Section 203 provides that a tract of public land may be sold where, as a result of the land use planning required under Section 202, the Secretary determines that the sale meets the following criteria: One, due to the location of the area or other characteristics, the tract is difficult and uneconomic to manage as part of the public lands, or two, the tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purposes, or three, disposal of the tract will serve important public objectives, including but not limited to, expansion of communities and economic development, and which outweigh other public objectives and values, not limited to, recreation and scenic values, which would be served by maintaining the tract in Federal ownership.

Section 207 prohibits conveyance of any land by BLM, whether by sale, exchange, or donation, to any person who is not a citizen of the United States, or to any corporation the principal purpose of which is the sale of lands for profit. This section of the Act does not place any limitation on the transfer of public lands to the United States or to any government of the United States.

Section 209 provides for the retention by the United States of all minerals except under certain circumstances when the minerals are determined to be owned by the land. Section 210 requires that at least 60 days notice to State and local officials of any intention to sell public lands without their jurisdiction.

If the Secretary decides to sell any tract of land larger than 3,500 acres, Congress must be notified. Congress then has 90 days to disapprove the sale by concurrent resolution. If the sale is made, under the FLPLMA provisions it must be for fair market value as determined by the Secretary and may be conducted under competitive bidding or negotiated sale procedures.

Real Property.—On March 26, 1982, 1 month after the President signed Executive Order 12548, the Department of the Interior began the utilization review of its real property holdings. The reviews were to be conducted in the following manner:

Phase I.—The Bureaus were to identify all real property tentatively scheduled to become excess to program needs between now and the end of Fiscal Year 1983 (September 1983). This list included all property in the process of being declared excess to program needs as well as property that would not be needed or supported at proposed FY 1983 program funding levels.

This phase of the inventory was completed in late April and sent to the Property Review Board. Twenty-five separate properties were identified as excess by the General Services Administration.

Phase II.—The Bureaus were to review and identify all contiguous parcels of real property located or in part within 10 miles of the corporate limits of a community with a population of 25,000 or more. Several categories of real property were, and still are, specifically exempted from these two phases.

The National Park Service did not report any lands within the National Park System other than acquired lands being held for exchange purposes and any administrative sites located outside the boundaries of a National Park Unit that met the selection criteria.

The Fish and Wildlife Service did not report any lands within the National Wildlife Refuge System or other holdings located outside the boundaries of a National Wildlife Refuge that meet the selection criteria.

The Bureau of Indian Affairs did not report any lands held in trust for Native Americans.

The Bureau of Land Management excluded from this review all unimproved public land.

C jacies excluded from review were those lands either presently proposed for wilderness status or already designated as a wilderness area.

This inventory was completed late in May. We are still in the process of establishing complete review criteria for the more than 400 parcels identified.

Phase III.—The Bureaus were to review all remaining real property under their management and civil acquisition criteria. They are to review and report those which are not being utilized, are underutilized, or are not being put to optimal use.

These reviews are still in progress, and should be completed by late November 1982.

The utilization review guidelines are an extension of the utilization review that has been used for the past several years. The amendment simply expand upon the existing criteria.

It is my understanding that the committee has detailed the data and the data is available. Our aim here was to improve the quality of the data submitted.

This, then, is asset management, an initiative designed to: Dispose of excess improved real estate; dispose of unneeded public lands, consistent with planning system objectives; and which outwhelm other public objectives and values, not limited to, recreation and scenic values, which would be served by maintaining the tract in Federal ownership.

This is an exciting prospect, and we are anxious to move forward.

Mr. DOMENICI. Mr. President, I wish to explore with the chairman of the Interior Subcommittee the background regarding a provision in the resolution impacting on land exchanges between the Federal Government and other entities. It is my understanding that the committee has recommended some technical amendments to insure that section 109 of House Joint Resolution 599 is deemed not to apply to land exchanges. And I wonder if the Senator from Idaho could tell me if that is the case.

Mr. McCCLURE. I would answer my good friend from New Mexico that he is correct. It is the feeling of the committee that the new language exempts land exchanges which are processed under laws passed by the Congress regulations. I know several of the exchanges that the committee has concerned with section 109 and its implication to land exchanges and I assure my friends that it was never the intention of the committee to interfere with land exchanges.
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take this moment to point out that Senator McGovern, who is also chairman of the Energy and Natural Resources Committee, is one of the foremost experts we have in Congress today on policy matters that impact on our energy policy and I am quite certain that the Senator from Idaho would explain this provision to my satisfaction and I appreciate his patience and assistance.

Mr. BUMPERS. Mr. President, I just came in to say that the Senator did indeed have my authorization on this.

Mr. HATFIELD. Mr. President, the managers of the bill support this action. Again, we commend the Senators for resolving this issue in such an amicable fashion. I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question on agreeing to the amendment of the Senator from Idaho (Mr. McCLURE).

The amendment (UP No. 1327) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1328

(Purpose: To extend the application of the International Coffee Agreement Act of 1980 for 1 year)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. Dole), for himself, Mr. MOWRAN, and Mr. D'AMATO, proposes an unprinted amendment numbered 1328. At the appropriate place in the bill, insert the following:

Sec. 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1358k) amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1983".

Mr. DOLE. Mr. President, as far as the Senator from Kansas knows, there is no objection to this amendment. I discussed it with the distinguished Senator from New York, Senator Mowrnan. Ambassador Brock of the USTR, called me earlier today and indicated that unless we act on the International Agreement Act it will expire Friday morning at 12:01. Unless extended, the United States will no longer be able to carry out its obligations under the international coffee agreement which was successfully renegotiated this past weekend.

The agreement requires coffee importing and exporting nations to regulate the amount of coffee in international trade and to control world prices within an agreed range. If the United States cannot control unauthorized imports, this will encourage exports outside the quantitative limitations in the agreement and would effectively nullify the agreement.

In the past, I think the result would be most consumers would be again subjected to the wild price fluctuation in this important commodity.

It is my understanding, according to Ambassador Brock, that we have just ended a long series of negotiations with the country of Brazil and that unless this agreement can be added to the continuing resolution there may not be any other opportunity before the expiration on Friday morning at 12:01 a.m.

Mr. President, the Coffee Agreement Act expires this Thursday night at midnight. As a result, on Friday morning the United States will no longer be able to implement its responsibilities under the International Coffee Agreement. This agreement represents an attempt by virtually all the coffee importing and exporting nations of the world to avoid extreme fluctuations in world coffee prices.

The United States has been a participant in such agreements since 1962 but it has only been in recent years that they have begun to function effectively. Over the past weekend negotiations were successfully concluded extending the international agreement currently in effect for another 6 years. This extension, as the previous agreement provided, for the importing nations of the world to restrain exports as prices fall and to increase exports as prices rise. In addition, they are required to establish a stockpile of coffee to insure regular and adequate supplies.

The importing nations, including the United States, on their part have agreed to accept only coffee accompanied by their documentation. This insures that the exporting nations act within the scope of the agreement. Without an extension of the implementing legislation the United States will not be able to deny entry to any unauthorized coffee imports. As a result, we risk upsetting the entire international coffee agreement and subjecting consumers to wild fluctuations in coffee prices.

Mr. President, I urge my colleagues to extend the implementing authority for 1 year.

Mr. HATFIELD. Mr. President, this is one of those cases of an expiration problem. I only wish to use this occasion not to be critical of this action, because it is an appropriate action the Senator is taking, but I wish to make the comment that I think we have had an extraordinary number of bailout amendments from the agencies downtown that have not somehow had a filling system that has indicated to them when these expirations are going to occur, I think we have had an extraordinary number of such requests that are absolutely required.

But I hope somehow out of this experience these agencies will become a little more alert to these expiration dates that are occurring on matters and agreements, and so forth, that they are responsible for.

I only use this occasion not to in any way be supercritical of this one, because it is only one of many, but merely to alert the agencies downtown that, frankly, using this appropriations process again is one of the problems that bogs it down for these things that should have been taken care of and planned for before this 11th hour.

With that little admonition to the agencies downtown, I am happy to receive and accept this amendment and carry it to conference.

Mr. DOLE. Mr. President, if the Senator will yield, I certainly share the views expressed by the distinguished chairman of the Appropriations Committee. I know the frustration of everybody trying to get on board when we should have passed this probably yesterday. There are still 30 to 40 amendments, I understand, pending. Many of them are November amendments, election amendments. This happens to be one of those that is necessary. I hope we can go out early tonight and come back next week and finish all the re-election elements.

Mr. HATFIELD. I thank the Senator for his observation.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas (Mr. Dole).

The amendment (UP No. 1328) was agreed to.

UP AMENDMENT NO. 1329

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado (Mr. Armstrong), for himself and Mr. Denton, proposes an unprinted amendment numbered 1329.

On page 24, line 2, insert the following:

"Provided however, that the provision shall not apply in those States which have submitted an application to the Secretary for fiscal year prior to October 1, 1982 or which were operating their own program at some time during fiscal year 1982."

Mr. ARMSTRONG. Mr. President, this amendment has been extensively although not exhaustively, shopped around. I know of no particular controversy about it, but I will take just a moment to explain it so that Senators understand the purpose.
It addresses itself to the distribution of community block grant funds for fiscal year 1983. The current law provides that States which receive such grants must pass through 90 percent of community services block grant money to eligible entities in the State. In fiscal year 1982, this distribution was made through community action agencies which exist to determine which are the most appropriate recipients of CSBG funds. Block grants were created for the purpose of returning to the States and localities the authority to determine which of this kind of provision over a year after passage of the reconciliation bill and at the absolute 11th hour constitutes a breach of faith with the States and undermines the intent of block grant legislation.

I understand that section 135 was included in the resolution because some of the States whose programs are currently being administered by HHS need more time before assuming the block grant.

If that is the case, the Senator's amendment addresses the concern of those States who need more time before assuming the block grant, and indeed grants them more time. Simultaneously, those States that are prepared and who have planned ahead in good faith and drafted laws that comport with the Reconciliation Act can proceed with their plans without delay.

This amendment has the administration's support and changes the appropriations language to more accurately reflect the intent of Congress when it authorized CSBG last year. I urge its adoption.

Mr. HATCH. Mr. President, I wholeheartedly support Senator Armstrong's amendment. Friday, the first of October, is the date according to the Omnibus Reconciliation Act of 1981 by which the States must assume administration of the community services block grant. Accordingly, most States have not made the necessary preparations and are already administering this block grant, or are prepared to do so. It is an extraordinary hour to be changing the rules of the game for those States that is precisely what a provision of this continuing resolution purports to do. This provision would require the States to hand over all community services moneys to the existing community action programs, even though some States have already made other arrangements. Nineteen States have actually passed laws apportioning community services moneys, and these laws will be superseded. My own State of Utah has passed a law that would use the counties to administer the community service programs, and the counties are presumed to assume their duties. Are these preparations to be vitiated by some last-minute whim of the Congress?

I cannot see that there is anything sacrosanct about individual community action programs. These are nonprofit private organizations, some of which have done well and some of which have not done well—except perhaps for themselves.

We enacted the community services block grant explicitly to give the States some flexibility in administering their community service programs. This block grant is still the law, and there has been no effort to repeal it, and thus I presume that it is still the official will of the Congress to give the States this flexibility. Thus, I can see no good purpose to this obscure provision whose meaning cannot even be ascertained unless the cross references are checked—for this obscure provision denies all flexibility to the States for another year. This is sheer hypocrisy. It is not as if there is a resolution in the offing. The States have decided that almost all the grantees will be able to make the existing community action agencies. It is only a few States that are trying another approach, and most of these States are still relying on the CAP agencies to a considerable degree. I realise that the States have had legitimate difficulties in gearing up to assume control of the community services block grant. For this reason, some Senators have supported the "hold harmless" provision. Relief should be provided these few States. And, even though I usually do not approve of legislating on an appropriations bill, I am willing to see this relief provided.

Senator Armstrong's amendment performs this task nicely—and with efficiency. States that are not ready to go on Friday will be held to the "hold harmless" provision, but the other States which have made the necessary plans will be allowed to fulfill these plans. They will not be interfered with. No State laws will be overturned, and the people served who we should be caring about. Just last Friday, we had to hold at the desk and summarily pass H.R. 7065 to relieve an unconscionable situation in Sacramento County, Calif. During the crush of last minute reconciliation conference on the community service block grants, the House Members pushed through a provision similar to the one included in this continuing resolution. Last year's provision required that existing community action agencies get the community services money for fiscal year 1982. Unfortunately, no provision was made for corruption, inefficiencies or even malfeasance on the part of individual community action agencies. When the Sacramento CAP Agency had to be defunded for gross corruption, there was no way for HHS to get community services money to Sacramento County. We had to pass H.R. 7065 to remedy this situation.

I cannot be good policy to grant prolonged entitlements to providers. Since when are these the primary objects of our social programs? It is the State...
Congress will have kept faith with the States and the needy people whom the States must serve.

Mr. WALLACE. Mr. President, House Joint Resolution 599, as reported by the Senate Appropriations Committee, contains language on the funding for the community service program which frustrates the intent of the community services block grant.

Last year, the Congress approved necessary revisions in the community services program. In brief, the States should have more control over the program. Community services is one of the last remnants of the war on poverty. The program has been neither a qualified success nor a war on poverty. The community services program serves to turn the problems of the low-income population. That responsibility for community services.

The amendment to the joint resolution would have developed a multiple use management; on Bureau of Land Management wilderness study area lands; and on lands within the State of Alaska. The amendment makes it clear that, in addition to oil, gas, coal and geothermal, oil shale, phosphate, potassium, sulphur and gilsonite exploration and development, permits or leases pertaining to exploration for or development of a variety of resources on wilderness or proposed wilderness area lands will be prohibited for the duration of this joint resolution.

Mr. ARMSTRONG. I move to lay the motion on the table. The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1330
Mr. McCLURE. Mr. President, I send an unprinted amendment to the desk and ask for its immediate consideration.

The legislative clerk read as follows: The Senate from Idaho (Mr. McCLURE), for himself and Mr. Jackson, proposes an unprinted amendment numbered 1330.

Mr. McCLURE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? It is so ordered.

The amendment is as follows:

On page 25, strike lines 11 though 21 and insert the following in lieu thereof: "Sec. 121. Except for lands described by sections 106 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 4(b) of Public Law 96-312 and section 603 of Public Law 94-579, and except for land in the State of Alaska, and lands in the national forest system released to management for any use the Secretary of Agriculture deems appropriate through the land management planning process by any statewide or other act of Congress designating components of the National Wilderness Preservation System now in effect or hereinafter enacted, none of the funds provided in this joint resolution shall be obligated for any aspect of the processing or issuance of permits or leases pertaining to exploration for or development of coal, oil, gas, oil shale, natural gas, phosphate, potassium, sulphur, gilsonite, or geothermal resources on Federal lands within any component of the National Wilderness Preservation System or within any Forest Service RARE II areas recommended for wilderness designation, with the exception of those within the State of Idaho, unless the Congress acts on this matter until the Senate please come to order?"
I am pleased that a majority of our colleagues in the Senate share my view that S. 2801 represents a balanced and reasonable response to Secretary Watt's insistence that wilderness and wilderness candidate areas will be available for leasing absent any specific provision in the legislation to the contrary. This amendment simply conforms the language of this resolution to that contained in S. 2801 with regard to the minerals involved, and the lands on which leasing is and is not permitted between now and December 15.

Of course, the provision in the bill before us today is short term. Its leasing prohibition lasts only until December 15. As such, it does not contain the additional exploration provisions or the so-called unlock provisions of S. 2801. In short, the matter before us today should in no way be viewed as a substitute for S. 2801, and I will continue to do what I can to give the Senate an opportunity to act on this measure before the end of the year.

Nevertheless, this provision in the continuing resolution is important. It makes it clear that leasing activities will not take place in these areas during, and at least slightly beyond, the upcoming congressional recess. Hopefully, this will give us ample time to act on a permanent solution this year.

Mr. President, I would like to commend Congressman Sid Yates, chairman of the House Interior Appropriations Subcommittee, for his diligent efforts in helping to insure that this language was included in the House-passed bill. I would also like to express my appreciation to the chairman of the Senate Appropriations Committee, Mr. Hatfield, the chairman of the Senate Interior Appropriations Subcommittee, Mr. McClure, and the other members of the Senate Appropriations Committee for agreeing to retain the language from the House-passed bill and modifying the language in this manner.

In closing, Mr. President, let me say that I think it is very significant that one committee of the Senate, and the Senate itself, have now gone on record in support of this concept—even if for a relatively limited period of time. I am confident that these actions will give us the momentum we need to enact S. 2801 this year.

Mr. McClure. Mr. President, I ask unanimous consent that the Senator from Montana (Mr. M. Ensign) be added as a cosponsor to the amendment.

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

Mr. Proxmire. Mr. President, I yield back the remainder of my time.

Mr. Proxmire. Mr. President, I yield back the remainder of my time.

THE PRESIDING OFFICER. All time has been used. The question is on agreeing to the amendment. The amendment (UP No. 1330) was agreed to.

Mr. Jackson. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1331

(Purpose: To provide for an orderly transition to the new Job Training Partnership Act.)

Mr. Schmitt. Mr. President, I send a technical amendment to the desk and ask for its immediate consideration.

THE PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. Schmitt) proposes an unprinted amendment numbered 1331.

Mr. Schmitt. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the joint resolution add the following new section:

Sec. 102. Notwithstanding any other provisions of this joint resolution, except Section 101, amounts which are available by Section 101 for continuing activities conducted in 1982 under the Comprehensive Employment and Training Act of 1973, as amended, are hereby also made available to continue those activities under the provisions of S. 2036 as reported by the Committee on Conference.

THE PRESIDING OFFICER. Will the Senator from Oregon be in order? Will those Senators wanting to conduct conversations please retire to the cloakrooms?

Mr. Quayle. I thank the Senator for yielding.

A point of clarification. It is my understanding that with respect to training activities under CETA or its successor legislation, which has been reported out of the conference committee and which has the support of the administration—and which in all probability will pass the Congress and be signed into law—that amount would be $3.7 billion.

Current operating levels in 1982 were conducted both on the amount appropriated for fiscal year 1982 and the amounts that were deferred from prior years. In my understanding, the interpretation of the continuing resolution at $3.7 billion is shared by the House Appropriations Committee and the Senate Appropriations Committee and the House and Senate Budget Committees.

I am wondering, can the Senator tell us, is that his interpretation of the continuing resolution, that it is at $3.7 billion as interpreted by the House Appropriations Committee and the...
House and Senate Budget Committees?

Mr. SCHMITT. No. I am sorry. I cannot say that because we do not know what that level is. It could be more and it could be less. That is the reason I answered my distinguished colleague from New Mexico the way I did, in that I would expect for the duration of the continuing resolution until the enactment of the law, in which the Senator is so deeply involved, it would be to maintain the current level of enrollees. I hesitate to say what the dollar figure is.

Mr. QUAYLE. I am wondering, why the confusion? What is the confusion? We had the dialog before on what the outlays were going to be. We have it from the House Appropriations Committee. We have it from the House and Senate Budget Committees.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. QUAYLE. Mr. President, I ask unanimous consent that the Senator be yielded 5 additional minutes.

Mr. SCHMITT. I do not think that maintaining the current level of enrollees is vague. The bill that is under consideration in the conference committee is not vague, as I understand it. It is just that the Appropriations Committee of the Senate has certain independence in formulating what they think the cost will be in this bill for fiscal year 1983. I am not willing at this point, without having done the analysis and gone through the regular bill process, to tell the Senator what that level is going to be. It is obviously going to be in that vicinity. Whether it is more or less, I do not know. I am not in a position to make any commitment.

Mr. QUAYLE. In the vicinity of $3.7 billion?

Mr. SCHMITT. Obviously, that is the general ball park in which the Congress is aiming the new legislation, but at this point we are merely trying to make sure that there is no hiatus in the CETA program between now and the final signature of the President on that legislation.

Mr. QUAYLE. Mr. President, I do not want any hiatus on the funding level because we have had this ongoing flight as to what the funding level is going to be. It was very clear in the budget resolution that the Senate voted on, that the funding level was going to be $3.7 billion. If that is not the case in this continuing resolution, then I would like to be in a position to try to correct that situation if it is anything less.

Mr. SCHMITT. I can tell the Senator two things: One is that the Appropriations Committee is not bound by any specific decision made in the budget resolution. We are bound by the allocations that come from the crosswalk and by the determinations within the committee of the priorities for funding. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out. In this case, we are trying to make sure that there is no hiatus until the Senate's bill is enacted, until the House and Senate have had a chance to work their differences out.
Mr. President, in particular, two of these amendments have not yet been worked out, but a great number have and I want to put the request now for those amendments on which agreements have been arranged, I believe.

Before I do this, Mr. President, I should say that there will be a long list of these amendments. First, I ask unanimous consent that the distinguished managing of the bill, the chairman of the Appropriations Committee, may be authorized by the Senate to arrange the sequence in which the amendments will be presented.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I will not object. The distinguished chairman is very fair, but I think that this should be done only by unanimous consent because it goes contrary to the rules. As long as it is done by unanimous consent, of course, that is all right; I have no objection, because I say, the chairman is very fair. Generally he alternates and we have no complaint.

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

Mr. BAKER. Mr. President, I am going to make a series of requests that will take time limitations, and I would like the following language to apply:

Mr. President, I ask unanimous consent that in each case the time shall be equally divided, with control of the time in the unusual form, and in the case of a Hollings MX amendment, a Kennedy amendment, and a Nickles second-degree amendment on Davis-Bacon the vote will be on or in relation to the amendment.

Mr. President, let me complete the unanimous-consent request. Mr. President, I ask unanimous consent that on a DeConcini Small Business amendment there be a time limitation of 10 minutes; on a second DeConcini amendment on peso devaluation, 10 minutes; on a Danforth ADAP amendment, 10 minutes; on a Nunn biomedical amendment, 2 minutes; on a Ford billing amendment, 2 minutes; on a McClure pricing study, 10 minutes; on three Schmitt amendments—

Mr. SCHMIDT. We have done all but one.

Mr. BAKER. One Schmitt amendment.

Will the Senator take less than 5 minutes?

Mr. SCHMIDT. Five minutes.

Mr. BAKER. One amendment by Mr. Schmitt, 5 minutes; a Bumpers commodity, 1 minute; a Wicker Outer Continental Shelf amendment—I will omit that one for a moment, Mr. President; a Stevens reenlistment amendment, 10 minutes; a Glenn research amendment, 30 minutes; Mr. President, on the Kennedy amendment, I am told that the distinguished Senator from Massachusetts is agreeable to 30 minutes equally divided.

The Senator from Oklahoma has a second-degree amendment dealing with Davis-Bacon, and it is my hope that he will come to the floor and that we can get 10 minutes on that amendment, equally divided, with the understanding that a tabling motion will be in order against the Nickles amendment in the second degree and/or against the Kennedy amendment.

I will not make that request, since I have not fully cleared it, but I hope the Senator from Oklahoma can hear me, wherever he is, and come to the floor.

There is a Moynihan "Rebuilding America" amendment, 10 minutes. That must be a record.

Mr. MOYNIHAN. Two minutes.

Mr. BAKER. Two minutes.

There is a Domenici colloquy on the budget question, 15 minutes, with 5 of it available to the distinguished Senator from South Carolina, the ranking minority member.

Mr. President, against the caveats I have put earlier as to control and other circumstances, I make that request at this time.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I do not think I will object—I just want to be sure that with respect to each amendment that has been listed by the majority leader, and for the moment he has not listed the Kennedy amendment and the amendment in the second degree—

Mr. BAKER. Or the Hollings amendment or the Wicker amendment.

Mr. ROBERT C. BYRD. Or the Hollings amendment or the Wicker amendment.

That any amendment in the second degree would have to be germane, and the time on any second-degree amendment would half the time allotted to the amendment in the first degree.

Mr. BAKER. That was included in the previous request, and I reiterate that request from the previous request, as the minority leader has described. I add that any point of order submitted or appeal from the ruling of the Chair shall have the same time, if debate is in order, as that for second-degree amendments.

Mr. STENNIS. Where does that leave the MX amendment?

Mr. BAKER. I have not yet dealt with that. I hope we can get a 30-minute limitation on or in relation to that amendment.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, I think the majority leader said all first-degree amendments must be germane.

The PRESIDING OFFICER. Is there objection to the request of the majority leader? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank all Senators.

Mr. President, I think this truly does give us a chance to finish this matter tonight, and I urge all Senators to do that.

That leaves us with the Hollings amendment on MX. I urge that the Senator from Texas, the chairman of the Armed Services Committee, indicate his wishes to us as soon as possible.

As to the Kennedy amendment, I once again urge the Senator from Oklahoma (Mr. Nickles) to communicate with us in that respect.

As to the Wicker amendment, I will make an effort to contact the Senator from Connecticut to ascertain that situation.

Mr. President, I will return in a moment to see if our luck holds and if we can get agreements on those matters as well.

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

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Inasmuch as no committees are meeting at this time, would it be possible to get 10 minutes on rollcall votes? It is hoped that many of these amendments would not require rollcall votes.

Mr. BAKER. I am very much of the opinion that Members will have voice votes when possible. Rollcall votes, as we know, consume a great amount of time.

The Senator will give me a moment, I will try to clear the request for a 10-minute rollcall vote.

Mr. HATFIELD. Mr. President, I see that the Senator from New York is very anxious to get to rebuilding America. Can he be recognized at this time to offer his amendment?

The PRESIDING OFFICER. The Senator from New York.

(Purpose: To postpone the effective date of increases in rent contributions by tenants in public housing)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. Moynihan) for himself and Mr. Ronzell, proposes an unprinted amendment numbered 1332.
Mr. MOYNIHAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place insert the following:

"Provided further, That no funds provided under this joint resolution shall be used to enforce the regulations which took effect on August 1, 1982, increasing rents or rent contributions for the housing assistance programs under the United States Housing Act of 1937, or prior to the expiration of 90 days after the date of enactment of this joint resolution."

The PRESIDING OFFICER. Will the Senator suspend until the Senate is in order?

The Senate will please come to order, so that we can take care of the pending business. The Senator from New York has a right to be heard.

Those of you at the rear of the Chamber will please converse conversation.

The Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, I have reduced dramatically this amendment, and what remains, in the spirit of the Chamber at this point, is simply to put into this bill the measure we would postpone for 90 days the effect of HUD regulations that raise the percentage of rents that are paid by persons in public assisted housing.

The Senate from Utah was gracious in accepting the amendment. Unfortunately, it has been dropped in conference as a result of the conference committee dynamics. This simply restores it.

Mr. HUDLESTON. Mr. President, as ranking member of the Senate Appropriations Subcommittee on HUD-Independent Agencies, I am pleased to support the amendment offered by the Senator from New York (Mr. Moynihan) to postpone for 90 days the effective date of tenant contribution regulations. A comparable amendment was included in the Senate version of H.R. 6956, the fiscal 1983 HUD-Independent agencies appropriation bill.

Mr. President, the increase in tenant contributions were requested by the administration and authorized by Congress. There is widespread feeling that tenant contributions must be increased if our housing programs are to remain viable. The regulations which were issued on August 1 have, however, caused considerable controversy. A number of housing authorities believe they will result in massive relocations and detrimental changes in the populations of their projects. Because of the many questions which have been raised regarding the regulations, a short delay so that they could be reviewed and their implications fully evaluated would seem only prudent.

Mr. GARN. Mr. President, on Friday, when we passed the HUD appropriations bill, I said to the Senator from New York, that although I disagreed with the philosophy he had his amendment and the policy decision, I would accept it on the HUD appropriations bill because it had a 90-day limitation.

In the conference it was dropped, not necessarily intentionally. In the conference, we were dealing with packages of "House recedes" and "Senate recedes," and it was dropped as part of another series of amendments.

Therefore, I have no objection to making the same offer to the Senator from New York now, that because of the 90-day limitation, even though we have a disagreement on the principle, I advise the distinguished chairman of the committee that, once again, I will not object to accepting it on that basis.

Mr. MOYNIHAN. I thank the Senator for his gracious statement.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, we will accept the amendment, on the recommendation of the subcommittee chairman.

I yield back the remainder of my time.

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

Mr. SCHMITT. Mr. President, I ask unanimous consent to dispense with the amendment. The amendment (UP No. 1332) was agreed to.

Mr. MOYNIHAN. I thank the distinguished chairman.

Mr. HATFIELD. Mr. President, I yield to the distinguished Senator from New Mexico to offer his amendment.

The PRESIDING OFFICER. The amendment is as follows:

The amendment relating to the Corps was made necessary by a recent OMB directive furthering efforts to restrict the size and use of the Commissioned Corps and to hamper it in carrying out its mission.

In particular, OMB's proposal would permit only new physician entries into the Corps for the Indian Health Service and the other agencies of HHS if they depend upon the Corps for personnel.

The OMB directive would eliminate the recruitment of an array of other health professionals—nurses, dentists, social workers, medical technicians and physicians' assistants—who are necessary to the Corps to carry out its mission.

While language to prohibit a phase-down appears fairly restrictive, it is necessary to insure that OMB's most recent directive, which appears to be a culmination of past efforts in this direction, is not implemented. However, we do not intend to tie the Secretary's hands in his efforts to manage the Commissioned Corps in an efficient way. The language of my amendment would still allow the Secretary of HHS the discretion and flexibility to structure the Commissioned Corps so as to improve its effectiveness—and this is...
our intention. Our approach is based on the sound principle that specific staffing decisions regarding the Corps should be made in the Department and based on program rationale rather than through arbitrary directives from OMB.

The General Accounting Office, however, suggested that the restriction might not carry over into the continuing resolution. That is why it was not included in the bill as reported. I am not sure I agree with this interpretation, but in view of the GAO's opinion this amendment is offered again to insure that no change in the Corps can occur during the period of the operative time of this resolution.

I hope that there will be no opposition to this amendment, and I move its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. I am ready to yield the remainder of my time.

The PRESIDING OFFICER. Mr. SCHMITT. Mr. President, I yield the balance of my time.

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

The amendment (UP No. 1333) was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which this amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, we are making rather rapid progress, and I wish to have any Senator hearing this in his office who has an amendment upon which we have arrived at a unanimous-consent time agreement to please make his way to the Chamber in order that we may continue this marvelous progress.

Mr. SCHMITT. Mr. President, I am ready to yield the remainder of my time.

Mr. BAKER. Mr. President, I am happy to accept that and urge Senators to come to the Chamber and ask our cloakrooms to put out a hotline to that effect.

TIME LIMITATION AGREEMENT

Mr. BAKER. Mr. President, I move, if I may have the attention of the manager and the minority leader, I am advised by the distinguished junior Senator from Oklahoma that the request that I outlined earlier is agreeable to him, that

is to say, 30 minutes on the Kennedy amendment equally divided and then a vote to occur or in relation to the Kennedy amendment; 10 minutes equally divided on the second-degree amendment to be offered by the Senator from Oklahoma (Mr. Nickles), after which a vote on or in relation to the Nickles amendment; 10 minutes equally divided on the understanding that the Nickles amendment is a Davis-Bacon amendment and, therefore, would not have to be germane to the Kennedy amendment.

Mr. ROBERT C. BYRD. Mr. President, would it be possible for us to agree that this amendment is a Davis-Bacon amendment that would be offered?

Mr. BAKER. Yes, Mr. President, I am happy to include that and I so ask unanimous consent.

Mr. SCHMITT. Mr. President, I have no objection. I have cleared this with Senator Kennedy.

The PRESIDING OFFICER. Without objection, Mr. BAKER. I thank the Chair and thank all Senators.

Mr. HATFIELD. Mr. President, I now yield to the Senator from Alaska.

Mr. STEVENS. Mr. Stevens who has a reenlistment bonus amendment on which a 10-minute time agreement has been reached.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

UP AMENDMENT NO. 1334

(Purpose: To delete authority to pay certain Department of Defense bonuses, which are unbudgeted for fiscal year 1983)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. Stevens) proposes an unprinted amendment numbered 1334.

On page 28, delete lines 22 through 24; and on page 30, delete lines 1 through 24; and on page 31, delete lines 1 through 20.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, in its markup on the continuing resolution, the Appropriations Committee responded to a request from the Armed Services Committee to amend the continuing resolution and provide a temporary extension of authority for certain military bonus payments. I offered the language transmitted by the Armed Services Committee so that there would be no expiration of authority for these bonuses. This all occurred rather quickly. The request did not reach me until the committee was already in the process of marking up the continuing resolution and there was little opportunity to analyze the language sent over by the Armed Services Committee.

I have learned since, however, that the language involves more than a simple extension of existing authority. As the Senator from Oklahoma has suggested, the legislation would authorize new and unbudgeted aviation officer continuation bonuses. This proposed new bonus authority, I understand, is in the military pay bill recommended by the Senate but has not been considered yet by the full Senate. Nor has it been considered by the House of Representatives.

I do not think it is advisable to establish a new unbudgeted and unauthorized program in the continuing resolution, Mr. President. There is no reason that a program of this nature should not be considered in the normal authorization and funding processes of Congress. Perhaps, if there is more time, we will also have some indication from the administration itself whether it will support this program with a budget request.

Accordingly, Mr. President, this amendment strikes subsection (b) of section 127, beginning on page 28, line 22 and continuing to the bottom of page 30. In effect, only the opening paragraph of subsection 127 would remain. That is the paragraph that extends current authority for existing bonuses until March 31, 1983.

Mr. STENNIS. Mr. President, I was called from the Chamber. Will the Senator from Alaska repeat the question?

Mr. STEVENS. Certainly. As my good friend from Mississippi will recall, I offered an amendment in committee to extend the authorization for existing bonus payments for the military. It was my understanding that we were extending existing authority for bonuses budgeted in fiscal year 1983. I found, however, that a portion of the amendment goes beyond existing authority to authorize a bonus not yet considered by the full committee, nor funded in fiscal year 1983. Authorizing this bonus was not our intent, and this amendment deletes from the amendment offered in committee that particular portion of the language. This continuing resolution consistent with previously passed authorization bills.

Mr. STENNIS. I see. I thank the Senator.

I do not have any objection, of course, to an amendment of that kind. In fact I support it.

Mr. STEVENS. I thank the Senator.

Mr. President, I am prepared to yield back the remainder of my time.

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

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

The amendment (UP No. 1334) was agreed to.
Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

RAPID TROOP COMMITMENTS

Mr. STEVENS. Mr. President, I am aware the administration as a whole and the Defense Department in particular have problems with the committee's revisions in U.S. troop strength in Europe. I have talked to the President directly on this issue and corresponded with him, and I have assured him that there will be ample opportunity to debate this issue when we take up the regular defense appropriations bill for fiscal year 1983.

There is no need to debate this issue or try to amend the committee position during consideration of the continuing resolution. The committee instructions on holding U.S. troop strength in Europe the levels that existed at the start of fiscal year 1981 applied to 1983 end strength. That is, the actual numbers of personnel in Europe at the end of the 1983 fiscal year, 1983.

The Department of Defense will not be required to make any change one way or the other in European forces as a result of this continuing resolution as it has been reported in the Senate. Troop strength in the first few months of the fiscal year need have no bearing on whatever end strength restriction Congress eventually adopts.

For my part, I would like to assure the Senate and the administration that there will be every opportunity to debate this issue when we take up the regular defense appropriation bill. If it is the will of the Senate, the committee recommendations can be amended at that time. As I said yesterday in a floor statement, I do not intend to back off the position established by the committee after a 12-to-1 supporting vote of the Defense Appropriations Subcommittee. The thrust of our recommendation is to halt the growth of U.S. troops in Europe and to expect more participation from our allies in the defense of Europe. It is a sound position, and I hope the President will be able to review the merits of that position before Congress returns from the election recess.

Meanwhile, Mr. President, I am confident we can safely pass over this issue of continuing resolution is concerned without foreclosing any subsequent changes the Senate might wish to consider.

RAPID DEPLOYMENT FORCE

Mr. President, on another matter concerning the appropriations defense appropriations bill, I recognize the committee's recommended restriction on the establishment of a unified command for Southwest Asia but raised concern in the Defense Depart-
Mr. NUNN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the joint resolution, insert the following:

Sec. Notwithstanding section 1804 of the Public Health Service Act, funds provided for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research by the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-522) shall remain available until March 31, 1983.

Mr. NUNN. Mr. President, the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research has been a valuable and productive resource for the Congress and other governmental organizations faced with many difficult ethical questions. The Commission, established by Public Law 95-522, has studied a number of important health care and research issues affecting the lives of our citizens. The Commission recommended a definition of death which has been adopted by seven States and the District of Columbia. Its statement on the necessity of protecting human research subjects from research risks was the basis for the establishment of an ad hoc committee within the Vice President's Deregulatory Task Force to study regulations affecting research. The Commission has also studied the issue of compensating individuals for injuries resulting from research.

Mr. President, under the terms of Public Law 95-522, the Commission is scheduled for termination on December 31, 1982. However, the Chairman of the Commission has requested a 3-month extension of appropriations, which would delay the termination date until March 31, 1983. This additional time will enable the Commission to close down its operation and publish the remainder of its reports.

Mr. President, four new Commissioners were appointed in July and participated in their first Commission meeting in August. The Commission is in the process of completing work on six new reports, which must be approved and published before the termination date. The 3-month extension will be used to finish these projects.

Mr. President, with the tremendous advances in medical research and the unprecedented ethical dilemmas facing us today, I feel that the work of this Commission is a valuable asset to our work here in the Senate and urge my colleagues to accept this request for an additional 3 months. I hope the committee can accept the amendment.

The PRESIDING OFFICER. Who yields time?
Mr. FORD. I will say to the chairman it would be perfectly all right with me to do that. However, I informed a caller who had some question about it and he said to come to the floor and carry out my amendment, so I came on. I would be glad to set it aside.

Mr. HATFIELD. If we will just temporarily for a minute set it aside, and let me confirm that the Senator is on his way.

Mr. President, we had a time for the Senator from Connecticut (Mr. Weicker) to offer an amendment in lieu of an amendment. Mr. Weicker is present on the floor for a colloquy, I believe, in offering his amendment.

Mr. ROBERT C. BYRD. Mr. President, I have been consulting with the distinguished Senator from South Carolina (Mr. Hollings). The majority leader tells me he has to make one telephone call before we can proceed with this amendment. May I say to the distinguished Senator from South Carolina (Mr. Hollings) before we can enter into an agreement the majority leader has to make one call. So if the Senator will indulge me.

Mr. HATFIELD. Yes.

Mr. HATFIELD. Mr. President, I yield to the Senator from Connecticut.

(Purpose: To provide for review of Secretary Watt’s 5-year OCS leasing program)

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

The PRESIDING OFFICER. Is there objection to laying aside the amendment of the Senator from Kentucky? Hearing none, it is so ordered.

The clerk will report the amendment of the Senator from Connecticut.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. Weicker) proposed an unprinted amendment numbered 1337.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

**FINDINGS**

Sec. (a) Lease sales for oil and gas development of the Outer Continental Shelf (OCS) are made by the level of lease offerings in previous years so as to provide for additional domestic oil and gas supplies for future needs.

(b) The Outer Continental Shelf is a national resource of immense size and value and should be developed with a proper regard for and carried out on behalf of the states, local governments and the public to meaningfully represent their interests in the Federal OCS program, and the public’s receipt of a fair market value for the OCS lands.

**PLAN REVIEW**

Sec. (a) Beginning on the date of enactment of this section, the Secretary of the Interior shall cease, for a period of 8 months, to implement the 5-year 1982 Outer Continental Shelf leasing program. Upon the adoption of such amendment, the Secretary of the Interior shall report the program which he adopted on July 21, 1982, for the Outer Continental Shelf leasing program.

(b) During this period the Secretary of the Interior shall review the program which he adopted and revise it in order to ensure:

(1) That the program will achieve the goal of receipt by the public of fair market value for the oil and gas resources of the leased OCS lands;

(2) That the program is consistent with the streamlined leasing procedures of the program adequately ensure that affected coastal States, local governments and the public have their concerns addressed effectively in the leasing process, including consideration of whether the streamline leasing procedures of the program are consistent with the streamlined leasing procedures of the program adequately ensure that affected coastal States, local governments and the public have their concerns addressed effectively in the leasing process, including consideration of whether the program is consistent with the streamlined leasing procedures of the program adequately ensure that affected coastal States, local governments and the public have their concerns addressed effectively in the leasing process, including consideration of whether the program is consistent with the streamlined leasing procedures of the program adequately ensure that affected coastal States, local governments and the public have their concerns addressed effectively in the leasing process, including consideration of whether the leased OCS lands has not been finalised. It is important that the public that they will be receiving the fair market value for the oil and gas resources of the leased OCS lands.

(3) Any such revision shall be subject to the same requirements as a revision under 43 U.S.C. 1344(e).

(d) Leasing of the OCS shall be permitted to continue during such period, except that those elements of the 5-year OCS leasing program adopted on July 21, 1982, which provide for-

(1) area-wide consideration for leasing, or

(2) streamlining of administrative procedures shall not be further developed or implemented during such 8 month period.

Nothing in this subsection shall be deemed to limit the Secretary to grant preliminary or permanent relief based on claims put forward either on the program of July 21, 1982, or a previous program or any individual lease sale.

**REPORT**

Sec. The Secretary of the Interior shall submit to the Congress at the expiration of such period a report on his review and revisions of the program pursuant to section (b), including an explanation of how the revised program carries out the principles enumerated in section 18 of the OCS Lands Act Amendments of 1978.

Mr. WEICKER. Mr. President, it was my intention at this time to have before the Secretary an amendment that expresses my deep concern over the revised 5-year Outer Continental Shelf oil and gas leasing program developed and approved by the Secretary of the Interior under section 2.

This is because there are several aspects of the 5-year OCS program that worry me.

The first is that the magnitude and timing of OCS leasing may significantly impair our ability to assess the potential for and prevent significant degradation of the environment. There are tremendous gaps in both our knowledge about the OCS, especially in frontier areas, and the technology necessary to limit, cap off, and clean up an oil spill or blowout. Under the 5-year OCS program these gaps will be exacerbated by the areawide leasing schedule. It is vital that the collection and analyses of environmental data and oil and gas exploration and development technologies are commensurate with the magnitude and timing of the leasing.

I am also worried that the affected coastal States, local governments and the public, will not have their concerns adequately addressed under the 5-year OCS program. It is important that the streamlined leasing procedures of the program there is provided adequate and timely information with affected coastal States, local governments and the public can use to base their comments on individual proposed or actual lease sales.

Another aspect of the 5-year OCS program that bothers me is that the method for determining fair market value for the oil and gas resources of the leased OCS lands has not been finalised. It is important that we assure the public that they will be receiving the fair market value for the oil and gas resources of the leased OCS lands.

These concerns were expressed during the Energy Conservation and Supply Subcommittee’s lengthy hearing with Secretary Watt and in subsequent meetings by staff with high level Interior staff.

The concerns are also the reason why I, along with my colleagues—Senators Hollings, Mathias, Cohen, Cranston, Gorton, Mitchell, Tognas, Jackson, Stafford, Kennedy, and Matsumaga drafted an amendment that would suspend the 5-year OCS program for 8 months and require the Secretary to revise the program so that it addresses our congressional concerns. We have also received support from many other Senators.

However, in deference to my colleagues on the Appropriations Committee, I am withdrawing this amendment.

In closing, I wish to again thank my colleagues for their assistance in insuring the 5-year OCS leasing program was adequately and that the 5-year OCS program is well thought out.

Mr. President, I have in the course of the past several days, personally talked to the Secretary of the Interior, and have received the following letter from him which I would like to read at this point in the record:

<Letter from Secretary Watt>

<Letter content>

<Letter end>
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Therefore, I ask unanimous consent that I am permitted at this time to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. STAFFORD. Mr. President, I would like to take this opportunity to make an observation regarding the Senator from Connecticut and his contribution to environmental protection.

There are some environmental issues on which it is easy to find allies. Some problems are shared and often they have large constituencies, so it is politically popular to favor their legislative solutions.

All too often, however, this is not the case. A problem may have no constituency. Or the solution may be one which burdens one industry or another of some powerful interest group. When that happens, allies are hard to find. It is on those occasions that we count our friends.

I want to say that one of those friends has been the Senator from Connecticut.

Last week when the Senate was considering the HUD-independent agencies bill, I introduced a floor amendment blocking the inspection and maintenance program of the Clean Air Act, a very real threat. I said that I would refuse to enter into a unanimous-consent agreement, which did not specifically preclude consideration of amendments to the Clean Air Act or relating to its enforcement.

When I sought allies in this somewhat unpopular position, I found one, as usual, the Senator from Connecticut. Last year when a few of us sought to publicly brand a bill which would cripple the Clean Air Act for what it was, the request was sensitive because some members of our own party were sponsors of the bill. But one Senator who was not only willing to speak out, but to do so at the clearest terms, was the Senator from Connecticut.

Whenever it has counted, the Senator from Connecticut has been there. That has been true even when there was no political payoff. Unlike the rest of us who work on environmental issues, he receives little if any, publicity for his efforts. What he has done here is an example.

I doubt that tomorrow there will be any mention in the press of what the Senator has done to protect offshore areas. There was no publicity when he restored funds for acid rain research, ocean pollution research, or the land and water conservation fund. Nor when he saved the sea grant program. Nor when he prohibited ocean dumping of nuclear waste.

For reasons I understand, there is no public relations reward for helping seals or sea turtles. There are few, if any votes to be found in preserving the sea tuna population or the Indies manatee.

He receives little attention for these or other efforts because they are not necessarily politically popular or expedient. Nonetheless, they are nonetheless important tasks to protect resources where there are no voters.

Nor are these actions which show up in polls which purport to show whether a Senator is good or bad on the environment. In short, they are quite literally thankless tasks which somebody must perform.

That somebody, at least in the Senate, is the Senator from Connecticut, for which I would like to express my personal appreciation.

Mr. BAKER. Yes; I thank the distinguished manager of the bill.

Mr. President, I am happy to say that I have now cleared the Hollings amendment on our side. I wish to put the request at this time, as I understand it, for the consideration of the minority leader, the managers, and other Members.

Mr. President, I ask unanimous consent that on the Hollings amendment there be a time limitation of 30 minutes, to be equally divided; that at the expiration of that time, or on the yielding back of that time, a vote occur on or in relation to the Hollings amendment. Mr. President, I further ask unanimous consent that, if a tabling motion is made against the Hollings amendment and the tabling motion does not prevail, the Senator from Texas (Mr. Towne) be recognized to offer a second-degree amendment to the Hollings amendment.

I further ask unanimous consent that if that second-degree Tower amendment fails, the Senator from Texas be authorized to offer a second second-degree amendment to the Hollings amendment.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, and not intending to object, it is my understanding that the two second-degree amendments referred to by the distinguished majority leader will be 15 minutes each. Mr. BAKER, yes; under the umbrel­ la language, they would be 15 minutes each.

Mr. ROBERT C. BYRD. And it is also my understanding that they would be germane to the first-degree amendment.

Mr. BAKER. The Senator is correct. Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, the request of the majority leader is agreed to.

Mr. BAKER. I thank the Chair and I thank the minority leader.

Mr. President, is there not an order allowing consideration of the Kennedy amendment and the Nickles second-degree amendment?
The PRESIDING OFFICER. An order has been entered with respect to that amendment.

Mr. HATFIELD. Mr. President, we are still waiting for the Senator from Georgia to arrive in order to finish up the amendment of the Senator from Kentucky. In the meantime, I would like to yield to the Senator from Idaho for an amendment with a 10-minute time limitation.

Mr. FORD. Mr. President, would it be in order to ask unanimous consent that my amendment be temporarily set aside so that we might consider the amendment of the Senator from Idaho?

Mr. HATFIELD. That is correct. Mr. President, I ask unanimous consent to temporarily set aside the amendment of the Senator from Kentucky.

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

Mr. HATFIELD. Mr. President, I wish to alert the Senator from South Carolina that, as soon as the amendment of the Senator from Idaho is handled with a 10-minute time limitation, which may not all be used, I would expect to finish up with the amendment of the Senator from Kentucky and then go to the Senator from South Carolina for his MX missile amendment.

UP AMENDMENT NO. 1338

(Purpose: To prohibit expenditures for the purposes of conducting studies of the hydroelectric pricing policies of the Federal public power authorities or any other agencies or authorities of the Federal Government by increasing the price of the power sold by these marketing agencies. I further understand that it is the position of those conducting the study that it is in keeping with the earlier direction of the Congress to explore methods of raising revenue by the Federal Government.

Mr. President, I at no time recall that it was ever my intention or direction to anyone that the pricing policies and methods of TVA, BPA, or the other Federal power marketing agencies be tampered with as a source of new revenue, or that an increase or decrease of the market method of pricing as opposed to the cost method currently required. I do not consider such an important and fundamental shift in policy to be an appropriate subject of such study without the full knowledge and involvement of the Congress, which is still—or so I think—the policymaking branch of government. I am, frankly, very surprised and disappointed that our knowledge of this study came from the press, particularly in light of the serious and unsettled situation which currently exists regarding power rates in the part of the country from which Senators such as the distinguished chairman of the Appropriations Committee and the Chairman of the Energy and Natural Resources Committee come.

There has been some discussion, I know, of addressing this matter through a colloquy, but I feel so strongly about it that I do not think that will do. Accordingly, I offer this amendment to cut off funds for this study.

Mr. SASSER. Mr. President, the amendment that Senator McClure and I are offering today to the continuing appropriations bill simply prohibits funds from being spent for the purposes of continuing a current administration hydroelectric power pricing policies of various public authorities throughout the country, including the Tennessee Valley Authority, the five public marketing authorities, including the Bonneville Public Power Authority, and the Corps of Engineers.

Currently, the administration is conducting a rather clandestine study of the hydroelectric power pricing policies of these agencies in order to consider the possibility of increasing the price of power marketed by the Federal Government.

They are pressing ahead with this study even though representatives of the affected authorities, the TVA, and the Corps of Engineers have not been served as full-time participants in the study.

They are pressing ahead with this study even though they have not consulted with the congressional committees of jurisdiction. They are pressing ahead with the study even though any study that recommends changing public power pricing policies would result in basic and fundamental changes in the public power laws of our country.

In short, the current back-door administration study of public power is just another attempt by the current administration to sharply curtail the effective use of publicly generated power. The administration should pursue its policy with public power agencies rather than with the Congress. The Senate has the basic responsibility for enacting and overseeing our public power laws.

Mr. President, I do not believe that the administration should pursue its study. I believe that it should cease this study and request that the duly constituted committees of Congress should look into this matter if necessary. The Congress provides an open and accountable forum for such a study if it is necessary.

That is why I have offered Senate Concurrent Resolution 124 on this matter which I ask be printed in the Record at this point in my remarks.

Mr. President, I am joined in my assessment of this study by the American Public Power Association which supports this amendment, and I ask unanimous consent that a letter from the APPA be printed in the Record.
There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Senator Jim Sasser, U.S. Senate, Washington, D.C.

Dear Senator Sasser:

On behalf of the American Public Power Association, I want to thank you for taking a leading role in focusing attention on the efforts within the Administration to artificially increase the power rates of consumers of Federally-generated power.

Enclosed is a memorandum to all APPA members on this issue. You will note that we have requested these public power systems to contact their own senators and ask them to join with us as co-sponsors of S. Con. Res. 124, and to support your amendment to the Treasury, Postal Appropriations bill. Please let us know how we can be of additional assistance to you on these matters.

Thanks again for your interest in this extremely important matter.

Sincerely yours,

Alex Radin.

Mr. Sasser. Finally, Mr. President, I would note that this amendment does not just affect the States served by the Tennessee Valley Authority. It also affects the States served by the five public power authorities throughout the country and the utilities that buy the power from these authorities. I have a fairly complete list of the utilities, and I am prepared to say that utilities in more than 34 States are affected by this amendment.

Mr. President, this country has a strong tradition of public power. Public power belongs to all the people. Public power should be produced at cost, not at some other artificial price. If we want to debate the public power philosophy of this country, let us do it in the open light of day and not behind closed doors. Let us not sanction a back-door study that dramatically raises utility rates and which undermines our power transmission systems.

I urge passage of this amendment.

Mr. Jackson. Mr. President, I commend Senator McClure and join him in sponsoring this amendment to prohibit funding of a Cabinet Council working group study of rate-making policies of the Federal power marketing administrations.

What is involved here is an administration effort to alter long-established Federal policy that Federal hydropower should be marketed to eligible customers at cost. Cost-based pricing of Federal electric power resources has been reaffirmed many times by the Congress. As recently as 1980, Congress passed major legislation, entitled the Pacific Northwest Electric Power Planning and Conservation Act, in which this policy was specifically reaffirmed. There is no doubt that the law requires cost-based pricing and there is no evidence that the Congress has any intention to alter that long-standing policy.

The proposal which the Cabinet Council is studying is quite simply an effort to raise additional revenues for the Treasury. It is reported that an administration official familiar with the Cabinet Council study describes the proposal as being "quite strange" because power marketing administration rates are "way below the price of marginal power." I simply observe that it is utility regulation in the United States knows that it would be quite strange if marginal cost pricing were adopted by the power marketing administrations or, for that matter, by any State utility commission as the basis for pricing power. It was never intended that the Government should profit from the sale of electric power to users. Such a policy would transform Federal power marketing administrations into profit-making ventures earning an exorbitant profit at the expense of the consumers served by their customer utilities. It is totally contrary to the existing statutory pricing directives that power produced at these public facilities should be available to the consumer at the full cost, or at a reasonable cost, consistent with sound business principles. Under these directives, power is sold at rates that cover the cost of construction, interest, operation, and maintenance.

In the Northwest, price increases resulting from a shift from cost-based pricing to marginal cost pricing could cause an immediate 300 percent price increase for residential, commercial, and industrial consumers. It would have a devastating impact on a region already suffering from high unemployment and depressed economic conditions.

Mr. President, I ask unanimous consent that an article from Inside Energy describing the Cabinet Council study be reprinted in the Record at the conclusion of my remarks. I also ask that two letters sent by the entire APPA membership to the Administration be reprinted in the Record. There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CABINET COUNCIL WORK GROUP STUDYING RATE, ACCESS POLICIES OF PMAS, TVA

An interagency Cabinet-Council working group has been formed under the leadership of the Council of Economic Advisers to explore the adequacy of rate and access policy for the five federal power marketing administrations and for the Tennessee Valley Authority, informed sources said this week.

The group's first report to the Cabinet Council on Natural Resources and Environment in November or December, one key source said. Among the issues to be addressed are: 1) efficiency in allocating resources; 2) federal revenue; 3) economies of the regions or systems supplied by the power-marketing agencies; and 4) the political acceptability of any changes in the way the agencies operate.

The Cabinet Council, which has yet to decide if its proposal is of concern where industrial or other facilities that have been built specifically to take advantage of Federal power rates could be hurt by changes in rate policy.

The working group is not studying the possibility of selling the PMAs or TVA to the private sector or of reorganizing them, sources stressed, but instead is focusing on rate and access policies. It was, in explaining the group's mission, that "The existing (rate) situation is quite strange," with some PMAs "way below the price of marginal power." The source said that the FCA mandate to simply recover the full cost of producing power through rates is a "very loose mandate as it has been implemented."

The source added that TVA's rates are closer to those of investor-owned utilities, but still should be studied.

The working group is headed by William Niskanen, a member of the CEA, and officials expressed interest in more closely monitoring and studying the PMAs and TVA. But a member of the Niskanen group, while agreeing that the two Cabinet councils were related, said issues being considered by each are very different.

The five PMAs primarily market low-cost hydro power, except for the Bonneville Power Administration, which also buys some nonhydro supplies to serve load growth in Northern California. The other three PMAs are the Alaska Power Administration, which also buys some nonhydro supplies to serve load growth; the Bonneville Power Administration; the Western Area Power Administration; and the Southwestern Power Administration. About 68% of the power sold by TVA is coal-fired, with 18% nuclear and 9 1/2% hydro.

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The Honorable Ronald Reagan, President, White House, Washington, D.C.

Mr. President: We wish to bring to your attention our deep concern over the recent joint administration proposals to revise the electric power pricing policies of the Federal Power Administration, the Soutwestern Power Administration, the Bonneville Power Administration, the Pacifiic Northwest Power Planning and Conservation Act, and the Western Area Power Administration. If such proposals were to be implemented, we believe they would be highly disruptive to the economy, and, in our judgment, would not serve the public interest.

The Administration has not provided us with sufficient information to evaluate the proposals accurately. However, we are aware that the proposals have serious implications for the economy and for the quality and reliability of electric power service.

We believe that the Administration's proposals are based on a number of misconceptions and misrepresentations of the current situation. We also believe that the Administration's proposals are not consistent with the policies embodied in the recent legislation which was passed by the Congress.

The Congress has been very concerned about the adequacy and availability of electric power, and has taken a number of steps to ensure the adequacy of electric power supplies.

Among the most significant of these steps have been the passage of the Public Utility Regulatory Policies Act of 1978, which established a broad regulatory framework for the electric power industry.

In addition, the Congress has enacted a number of other important pieces of legislation, including the Energy Policy and Conservation Act, the National Energy Policy Act, and the Natural Gas Policy Act.

We believe that the Administration's proposals are not consistent with the policies embodied in these important pieces of legislation.

We urge the Administration to consider carefully the implications of its proposals and to work with the Congress to develop a comprehensive, balanced approach to the problems facing the electric power industry.

Sincerely yours,

The Honorable James Watt, Secretary of Interior; Mr. James Wall, Director of DOE; Mr. Richard Daley, Mayor of Chicago; Mr. Donald Rumsfeld, Secretary of Defense; and Mr. Caspar Weinberger, Secretary of Commerce.
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represent a fundamental threat to the concept of public power and to the economy of the Pacific Northwest.

Under current law the Bonneville Power Administration markets its hydroelectric power exclusively within its jurisdiction. This reflects the public power philosophy, recently reaffirmed by Congress in the Northwest Power Act, that power generated from public facilities not be sold at a profit. Rather the power should be sold at cost with BPA presently doing. It was never intended that the government should realize a profit from the sale of electrical power to users.

Any proposal to charge ratepayers in the Bonneville marketing area the “market value” or the “marginal rate” for its hydroelectric power would not only provide BPA with a profit, but would mean immediate and dramatic rate increases estimated at up to 300% for BPA’s residential, commercial, and industrial customers. Such rate hikes would destroy the already depressed economy in Washington State.

In our view, these proposals are ill-advised and would cost the treasury infinitely more than any revenue gained by them, while severely increasing unemployment and business failures in Washington and other states. These increased levels of unemployment and business failures will continue to drain a badly needed revenue and a balanced federal budget—goals which we all share.

We respectfully request that you consider our bipartisan misgivings about these suggested increases and appreciate this opportunity to bring them to your attention.

Yours faithfully,


September 23, 1982.

The Honorable JAMES G. WATT,
Secretary of the Interior,
Washington, D.C.

Mr. PRESSLER. Mr. President, I rise in support of this amendment to delete any unauthorized studies of hydroelectric power rates and ask to be added as a cosponsor. Any study that has implications as major as this should be authorized by Congress first.

If the Federal policy on hydroelectric power is changed, the effect on electric utility rates in South Dakota and all across the country will be dramatic. Currently, hydroelectric power generated by public power marketing authorities and the Corps of Engineers is sold at cost to the marketing agency recouping the public investment in the project. This policy is in accord with the philosophy that public power belongs to everyone, so it should not be sold at a profit.

The lower cost power generated by public power marketing authorities helps to hold down electric rates for millions of Americans. In my home State of South Dakota, the people receive electric power from several sources, including hydroelectric power generated at the Missouri River dams in South Dakota. The various costs of power are combined and the resulting power is cheaper than it would be if hydroelectric power were not included. South Dakota’s power rates could increase by 460 percent in the next 10 years. Rates charged to some customers will have risen by several hundred percent more.

And now, President Reagan and two of his most trusted advisers—OMB Director David Stockman and Secretary of the Interior James Watt—have quietly and without congressional sanction, produced a plan to increase drastically the rates charged for power generated at Federal dams. This plan envisions a several hundred percent increase on top of all other increases.

The plan began to surface in mid-August and is a blatant attempt to help balance the budget by placing the burden on farmers and industrial employees of the Northwest and other regions. Hydroelectricity rate increases required by the plan will only add insult to the injuries of already substantial Bonneville Power Administration rate increases—rate increases that are the
direct result of bungling at the agency, a Federal agency for which President Reagan is responsible.

BPA's and electric cooperatives in the Northwest have been hit with several abrupt price shocks over the past year. These price shocks are the result of bad BPA planning. First, BPA decided to run its 1979 budget over considerably and up its repayment schedule for dams that generate power in the Northwest. Now, they are having to play catch-up football by charging their customers more.

Second, BPA's inaccurate power forecasts led to the extremely expensive construction of three WPPSS (Washington Public Power Supply System) nuclear plants whose construction costs BPA has guaranteed through net billing arrangements.

Third, BPA encouraged many cooperatives to participate in two more clear-plants—WPPSS 4 and 5—that have now become a multi-billion dollar financial disaster. These cooperatives are being hit with all of the BPA rate increases plus they are threatened with heavy extra responsibilities for their participation in WPPSS 4 and 5. All of this has left farmers who use BPA power for irrigation with power costs that have doubled, tripled, and quadrupled virtually overnight. At the same time, aluminum workers, such as those at Columbia Falls, Mont., find their jobs threatened as BPA has increased its direct industrial customer rates again and again, with a new rate increase pending at this moment.

As if that were not enough, President Reagan wants to add to this disaster in order to help pay for the tax cuts he pushed through Congress a year ago. The effect is wholes unfair. The burden of reducing the Federal deficit has too often been passed on to the workers and industrial workers of the Northwest while the well-to-do are cashing their tax refund checks.

A few weeks ago, I wrote—together with other members of the Montana congressional delegation—to the Federal Energy Regulatory Commission—FERC—to urge that FERC not grant the latest interim rate increase sought by BPA and scheduled to take effect October 1. Today, FERC is meeting to make a determination about this BPA rate increase request.

However, yesterday I learned from a briefing by FERC staff that FERC is faced with a devastating series of contractual agreements made by BPA with its customers. Because BPA cannot impose any increase, FERC is faced with a choice of either granting the request with inadequate information and hearings or not granting any increase for the coming year. FERC, having responsibilities to both the customers and to the Federal Treasury for repayment of BPA's Federal loans, is being forced by BPA to make a quick decision with inadequate information.

Congressman Pat Williams and I have made it as clear as we can that this interim rate increase should not be approved. It would simply be a reward for Bonneville mismanagement.

Now, added to this climate of continued, large, and frequent rate increases is a Reagan-Stockman-Watt proposal that indicates a total lack of understanding of how bad things are in the Northwest. President Reagan should be working to make BPA an efficient, responsive agency; instead he is unveiling a huge rate increase proposal. He should be ordering the Rural Electrification Administration to work on the problems of WPPSS participating cooperatives; instead he has tried to undermine the entire REA loan program.

I am particularly concerned that all of this seems to stem from the dealings of the Office of Management and Budget Director and the Secretary of the Interior—instead of the Secretary of Energy. Just once I would like to see an energy proposal come out of this administration's Department of Energy.

It is David Stockman who has led the effort to terminate fossil fuel research and, e.g., who have a Reagan-Stockman-Watt proposal that indicates a total lack of understanding of how bad things are in the Northwest. President Reagan should be working to make BPA an efficient, responsive agency; instead he is unveiling a huge rate increase proposal. He should be ordering the Rural Electrification Administration to work on the problems of WPPSS participating cooperatives; instead he has tried to undermine the entire REA loan program.

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rent rates being charged for federally generated power are structured in part on amortization periods and interest rates which do not reflect the current carrying cost to Treasury of hydro power and other projects. In view of this, I am requesting that you develop strategies that will result in user fees that reflect the cost of debt and eliminate or reduce this implicit subsidy.

As you know, the President has established, as a high priority of the Administration, the goal of collecting an additional $1.5 billion in overdue debts in each of the next three years. The DOD target was established as $35 million of that amount for each of these years, based on its outstanding portfolio of $872 million, of which $115 million was delinquent or in liquidation as of September 30, 1981.

In response to the implementation of the debt collection action plan, members of the OMB staff will be happy to work with DOE officials to assist them in achieving the President's goals.

Sincerely,

David A. Stockman, Director.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET

Hon. James G. Watt,
Secretary of the Interior,
Washington, D.C.

Dear Mr. Secretary: I have today re-viewed and approved the Department of the Interior's action plan submitted under OMB Bulletin No. 81-17, subject to the following addendum:

One issue not addressed in the plan concerns power user fees. The rate structure currently in use for hydroelectric power sales does not reflect the replacement cost of the Federal Highway, inducing the current user of Federal power to carry the capital investment associated with the project. I ask that you work with the Secretary of Energy to develop strategies that will result in the establishment of a rate structure to eliminate this hidden subsidy to power users. The debt collection action plan should be amended to include milestones which accomplish this.

As you know, the President has established, as a high priority of the Administration, the goal of collecting an additional $1.5 billion in overdue debts in each of the next three years. The DOD target was established as $35 million of that amount for each of these years, based on its outstanding portfolio of $872 million, of which $115 million was delinquent or in liquidation as of September 30, 1981.

In response to the implementation of the debt collection action plan, members of the OMB staff will be happy to work with Interior officials to assist them in achieving the President's goals.

Sincerely,

David A. Stockman, Director.

CABINET COUNCIL WORK GROUP STUDYING RATE, ACCESS POLICIES OF PMA'S, TVA
An interagency Cabinet-council working group has been formed under the leadership of the Council of Economic Advisers to explore the adequacy of rate and access policy for the five federal power-marketing administration entities: Bonneville Power Administration, Tennessee Valley Authority, and the other three PMAs. A member of the Cabinet council, one key source said. Among the issues to be addressed in that report, the source added, are: 1) efficiency in allocating resources; 2) federal revenue; 3) economics of the regions or sectors served by the power-marketing agencies; and 4) the capability of the agencies to take advantage of any changes in the way the agencies operate.

The source explained that political accep-tance of rate hikes would help the federal government's sagging revenue brought on by the recession. But he said the main impetus for the plan is to provide political belief that the current rates do not promote economic efficiency.

"The changing policy might very well have the effect of increasing rates for some users and decreasing rates for other users," he said.

He added that industrial users could be the beneficiaries of the plan, which "may make the consumer better off, not as a consumer, but as a laborer. He has a job as opposed to being unemployed."

Federal power agencies such as the Bonneville Power Administration and the Tennessee Valley Authority sell low-cost hydro-electric power to public and private utilities at rates based on the original cost of building the dams. The administration plan is designed to change rates reflecting what it would cost to build the dams today.

Rep. Ron Wyden, D-Ore., charged that Niskanen was advocating a "dramatic shift of goals," including a departure from a consideration of "social goals" in pricing federal hydroelectric power.

Rep. Don Bonker, D-Wash., noted that by 1985 the BPA's rates already will have risen 460 percent over the previous ten years. Any further increases, he said, "is going to have a devastating impact."

Niskanen also acknowledged that the precise administration proposals won't be released until after the November general election because of what he called the "political sensitivity" of the issue.

"You've lifted the lid and are counting the cookies. I don't even like you counting the cookies," said Rep. Albert Gore, D-Tenn., warning that districts would benefit from low rates charged by the TVA.

Mr. HATFIELD. Mr. President, the amendment is acceptable on both sides of the aisle. I am willing to yield back the remainder of my time.

Mr. MCCLURE. Does the Senator from Idaho yield his time?

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

UP AMENDMENT NO. 1338
Mr. HATFIELD. Mr. President, let me inquire of the Senator from Kentucky if he will disturb the Senate at a time convenient to himself. Mr. Hatfield indicated earlier that there had been some communication between himself...
and the Senator from Georgia on this question?

Mr. FORD. Mr. President, the Senator was attempting to make some inquiry about it. That was all I knew. I thought it had been cleared and, up until now, was of the opinion it had been agreed.

I say to the distinguished chairman that I would be willing to do anything that would help expedite the procedure here this evening.

Mr. HATFIELD. Mr. President, I believe we have made every effort in good faith and the Senator has been informed. That has been some half hour ago. I think we might as well move ahead and complete the work on this amendment.

Mr. FORD. I am ready to yield back the remainder of my time on the amendment and ready to take a voice vote.

Mr. HATFIELD. Mr. President, I am going to yield back the remainder of my time. I ask the Senator not to misunderstand the vote. In case the Senator from Georgia would like to reconsider it at a later time it would be his right to do so.

Mr. FORD. Mr. President, I would do the same to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky (Mr. Ford).

The amendment (UP No. 1336) was agreed to.

Mr. HATFIELD. Mr. President, I yield to the Senator from South Carolina (Mr. HOLLINGS) to present an amendment on which there is a 30-minute time limit.

UP AMENDMENT NO. 1339

(Purpose: To limit funds for production of MX missiles for which Congress has not approved a basing mode.)

Mr. HOLLINGS. Mr. President, I thank the distinguished chairman. I am trying to perfect one last portion of the amendment so that it is worthy for word with the authorizing language. It is being finalized very fast.

I will start by stating that this is an amendment, which will be submitted and reported in due order, that would preclude any obligation or expenditures for procurement of the MX missile until a basing mode has been approved by the Congress.

Mr. President, that is not complicated. On the other hand, I think it is a necessary thing to place in this continuing resolution. We often talk at length about fraud, and the Pentagon. What has occurred, for example, in the B-1 situation, is a plea that we have already started and expended so much money, similar to the Clinch River breeder, so that it may cost us more money to stop it than to continue with it. That is ridiculous.

These kinds of things should really never occur. We should never spending money for weapons when we do not have a place to put them.

Now, the final language has been prepared. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment (UP No. 1336), for himself, Mr. Exon, Mr. Hatry, Mr. Dingell, and Mr. Wyngaarden, and Mr. HOLLINGS proposes an unprinted amendment numbered 1339:

On page 7, line 6, strike "", and insert ": Provided, That none of the funds appropriated or made available pursuant to this paragraph shall be obligated or expended for procurement of any MX missiles until the President completes his review of alternative MX missile system basing modes and notifies the Congress, in writing, of the basing mode in which the MX missile system will be deployed and thirty days of session of Congress has expired after the receipt by Congress of such notice. For the purpose of determining days of session of Congress, any unexpended balance of the fiscal year in which a basing mode has been declared, and any unexpended balance of the fiscal year in which another basing mode has been declared, shall be excluded and in no case the Senator from Georgia would like to reconsider it at a later time it would be his right to do so.

Mr. FORD. Mr. President, I would do the same to the amendment.

Mr. HATFIELD. Mr. President, I am going to yield back the remainder of my time. I ask the Senator not to misunderstand the vote. In case the Senator from Georgia would like to reconsider it at a later time it would be his right to do so.

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UP AMENDMENT NO. 1339

(Purpose: To limit funds for production of MX missiles for which Congress has not approved a basing mode.)

Mr. HOLLINGS. Mr. President, that is exactly word for word what the Senate and Congress appropriated and are basing in the Defense Authorization Conference agreement. That is the intent of the authors of this particular agreement, that we do not commit ourselves before we know where we are going with this program. We do not disturb the appropriations; we do not disturb the authorization. On the contrary, we carry through the intent of the Senate as expressed on May 13 in a 84-to-8 vote that questioned the wisdom of producing a missile when you do not know how to deploy it and where particular attention was paid to the basing modes. If we knew the basing mode has been a hangup for many years in three different administrations. The fact of the matter is we do not have a basing mode now.

I offer this amendment to the MX program to deal specifically with the production of the missile.

My amendment simply states that no funds appropriated for the MX shall be obligated or expended for procurement of any MX missiles for which Congress has not approved a basing mode.

The language of the amendment is already there in the authorizing bill and is a way in which Congress can express its approval or disapproval of MX production. My amendment does not alter the MX R&D program. We can continue to build and test the R&D missiles and also continue evaluation of potential permanent, survivable basing modes. I want my colleagues to know, I am not touching MX R&D efforts. Further, I want my colleagues to know that my amendment is far less drastic than the action proposed by the Senate Armed Services Committee last spring in its military procurement appropriation. My amendment, led by its distinguished chairman, Senator Tower, that no procurement funds be available for any MX program. None. Zero. The Senate concurred in that recommendation by a vote of 84 to 8 on May 13, 1982, when it passed the bill.

My amendment does not go as far. It merely states that procurement funds appropriated for MX cannot be obligated and expended until Congress has approved a basing mode.

The procurement authorization conference agreement provided for approximately $963 million for MX production. Of this amount, $158 million was for MX basing. And $830 million was for the procurement of five MX missiles.

Very wisely, the authorization conferences precluded the DOD from spending the $158 million for basing until such time as the President had decided on a permanent basing mode for the missile and went his authorization conference on basing to the Congress and 30 working days had thence expired. So the basing funds were fencible as one can say. That is exactly what the amendment does here for the missile’s production.

But, where does the authorization leave the missile procurement funds? There is no prohibition on the DOD from spending the money. We have effectively said—do not spend money for basing options—but start building the missile. It does not matter if we do not know where to put it.

Well, Mr. President, what happens if the Congress declines to approve the President’s proposal for basing. We are in the position of OKing nearly $1 billion for a missile and have nowhere to put it. We have zero leverage. The next thing you know, DOD will obligate the money and then scream we are committed forever to a program of $56 billion and up on the basis of obligating $890 million for five missiles.

There is absolutely no justification for allowing production of a missile when you have no idea how you are going to deploy it. Further, it is a new start on a program and only the Appropriations Committee has voted on it and not the full Senate.

Do we buy airplane engines when we do not have any idea what airframe they may go on? No. Have we built our Trident submarines and put them in drydock because we do not have a submarine base for them? No. Did we build the Titan and Minuteman ICBM’s and store them because we did not know how to base them? No. So why are we starting to build this missile when we have no idea how to base it?
How many MX basing modes has the DOD brought to the Congress and had thoroughly scrutinized, Mr. Turner, Five. Take your pick. We rejected them all. DOD has looked at probably 30 to 50 modes and we still do not have a realistic solution.

But, if somehow the Senate language in the continuing resolution prevails in conference, the Air Force could start obligating MX production funds the day after tomorrow. On the R&D side of concurrency?

We have not exactly hurting as far as strategic capability is concerned. In 1986, we will have our Trident I/Poselidon force, a greatly improved Minuteman, and our B-52's, armed with bombs, SRAM's and cruise missiles. And, finally, our real ace-in-the-hole, if you can believe the Air Force, the B-1. So sliding MX deployment by a few months or a year does not damage our credibility or question our resolve.

If we were really worried about our strategic posture, we would be building two Trident subs a year which I prefer—and build up to 25 of them. But, I see no MX defender pushing up the Trident.

Mr. President, what if a decision is made by Congress that the survivable basing mode for our future ICBM force does not coincide with a missile with the characteristics of the MX. What would we do with the five missiles in the fiscal year 1983 Senate-reported Defense appropriation bill if the Air Force has already started to build them?

The only prudent step for us to take now is to limit the potential of obligating production funds until we know how, if ever, we can continue with a Triad for our strategic offensive forces.

Mr. President, my comments up to now have only addressed the dichotomy of building a missile and having no place to deploy it. Now we know that New Mexico, Wyoming, and Nevada may be prime sites for this wonderful program. I am sure my colleagues from those States can hardly wait to explain to their constituents how lucky they are.

Mr. President, now is not the time to get a jump start on MX. Let us be cool for once and look at the logic of what we are doing. Let us hold MX production until we know for sure how we can realistically develop a survivable ICBM capability. A survivable capability is the key and the Congress must be a partner with the President in that determination. Let us move in the direction we agreed upon last spring.

Mr. President, before I yield, I ask unanimous consent that a document entitled "Informed Responses to Dense Pack," and three excerpts from the Aerospace Daily, dated March 29 and March 30, 1982, and dated May 28, and all pertaining to this subject matter, be printed in the Record at this point.

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

INFORMED RESPONSES TO DENSE PACK

"Pack the MXes closely together virtually assures they will be rendered inoperable by the electromagnetic pulse (EMP) that would be created by detonation of an incoming weapon. At least 5,000 feet, more than twice the distance planned for Dense Pack spacing, would be necessary to protect MXEs from the effects of EMP."—Dr. Richard Garwin, Senior IBM consultant, June 1982.

"The Soviets might be able to destroy MX missiles deployed in the Dense Pack formation by sowing the field with nuclear mines timed to explode all at once."—Nierenberg scientific panel report to Defense Secretary Weinberger. Reported in the Washington Post, September 23, 1982.

"The USSR could easily and early on deploy counters to 100 missiles in 100 capsules, from a technological standpoint, in the 1990 period."

Report to Defense Secretary Weinberger, August 30, 1982.

"Dense Pack is a loser. The Trident with a D6 missile can do everything the MX can do, and better."—Dr. Sidney Drell, Deputy Director, Stanford Linear Accelerator Center, and arms control consultant. Quoted in the Washington Post, September 12, 1982.

"I cannot think of any deployment on land that will be secure, and in my opinion the deployment of MX is a futile expenditure of money. We should maintain the emphasis on submarines and bomber forces; this makes our forces largely invulnerable, and thereby superior to those of the Soviets."—Prof. Hans A. Bethe, Nobel Prize winner, testifying before the Senate Foreign Relations Committee, May 12, 1982.

"The illogic of the Dense Pack concept is reinforced by reports that the Pentagon will also want an anti-ballistic missile defense system to go with it. Just in case. If there is any possibility that you did not make it in an anti-ballistic system, it is to bunch your targets close together. That makes it easier for the enemy to saturate the system with attacking missiles."—Admiral Stanfield Turner, former Director, CIA. Quoted in the Omaha World Herald, May 23, 1982.

[From the Aerospace Daily, Mar. 29, 1982]

TOWERS PANEL REPORT ON MX Basing

(Editor's note: Following is a partial text of the executive summary of the Towers panel report on the MX missile program (Daily, March 24, March 25). The remainder of the text will be presented by the Daily in a forthcoming issue.)

Issues connected with MX basing have been examined as extensively as time could allow, and the Committee believes that most aspects of importance have been covered. There is general agreement of the committee members on technical issues and on a number of important recommendations. A brief summary of observations and major recommendations follows:

The most important deficiency of our strategic forces involves command, control, and communications, and hence this area most urgently needs improvement.
The Committee did not discover any evidence of technical or operational factors which would support the view that existing U.S. forces are not to be highly vulnerable in the near future.

The Committee believes there exists no sustainable, long-term ICBM survivability defense system. Characteristics that the Minuteman (MM) force offered for twenty years—enduring survivability independent of warning and capability to harden at any alert rates, and low operating costs—can no longer be obtained in a single system. The solution to the ICBM vulnerability problem must lie within the larger framework of an overall program for our strategic forces.

Committee members agree that the U.S. should not adopt as a first choice the strategy of striving for a secure retaliatory force by deploying more land-based shelters. Although Multiple Protective Shelters (MPS) can extract a substantial price, the Soviet ICBM forces are not made vulnerable to land-based shelters. The Committee believes that a new secure ICBM force is required.

The Committee investigated a broad range of options. It found no practical basing mode for missiles deployed on the land's surface, available at this time, that assures an adequate number of survivability. There are wide differences in the costs and uncertainties of the alternatives we considered. The Committee recommends that the concept of keeping ICBM's on patrol over oceans and the continental U.S. be pursued to the extent of initiating a program for such an aircraft, and proceeding promptly to concept formulation. Based on initial studies, the Committee believes that a new force basing option for a secure ICBM force appears to be sufficiently high, the survivability (including consideration of countermeasures) sufficient to deter an attack by a strategic force. The Committee recommends basing the new ICBM force on patrol and recommends basing the new ICBM force on patrol and recommends basing the new ICBM force on patrol. The Committee believes that a new secure ICBM retaliatory force appears to be continuous airborne patrol. The Committee believes that a new secure ICBM retaliatory force appears to be continuous airborne patrol. The Committee believes that a new secure ICBM retaliatory force appears to be continuous airborne patrol.

In accordance with its design, the Trident ICBM is capable of being deployed in multiple modes and, should the threat so require, providing a hedge—the inherent capability for adding more strategic forces. The Committee recommends basing the new ICBM force on patrol. The Committee believes that a new secure ICBM retaliatory force appears to be continuous airborne patrol.

[From the Aerospace Daily, Mar. 30, 1982]

Townes Panel Report on MX Basings

(Editor's note: Following is the remainder of the text of the executive summary of the Townes panel's report on MX basing. The first part was published in the Daily of March 29.)

In addition to the above recommendations supported unanimously by members of the Committee, a significant majority of the members of the Committee recommends a commitment now to deploy 100 MX ICBM's in 100 land-based shelters. They recommend that this deployment provide the further protection if required later, of rapidly deployable MX forces. They recommend that this deployment provide the further protection if required later, of rapidly deployable MX forces. The options for basing ICBM's in such a deployment are shown in the diagram on page 29. The Committee recommends basing the new ICBM force on patrol. The Committee believes that a new secure ICBM retaliatory force appears to be continuous airborne patrol.

The Trident missile is designed to ensure the accuracy and survivability of ICBM's at sea. It is designed to ensure the accuracy and survivability of ICBM's at sea. It is designed to ensure the accuracy and survivability of ICBM's at sea. It is designed to ensure the accuracy and survivability of ICBM's at sea.

The Committee does not now recommend the deployment of the full MX/MPS system.

From the Aerospace Daily, Mar. 30, 1982
In view of these considerations, the minority recommends that:

(1) If steps proposed by the full Committee lead to survivable alternative basing, as for instance a patrol plane, BMD, silo relocations in the underground or something else then that basing mode, with MX missiles if appropriate, should be deployed. If, however, these modes do not lead to survivable basing then the MX missile should not be deployed.

(2) If proposals of the full Committee do not lead to an MX land basing mode that is survivable, the Minuteman missiles in the silos should be retained in view of the considerable complication which their existence causes to the planners of any attack on U.S. strategic forces, in particular on the aircraft, and in view of the deterrent effect of the Launch Under Attack (LUA) possibility on an attacker. The in-place Minuteman III missiles can be upgraded for hard target effec- tiveness and provide up to 1600 I.B.V's. additional cruise missiles can be added for launch from surface ships, submarines, and aircraft.

AP DETAILS COST INCREASES IN AIM-7M, DSOC PROGRAMS

(EDITOR'S NOTE: Following are parts of the AIM-7M Sparrow and Defense Satellite Communications System portions of Air Force Secretary Vern Orr's March 8 report to Congress on AF programs that exceeded baseline unit cost by more than 15 percent. The other reports are the P-18, P-18 and A-10 (Daily, March 26), and AGM-86D (Daily, March 26). For a similar Army report on the Pershing II, see the Daily of March 23.)

AIM-7M SPARROW

Description of branch

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REASONS FOR INCREASE

The U.S. Navy is executive agent for this program and is providing a separate report. Both contractors' proposed prices were higher than expected. Material, labor and inflation rates were higher than budgeted. Furthermore, a Congressional reduction and Navy program restructuring in fiscal year 1982-83 resulted in an overall reduction. This action increased unit costs throughout the program. The higher unit costs forced the Air Force to also cut quantities in fiscal year 1982 and fiscal year 1983, thereby increasing unit costs more.

FROM THE DAILY: The Air Force is talking about a 1500-foot separation of missiles. "Ours was 5000 feet," he added.

Ferry was the principal architect of the Carter Administration basing plan calling for shutting 200 missiles among 4600 shelters scattered in desert valleys in Utah and Nevada.

Another concern he raised was vulnerability to espionage of a system confined to a relatively small area.

Perry said he offered President Carter two choices when he briefed him on the MX in 1979: either the multiple protective shelter or the Minuteman III. Perry pointed out the positive phase on sub-launched ballistic missiles, with the Trident II and more Trident subs, increased numbers of Air Launched Cruise Missiles and standing pat with the land-based Minuteman missile. In time under the latter plan, the Trident II would have replaced the Minuteman, he added. This was called at the time the "common missile" plan.

He said the Reagan Administration interim plan for putting MX missiles in Minuteman silos, which the Senate rejected, was not addressing the problem but "sort of giving up on it." Perry said he never believed that "we had to go" with the MX and that the second option was viable.

For favoring the MX was a lingering concern that over a long period of time the strategic subs would be vulnerable. He said the subs today and in the foreseeable future have survivability. His concern, he said, is the unknown in the tail end of a sub's life, noting that a sub funded today would begin its useful life in 1990 and would be in service until about 2010.

The U.S. knows how to attack SLBMs but the economics and engineering are not feasible today but might be in the future, he added.

AIR FORCE EYES STINGER-EQUIPPED M-113 FOR AIR BASE DEFENSE

The Air Force plans to complete this summer its current studies of how to defend its continental Europe bases. The concept under consideration is an Army M-113 armored personnel carrier equipped with Stinger missiles and a Gatling gun. The Force is prepared to talk about air base defense, an Army role, if this turns out to be the best thing to do.

The Defense Department was asked on Wednesday to discuss air base defense concepts and said they involve ground rather than air attacks (Daily, May 27). The M-113-based system was considered last year, with a $30 trillion budget testimony published recently by the House Appropriations defense subcommit-
Mr. HOLLINGS. Mr. President, I can speak at length on the MX but I know other Members want to address this critical issue. I hope someone will notify others who are interested in this matter to come to the Chamber. I want to yield to other speakers because of the limited time.

When I emphasize the fact that this has nothing to do with the Arms Limitation Agreement, as we have heard. It does not affect that in any way. Some can misinterpret it and if they wish they will so interpret things of that kind. They are not listening to this debate. There is no chance of actually building and deploying an MX missile at this particular time. The Russians know the Congress knows it, the White House knows it, and that is the real problem.

Mr. President, this has nothing to do with the deployment of the missile in the Arms Limitation Agreement. Due to the particular negotiations that we have had all afternoon on my amendment where we could not get a time agreement unless the other side was free to table and get a perfecting amendment, and so forth to oppose what they had originally supported.

Mr. Hart, this has nothing to do with the deployment of the missile in the Arms Limitation Agreement. Due to the particular negotiations that we have had all afternoon on my amendment where we could not get a time agreement unless the other side was free to table and get a perfecting amendment, and so forth to oppose what they had originally supported.

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Mr. LEVIN. Mr. President, because this Congress has been unable—for a variety of very real and very legitimate reasons—to pass the appropriations bills necessary to enable the Government to begin the new fiscal year, we are faced with the necessity of passing a continuing resolution. I accept that necessity even though I do not like it. President Reagan suggested, when he called on us to adopt a resolution that covered as brief a period of time as possible, this is not the best way to run a government or develop a budget.

It makes no sense to operate that way. We are not even “buying a pig in a poke”—we do not have a poke to put the pig in.

Logically, there is no justification for procuring a missile before we know where and how to base it. Procedurally, there is no necessity to make that decision now in a continuing resolution designed simply to “maintain the ongoing operations of the Government.” Finally, Mr. President, this decision makes no sense institutionally. When we allow—as this resolution does—new starts to take place because such programs have been approved by a committee of Congress, we abdicate the responsibility of the body. We are turning over our job to the 39 members of the Appropriations Committee. It is not a decision made by 100 Senators or 435 Representatives working together. Rather it is a decision we have to make with respect to individuals, I admire them, but even if I agreed with them, I would never agree to give them that kind of power.

Mr. President, there is no need for us to decide the MX appropriation issue here and now. It is precisely the kind of issue the President has told us needs to be decided in the lameduck session. The Appropriations Committee’s pending resolution is to continue the operations of the Government—it is not a place to begin new operations. It is not appropriate, wise or necessary for us to engage in development of a weapon system, perhaps the most potent weapon system ever devised, without being able to debate its merits and consider its implications.

A continuing resolution which covers, as this one does, virtually every governmental function and which must be passed within the space of less than 2 days certainly prevents us from devoting the attention that we should to the wisdom of every program. That is why we traditionally pass legislation which is restricted to “continuing” the functions of the Government. As the Appropriations Committee stated in their report on this legislation, “the continuing resolution is a stop-gap funding measure to maintain the ongoing operations of the Government. . . . It is designed only as a temporary (measure). . . .” The committee goes on to make it clear that “the basic intent of the resolution is to provide a basic level of funding to maintain existing operations and activities until such time as the regular appropriations bill covering the operations may be enacted into law.” Finally the committee makes it clear that a continuing resolution ought not do anything which could “foreclose or unduly constrict the scope of operations which Congress has yet to make on the regular appropriations bills.”

But, Mr. President, that is precisely what we are doing in regard to the MX. We may be foreclosing our options; we are constricting our freedom; we are abdicating our responsibility.

Under the terms of the resolution now before us, there is nothing—nothing—to prevent the Department of Defense from starting programs which the full Congress has not yet appropriated funds for. Of course we have considered the desirability of building an MX missile but we are voting for the first time to appropriate dollars to procure five MX missiles. We are voting to procure them even before we know if we have a way to base them that makes sense.

Mr. President, in 1981, the Senate adopted the Cohen-Nunn amendment which put us on record as opposing any non-nursurvivable mode for the MX. At this point in time, we do not have a survivable basing mode. Until we can judge what the basing mode will be and whether it is even survivable, we should not go ahead and make a commitment to procure five missiles.

Mr. HOLLINGS. Mr. President, I retain the remainder of my time.

Mr. HATFIELD. Mr. President, I yield 3 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. STENNIS. Mr. President, may we have quiet? There are virtually no Members present but this is a highly important matter.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order.

The Senator from Texas is recognized for 3 minutes.

Mr. TOWER. Mr. President, it is intended by the sponsors of this amendment that the effect is minimal. Regardless of the degree of proscription that it imposes on the administration and proceeding with the MX program, the psychological impact of this amendment can be enormous. If this amendment is adopted, they will be dancing in the street in Moscow.

We have programs already underway before the Armed Services Committee from Ambassador Rowney, who is engaged in the difficult business of trying to negotiate a strategic arms reduction treaty with the Soviet Union. He was very emphatic; it is essential that we continue to demonstrate our will and determination to the Soviets if we are to bring these negotiations to a successful conclusion, and any show of weakness on our part, any chink in our armor would encourage the Soviets to be dilatory and reticent and not come to an agreement because they feel the Congress of the United States may do their work for them.

The Soviets do not regard negotiations on arms limitations as seminars in political stability. They are hardened trading sessions involving systems either deployed or deployable or systems that we intend to deploy.

I can remember when I monitored the SALT II negotiations in Geneva a few years ago, and I had a little discussion with Alexander Shuklin, the scientific adviser to the Soviet delegation. I said, “Mr. Shuklin, we have a way to stop the B-1. What will you do in return?” He looked at me and said, “Senator, I am neither a pacifist nor a philanthropist.”

The START talks are to resume on October 6, and I can think of nothing more calculating to undermine the position of our negotiators in Geneva than the passage of an amendment of this kind.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. HATFIELD. Mr. President, I yield 1 minute.

The PRESIDING OFFICER. The Senator is recognized for an additional minute.

Mr. TOWER. On the eve of the resumption of those talks, it will give the Soviets great incentive to avoid consideration of any meaningful proposal offered by the United States with the firm hope on their part and the expectation that Congress will play around with the MX program until it finally kills it. They will regard this amendment as the harbinger of the death of our effort to modernize our strategic land-based system, our only urgent hard target kill capability. We will have cut off our negotiator at the knees. I can think of nothing more calculating to enhance the prospect of nuclear war than the passage of amendments of this type which will undermine our efforts to secure real arms reduction.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 4 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, the foremost question in the matter of arms limitation is what the President of the United States is going to be able to do and when is he going to make his move?
May we have quiet, Mr. President? It takes something out of this Chamber.

The PRESIDING OFFICER. If the Senator will suspend, the Chair will.

Mr. STENNIS. I do not want to yield my time.

The PRESIDING OFFICER. The time that is required to obtain order will not be charged to the Senator.

Mr. STENNIS. The whole thing centers around the move to be made by the President of the United States regarding these negotiations which hopefully will lead to some kind of an agreement that will benefit mankind.

We have been working on this matter for 8 years. We had a lot of trouble, genuine trouble, about the basing mode. When I say we, I am talking about the Senate Armed Services Committee. Everyone member could see there was some division on the conclusions, but we put the missiles in and went as far as we could. The problems were with the basing mode. They were fine, with no impediment or break in the development year after year.

It is the single positive thing that the President has to take with him, so to speak, when he sends the negotiators to Geneva and follows it up later with his personal attention. Why create doubt? Why put a fence around this matter and say that we have to turn around and go back into that old mode.

So the Soviets have been invited to the party and they have had a celebration to enhance the prospect of nuclear war and who is trying to prove that there is not a will.

Turn to page 5 of the report and you will see the budget request sent to the Armed Services Committee by the President for the MX missile. The Researchno total is $1,446 billion. When the committee considered that request of $1,446,000,000, they gave them zero dollars. I repeat, zero dollars. The U.S. Senate Committee on Armed Services made fine progress.

So the Soviets have been invited to the party and they have had a celebration to enhance the prospect of nuclear war and who is trying to prove that there is not a will.

Then, let us look at page 59 of the report and see the language as to exactly what the Armed Services wanted to withhold the funding for the procurement of nine MX missiles in fiscal year 1983. And it was denied without prejudice.

I will save time now, but all my colleagues would read that language in the Armed Services report that the Armed Services Committee, would like to have it removed under the rug. That committee did not want nuclear war to be enhanced by a new mode. It zeroed MX procurement. It did not enhance nuclear war to comfort the enemy and to show we had no will when it reported it to the Senate and when I introduced the amendment which cuts no funds, I repeat—no funds—run from MX but merely says we do not build what we cannot deploylet is something I am inviting a nuclear disaster on the United States.

Now they have this silly dense pack—whether nearer describes the mental or the missile—I wonder Gary Trudeau has given up "Doonesbury." We are getting better comics from the Pentagon.

I never heard of such nonsense and rippling and snorting around here. There is an old political adage: When in doubt, do nothing, and stay in doubt all the time, and they have. That is what has happened with this MX missile. That is where MX supporters are—in doubt.

For years, the Congress has been pushing administrations on the MX. We have said: "Do not stand there. Do something."

So they come with a racetrack and they run us all around, with brigadier generals, major generals, four-star generals, and they racetrack us for 3 seconds. They are taking a basing mode before that one, and then they racetrack it. And now they have dense pack. From racetrack to dense pack. The whole idea is in circles.

It seems that we would learn something in this Congress. Commonsense dictates that this country is in a bad economic situation, and we have to make a sensible decision.

To the credit of the Senate, we have money in the bill for the D-5, Trident II missile. That is the missile with hard-target kill capability that we need and we need more of them. We have a place to put them and there is no question about it. This Congress has a basing mode. That is all I am trying to get at with this particular amendment. And I also believe the R&D should continue on the missile.

At this time, I will withhold the remainder of my time, because the distinguished Senator from Ohio wants to say a word, and I have only 1 minute remaining.

The PRESIDING OFFICER. The Chair advises the Senator that he has 8 seconds remaining.

Mr. HOLLINGS. Maybe the distinguished Senator from Oregon will yield a minute to the distinguished Senator from Ohio. I just received the message that Senator GLENN wishes to speak.

Mr. HATFIELD. I yield 1 minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I thank the distinguished Senator very much. I am sorry I was late getting to the floor and did not take part in the debate.

The big thing we want out of this is -well, I do not know. It is what the Soviets think twice before they think they could launch an attack on the United States. To me, we do not accomplish that in the way of deterrence or going to the big, new missiles for which we cannot even figure out a basing mode. We should have been considering the basing mode all along.

I do not think the efforts we are making now to try to find a basing mode will be any more successful than those we have tried in the past. We would be taking a brand new missile, with a 192,000-pound booster, and putting it in the same old holes, which is what we are doing now, subject to coming up with a basing mode—the old holes the Soviets have targeted in the past.
What would make sense is a true mobile, which is what we asked the Europeans to accept in the form of the Pershing, which gives the Soviets fits because they do not know where it is going to be when war starts, or something like the Soviet SS-20, which gives us fits because we do not know where it is going to be when war starts. If they put an extra section on the SS-20, it becomes an ICBM, in turn giving us a real problem because we do not know where to aim.

I will not belabor this; I know that the arguments have been made here.

I strongly support doing away with the procurement funding of the MX. I am all for continuing the research on it, because research on fuel systems. That is the reason why I fully support the research efforts with regard to the MX but not procurement.

I have been briefed on the dense pack proposal, as have other Senators. I do not find the thing satisfactory, nor do I believe it is putting our eggs in the wrong basket to depend on that.

The Senator kindly granted me an extra couple of minutes that I did not deserve, according to the procedure under which we are operating. I appreciate this forbearance and I thank him.

Mr. HATFIELD. I yield 2 minutes to the Senator from Utah (Mr. GARN). Mr. GARN. I thank the distinguished chairman.

Mr. President, I will not take long, and I certainly will not repeat what already has been said.

I support totally the remarks of the distinguished Senator from Texas and the distinguished Senator from Mississippi. They have worked long and hard on this issue.

When I first came to the Senate and was a freshaman member of the Armed Services Committee, I continued to support the system that is said to be the best. I did not put my eggs in the right basket in this program. I am not prepared to support the missile.

I support the Research and Development as we thought perhaps might be survivable and viable system. We need to make a decision on the basing mode soon.

Initially the President said by the summer of 1983 the decision would be made. Congress initially was willing to accept that. Then they said no. We changed it to December 1, 1982.

So we have accelerated that process and now we are not willing to wait another couple of months to see what the President's recommendation is. We are trying to judge that.

Mr. President, there is no way to know whether dense pack or some other mode is the best way to go. It is a difficult decision, but let us not prejudge it beforehand. Let us not be jockeying around and keep upping the timetable which we have done. It is fine with me to have that report by December 1 and let us be willing to wait for that report and then let us argue basing mode in the proper context. But let us proceed with that missile before the Soviets do.

I do not know whether dense pack or some other mode is the best way to go. I think we are still stuck with the MX. I know, I think it was a mistake to buy five now. I do not know where we are. I am happy to yield for a question.

Mr. GLENN. Mr. President, if the Senator will yield for a question, does he have any time remaining?

Mr. GARN. I have 10 or 15 seconds remaining. I am happy to yield for a question.

Mr. GLENN. I wish to ask what the advantage is buying five now if we are going to go back in the same old holes and be vulnerable again as when we started the whole program.

Mr. GARN. I think the Senator well knows the five will not be built by December 1 and other decisions are going to be made. Why be prejudiced beforehand. The Senator knows that cannot take place, and they are not going to be built before we get a debate on the basing mode.

Mr. GLENN. We have been unable for the last 6 or 7 years to establish the basing mode. Why are we optimistic now? The only one I heard has been Senator HOLLINGS of the Senate Armed Services Committee zeroed the funding for production to dramatize the need for an early arrival at a basing-mode decision. That objective has been accomplished and the Armed Services Committee of the Senate receded to the House of Representatives on the funding of the production of the MX missile as thought perhaps we would after we had exercised sufficient leverage to assure us of a timely decision on a basing mode.

The proper time to debate this matter is when we come back in the lame-duck session when we are considering the appropriations on the MX. Why pass this right now on the eve of the resumption of the strategic arms reduction talks with the Russians?

This is the very kind of thing that makes our Ambassador's job more difficult in his efforts to try to arrive at some agreement on realistic arms reduction with the Soviet Union.

I would hope that the Senate will not act hastily on this matter. Thirty minutes is hardly enough time to debate an issue of this consequence.

And I do not know where the Senator from Ohio gets the notion that all we are going to do is stuff the silos with these missiles, but the fact is we very often move into production systems before we can be assured of what their full integration would be as is the case with the D-5.

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senator HOLLINGS to prohibit funding under the continuing budget resolution for starting up production of the MX missile until the President proposes a permanent basing mode. President Reagan is expected to propose a new basing mode by December 1 of this year. It is fiscally unwise to spend scarce defense resources to procure the new missile before that time or before many key pending issues are resolved.
At this point, we must seriously question whether a new basing mode that would make the MX more survivable can ever be found. Even if one believes in the window of vulnerability—which I do not—it is questionable whether a survivable basing mode can be found on land without breaking with past arms control agreements.

It now seems likely that the new MX basing mode proposed by the Reagan administration will be the dense-pack—under which the missiles would be deployed closely together in an effort to deter a first strike. It seems hardly credible that this proposed mode will work, and even those who advocate it acknowledge that it would require building new missile silos and added protection from ballistic missile defenses. That would mean changing the terms of SALT II and the long-standing ABM Treaty—and perhaps a whole new arms race in destabilizing offensive and defensive nuclear weapons.

Mr. President, I believe that none of these fundamental problems have been resolved by either the administration or the Congress. Until they are, I would urge the SALT Commission to provide full report and recommendations from the President before exercising our own judgment.

Mr. BUMPERS. Mr. President, the United States is approaching a watershed decision: Whether to go forward with production of the MX missile. Our decision will determine the nature of our strategic arsenal for the next 15 to 20 years. In my opinion, the MX should not be built for at least three reasons: First, it would add little to the effectiveness of our existing forces; second, it would undercut existing arms control agreements and the stability of the nuclear balance especially in crisis; and third, there are real alternatives that could better perform the mission of deterring a Soviet nuclear attack.

The MX debate has generally been cast in terms of whether a survivable basing mode for the missile can be found. A better first question, however, is why do we need the missile at all? The primary contribution of MX to our nuclear arsenal would be to add more warheads that are promptly targetable against the Soviet Union. But it is hard to make the case that we need the MX because we need substantially more warheads. If the 5,900 warheads we already have aimed at the Soviet Union are not enough for deterrence, commonsense suggests that we need only one additional 1,000 addition of MX warheads will not make a significant difference. There may be some value in keeping pace with the number of Soviet warheads, but the United States is doing so: We have about 9,800 now; they have roughly 7,000. In 10 years, we will have roughly 14,000, due to the addition of the Trident submarine and air-launched cruise missiles. If they have somewhat less. Likewise, there is value in having a prompt ability to knock out Soviet missiles, so that they could not be launched again. But the Trident II missile will give us that capability, and will be supplemented by the somewhat slower, but numerous and highly accurate cruise missiles. In short, the positive case for the MX missile is weak.

The negative case against the missile is, however, quite strong. The first issue I want to consider is whether we could based on land in any manner that could insure its survivability. For 10 years, we have unsuccessfully sought a survivable basing mode. The Air Force is now suggesting the so-called dense pack or closely spaced basing method. This requires missiles to be deployed close to one another in superhardened shelters. Even a superhardened shelter could not withstand a direct hit. The Air Force figures, however, that the blast and radiation effects of a warhead exploding over one silo would destroy or knock out 100 missiles sufficiently off course that other superhardened silos could survive. The question of whether the Air Force's conclusions about these "fratricide effects" are correct is an interesting technical issue, but, unfortunately, is not easily susceptible to empirical proof. It is unsatisfactory to let so much depend on such uncertain assumptions, for if the MX were deployed now it would unwittingly be putting a substantial part of our total strategic force at risk. Moreover, even if the effects are as exactly as the Air Force predicts, if the Soviets could come up with different conclusions, deploying MX in a dense pack could undercut, rather than enhance, our ability to convince the Soviets that we could respond effectively after absorbing a first strike attack.

Furthermore, it is not clear how U.S. missiles in a closely spaced based configuration could be launched through the nuclear effects created by a Soviet attack. The Air Force calculates that to maintain those effects continuously the Soviets would have to launch a significant portion of their missile inventory. But a more calculated approach by the Soviets—a large attack followed by periodic small repeat attacks—might well create sufficient uncertainty that the United States would not want to launch its missiles promptly, for fear of losing them. Then, however, the rationale for the MX missile—i.e., it would be very hard for the Soviets to target it is entirely lost since cruise missiles, for example, would reach the U.S.S.R. as quickly and (more surely).

One idea is improving the survivability of the MX that is getting a lot of attention these days is to build a ballistic missile defense (BMD) system to protect the dense pack field. In order to do this, it would be necessary to make major changes or abrogate the antiballistic missile treaty that we have had with the Soviets since 1972. Such a move would jeopardize the ongoing Strategic Arms Talks (START), and eliminate one of the few successful instruments we have come up for controlling the madness that is the strategic arms race.

Finally, deploying the MX missile makes the problem of crisis stability much more difficult. The MX, with its 10 warheads, would be an extraordinarily tempting target for the Soviets. They would need only to expend 1 warhead to eliminate 10 of ours. Such an exchange ratio, along with the difficulty of hiding large land-based missiles, makes it almost certain that the SALT II agreements and the number of single warheads, thereby reducing the Soviet incentive to strike first. The ordinary calculation is that it takes two warheads to kill one (be­cause the margin is so small), so that a single warhead, the rationale for the MX, would not be built.

In short, MX should not be built because it would not add to U.S. capability, it would be difficult to utilize, and would be a major crisis. Stability, and existing arms control agreements, and there are better alternatives available.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, has all the time been expired?

The PRESIDING OFFICER. There remains to the Senator from South Carolina 6 seconds.

Mr. HOLLINGS. All time has expired.

The PRESIDING OFFICER. The majority leader is recognized.
Mr. BAKER. Mr. President, I move to table the Hollings amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Mr. RUIZ), are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PACEY) would vote "yea.

Mr. CRANSTON. I announce that the Senator from South Carolina. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DEMOSS) and the Senator from Illinois (Mr. PACEY) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. PACcY) would vote "yea.

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Mr. RUIZ), are necessarily absent.

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

The PRESIDING OFFICER (Mr. AMNANO). Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 50, nays 46, as follows:

[Roll Call Vote No. 370 Leg.]

YEAS—50

Adams, Gordon Nickles
Armstrong, Granville Packwood
Baker, Hatch Pressler
Benfent, Hawkins Roth
Boschwitz, Hayakawa Rudman
Brady, Metzenbaum Sarbanes
Byrd, Robert C. Helms Schmitt
Cannon, Humphrey Simpson
Coifman, Jackson Stevens
Cohen, Jepsen Stevens
D'Amato, Kasten Symms
DeConcini, Lister Thurmond
Dole, Long Tower
Domenici, Lugar Wallack
East, Matisoff Warner
Goldwater, Murkowski

NAYS—46

Andrews, Egleston Nelson
Baucus, Exon Metzenbaum
Biden, Ford Mitchell
Boren, Glenn Moynihan
Bradley, Hart Nunn
Burns, Hatfield Pell
Burton, Hefts Proxmire
Byrd, Hollings Pryor
Harry F., Jr., Huddleston Quayle
Chafee, Inouye Randolph
Chiles, Johnston Sarbanes
Cranston, Kassebaum Specter
Danforth, Leahy Stafford
Dixon, Lewis Thurmond
Dodd, Mathias Weicker
Durenberger, Matzras

NOT VOTING—4

Denton, Percy
Kennedy, Riegel

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

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

The motion to lay on the table was agreed to.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I would like to give the Senate an update on where we are, if we can have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. Will Senators please take their seats?

Mr. HATFIELD. I am sorry, I cannot hear the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, let me indicate where we are now down to with the known amendments on which we have arrived at time agreements: A 10-minute amendment by the Senator from Missouri (Mr. DANKORTH); a 15-minute colloquy for the Senator from New Mexico (Mr. DOMENICI); and a 30-minute time limitation on a Kennedy amendment. The amendment is on the jobs issue.

That has a 10-minute amendment to that amendment in the second degree by Mr. NICKLES.

That constitutes about 65 minutes remaining in known amendment time, if the time is all taken, not counting the voting time.

I just want to put the Senate on alert that if there are not other amendments besides those which we have listed, we could conceivably finish this bill by 8:30 or 9 o'clock.

Mr. President, under the unanimous consent agreement, I now yield the floor to the Senator from Missouri (Mr. DANKORTH) to offer an amendment.

The PRESIDING OFFICER. The Senator from Missouri.

UP AMENDMENT NO. 1340

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

The PRESIDING OFFICER. The amendment will be stricken.

The legislative clerk read as follows:

The Senator from Missouri (Mr. DANKORTH) proposes an unprinted amendment numbered 1340.

Mr. DANKORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

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

Sec. 508. Section 508 of the Airport and Airway Improvement Act of 1982 is amended by adding at the end thereof the following new subsection:

"(e) USE OF CERTAIN APPORTIONED FUNDS FOR DISCRETIONARY PURPOSES.—(1) Subject to paragraphs (2) and (3), if the Secretary determines, based upon notice provided under section 508(e) or otherwise, that any of the amounts apportioned under section 506(a) will not be obligated during a fiscal year, the Secretary may obligate during such fiscal year an amount equal to such amounts at his discretion for any of the purposes for which funds are made available under section 505.

(2) The Secretary may make obligations in accordance with paragraph (1) only if the Secretary determines that the total of obligations for such fiscal year for purposes of section 506 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that the amount obligated under this subsection will not exceed the amount of the required apportionments for such fiscal year under section 505(a) for later fiscal years for obligation for such apportioned amounts which were not obligated during such fiscal year and which remain available under section 508(a).

(3) For purposes of amounts apportioned for fiscal year 1982, the Secretary may make the determinations under paragraphs (1) and (2) on or before October 30, 1982. For purposes of any limitation on obligations imposed by law, amounts obligated in accordance with this subsection on or before October 30, 1982, shall be deemed to have been obligated during fiscal year 1982 to the extent that such amounts, when added to amounts obligated on or after October 1, 1981, and before October 1, 1982, for purposes of section 506, do not exceed $450,000,000.".

Mr. DANKORTH. Mr. President, the Congress made available $450 million for ADAP grants in fiscal year 1982—consistent with the Administration budget request. Some of those funds are apportioned to airports and, pursuant to law, may either be obligated in fiscal year 1982 or in either of the following 2 years. Traditionally, such funds "carried forward" have not reduced the total amount made available by Congress, because DOT has "replaced" those funds with additional discretionary funds, up to the obligation ceiling established by Congress. This year, however, the administration has interpreted statute to bar that type of compliance with the congressionally established funding levels. It is now expected that an interpretation only $350 to $400 million of the $450 million made available by Congress will actually be obligated in fiscal year 1982.

The chairman of the House and Senate Aviation Subcommittees—Congressman MINETA and Senator KASSEBAUM—have stated in a letter to Secretary Lewis that legislative intent was clearly that past practice should be continued under the new act. The administration has not been persuaded, however, that the problem can be solved without legislation. I am submitting this letter as further explanation as to why this amendment is necessary.

The attached amendment is proposed, therefore, to permit DOT to obligate the full $450 million requested by the administration and made available by the Congress for fiscal year 1982.

The amendment would specify that the Secretary may obligate the full $450 million for fiscal year 1982 by enabling DOT to make discretionary grants to
replace unused apportionment funds, so long as total grants for the year do not exceed the governing obligation ceiling. Funds obligated in future years from apportioned funds "carried forward" would be from existing authorized amounts for those future years and would therefore not increase spending.

In addition, if 1982 is expired by the date of enactment of this amendment, any unobligated fiscal year 1982 funds may be obligated during October 1982 and are to be considered as fiscal year 1982 obligations.

The proposed amendment does not increase the amount authorized by the recently passed ADAP bill, and does not affect future obligation ceilings.

In introducing this amendment, it is my opinion that the Department of Transportation would set aside $18 million of such funds for the modernization and expansion of Lambert-St. Louis International Airport. This grant is justified by the special circumstances surrounding the Lambert project—the largest airport improvement project in the Nation.

In the past, the Department of Transportation made a decision to upgrade Lambert Airport rather than authorize construction of an expensive new regional facility, estimated at $3.5 billion. Consistent with this decision, Lambert officials undertook a major $250 million construction program. However, due to the lapse of the original ADAP law, they have received only limited Federal assistance and have had to finance most of the project on their own.

Mr. Chairman, I think the chairman would agree that the Lambert project is in need of Federal assistance. With this decision, Lambert officials undertook a major construction program. However, due to the lapse of the original ADAP law, they have received only limited Federal assistance and have had to finance most of the project on their own.

Mr. ANDREWS. I do agree that the Lambert modernization is important to our national air transportation system, and I thank the Senator from Missouri for his work on this amendment.

Mr. President, I ask unanimous consent that a letter from Senator Kassebaum and Congressman Mineta to Secretary Lewis be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

**COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, September 21, 1982.**

HON. DREW LEWIS, Secretary of Transportation, Washington, D.C.

Dear Secretary Lewis: A number of Senate and House Members have made it clear that the extension of the Fiscal Year 1982 DOT Appropriations Act (Public Law 97-248, September 3, 1982) might un-

necessary result in your obligation substantially less than the full $450 million in FY 1982 ADAP funds authorized by the new law and as made available under the Fiscal Year 1982 DOT Appropriations Act. Specifically, a question was raised as to whether Congress intended that the FY 1982 ADAP obligatory ceiling of $450 million be reduced by the amount of FY 1982 sponsor apportionments that will not currently be used (estimated at $450 million) so that ADAP obligations would be reduced to about $400 million before the September 30 end of this fiscal year. This reduction would appear to be inconsistent with the practice of amending a law with an intent in developing the new law. It was our understanding that in recent years FAA has interpreted the ADAP law to make discretionary grants to replace unused apportioned funds, so long as total grants for the year did not exceed the governing obligation ceiling.

In this amendment, the ADAP law is interpreted to provide that apportioned funds that will not be utilized by the end of the fiscal year may be distributed to FAA's discretion for apportionment to sponsors during the fiscal year for which they were first authorized and for the two succeeding fiscal years, we do not intend that such funds be "carried forward" to future years. Federal grants in aid of transportation projects that are not obligated by the end of the fiscal year in which the grants were provided shall be considered "unobligated" for purposes of FAA's practice. Thus, any apportioned funds that the Administration determines will not be utilized shall be returned to the sponsors. Such funds may not be "carried forward" to future years. The purpose of this amendment is to provide for the distribution of current unobligated fiscal year 1982 funds to FAA's discretion to be utilized by sponsors during the fiscal year in which the funds were first authorized and the two succeeding fiscal years.

Finally, we are concerned that a legal interpretation so drastically affecting the historical pattern of operation of the airport grant program would be announced within the last fifteen days of the fiscal year when the legislative language now being interpreted has been reviewed by the Department for more than two years without this issue ever having been raised.

We do hope you can interpret the new statute as we believe the Congress intended so as to oblige the full $450 million during the remainder of this fiscal year.

Sincerely,

NANCY LANDBERG KASSAEBUM, Chairman, Subcommittee on Aviation, Committee on Commerce, Science, and Transportation.

NORMAN Y. MINETA, Chairman, Subcommittee on Aviation, Committee on Public Works and Transportation, U.S. House of Representatives.

Mr. DANFORTH. Mr. President, in summary, this amendment relates to the ADAP fund. Prior to the present proposal, the Department of Transportation's interpretation of that fund was that those funds which had been apportioned for specific projects and which were not in fact used, became part of the Secretary of Transportation's discretionary fund for use in the construction of airports.

This year when Congress enacted the ADAP statute, inadvertently this practice was altered so that such funds that had not been used up for their apportioned purposes were no longer available for the discretionary fund.

This amendment would return the situation to what it was before the ADAP statute was adopted.

Mr. PROXMIRE. Mr. President, I have no objection to this amendment. I believe the distinguished Senator from Missouri has discussed this with the manager of the bill and he has discussed it with me. I think it is a good amendment.

CONSIDERING OFFICER. Who yields time?
Mr. EAGLETON. Mr. President, I fully support Senator DANFORTH's amendment. It will be of great value to several States and, most particularly, will be of considerable help in the home city of both Senator DANFORTH and myself, St. Louis, where the modernization of Lambert International Airport is well underway.

Mr. DANFORTH. Mr. President, I yield back the remainder of my time.

Mr. HATFIELD. Mr. President, I yield back the remainder of my time.

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

The amendment (UP No. 1340) was agreed to.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1341, AS CORRECTED

Mr. HATFIELD. Mr. President, I yield to the Senator from Kentucky for a correction.

Mr. FORD. I thank the Chair.

Mr. President, I did not move to reconsider the vote on my amendment because there was some question about it. We now have it all completed.

I ask unanimous consent that in lieu of the amendment, No. 1339 agreed to earlier today, that the Senate adopt the language as it is now written, which I send to the desk.

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

This will be in lieu of the language in the original amendment, and it is agreed to by unanimous consent.

Mr. PROXMIRE. Mr. President, I yield for that purpose now to the Senator from Massachusetts.

Mr. KENNEDY. 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. HATFIELD. 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. HATFIELD. Mr. President, I ask unanimous consent, on the basis of the amendments that have been listed and been called for by the leadership, that after we consider the Kennedy amendments, we will proceed to the amendments that have been listed and called for by the leadership, that after we consider the Kennedy amendments, the Senate considers this proposed defense appropriations bill in its entirety during the lameduck session.

Mr. HATFIELD. Mr. President, I yield to the Senator from Massachusetts to offer an amendment of the jobs bill, which is the last amendment for the evening. That will be followed by a colloquy and final passage.

This amendment is a 30-minute amendment, equally divided, with an amendment in the second degree to be offered by the Senator from Oklahoma (Mr. NICKLES), with a 5-minute limitation.

I yield for that purpose now to the Senator from Massachusetts.

Mr. KENNEDY. 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. HATFIELD. Mr. President, I ask unanimous consent, on the basis of the amendments that have been listed and been called for by the leadership, that after we consider the Kennedy amendments, the Senate considers this proposed defense appropriations bill in its entirety during the lameduck session.

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I yield for that purpose now to the Senator from Massachusetts.

Mr. KENNEDY. 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. HATFIELD. Mr. President, I ask unanimous consent that the last two votes be 10-minute rollcall votes. These will probably be back-to-back votes.

The PRESIDING OFFICER. The Senator suggest that we stack the vote?

Mr. HATFIELD. No, Mr. President, I ask unanimous consent that the last two votes be 10-minute rollcall votes, back to back.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The amendment reads as follows:

The Senate from Massachusetts (Mr. KENNEDY) for himself and Mr. ROBERT C. BYRD, Mr. METERBAUM, Mr. KERLIE, Mr. EAGLESON, Mr. CASEBROOK, Mr. BACHUS, Mr. ROYAL, Mr. LEVIN, Mr. FEIT, Mr. SANFORD, Mr. DOMA, Mr. BURCHER, and Mr. MELOW, proposes an unprinted amendment numbered 1342.

Now, if the joint resolution add the following new section:

Sec.—

(a) The Congress finds that—

(A) unemployment has increased to 9.8 per cent on a national basis, varying from a high of 14.3 per cent in the State of Michigan to a low of 4.7 per cent in the State of North Dakota;

(B) unemployment compensation payments have reached an annual rate of over $20,000,000,000;

(C) hundreds of thousands of workers have reached the period of time for which they are entitled to draw unemployment compensation;

(D) legislation is now pending to extend that period, which will increase the cost;

(E) it is deemed to be to the best interest of the unemployed and the Nation that productive and essential work replace unemployment and the resulting payment of unemployment compensation;

(F) I am trying to reduce unemployment cost and the cost of public assistance, to increase the benefit of expenditures, and to put people back to productive work, where the benefits of the efforts will be of value, there is hereby appropriated to the Department of Labor a sum equal to 5 per centum of the latest estimated cost to the Federal Government of unemployment compensation for the current fiscal year, to remain available until December 31, 1983, of which—

(A) 65 per centum shall be available to provide jobs for those unemployed in accordance with subsection (b), and

(B) 15 per centum shall be available for the youth employment and training programs of the Department of Labor (92 Stat. 1983).

(b)(1) No individual assisted with funds available in accordance with this subsection—

(A) shall be eligible for unemployment compensation during the period of productive job employment under this subsection; or

(B) shall be paid except upon certification in writing by the supervising official that such job was performed.

(2) Individuals assisted with funds available in accordance with this subsection—

(A) shall be certified as unemployed for at least three weeks in accordance with criteria established by the Secretary of Labor, with priority given those individuals who are not currently eligible for unemployment compensation and who have prior work experience; and

(B) shall be paid at a rate which shall not be less than the highest of—

(i) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1938, (ii) the prevailing wage under the applicable State or local minimum wage law, or (iii) the prevailing rates of pay for individuals employed in similar occupations by the same employer, but in no case shall the annual rate of such wage exceed $10,000; and

(c) subject to paragraph (2)(B), shall be provided conditions comparable to the benefits and conditions provided to other employed in similar occupations by the same employer.

(3)(A) No currently unemployed worker shall be displaced by any individual employed with funds under this subsection, including partial displacement such as a reduction in the hours of nonoverhead, wage, or employment benefits.

(B) Not more than 15 percent of the funds provided to any eligible entity under this subsection may be used for the cost of administrative services of such tribes, bands, and groups.

(C) (a) For purposes of this subsection, an eligible entity is—

(i) the purpose of an allotment of units of general local government with a population of less than one hundred thousand persons which has demonstrated the capacity to operate a sufficient second program or a concentrated employment program grants (serving a rural area);

(ii) a unit of general local government with a population equaling or exceeding one hundred thousand persons or a consortium including such a unit and other units of general local government; and

(iii) a State.

(B) A State shall not qualify as an eligible entity with respect to an area served by another eligible entity. A larger unit of general local government shall not qualify as an eligible entity with respect to an area served by a smaller such unit.

(c) The Secretary of Labor shall notify recipients within thirty days after the date of enactment of this joint resolution of the allocation of funds appropriated in this section.

(d) The Secretary of Labor shall promulgate such rules and regulations as may be necessary to carry out the provisions and the purposes of this section not later than thirty days after the date of enactment of this joint resolution.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays.

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

Mr. KENNEDY. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. KENNEDY. This amendment authorizes $1 billion in fiscal year 1983 funds for the purpose of addressing the most pressing problem facing our Nation today—the highest unemployment rate in 40 years—10.8 million Americans are jobless. Millions more can only find part-time jobs; others are so discouraged they have totally given up the search for work and the situation is much worse for black Americans and for our young people.

One in every three Americans can expect to be unemployed some time during the year.

(CX) The remainder of the funds available shall be allocated, in the manner described in subparagraph (A), among eligible entities which have demonstrated the capacity to operate a sufficient second program or a concentrated employment program grants (serving a rural area).

(1) which has had a large accession of jobs in the closing of a facility, mass lay-offs, natural disasters, or similar circumstances, or

(2) which has experienced a sudden or severe economic dislocation.

(2) In expending funds from such allocations in the case of an eligible entity serving two or more such localities, the eligible entity shall take into consideration the severity of unemployment in each such locality.

(3) For purposes of this subsection, an eligible entity is—

(A) an allotment of units of general local government with a population of less than one hundred thousand persons which has demonstrated the capacity to operate a sufficient second program or a concentrated employment program grants; (serving a rural area);

(B) a unit of general local government with a population equaling or exceeding one hundred thousand persons or a consortium including such a unit and other units of general local government; and

(C) a State.

(B) A State shall not qualify as an eligible entity with respect to an area served by another eligible entity. A larger unit of general local government shall not qualify as an eligible entity with respect to an area served by a smaller such unit.

(c) The Secretary of Labor shall notify recipients within thirty days after the date of enactment of this joint resolution of the allocation of funds appropriated in this section.

(d) The Secretary of Labor shall promulgate such rules and regulations as may be necessary to carry out the provisions and the purposes of this section not later than thirty days after the date of enactment of this joint resolution.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays.

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

Mr. KENNEDY. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. KENNEDY. This amendment authorizes $1 billion in fiscal year 1983 funds for the purpose of addressing the most pressing problem facing our Nation today—the highest unemployment rate in 40 years—10.8 million Americans are jobless. Millions more can only find part-time jobs; others are so discouraged they have totally given up the search for work and the situation is much worse for black Americans and for our young people.

One in every three Americans can expect to be unemployed some time during the year.
September 29, 1982

CONGRESSIONAL RECORD—SENATE 25825

We are painfully aware of the human suffering behind these statistics. Decent, hard-working men and women are losing their savings, their homes, and the chance to send their sons and daughters to college. For the first time in our history, parents expect their children to be less well off than they are.

These men and women have searched the want ads and pounded the payment and still cannot find work.

The fact is that since Ronald Reagan got his job 3 million Americans have lost theirs. It is no longer possible to say that anyone who really wants to work can find a job. The jobs are simply not there.

And, despite the promises of this administration, unemployment grows worse. Last month the unemployment rate stood at 9.8 percent. Next week there is no longer a high unemployment limited to Michigan and Ohio, and Indiana and Oregon. Every industry and every region of the country is feeling the bite. From Maine to California, from Florida to Washington, unemployment is on the rise. Even Texas is feeling the effects of this recession.

It used to be that workers could count on unemployment benefits to tide them over the worst of a recession. But no longer.

Only 40 percent—less than half—of those 10 million now unemployed are covered by unemployment insurance. I supported providing additional weeks of unemployment benefits when we voted on that measure a few weeks ago and I am a cosponsor of Senator Mansfield's amendment to keep States from triggering off the extended benefits program. But these proposals will only benefit a portion of the unemployed—those 40 percent who are eligible for unemployment insurance.

I also joined with Senator Quayle in introducing the Training for Jobs Act to provide retraining for the disadvantaged and structurally and I am pleased that our program will be enacted this week.

But that is a training program, not a jobs program. Not one new job will be created. Not one unemployed person will go back to work immediately as a result of that bill. It is a much needed long-term solution for the poor, the young, and displaced workers. And it will take time for that program to show results.

I believe we need a jobs program now to put people back to work now.

I believe that our No. 1 problem—unemployment—can be addressed by putting the jobless to work on another important problem facing the country—rebuidling the decaying infrastructure of our cities and towns.

It is impossible to drive through any city in this country today without noticing the deterioration in our roads and highways and bridges. But the decline in our public infrastructure is not always so visible.

Many of our public schools, parks, and drainage systems need repair.

This will mean that well over 10 million men and women in this Nation are not only jobless, but they are literally falling apart. Hospitals in the North and airports in the West are in critical need of repair.

These are other examples:

Bridges that are structurally deficient—248,500.

More than 4,000 miles of the Interstate Highway System needs immediate resurfacing or replacement.

Subway and rail systems in urban areas are decaying, making service unreliable.

Half the country's sewer, water, and drainage systems need repair.

One-third of the non-Federal dams are unsafe.

One of every four prisons needs remodeling to relieve overcrowding.

The Democrats on the Senate Budget Committee have just released an excellent report that further documents the decline in our public facilities.

Let us put unemployed to work repairing our roads, rebuilding our bridges, and making our public facilities safe and attractive again.

Our proposal is modest. It would create just 200,000 jobs—less than the number eliminated by Ronald Reagan last year. Less than the jobs created by President Ford when unemployment hit 9 percent in 1975. Less than the 425,000 jobs created in 1977 when unemployment was 7.5 percent.

Our proposal is also very different from the public service employment program created under CETA that has received so much criticism and is no longer a part of the new training bill. This proposal will provide a maximum of 6 months of work to any one individual, not a permanent job. This bill prohibits more than 35 percent of the funds being used for administration and equipment. No job will pay more than $10,000 a year and no individual will earn more than $5,000. Only jobs directly related to the repair and maintenance of public facilities and the improvement of public lands can be funded. No currently employed workers could be displaced.

Critics claim that a $1 billion investment in our infrastructure which needs tens of billions of dollars of work is a waste of money. They argue that to put 200,000 people to work in the face of massive unemployment is only a "spit in the ocean." I agree that this proposal is only a small step, but it is a step in the right direction. We clearly have the work and the manpower—people who desperately need the jobs. Our task is to put those two things together.

This proposal will not bust the budget. Congress saved almost $2 billion—twice the cost of this bill—by passing the supplemental appropriations bill over the President's veto. We believe that there is no better place to apply these savings than putting people back on the payrolls and taking them off the welfare rolls and the fact that doing nothing about unemployment costs the Federal, State, and local governments billions of dollars in unemployment benefits and lost revenues. This bill costs only a fraction of the $20 billion now being spent on unemployment benefits.

These jobs will decide whether the unemployed become taxpayers or tax users.

Our economy is in critical condition. It does not help the unemployed to counsel patience. It does not help the unemployed to promise better things to come. It does not help the unemployed to promise a tax cut. But the unemployed can be helped with jobs which mean new hope and dignity and pride for them and their families.

I urge my colleagues to accept this amendment.

Mr. President, I understand that there is a half-hour time limitation on this amendment to be equally divided. I do not want to use all that time. If there are Members who want to speak on this briefly, I hope they will indicate that they would like to speak on this issue. Otherwise, I believe that the Members are familiar with this amendment. Over the last few days, I have had a chance to circulate a Dear Colleague letter outlining the substance of the amendment and the importance of it.

Basically, Mr. President, there is a great deal of work that needs to be done in America in some very important areas in rebuilding the infrastructure of this Nation. There are now over 10 million Americans who are ready, willing, and able to do this work. I believe when the unemployed figures come out next Friday, we will see over 10 percent unemployment. Even the President of the United States has recognized that fact. This will mean that well over 10 million men and women in this Nation will be without work.

This chart behind me, Mr. President, indicates in a dramatic way what has happened between July 1981, when we were at 7.2 percent unemployment, and September 1982, when we are now at 9.5 percent.

This measure, Mr. President, is an extremely modest measure. It is a limited measure. It is a program to provide some 200,000 jobs.

May we have order, Mr. President?
The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. KENNEDY. Mr. President, as I say, this measure would provide 200,000 jobs. It would be a temporary measure to meet the problems we are facing with unemployment here, in the United States, at this time.

The administration says it favors a jobs bill, but they are favoring the bill that Senator Quayle and I have worked very closely on in recent months and have, in the last day or two, been able to persuade the President of the United States to support. That is a training bill for the poor and the young. It will not go into effect until a year from this October. My jobs bill goes into effect now. This $1 billion is just 5 percent of the $20 billion that we are now spending on unemployment insurance. It is a temporary program. It provides maximum flexibility to local areas to do repairs on roads, on highways, on bridges, on ports, on sewer and water projects, and on soil erosion programs.

It is basically a targeted program, an emergency program. I believe, Mr. President, that we need both programs. We need a temporary program, as his measure is, which is supported by over 60 religious, labor and civil rights groups, and we need the training program, which has been now accepted in conference under the leadership of Senator Kennedy. That is extremely important. But these are basically different programs to deal with the problem we are facing in dealing with joblessness in our society.

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

Mr. QUAYLE. Mr. President, I oppose this amendment. In doing so, I do want to pay tribute to Senator Kennedy. I think not one, not even this job training bill, which, as he pointed out, has survived the conference. It is a job training bill, although there is provision for summer jobs, probably about 50,000 summer jobs in that job training bill. But, as he pointed out, it is primarily a training bill.

What we have before the Senate tonight is CETA public service employment. We have debated CETA public service employment before. We have debated it on this floor, on the budget resolution, and it was overwhelmingly rejected. I believe on that vote on the budget resolution on a similar amendment, 14 were in favor of it. Fourteen Senators favored it at that time, which would have been May 19, 1982.

Mr. President, I do not want to say that consistency is any hallmark of virtue. I am certainly not one to make that kind of statement here tonight as we close up and get ready to go home and face the constituency and the electorate.

What troubles me about this particular proposal is we are talking about 200,000 jobs, supposed 200,000 jobs. I guess, at $5 an hour, comes to around, roughly $1 billion. Before we get there, we have to have something taken out for administrative costs. We have to take out-in 30 days in this program. We have to have supplies and materials. What are they going to build all these bridges and roads with? Nothing?

You have to pay for some of the fringe benefits; you have to pay for social security. I think by the time you start adding all these things that you have to take out of this, the 200,000 figure really is much, much lower.

Five dollars an hour to build the bridges and the roads? But there is a substitution factor. I think we ought to think in that kind of factor. President Kennedy has described a different amendment than the one I offered.

This is not a CETA program. The CETA program funded general public service employment and teachers' aides, hospital assistants, art teachers, dance teachers, musicians, secretaries, firemen and other such Jobs.

There is no provision for that. Mr. President, in my amendment. This program would create jobs to rebuild our infrastructure—a significant difference, and the Members ought to understand it.

Second, the jobs in this program are temporary CETA jobs. No individual could work longer than 6 months. No individual would be permanent. This is a second significant difference.

Third, this program is targeted towards high unemployment areas and the long-term unemployed. Every year, 40,000 people working on their unemployment compensation. These people could find work in our program. This program is a drop in the bucket; we recognize that. But this program is targeted to those individuals who have been unemployed the longest.

Mr. President, the 3 million men and women who have lost their jobs since Ronald Reagan got his are skilled individuals. They have worked all their lives. These are people who want to work and need to be employed. There are things that need to be done in this country. What we are talking about is putting some 200,000 of those people back to work on construction projects to rebuild our infrastructure.

This amendment, answers another criticism of the Senator from Indiana. This amendment would prohibit substitution. We have provided for that in this amendment. We do not permit the municipalities or the other government entities to substitute these workers for their regular workers.

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Mr. KENNEDY. Mr. President, I have a great deal of respect for the knowledge of the Senator from Indiana on the issue of training and the issue of jobs, but he has not accurately described this amendment. He has described a different amendment than the one I offered.

This is not a CETA program. The CETA program funded general public service employment and teachers' aides, hospital assistants, art teachers, dance teachers, musicians, secretaries, firemen and other such Jobs.

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It is amazing to me to hear those same people say, “Look, we can have a tax credit to employ individuals,” and never talk about why what substitution will occur. They never have a problem on substitution in that area. But when you are talking about jobs for the 3 million men and women who have lost their jobs in the last 15 months, all of a sudden you have problem with substitution.

We have dealt with that issue, Mr. President. This is targeted toward the long-term unemployed. It is a temporary program. It reaches men and women in this country who have lost their jobs and who are ready, willing, and able to work.

One final point, Mr. President. On the issue of materials, that is a strawman. We have indicated in this amendment that only 20 percent or less can be used for materials. We have anticipated that issue. It is reasonable to raise the issue on whether these funds will all be used for materials or whether a portion will be. So we have addressed that particular question.

Finally, Mr. President, we have 20 percent unemployment in the construction industry alone. These are skilled men and women who want to work. We have jobs that need to be done in this country and these workers can do those jobs.

I say let us get people off the unemployment rolls, off the welfare rolls and put them back on the job rolls. That is what this amendment does. I reserve the remainder of my time.

Mr. NICKLES. Will the Senator from Indiana yield?

Mr. QUAYLE. I will be delighted to yield to my friend from Oklahoma.

Mr. NICKLES. I was trying to do some math, and the Senator might be able to help me. But this bill, as I understand it, provides 200,000 jobs for 6 months at an estimated cost of about $1 billion?

Mr. QUAYLE. That is the way it has been described to me.

Mr. NICKLES. Trying to compute that through, we have approximately 10 million unemployed people. I do not know how you distinguish this person versus that person, but if all people were able to receive this type of job, I guess the job would max out at $5 an hour and we would basically be talking about 10 million people. If 200,000 people get a job and it cost $1 billion for 6 months, to give 10 million people a job for a full year, we would be talking about a bill that could cost about $100 billion. If my arithmetic is correct.

Given the state of our economy, I am real sure we cannot afford the $100 billion. I am sure we cannot afford the $1 billion.

Mr. QUAYLE. I do not think we can afford the $1 billion.

How much time do I have left, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes and 18 seconds.

Mr. QUAYLE. I yield such time as I may consume.

I again compliment Senator Kennedy for his lead in discussion on this issue. Mr. President, I do not want to let pass this opportunity to say that those of us who are opposing this amendment are opposed to putting people back to work.

That is nonsense. We are all for putting people back to work. We want more jobs. There is not anybody in this body with any degree of responsibility who is against putting people back to work.

The question is, How are we going to do it? That is the issue before us.

I should like to read a quotation from a rather respected columnist, Joseph Kraft, which appeared in the Washington Post yesterday, “Econom­ic Realism Is Back.”

He is talking about the Democratic Party, how they are focusing on jobs and opportunity and economic growth. That is the essence of the article. He names Members in the House of Represent­atives. Of course, this person does not want to be named, so he does not name him. I read from the article.

He says:

One leading Atari Democrat—

‘They call them “Atari Democrats.”

One leading Atari Democrat said privately: ‘We’re for the growth of national income, not its redistribution from rich to poor. If we had our way we wouldn’t support the jobs bill.’

I will read that again: “We wouldn’t support the jobs bill.”

We are all for growth. We are for jobs. We are for opportunity. But, as this “Atari Democrat” said, we are not for the so-called jobs bill because this is not growth; this is not going to be permanent.

We have been through it with CETA public service employment. It has been rejected on this floor overwhelmingly, and it should not be rejected tonight and put to bed once and for all, and let us try to fight high interest rates and put our people back to work in lasting, permanent jobs, not some makeshift, temporary jobs that are not meaning­ful.

That is what we want: we want meaningful jobs, and I believe this “Atari Democrat” summarized it very well when he tells “we wouldn’t support the jobs bill.” But they did, and I am sure a lot of people tonight are going to support it. I hope they dig deep in their hearts before supporting what I believe to be a very bad amendment.

Mr. KENNEDY. Mr. President, I do not know who the “Atari Democrat” is, but I will read a quotation and then I will give the author. Here is direct quota­tion:

I don’t like the make-work idea . . . But government could, with actual needed public works, use those public works in times of unemployment. If people have called it boondoggle and everything else—but, having lived through that era and seen it—no, it was probably one of the social programs that was most practical in these New Deal days. So, if government, instead of inventing these new programs, had a backlog of government people, they would say, “Well, now, this is the time to put those things into effect,” I think it could be most helpful.


This amendment is patterned after what the President of the United States has recommended. We have a backlog of projects that need to be done. We have skilled unemployed people. Let us take these people off welfare and put them to work.

I yield 1 minute to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the senior Senator from Massachu­setts for accepting an amendment which he and I had discussed and which he included in his final amend­ment dealing with the 9-percent unem­ployment.

This is very helpful to a whole series of States. It seems to me that when you reach 9-percent unemployment, this legislation should apply.

Mr. President, this Nation is in the throes of a profound economic read­justment: Adjustment to lower rates of inflation, from an annual rate of about 12.5 percent in 1980, to about 6 percent currently.

Adjustment to lower rates of interest, with a prime rate at about 13 percent, down at least 8 percentage points from the end of 1980.

And we are now, I believe, on our way out of a recession, moving toward recovery, and I think that we can then turn toward broad-based, real economic growth in all sectors of the economy and all parts of the country.

Although we are making progress, we have to give full weight to the human costs of these profound adjust­ments. Unemployment has been a very serious problem. It threatens to become even more serious, as data about to be released next week may show.

Nationally the unemployment rate, as the Senator from Massachusetts points out, was running at a rate of 8.8 percent in August. This means that 11.3 million Americans were unem­ployed. In some States the unemploy­ment rate is higher, in some States lower. But I think we can all agree that it remains a grave national prob­lem.

We have done much in the past months to help the unemployed. In the recent tax bill about $2 billion was approved to provide Federal supplement­mental compensation benefits. The
1982 continuing resolution provided $192 million for youth employment, in addition to $8 billion for other jobs programs. There is $45 million in the urgent supplemental, and another $3 billion in the 1983 budget resolution for summer youth programs and job training.

In addition, House-Senate conferees have reached agreement on S. 2036, the Kennedy-Quayle Jobs training bill, and the President has announced his support of the conference compromise. I would hope that we could pass that conference report this week. It provides a reauthorization of the basic jobs training programs and authorizes $3.8 billion for the coming fiscal year alone. It is an important bill, and I urge speedy action on it in both bodies.

Mr. President, I believe we must do more than this. And I therefore support the amendment of the Senator from Massachusetts, that would appropriate roughly $1 billion for immediate use in cooperation with a number of local and public projects. This is immediate relief, in the form of work for unemployed men and women, in all age groups.

My concern with the amendment of the Senator from Massachusetts, however, was that it did not encompass enough areas suffering from high unemployment. I offered an amendment to degrade its emphasis to include communities experiencing unemployment at levels in excess of the national average rate of unemployment.

The President, according to the most recent statistics available from the Bureau of Labor Statistics, the unemployment rate in my State and a number of other States is high, yet is below the average. Fully eight States have unemployment rates of 9 percent or above. These include the States of Arkansas, Idaho, Maine, Massachusetts, Nevada, New Hampshire, North Carolina, and Rhode Island.

Therefore, I indicated earlier my intention to offer an amendment to require that the moneys appropriated under the Kennedy amendment be shared among all States having unemployment of 9 percent or more.

I have discussed my amendment with the Senator from Massachusetts, and he has suggested that it be incorporated into his amendment. I am pleased to agree to this in the interest of saving time. I am glad that the Senator has included my provision into his amendment.

I note that this amendment should even be useful to the State of Massachusetts, which I believe is experiencing unemployment at a rate of 9.6 percent.

Mr. President, in summary, I believe that we are emerging slowing from recession. I believe that we have done much to improve the lot of the unemployed. I believe that the Jobs Training Act now in conference will lay the groundwork for the necessary longer term training programs, and that it is sufficiently essential. But, I think that the amendment of the Senator from Massachusetts, as he has modified it, would be immediately useful by providing employment now. Nine percent unemployment is high. People should not be denied the chance for work under the Kennedy amendment just because their State or community has an unemployment rate slightly below the national average. Therefore, I urge support of the amendment.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Pennsylvania.

Mr. HEINZ. Thank you, Senator. I think the Senator from Massachusetts for yielding.

Mr. President, I support the Senator’s amendment. Much has been said about it not being a perfect amendment. Most amendments here are not perfect. I commend the sponsors of the amendment for their concern and compassion for the unemployed workers of my State and the other States that are experiencing prolonged unemployment; to be truthful about the effect of this amendment this measure, at best, will assist only 200,000 of the 10 million unemployed, and, since it only provides $150 million of $10 billion, 15 percent of the $1 billion allocated, for tools, equipment, and materials, this measure will not provide sufficient support for States and localities to engage in substantial, public works projects, as the sponsors hope. Therefore, I believe that this amendment is drastically insufficient to accomplish the goals of its sponsors.

However, this amendment does focus its resources on those States that have been hardest hit by the current recession. It also focuses on those individuals who have exhausted unemployment benefits, or who never qualified for unemployment benefits, but who are unable to find jobs. This amendment, even with its clear insufficiencies, represents an opportunity for at least some of the proud, independent people in my home State of Pennsylvania. It will give some of the people in Pennsylvania a job, and allow them to bring a paycheck home to their families once again.

Mr. President, the idea behind this amendment is a good one. Our infrastructure—roads, bridges, and mass transit, requires extensive work—work that would put many of our unemployed workers back on the job. In our Senate Finance Committee hearings on the supplemental benefits program, which was recently adopted in the tax bill, there was considerable interest in a greater commitment to rebuilding our infrastructure as one solution to excessive unemployment.

Again, I stress that there is a great need for public works projects.

Mr. President, we have the workers and we have sound work. What we lack is adequate Federal resources to embark on this work. I do not think anyone in this body wishes to enlarge the deficit further, so we have got to look for ways to pay for the infrastructure investment that we need to make. There is not enough time in this session to adequately develop legislation to address this fundamental problem, but this Senator intends to work cooperatively with other Members of the Senate in the next session to resolve this funding shortfall.

Mr. President, I have endorsed Transportation Secretary Drew Lewis’ plan to increase highway, bridge, and mass transit improvements, and to pay for this job creation and necessary investment by increased user fees, so that there would be no effect on the deficit. Along with the distinguished Senator from West Virginia, Senator Byrd, I have introduced legislation to develop our ports. That proposal has revenue component as well.

Whatever the fate of this amendment, I would hope that the Senate will return to the issue of public works improvement in the next session, and how to pay for the needed work.

It seems to me that this is the only alternative we have to address the persistent and troubling problems of our people. The people who are in this reason, a number of us sought earlier this year, on the tax bill, an extension of the unemployment compensation benefits, particularly for those States hardest hit. We got no help. We did go from zero weeks of supplemental benefits to 10 weeks; but some wanted 13, others 26, others some number in between. We did not get what we want, but we take what we need.

Earlier today, the Senate, by one vote, rejected another very necessary amendment offered by the distinguished Senator from Ohio (Mr. Mazzoli), and me, and we address the problem of unemployment compensation. We decided—48 Members of the Senate disagreed—not to do that in the Senate, and I think it was a mistake.

This amendment offers about the only remaining hope for our workers who are unemployed and are running out of unemployment compensation benefits.

I hope my colleagues recognize that and overwhelmingly adopt this amendment.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana controls the time.

Mr. QUAYLE. Mr. President, in summary, I certainly do not believe that we should support this amendment. I have a lot of skilled steel work
ers and auto workers out of a job in the State of Indiana. They do not want any short-term quick fix. They want permanent jobs; they want economic recovery. They want to see interest rates come down. They want to see inflation come down. They do not want any quick fix, $1 billion public service employment.

Get in touch with some of these people who are out of a job. In the jobs training bill, we have a dislocated worker program that is going to work, to try to get some new skills for these people. There is no substitute for putting these people back to work now. If you think we are going to be fooled here tonight by some last-minute gimmicks of a short-term, quick-fix approach, I simply beg to differ.

I hope this amendment is overwhelmingly defeated. It is not going to do anything for these workers back to work on a long-term basis. We should have learned our lesson about these gimmicks and the quick fix.

As this anonymous Atari Democrat said, "If the Senate may believe we had our way, we would not support the jobs bill." I certainly hope the U.S. Senate does not support this ill-advised amendment which will only be a sham and do nothing for a long-term problem.

Mr. NICKLES addressed the Chair. The PRESIDING OFFICER. Who yield back the remainder of our time.

Mr. KENNEDY. Mr. President, I understand that the Senator from Oklahoma is going to offer an amendment when we yield back the remainder of our time. I will take a couple of minutes.

I am a strong supporter of the Quayle-Kennedy bill, but I think it is very important to send the message to the workers that there is only about $100 million in that program, which will be effective a year from now. As the bill was initially proposed, even by the Senator from Indiana, it was only $1 million.

Those who criticize this bill sometimes say it is too low, sometimes they say it is too high; but it is important to understand that we welcome the President coming aboard the youth training bill. There is some money in there for relocations, but it is not a jobs bill. It is a youth-training bill that goes into effect a year from now. This would go into effect now.

The fact is that it is not gimmickry for the largest number of unemployed men and women in this country for more than 30 years. We have importunate needs in our society. We have skilled men and women. A year ago July, unemployment was 7.2 percent. Now it is about 10 percent. Three million of them have skills, and we have men and women who are out of work.

This is targeted where the needs are in the construction area. No matter how many times the Senator from Indiana says it is CETA revisited, it is not. It is construction jobs in areas of need in our society.

Mr. PRATT. Mr. President, this is a limited program but we are trying to stem the flow we have seen over the past months with the growing unemployment. We believe it is time to say, at least to 200,000 American men and women, that there are some people who are prepared to realize their skills and energies in our Nation's interest.

I withhold the remainder of my time, or I am prepared to yield it back.

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

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator has 2 minutes and 45 seconds remaining.

Mr. QUAYLE. I shall just take 30 seconds.

I guess we are talking about construction jobs again. If we take that $1 billion figure we are talking about paying a construction worker for about 6 months, $5,000.

But now we learn there is at least 20 percent for administration costs. So that has to take some out of that. Again I just cannot see rebuilding the bridges and infrastructure in this Nation paying someone $5 an hour.

I am glad that we have invoked the Indiana auto workers into this debate because there are a lot of them unemployed unfortunately.

I will say again, again, and again that the skilled workers who are out of work through no fault of their own want true economic recovery. They do not want another short-term fix. They want to have a job that is going to put food on the table in the future. They do not want to come in and work for 6 months, to go out and do something that is going to be taken away from them. They want to get training. They want to have opportunities. And they want to look to the future, and I think they are not going to be that receptive to a last-minute quick fix of CETA public service employment which has been repudiated by this Senate and by this Congress in the past, and it should be repudiated again tonight.

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

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. Mr. President, I only have 30 seconds.

First, the $1 billion in this amendment is within the budget figures. When we overrode the President's budget we saved some $2 billion, and this program takes $1 billion of those savings and uses that amount to create jobs for the unemployed.

The final point is that the Senator from Indiana must be getting a different message from the unemployed in Indiana than I am getting from my constituents in Massachusetts.

I think he will find that the men and women who are unemployed would rather have a job for 6 months than no job at all. They have been listening for a year and they heard again last night that recovery is around the corner. Well, recovery around the corner does not put bread on the table or pay for heating oil for the cold winter. We have to provide winter clothes. Recovery around the corner does none of those things.

What we are trying to do is take a small but measured step to try and deal with those particular needs of the problem and we feel the Senate does not support this limited program. We have a limited program. The Senate does not support this limited program. We have a limited program. The Senate does not support this limited program.
Finding the resources to undertake such a massive repair effort will be a mammoth task at all levels of government. What we are trying to do today is to take one step in that direction. The $1 billion we are proposing to use is a beginning. With so many of our roads and bridges in serious stages of disrepair, can we afford prolonged delay? With so many people desperate for work and many for a source of income, can we shut the door of opportunity to all of them?

In my State of Maine, over 400 bridges are structurally deficient and 200 do not meet current safety requirements. Work on these structures would surely alleviate some of the serious safety problems which the public faces every day.

In sum, the program is responding to a clearly established need. And it has been designed in a responsible way to provide help where it is most needed and in a manner to discourage delays. As structured, 83 percent of the funds would be allocated to eligible entities with an average rate of unemployment from the national unemployment rate for 3 months. Two percent of the funds would be allotted to Native Americans, and the remaining 15 percent would be given to localities which do not have the prolonged unemployment decline, but which face a large-scale job loss through natural disasters, mass layoffs, or sudden economic dislocation.

The jobs themselves could not last more than 6 months. Compensation could not exceed $5,000 per individual. Persons currently employed could not be displaced. And priority for the jobs would be given to those who have exhausted their unemployment compensation.

The jobs themselves would be limited to repair and rehabilitation of public facilities and to the conservation and improvement of public lands. The bulk of the money would be used to pay for these jobs. No more than 15 percent of the funds could be used to meet the cost of administration, and no more than 20 percent of the funds could be used to purchase supplies and equipment.

One final, but no less important, point to make about this initiative is that it is fiscally responsible. When Congress overrode the President's veto of the supplemental appropriation bill earlier this month, it acted to save almost $2 billion beyond what the administration had called for. We are now asking to spend a portion of this money and to use it wisely. We are proposing today to use 5 percent of that total to put people back to work, to allow them to earn their payments.

When similar legislation was considered in the House on September 16, most Members of that body voted for some kind of jobs program. The Republican initiative would have cost $1.5 billion. The measure which passed resembled the one before this body today. I therefore believe there is substantial support within the Congress for some kind of public works jobs program. It is a time of crisis. If the Senate will rally around this measure, Ms. President, the Nation's economy has suffered these many months from a demand deflation. Economic indicators to be published shortly will show continued stagnation. The jobs programs before us is a modest initiative which will not be in any way a substitute for the recovery. Its funding is not a drain on the taxpayers. And it stands to provide some relief for the unemployed and badly needed repairs to our public infrastructure.

I hope the Senate will adopt it.

Mr. HOLLINGS. Mr. President, I voted to table the Kennedy amendment to House Joint Resolution 589 to appropriate $1 billion for "jobs for infrastructure" because it is not the right response to our unemployment problem.

There are currently 12 million Americans out of work. The Kennedy amendment would provide jobs at the minimum wage to only 75,000 people at the most. To say that this is the answer to the unemployment problem is like giving the patient a sugar pill when he desperately needs a shot of penicillin.

We cannot afford to return to the ineffective make work jobs programs of the past. We must turn to new solutions: We must realize that a budget in the red means interest rates out of sight, and that means millions out of work.

If Americans are to be put back to work, we have to face the problem squarely: We are out of control, and we are not competing. We can get back to work—permanently—only by creating real and permanent jobs, and this will happen only when we put our fiscal house in order.

The Kennedy amendment is a placebo—it promises employment for some. And perhaps some few will be employed. But it is an empty promise for the millions and millions of Americans who are waiting for something more: who are waiting for leadership from their Government, who want real jobs, permanent jobs, in a vital and growing economy.

That is something the Kennedy amendment did not promise, because it could not deliver. We should not tell 12 million unemployed that they will be helped by the Kennedy amendment because they will not be. And that is why I did not support it.

Mr. BAKER. Mr. President, all of us are concerned about the unemployed. All of us want Americans back to work, but we must make sure that the jobs are not "make-work," but jobs that can be translated into meaningful employment. We already have a strong bipartisan bill, The Training for Jobs Act, that was reported out of conference last week. That legislation, drafted in the Senate by the Senator from Indiana (Mr. QUAYLE) and the Senator from Maryland (Mr. KENNEDY) sets the Nation on a better course for dealing with the problem of unemployment. The Training for Jobs Act, S. 2036, represents a long-term remedy by providing training—thus, preparation for jobs in the private sector.

Mr. President, this is the approach we should take. We should want to fashion a solution to the Nation's unemployment problem that is permanent, not temporary. Some of our basic industries are declining, consequently, even the most robust recovery imaginable will not reverse all layoffs notices. And, Mr. President, jobs exist and are available even in the present economy—a job training program could match people with these jobs.

Therefore, Mr. President, I am opposed to the amendment offered by the Senator from Massachusetts. If we pass this amendment, we would be reverting back to the prior legislative approach of "quick-fix" solutions that have been discredited over the last 20 years. The amendment appropriates $1 billion for 200,000 6-month jobs to repair and maintain streets, bridges, and other types of public facilities. These are not necessarily low-skilled jobs. And if unskilled workers are hired, I do not believe that 6 months of work on a bridge or road will provide the training necessary for productive employment in the private sector. Rather, we will have refurbished public facilities at a high cost and 200,000 people will be out of work once again. Additionally, Mr. President, this amendment, if passed will make only a minute difference in the Nation's unemployment rate. According to the Budget Committee estimates, at best this legislation will result in a maximum of 143,000 jobs. This estimate is based on the wage limit of...
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$5,000 per job, and the 35 percent set aside for administration, supplies, and equipment and the 10 percent for benefits which are also required under the amendment. Even if unemployment rates were available today, the national unemployment rate would fall only from 9.8 percent to 9.7 percent.

Moveover, Mr. President, passage of this amendment would send a bad signal to the country's financial markets. The expectations of increased spending under current deficit projections would produce economic pessimism that would pose a threat to recovery. Resurgence of high interest rates and further delay in capital investment resulting from such a reaction could even cause a permanent loss of jobs exceeding the temporary increase in employment resulting from this amendment.

Mr. President, the program provided for in the Senator's amendment looks distinctly out of place in the CETA program. While the CETA program represented a worthy attempt at battling the Nation's unemployment problem, it has been documented that the public service part of the program did not work. The fact that we have such a strong bipartisan bill is further evidence that the Congress believed that CETA did not work.

Therefore, Mr. President, I urge my colleagues to not be lulled into voting for this election-year amendment.

Mr. QUAYLE. Mr. President, I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. HATFIELD. Mr. President, under the unanimous-consent agreement there was a 30-minute time agreement on the Kennedy amendment. That has been now exhausted. The unanimous-consent agreement was then to recognize the Senator from Oklahoma for an amendment in the same degree.

So I yield the floor to the Senator from Oklahoma for that purpose. There is a 10-minute time limitation on his amendment.

Mr. NICKLES. I thank the Senator.

AMENDMENT NO. 1343

(Purpose: To amend the Davis-Bacon Act)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the Kennedy amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. Nickles): Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the Kennedy amendment insert the following:

DAVIS-BACON AMENDMENTS

Sec. (3) (a) Subsection (a) of the first section of the Act of March 3, 1931, commonly known as the Davis-Bacon Act (40 U.S.C. 276a (a) is amended—

(A) by inserting "(1)" after "(a)"; and:

(B) by adding at the end thereof the following new paragraph:

"(2) The Secretary of Labor shall base his determination on the prevailing wage rates for the corresponding classes of laborers, mechanics, and helpers under paragraph (1) on—

"(A) the wage paid to 50 percent or more of the corresponding classes of laborers, mechanics, and helpers employed on projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; or

"(B) if the same wage is not paid to 50 percent or more of the laborers, mechanics, and helpers in the corresponding classes, the weighted average of the wages paid to the corresponding classes of laborers, mechanics, and helpers employed on projects of a character similar to the contract work in the urban or rural civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.

"(2) The first section of such Act is further amended—

"(a) by striking out "$2,000" and inserting in lieu thereof "$100,000."

(b) by striking out "$2,000" and inserting in lieu thereof "$100,000."

(c) by inserting at the end thereof the following new paragraph:

"The amendment is that the wage rate classifications today is they take 30 percent. Instead of using the 30 percent of the highest wage rate in a particular locality or location, what it would require is a majority, and actually when one thinks about it, the prevailing wage should be a majority. So it is a commonsense rule.

The fourth and only change that we are making, that is, in addition to the proposal by the administration, is to increase threshold from $2,000 to $100,000. Presently if you do a Government construction contract you have to apply Davis-Bacon rules, regulation there is an amount that is over $2,000. We increase that modestly to $100,000 which would
exempt the small contracts but only those very, very small contracts.

Present law means that if you have a post office in Macon, Ga., the fact of having determined by the Department of Labor to tell you what you have to pay your people to do a $5,000 project. We are trying to change that. This bill will save taxpayers money. It will save something like $3.5 billion over a 5-year period.

I estimate that it will probably save over $1 billion a year, so it could help pay for the so-called Kennedy jobs bill. It will cut spending. Spending is not needed. It will cut waste. We always continually hear people talk about cutting waste. This will cut waste.

This amendment is supported almost across the board by all small business organizations. It is supported by the Chamber. It is supported by the National Association of Manufacturers. It is supported by the Farm Bureau. And I hope it will be supported by the Senate tonight.

Mr. President, the Senator from Oklahoma and I have discussed this issue before. Last year he tried to repeal Davis-Bacon insofar as military construction contracts are concerned. Let us not forget that Davis-Bacon is administered by the Department of Labor.

We discussed the familiar litany of charges we have heard leveled at Davis-Bacon in this body over the years. That Davis-Bacon increases construction costs; that the Department of Labor does not administer the program properly.

I said then, and I want to repeat now, that all of those charges are false. There is absolutely no credible evidence that Davis-Bacon is inflationary or that Davis-Bacon wage rates are set too high. It is an administratively complex regulation that Federal contractors pay construction workers the wage which is actually prevailing in their community. It is designed to prevent fly-by-night contractors from using cutthroat wage competition to win contracts which they will never be able to complete because they will not be able to hire or retain the highly skilled construction workers who are necessary if large complex construction projects are going to be completed properly and on time.

I am convinced that any amendment to or reduction of Davis-Bacon protection will result in increased overall construction costs and cost overruns.

Mr. President, we defeated the Senate proposal in Oklahoma. Davis-Bacon amendment last year, so he has modified it. The amendment he is offering today looks less offensive instead of trying to repeal Davis-Bacon wholesale, he wants to codify the regulations the Department of Labor has been trying to write for the last 2 years. Of course, that looks innocent enough. He says, "We will just put into law what the Department of Labor is doing by regulation."

Well, every Senator should understand what Davis-Bacon workers in this country already knows. The Department of Labor's so-called modifications cut the heart out of Davis-Bacon and violate the will of Congress. They constitute repeal in substance, if not form, and that fact cannot be disguised simply because we are not taking the law off the books.

In July Judge Harold Greene of the D.C. district court in Washington prevented the Department from implementing the very regulations Senator Nickles wants to codify. We still have to wait for a final ruling in the case, but it is pretty obvious to me that the Department of Labor ought to demonstrate that it understands what we told it to do 50 years ago when it was created, and that before we are asked to substitute their judgment of what is best for the construction workers of this country.

This is not the time or place to be discussing the Davis-Bacon. Unemployment in the construction industry is over 20 percent.

Instead of spending our time trying to cut workers, wages, we ought to be talking about how to put the millions of Americans who have lost their jobs since Ronald Reagan got his job, back to work.

We should reject the amendment offered by the Senator from Oklahoma so we can get to my jobs amendment which begins to address our real problem by putting 200,000 workers back on construction sites.

Mr. NICKLES. Mr. President, ever since the Reagan administration arrived in town, it has set out to control spiraling Federal expenditures. To its credit, in most cases it has chosen to deal with the inflationary Davis-Bacon Act through constructive administrative changes. It has been over 1 year since the administration commenced the process of administrative reform of the act, and yet the act and the original regulations still remain intact. I might point out to my colleagues that the administration's fiscal year 1982 budget figures project a savings of $220 million based on their proposed administrative reforms.

Preliminary 1982 is about over and Davis-Bacon relief is still not in sight. In fact, I doubt if these administrative reforms will ever be finalized because of the court challenges by the opponents of reform. In July the Federal District Court in Washington, D.C., imposed a preliminary injunction against the DOL's efforts to change the regulations issued pursuant to the act.

Mr. President, the amendment that I am offering is designed to codify the pending Davis-Bacon regulations proposed by the Reagan administration. I stress that it is essentially codification of the reg changes; it is not a drastic addition or expansion of these regulations.

My amendment is designed to accomplish four things: First, it in- timidates the threat of Davis-Bacon and application of Davis-Bacon mandated wages. Currently, all direct Federal "construction," "repair," or "alteration" contracts in excess of $2,000 require the application of the Davis-Bacon Act. Likewise, for most federally assisted construction contracts. My amendment increases the $2,000 threshold to $100,000. This change may not be accomplished through the regulatory process, as my colleagues undoubtedly know. A change of this nature requires a change in the statute.

By raising the threshold to $100,000, we will eliminate, on an annual basis, perhaps 15,000 of the 125,000 Federal or federally assisted contracts that require Davis-Bacon applications (source—Federal Procurement Data System). I must repeat in terms of the scope of the Federal construction programs, only about 2 or 3 percent of the dollars spent—far less than $1 billion—will be affected by this change. Local small contractors and their employees will be the principal beneficiaries of an increased threshold. Importation of high urban rates into rural areas would no longer be a problem in these small contract situations. Government paperwork will also be reduced considerably, as the hearings held by Senator Favor's Subcommittees on Federal Spending Practices and Open Government in October 1979 so ably demonstrated. Ample justification exists for increasing the threshold; $2,000 went a lot farther in the thirties than it does today. As originally conceived in 1931, small contracts for repair or alteration were exempt from the law. Because of inflation, this is no longer the case.

I note that several years ago Senator Exon offered a similar amendment raising the threshold—an amendment that was later so watered down that it bordered on ridiculous when finally accepted by the Senate. Today we again have a chance to make a significant change in the law in response to the justified criticisms leveled at the administration of the Davis-Bacon Act. I am confident that we will be standing here now and time again until finally significant
changes or repeal are enacted by this body.

The second part of my amendment simply adds the term "helpers" whenever the term "laborers and mechanics" appears throughout the act. This change recognizes the Department of Labor, whenever wage surveys are conducted or wage determinations are issued, to provide for helper classifications in addition to journeymen classifications, but only where helpers are indeed utilized in that locality. In other words the DOL would have to recognize prevailing local practice—as the ordinary practice, they frequently refuse to bid and outside contractors with an imported work force. The helper classification will stimulate employment and training opportunities for our Nation's youth, the highest unemployed sector of our work force.

The third provision of my amendment incorporates a statutory definition of "prevailing wage" directly from the administration's proposed regulatory changes. Specifically, prevailing wages would henceforth be determined under a majority rule (50 percent) or, absent a majority, a weighted average.

For example, if the same wages is not paid to an identifiable majority of those employed in a specific classification, this amendment provides that the prevailing wage will be defined as the average of basic hourly rates paid to workers in the classification, weighted by the number employed at each specific rate within that classification.

The fourth and final part of my amendment distinguishes between construction performed in urban and rural areas. So called "rural" classifications or, alternatively, pay only.

I might point out that the DOL has been utilizing subjourneymen classifications for years in both union and nonunion apprenticeship programs. This nonstatutory arrangement takes into account prevailing local practice in urban areas, but fails to take into account the use of semi-skilled helper classifications commonly utilized in rural areas, particularly in those circumstances. As a consequence of Labor Department practice, local contractors in the more rural areas frequently are not in a position to bid on Federal or Federally assisted projects. This, of course, is contrary to the goals of the Davis-Bacon Act—to protect local contractors and their employees from displacement by outside contractors and their employees. My amendment would benefit local contractors and their employees by, I reiterate, requiring the DOL to recognize prevailing local practice. I submit that it is past time for the Congress to redirect the DOL bureaucracy back to the original purpose of the act. The Senate can do so by accepting my amendment today.

Moreover, the "helper" classification will provide unskilled or partially skilled workers an opportunity to work and become trained to perform a particular task within a craft. This provides more opportunity for under-utilized minorities, females, young workers and those, traditionally, limited in the work force. The helper classification will stimulate employment and training opportunities for our Nation's youth, the highest unemployed sector of our work force.

The second part of my amendment provides that the DOL to recognize prevailing local practice. I submit that it is past time for the Congress to redirect the DOL practice. This bill has four objectives.

First, it would change the contract dollar threshold level above which the Davis-Bacon Act would be applicable from $2,000 to $250,000. Second, it would mandate the Department of Labor (DOL) to determine wage rates for the helper classification on Davis-Bacon projects. Third, it would change the current DOL practice of making Davis-Bacon wage determinations. Presently, DOL often relies upon the "30 percent rule." In labor markets in which no one wage is paid to a majority of construction workers in a given classification, DOL will make a wage determination based upon the one rate paid to the greatest number of workers in that class, provided such rate is paid to at least 30 percent of those employed in that class. This bill would define prevailing wage as that rate paid to 50 percent of construction workers in a given class; if one rate is not paid to such a proportion, the bill would require a weighted average of the rates paid to that class be the prevailing wage. Fourth, the bill would require DOL to make more localized Davis-Bacon wage surveys to prevent urban wage rates from influencing wage determinations in more rural locales.

This bill provides more opportunity for under-utilized minorities, females, young workers and those, traditionally, limited in the work force. The helper classification will stimulate employment and training opportunities for our Nation's youth, the highest unemployed sector of our work force.
6. Basis of estimate: The fiscal impact of the threshold provision was estimated by first determining the amount of federal direct and federally-assisted construction which would be affected by the change. This was done by taking the amount of new federal direct and indirect construction spending, as called for in the fiscal year 1983 budget, and inflating it for fiscal years 1984 through 1987 by CBO’s deflator for non-residential construction. Against this was applied a distribution of federal construction dollars by total contract amount, obtained from the Federal Procurement Data Center, to determine the volume of federal construction which the bill would exempt from Davis-Bacon jurisdiction. This dollar amount was then distributed by type of construction: building, residential, and heavy and highway construction. DOL estimates of the labor share of total construction costs by type of project were then applied to these dollar volumes. Finally, a GAO estimate of the percentage of federal construction cost increases attributed to Davis-Bacon was multiplied by the estimates of labor’s share of total construction costs for the exempted contract threshold levels to derive final estimates.

The fiscal impact of the helper provision was derived by taking a DOL estimate of the number of journeymen on Davis-Bacon projects in 1982 and inflating it for fiscal years 1983 through 1987 by Data Resources, Inc.’s forecast of increases in contract construction employment. These estimates were then reduced by 7 percent to adjust for those projects which will be exempt from Davis-Bacon’s new threshold modifications. There seems to be no standard industry ratio of the numbers of helpers to journeymen on construction sites, with several industry and academic sources, it was decided to use an assumed ratio of one helper to five journeymen in order to derive estimates of the number of helpers employed on Davis-Bacon projects in fiscal years 1983 through 1987. An estimate of annual average hours worked in construction was calculated by taking the mean of average construction hours worked per week for the last ten years and multiplying it by the weighted average of weeks worked per year in construction obtained from the March 1981 Current Population Survey. To derive an estimate of the wage dispersion between journeymen and helpers, the 1981 average hourly construction wage was inflated by 7 percent per year, the average rate by which construction wages have been increasing. After contacting several industry sources, it was determined to use 50 percent to represent the proportion of journeymen’s wages paid to helpers. The product of the estimated number of helpers, average annual hours worked, and 50 percent of the journeyman wages plus the wage gap between journeymen and helpers formed the estimate of savings.

The fiscal impact of the prevailing wage change provision was estimated by first determining the amount of federal construction which would be subject to Davis-Bacon after the threshold change. This was distributed to residential, building, and heavy and highway construction categories. The labor cost component of each of these categories was then estimated using the DOL estimates of labor’s share of construction costs. DOL estimates of the percentage increases in construction costs attributable to the use of the “30 percent rule” were then applied to the estimates of labor share to determine final savings estimates.

Because of lack of data, no fiscal impact was able to be calculated for the more localized wage survey provisions.

An alternative set of estimates for a $100,000 threshold was also calculated. These are displayed below:

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<tr>
<th>Fiscal Year</th>
<th>1982</th>
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<th>1987</th>
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<tr>
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<td>$1,030.79</td>
<td>$3,030.73</td>
<td>$1,158.94</td>
<td>$1,276.45</td>
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</table>

Mr. HATFIELD. Mr. President, under the unanimous-consent agreement I now move to lay on the table the Nickles amendment and ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is the motion by the Senator from Oregon to lay on the table the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EXON (After having voted in the negative). Mr. President, I have a live pair with the Senator from Michigan (Mr. Riegle). If he were present and voting, he would vote "aye." I have voted "nay." I therefore withdraw my vote.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. Durenberge) and the Senator from Illinois (Mr. Percy) are necessarily absent.

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

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. Riegle) is necessarily absent.
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The PRESIDING OFFICER. The yeas and nays were ordered.

Mr. HATFIELD. Mr. President, I yield to the Senator from New Mexico for the purpose of a colloquy.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman. I wish to discuss House Joint Resolution 599, the joint resolution making continuing appropriations for fiscal 1983. The continuing resolution is, of course, only a temporary measure until the passage of the appropriations bills later this year. As a temporary vehicle, it allows us to continue the current status of most programs with little funding adjustments upward or downward. It is, indeed, temporary. It is not the final word for 1983. There are indeed more concerns, if there are indeed more concerns than what we have already discussed in the last 3 days.

In the nature of most continuing resolutions, the language of this resolution specifies that the funding for most accounts will be at the House bill level or at the Senate bill level, whichever is lower. In instances where only one House of Congress has a specified bill level, the account is to be funded at the bill level or the current year rate, whichever is lower. There are some exceptions to this general rule of thumb by the Interior Subcommittees. The Interior Subcommittee bills and the Labor, Health, and Human Services are to be funded at current operating rate.

At this point, I seek some clarification—Mr. President, I might tell the committee, is that a correct characterization of the committee's intent?

Mr. HATFIELD. Mr. President, that is a correct characterization.

Mr. DOMENICI. I thank the Senator. I also note that individual elements of this continuing resolution differ—in some cases substantially—from the allocations made under section 302(b) of the Budget Act by the Committee on Appropriations. I might say at this point that I have a table which I have attached which indicates the 302 allocations that were agreed upon before this resolution and the continuing resolution as it is before us. The Administration have estimated the 302 that occurs on the day the budget resolution passed, we have not seen fit to add the entitlement increases that occur over the budget resolution estimates. We have given credit to the Appropriations Committee for that and we now have for the Senators' review for the Record a chart of each of the functions of Government based upon a continuing resolution priced at the full year cost, and all can see that.

The administration has testified that it will use the 302 allocations as a benchmark for appropriation of individual appropriations bills. I ask the chairman of the committee this question: Is it his intention to abide by the 302(b) allocations when the individual appropriations bills emerge later this year?

Mr. HATFIELD. Let me say to the Senator, "Yes," to answer his question. But I would like to go back for just a second and comment briefly on his observations, made just now. The Budget Committee's analysis further calculates in all the so-called further requirements which they and the Congressional Budget Office estimate will be necessary later in the year. Some of these will pay costs for the military and food stamp requirements. I recognize that the Budget Committees must try to estimate the full-year impact, but let me reiterate what I have said repeatedly. That is that this is a stopgap measure.

The Committee on Appropriations, resolve is to stay within its 302(b) allocations when it returns to the regular bills in the lameduck session. That is good friend from Oregon. I have interpreted the definition of "current operating rate" to mean all entitlements are funded in this resolution at what we anticipate the full year's cost will be and that, with the exception of one or two accounts, the aggregate of all other programs will be frozen at fiscal year 1982 budget authority levels.

I ask my friend, the chairman of the committee, is that a correct characterization of the committee's intent?
an unshakable commitment and we will address these further requirements when we work on the fiscal year 1983 supplementals for pay and other urgent items.

Mr. DOMENICI. Let me just say the Senator is correct in these estimates. They show the Senators and, certainly, the distinguished Appropriations Committee is aware of them, where we will have to be to comply with the 302(b) allocations on the individual appropriation bills. We have included the items which are generally accepted as later funding requirements that are going to have to be added over and above the assumption of the continuing resolution.

If we are wrong on some of those, obviously, if they are not spent, we will have money to spend somewhere else. I have looked at them carefully, and my judgment is that they will all be spent. They are in here and identified. If you continued for the full year, you would be about $2.9 billion over in outlays. I acknowledge you would be significantly less in budget authority, but I would also remind Senator that budget authority reduction is principally related to budget authority for outyear housing costs.

Mr. HATFIELD. Will the Senator yield at that point?

Mr. DOMENICI. I would be pleased to yield.

The PRESIDING OFFICER. The Senate will be in order.

The Senator will proceed.

Mr. HATFIELD. Mr. President, let me comment. Of the total $2.9 billion figure in outlays which the Budget Committee represents as being over the allocation, $2.5 billion of that amount is made up of savings unallocated to the subcommittees. I want to make that point very clear. I think that shows up in the table the Senator is including in the Record. The chairman of the committee, therefore, is talking about $4 million or one-tenth of 1 percent.

I also note that at least one item which the Budget Committee allocates for the transportation subcommittee, namely the reauthorization of the Federal highway program, has been stricken today on the floor, reducing the total budget authority by $3.8 billion.

I hope that my colleagues will not make a rash conclusion that this continuing resolution is in any way a budget buster. It provides our best judgment of emergency funding until the Congress can do its work on the regular bills.

Mr. SCHMITT. Mr. President, will the Senator yield for a comment on one specific item?

Mr. DOMENICI. Sure.

Mr. SCHMITT. In support of the full committee chairman, Senator Hatfield’s comments, we have made the best judgments we can on one of the largest lines in this chart, Labor, Health and Human Services, and Education. We just do not think under the current circumstances and with the tata that we have been able to get, which is almost nothing, on what current operating levels means to the various agencies, that you can be this precise in the estimates.

We would estimate, based on our experience with this budget, that the budget authority was about $90 billion and the outlays were about $101 billion, but the limit of error on that estimate, as well as I believe any estimates made at this time, are far in excess of the differences indicated on this table.

So I think we are well aware of what the Senator from New Mexico is raising as an issue. It is certainly the intent of this subcommittee to stay fully within the allocations provided by the full committee. I believe that we would certainly be able to do that provided the Senate will cooperate. We will certainly be able to do it in committee.

Mr. DOMENICI. Mr. President, let me say to both my distinguished colleagues from Arizona and the chairman: Obviously if I had the intention of coming to the floor and seeking to modify the continuing resolution, they know me well enough to know that I would not be here at 9 o’clock tonight, just before we vote, to offer my approaches to changing it. I do not have any suggestions. I do not think I am suggesting that we are going to end up breaking the budget. I did not say that yet. I merely said, giving the committee all the credit that we can give them under the budget resolution, and using the exact form that we use to extrapolate a continuing resolution out over a year—parenthetically, we have done that all the time in scorekeeping except once when we wanted to get out of here and we decided to score keep only on the days that we were funding, and so obviously it did not break the budget because it was only part of a year.

There is also one additional scoring procedure we have used. We have adjusted for the entitlement excesses for which the Appropriations Committee is not responsible. Where the entitlements went up in the budget, we said let us take that increase out because the discretionary appropriations should not have to accommodate that increase. When we are finished with all of this, I may well tell Senators that some of the appropriations bills, if carried out on the basis of this resolution, are very, very high over the crosswalk and some are very, very low versus the 302(b) allocations.

I am not suggesting that we cannot fix it. I am merely suggesting that the longer we wait to fix it, the harder it will be.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. DOMENICI. Mr. President, I ask that we have 2 additional minutes. I will be finished.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOMENICI. I would like to close this discussion of how this bill compares to the first budget resolution funds. We have done that on an annualized basis. The chart is attached. This resolution expires on December 22. We are not scoring it on 3 months but on the full year. I can state that it is $10.6 billion under this budget authority and on the basis I have just described, no other basis, $2.9 billion over in outlays.

With respect to the credit budget, House Joint Resolution 599 provides $38.2 billion in direct loans, $79.3 billion in primary loan guarantees, and $83.3 billion in secondary loan guarantees. These amounts are $4.3 billion less than the Appropriations Committee’s First Budget Resolution crosswalk allocation for direct loans, $1.6 billion more than its allocation for primary loan guarantees, and equal to its allocation for secondary loan guarantees.

I commend the committee for their exemplary work on the budget, but I ask unanimous consent that the tables showing the relationship of the reported bills together with possible later requirements be printed in the Record.

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

HOUSE JOINT RESOLUTION 599, THE CONTINUING RESOLUTION AS REPORTED IN SENATE [1] (in billions of dollars)

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<tr>
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<tr>
<td>Defense</td>
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<td>472.4 463.3 483.5 492.9 -10.6 2.9</td>
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[a] This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the continuing resolution. The 302(b) crosswalk is approximately completed, possible later requirements, and adjustments to keep entitlements at the levels assumed in the first budget resolution.

Mr. DOMENICI. I thank the distinguished chairman for his comments.
September 29, 1982

CONGRESSIONAL RECORD—SENATE 25837

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, in the spirit of debate, I can only say that this is a budget buster. We need to go back to the public record made on the urgent supplemental when we saved $1.4 billion. In that bill we actually appropriated $1.4 billion less than what the President asked for, and be characterized that as a budget buster. Now we are $2.9 billion over, and there is all kinds of noise about buy now and pay later. I will give you a categorical commitment that when we vote on this, I will not support it.

The time is upon us and we are not within the budget resolution. It is $2.9 billion over, and there is no other way that the distinguished Senators here tonight, can rationalize this.

The gentleman from New Mexico said, "I know all the little ideas about..." what he says. But it has nothing to do with whether or not this continuing resolution busts the budget or not. The Senator from South Carolina does not know. Nobody in this Chamber knows what those totals will be.

Mr. HATFIELD. Mr. President, during the preparation of the committee report accompanying the continuing resolution a few technical and typographical errors were made. To avoid any misunderstandings I ask unanimous consent that the following list of corrections to the report be printed in the Record:

There being no objection, the list of corrections ordered to be printed in the RECORD follows:

CORRECTION TO THE CONTINUING RESOLUTION RACECAR (S. RAWLINS BILL)

On page 5, the Department referred to in the paragraph on the Pacific Basin is the Department of Health and Human Services. The Department of Health and Human Services is the section of the government that is responsible for the health and human services of the United States. The paragraph should read: "resolution, the number of institutions participating (4) in the program will re-..."

On page 18, in the first line in the paragraph on the Community Services Block Grant, the word "included" should be inserted after "has".

On page 8, in the first line in the paragraph on section 138, the word "has" should be replaced by "recommended".

On page 16, in the seventh line of the third paragraph under the heading "Vocational Education", the word "reduction" should be replaced by "education".

Mr. BENTSEN, Mr. President, I approach the committee by Senator AMES and myself regarding the need to assure an extension of current funding levels for the highway program through fiscal year 1983. The impact of avoiding any disruption in the process of improving and maintaining the Federal-aid highway system when the current law expires on September 30, is indisputable. Given the enormity of the program needs, which have been well documented during hearings held in the Committee on Environment and Public Works, it is critical that we take every effort to provide for the continuation of fiscal year 1983 authorizations.

However, the authorization of the Federal-aid highway program has been, and continues to be, within the jurisdiction of the Committee on Environment and Public Works. We are indeed sensitive to the urgency of this situation, and have, therefore, undertaken steps to enable us to complete the legislative process on 1982 high-
way legislation before the recess. A simplified, 1-year extension of the current highway program would be provided under the proposed legislation. We are hopeful that the Senate will be able to consider this bill, and an essential extension to the Highway Trust Fund, during these remaining days.

Again, those of us who are involved with the highway program are most appreciative of Senator Andrews' continued support and interest in this program. However, due to the complex nature of the highway program, it is not appropriate to address its funding for fiscal year 1983 within the continuing resolution.

Mr. D'AMATO. Mr. President, House Joint Resolution 899, the continuing resolution which we are now debating, states that for the purpose of continuing appropriations for the Department of Transportation and related agencies:

Without the amount which would be made available or the authority which would be granted under such act as passed by the Senate as of October 1, 1983, is different from that which would be granted under such act as passed by the Senate as of October 1, 1982, a department project or activity shall be continued under the lesser amount or the more restrictive authority.

The transportation appropriations bill for fiscal year 1983 as passed by the Senate Appropriations Committee contains language which prohibits the Federal Aviation Administration from reorganizing its regional office structures, or conducting any studies toward that end without the prior approval of the Senate and House Appropriations Committees. Is it the chairman's understanding that the Senate Appropriations Committee language is the more restrictive and would therefore apply in this continuing resolution?

Mr. ANDREWS. The Senator from New York is absolutely correct. The Senate language would be the operative language in the continuing resolution.

Mr. D'AMATO. I thank my good friend from North Dakota.

Mr. WECKER. Mr. President, because of the uncertainty over the interpretation of "current operating levels" I would like to obtain, for the Record, the intent of this language as it relates to three critical programs for the disabled. With regard to the Education for the Handicapped, Vocational Rehabilitation, and Developmental Disabilities Committee, has provided language calling for funding based on "current operating levels" in order to insure that no ground is lost in these vital areas as a result of keeping funding at the fiscal 1982 level during these times of high inflation. It is my full intention that sufficient funds are included in this joint resolution to account for inflation or other economic factors.

For the Education of the Handicapped basic State grants program, I understand that in order to maintain the same level of services for the same number of students served during the previous fiscal year, an increase of approximately $56 million would be required, raising the total amount to $987 million for fiscal 1983 on an annual basis.

With regard to maintaining the current operating level for developmental disabilities programs, the resolution should raise the funding to an annualized amount of $61,180,000. Since $61,080,000 is the authorized amount for fiscal 1983, a larger increase for the purpose of maintaining current operating levels is not possible.

In addition, let me assure the Senator that should any misunderstanding prevail regarding the levels provided in this continuing resolution, which I fully expect are sufficient to maintain current activities for the disabled, we can revisit those programs when we act to mark up our fiscal year 1983 funding bill for the Departments of Labor/HHS/Education and related agencies—or extend the continuing resolution to a total of 90 days. I am sure that I can count on the Senator from Connecticut to play an active role in guaranteeing necessary funding levels for all programs affecting the disabled at that time.

Mr. WEICKER. I thank the Senator.

Mr. WEICKER. As a matter of clarification, is it the intention of the Appropriations Committee that the funding level for Special Projects (sec. 310-316), and Projects With Industry and Business Opportunities for Handicapped Individuals authorized under the Rehabilitation Act, be continued at least at the same level, and in the same proportion as in fiscal 1982?

Mr. SCHMITT. The Senator is correct.

Mr. WEICKER. Further, is it the intention of the Appropriations Committee that the level of funding for each program and project under the Education of the Handicapped Act continue at least at the same level and in the same proportion as in fiscal 1982?

Mr. SCHMITT. The Senator is correct.

Mr. WEICKER. I thank my colleague for this clarification.

Mr. TSONGAS. Mr. President, today I was scheduled to address the 25th annual convention of the Massachusetts State Labor Council, AFL-CIO. However, the Senate is expected to vote today on legislation that I consider to be critically important to the labor movement. One amendment being offered by Senator Helms, to the continuing resolution would restrict the use of union dues for any political purposes. The other being offered by Senator Metzenbaum, attempts to rectify the situation involving unemployment compensation in the states.

After conferring with the State and national AFL-CIO labor leaders, I decided that staying in the Senate to vote against the Helms' amendment would better serve the important labor agenda which we all are committed to continuing.

I ask that a copy of my speech be printed in the Record.

The speech follows:

STATEMENT OF SENATOR PAUL E. TSONGAS: September 29, 1982

These are tough times in America. Our Labor Day this month, the 100th anniversary of the nation's tribute to its working men and women, unem-
worse. Talking about the Administration's foreign policy the other day, Ed Muskie asked, "If we are not going to hell, then where are we going?" While we have been talking just as well about the cur-
rent economic policy. It combines larger budgets with tax cuts, producing huge defi-
cits. The result is a mess, and it is showing little sign of getting better.

There is a bright side to the picture, however, in the sense that the best salesman the Democratic Party has ever had. Many of those who strayed from the party have taken a hard look at Reaganomics and come hurrying back. This is espe-
cially true of organized labor.

Public opinion polls show that union members are returning home to the Demo-
cratic Party. In 1980 only 47 percent of union members voted for the Democratic presidential ticket. Recent polls have found that at least 62 percent of the labor vote is likely to go to Democratic congressional candidates this fall.

Furthermore, union endorsements have been falling more consistently in the Demo-
cratic Party than in the Republican Party, more than ever, has been putting its money where its mouth is. Last year the AFL-CIO began funneling $100 million through the Demo-
cratic National Committee. The new finan-
cial pipeline into Democratic headquarters is strengthening the bonds between labor and the party.

The heightened partisanship is evident, too, in the AFL-CIO plan to vote in Decem-
ber 1983, a Democratic, more than a Repub-
lican candidate. By taking such an early and intense interest in the selection of the Demo-
cratic candidates, the AFL-CIO is showing emphatically behind which party's banner it stands.

Clearly, labor is coming home to the Democratic Party—and not a moment too soon. Many Democratic candidates now find the odds stacked against them because of money.

Money has become the nuclear weapon of American elections. The cost of running a closely contested congressional campaign can consume millions of dollars. To wage a re-
spectable campaign demands heavy in-
vestment in television and radio advertising. A well-funded candidate has the obvious edge.

Democrats in this country, and especial-
ly in the South, Republicans, have been using campaign fund-raising into a fine-tuned, high-technology science. The main tools are computers and direct-mail appeals. The latter are often coordinated by political action committees, PACs. A particularly im-
portant new source of Republican funds are the corporate and trade association PACs, which are expected to collect more than $65 million for this year's elections.

Dollars are flowing into Republican coff-
ers as never before. The Republican Na-
tional Committee is sucking $146 million into congressional campaigns, while the Democratic National Committee lags far behind with only $19 million to spend. A number of conservative PACs have raised millions for the same purpose. A third
bankroll GOP candidates this year. For ex-
ample, Senator Jesse Helms' National Con-
gressional Campaign Committee has $5 million to spend, among right-wing candidates for Congress. Another PAC, the National Conservative Political Action Committee, has more than $7 million for the same purpose. A third
Fund for a Conservative Majority, has $2 million.

Happily, organized labor is rising to the challenge. Like the conservative fund-rais-
ers, labor is modernizing its campaign appa-
ratus. The AFL-CIO, for example, has com-
puterized its voter lists for a major registra-
tion effort, using direct-mail and television as campaign devices to maxi-
mum effect. Union PACs have been contrib-
uting steadily larger sums to congressional candidates, and the figure is expected to top $14 million.

Of course, money by itself is never decisive. The appeal of the candidates, issues, and grassroots organizing are all important. In these areas I believe the Democratic Party, with the full support of labor, can have the advantage.

Now let me turn to the issue that I think ought to concern the Democratic Party this year. The issue is jobs. That must be the number one item on our agenda. It is a pol-
itical cliche to say that we must get Amer-
ica back to work. Cliche or not, the proposi-
tion holds more than ever: the nation is fall-
ing its people, and falling badly, unless it does everything possible to assure that there is a job for every American willing to work. Nothing is more basic. It is part of the conventional wisdom that neither to this land from Greece and brought your father or forefathers here from some other coun-
tries.

How can we honor this covenant that is what America is all about?
First, the federal government must commit itself to the job of rebuilding the nation's infrastructure. More than two of five bridges in the United States need re-
placement; 25 percent of our roads are in disrepair. The need for water and sewer treatment facilities has exceeded localities' capacity by a factor of three.

If we permit the public infrastructure to decay, the nation will be the poorer for it-
literally. Roads, bridges, water and other public services are essential to our economic well-being.

To keep out infrastructure in good repair will be costly. The tab just to fix what now needs fixing would amount to something be-
tween $600 billion and $3 trillion, depending on which estimate you believe. It is an effort that will require a massive Federal In-
volvement. Slogans, stoppings, and veto-
procedure remedies are no answer. A proposal I of-
tered in the Senate a year ago could help point the nation toward the kind of long-
term commitment that is necessary. Under the proposal, I would authorize a sepa-
rate Federal budget for capital items like highways, port facilities and subway sys-
tems. Once capital items are set apart, they can be financed more rationally over the long haul.

One way or another, the Federal govern-
ment must act to end the neglect of our in-
frastucture. By doing so, we not only can pres-
ters American jobs back to work.

Second, we must redirect money into eco-
nomic growth by scaling down our bloated military budgets. The Reagan Administra-
tion is calling for a Pentagon budget over the next five years of $1.5 trillion. This stag-
gering figure is twice as much as we spent combating the Soviets on military spending.

The next time you hear someone in the Reagan Administration saber-rattling about the Soviets, I hope the figure that helps put an unemployed auto worker back on the job.

Admittedly, money spent on the military boosts employment. But military dollars create fewer jobs than most other kinds of public spending. Figures compiled by Repre-
sentative Les Aspin of Washington show that the Department of Defense creates 40,000 jobs per $1 billion at its disposal. However, an extra $1 billion in the public sector would create 76,000 jobs if spent on housing, 100,000 jobs if spent on teachers and 151,000 jobs if spent on retraining youths through the Job Corps.

These figures are revealing. They illus-
strate how the oversized military budget is robbing the nation of the job-creating in-
fluence that the economy needs now. It is time we fixed this wrong-headed policy.

Third, the nation must do more to guaran-
tee access to the full opportunity for learning. Obviously, a worker with skills is no longer in demand is a loss to the economy.

We must have financial incentives to assist labor unions and private employers in covering the costs of retraining workers. Rapid technological change may contribute to reduced overall output, but it also can avoid the gap between workers' skills and the employment needs of industry. I believe the Federal gov-
ernment must help in bridging that gap.

In recent months, as the economy has gone from bad to worse, hardship, fear and self-doubt have been creeping away at the American spirit. I understand what hard times can do to a worker, a family, a commu-

Mr. McClure. Mr. President, I would like to engage the Senator from Oregon (Mr. Hartfield) in a brief collo-
guy regarding section 101(h) of the Joint resolution before us today. Spec-
cifically, I wish to clarify the intent of the proviso which prohibits the reduc-
tion of employees of the Department of Energy below levels in effect on September 30, 1982.

Mr. Hartfield. Mr. President, the November 28th, 1982 Supplemental Appropriations Act, Public Law 97-287, provides minimum employee levels for the Department of Energy. Federal agencies and activities of the Depart-
ment of Energy which fall under the jurisdiction of the House and Senate Appropriation Subcommittees on the Department of Energy and Related Agencies. May I ask the distin-
guished chairman of the Appropriations

SECTION 101(h) OF H.R. RES. 599

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guished chairman of the Appropriations
tions Committee, Mr. HATFIELD, if the aforementioned proviso contained in section 101(h) of this joint resolution will alter the personnel levels established in section 303 of the fiscal year 1982 Supplemental Appropriations Act?

Mr. HATFIELD. Mr. President, I can assure the Senator from Idaho that the personnel levels established in section 303 of the 1982 Supplemental Appropriations Act will still be in effect notwithstanding passage of this proviso contained in section 101(h) of House Joint Resolution 599. In addition, let me assure the Senator that this proviso applies only to energy programs within the energy and water appropriations subcommittee and only for the duration of the continuing resolution.

Mr. McCULLOUE. I am correct, then, that the provisions of section 101(h) of House Joint Resolution 599 will, if signed into law, not supersede the provisions of section 303 of Public Law 97-257?

Mr. HATFIELD. The Senator is correct.

Mr. McCULLOUE. I thank the Senator for his clarification of this provision.

UNION STATION

Mr. STAFFORD. Mr. President, late last year Public Law 97-125 was enacted. That legislation authorized the rehabilitation of Union Station here in Washington. Under that law, the Secretary of the Interior holds responsibility for the building until specifically requested by the Secretary of Transportation to transfer control to the Department of Transportation. No such request has been made, although I hope and anticipate that it could be accomplished in the very near future, after providing for the necessary continuity for such things as the roof construction work.

In any event, the Department of the Interior has taken a position that it no longer will be responsible for the Union Station building as of Friday, the start of the new fiscal year.

The intent of Congress, Nor was that anticipated under Public Law 97-125.

Because the continuing resolution bases the Department of the Interior spending levels on fiscal year 1982 levels, it is clear to me that money exists in this resolution for the Department of the Interior to continue to operate Union Station, until required to make the transfer to DOT.

I would ask the distinguished floor manager of the resolution if he agrees with my assessment, that the Interior Department should continue to operate the building?

Mr. HATFIELD. The Senator from Vermont (Mr. STAFFORD) is correct. The Department of the Interior should continue to operate Union Station under this resolution until the transfer occurs.

PREVENTIVE HEALTH PROGRAMS

Mr. BUMPERS. Mr. President, although we are in a rush to enact this continuing resolution so the Government can continue to operate, I am pleased that a few programs have been dealt with in a way that will insure that their effectiveness is not jeopardized until we can deal with the regular appropriations bill. Two programs of particular importance to me, the maternal and child health block grant program and the childhood immunization program, will continue to operate effectively and I want to commend the chairman of the Labor/HHS Subcommittee, Mr. Schiffer, for his work in this regard.

Under the Senate version of this bill, the immunization program is to receive $39 million, an increase over last year's level that takes into account the fact that vaccine costs have gone up about 44 percent in the last 2 years and are going up an additional 15 percent this year. Without a significant increase in funding, we would not be able to immunize nearly as many children, and the end result will be an outbreak of several diseases and untold human suffering.

The committee report on this bill also clarifies the issue of whether or not supplemental appropriations bills will be used in determining the "current rate" or "current operating levels." The committee report provides:

The committee, in agreeing to the proviso in the House-passed resolution for continuing activities under the Department of Labor, Health and Human Services, Education and Related Agencies, based on current operating levels, as defined in this report, intends that such levels reflect "current rate" or "current operating levels." The committee report provides:

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Therefore, the maternal and child health block grant program, which only received $347.5 million in Public Law 97-92, but received an additional $24.5 million in the urgent supplementary appropriations bill will be able to operate at a level of $372 million during the period of this continuing resolution. Even though I believe we should be spending more than the $372 million on this vital program, I am pleased that the program can continue for the next several months without any unnecessary disruptions.

Mr. DeCONCINI. It is my understanding, and I would appreciate confirmation by my distinguished colleague, the chairman of the Foreign Operations Subcommittee, that, under the continuing resolution, funds will continue to be available for this purpose.

Mr. KASTEN. Mr. President, according to the provisions of the continuing resolution, funding is now being undertaken by the Agency for International Development including reconstruction assistance for the residents of southern Italy, will continue to be funded at the same level as in fiscal year 1982 until a regular appropriations bill is adopted.

AGGREGATE FUNDING

Mr. SCHMITT. Mr. President, I rise to seek a clarification of the report language accompanying House Joint Resolution 599, continuing appropriations for fiscal year 1983. On pages 3 and 4 of the report, reference is made to the determination of aggregate funding levels at the account level, rather than at the level of component activities of individual accounts. It is my understanding that this report language does not apply to the Departments of Labor, Health and Human Services, and Education.

This distinction is important because in the past the Departments of HHS and Education, with the concurrence of the subcommittees, have traditionally arrived at aggregate funding levels by summing amounts determined on a subactivity basis. I strongly believe that this method of determination should continue.

In fiscal year 1982 this issue was the focus of discussion at a meeting attended by officials of the General Accounting Office, departmental policy officials, and staff of the House and Senate Appropriations Committees. The conclusion reached by participants was that the subactivity level would be the level utilized for determination of aggregate funding levels in these departments. I want to assure that this practice continues under this joint resolution, and any extension of it.

Mr. HATFIELD. The Senator is correct that the report language to which he refers was not meant to apply to...
those departments covered by the Labor/HHS Subcommittee. Because there was a very real question as to the application of the “Lower of Month” wind shear standards at the subaccount level rather than the account level in the eyes of the Comptroller General last year, we wanted to settle this issue for the other subcommittees. For the Labor, HHS Subcommittee, however, since it works with a widely accepted subaccount structure, it is the committee's intent that the exception established last year be continued under this continuing resolution. I agree with the Senator in this matter.

WIND SHEAR ALERT STANDARDS

Mr. JOHNSTON. Mr. President, the distinguished Senator from North Dakota should recall the tragedy which occurred in Kenner, La., on July 9 of this year. Pan Am's flight 759 took off in weather conditions that pilots and veteran pilots have since said were too dangerous. Four warnings were given by air controllers prior to the fatal decision of Pan Am's pilot to takeoff that sensors around the airport showed severe winds prior to these warnings, the control tower cleared Pan Am flight 759 for takeoff. A few minutes after this clearance from the tower had been given, 153 people were dead in Kenner, La.

Testimony at the NTSB hearing in the aftermath of the Pan Am crash suggested that a wall of water and severe winds crossed the path of Pan Am flight 759 during its critical takeoff stage. The severity of these weather conditions at the time of Pan Am's crash is being determined from a combination of recorded and eyewitness testimonial evidence. It appears that the full nature of the severe weather conditions in the critical takeoff stage of Pan Am's flight 759 is unavailable from recorded devices alone.

Mr. President, I wanted to discuss with the distinguished chairman of the Transportation Appropriations Subcommittee an amendment I intend to offer to the regular Transportation appropriations bill. The Senator from North Dakota is aware that our respective staffs have worked out an amendment which I will offer relating to two matters involving aviation safety. I ask that my amendment be printed at the end of this colloquy. I believe both matters are of the highest priority.

First, a study is necessary to identify recommended wind shear alert standards for denying takeoff and landing clearances for commercial and general aviation aircraft. Second, the number of wind shear sensors at Molsaint Airport in Kenner, La., should be increased in order to improve the identification and measurement of these dangerous winds.

I would like to ask the chairman of the Transportation Appropriations Subcommittee whether he has reviewed the amendment which I will offer.

Mr. ANDREWS, I would like to assure my colleague from Louisiana that I have reviewed his amendment and that I believe it is an excellent amendment. When the Senate takes up the regular Transportation appropriation bill, I intend to accept his proposed amendment. I have been informed that there are no objections from either side of the aisle to the Senator's amendment.

Mr. JOHNSTON. I thank my distinguished colleague for his endorsement. My amendment would require the Federal Aviation Administration to enter into a contract with the National Academy of Sciences by November 15, 1982. This contract would authorize the National Academy of Sciences to undertake a study for the purpose of identifying recommended wind shear alert standards. The National Academy of Sciences would utilize the services of scientists affiliated with the National Center for Atmospheric Research and the National Oceanic and Atmospheric Administration as well as engineering experts with the National Academy of Engineers in conducting this study. By April 15, 1983, the study and recommended wind shear alert/severe weather conditions standards would be forwarded to the FAA Administrator.

I would like to clarify several points about the need for both the study and the amendment contemplated by my amendment?

Mr. ANDREWS. I am confident that the Federal Aviation Administration does have authority to enter into such a contract with the National Academy of Sciences. Furthermore, there are adequate resources provided in the continuing resolution for the FAA to obligate the amount contemplated in the amendment by the Senator from Louisiana.

Mr. JOHNSTON. My amendment also calls for doubling the number of wind shear sensors at Molsaint Airport in Kenner, La. Does the Federal Aviation Administration have sufficient budget authority to enter into the contract contemplated by my amendment?

Mr. ANDREWS. Again, I want to assure my colleague from Louisiana that there are sufficient resources in the continuing resolution for this purpose. Furthermore, I expect that this colloquy between the Senator from Louisiana and myself addresses the need for both the study and the additional wind shear sensors. I also believe that this colloquy firmly establishes the intention of this body that the FAA comply with the requirements contained in the Senator's amendment during the period covered by the continuing resolution.

Mr. JOHNSTON. I thank the distinguished Senator from North Dakota. I will appreciate his cooperation and assistance during this hearing by this continuing resolution in insuring that the FAA complies with the directive of my proposed amendment.

Mr. ANDREWS. The Senator from Louisiana has my assurances.

The proposed amendment follows:

On page 8, line 6, insert the following after the word “transportation”: “: Provided further, That not to exceed $900,000 of the total amount shall be obligated by November 15, 1983 for a contract with the National Academy of Sciences to undertake a study which would identify recommended wind shear alert, and severe weather condition standards for denying take-off and landing clearances for commercial and general aviation aircraft and which would be forwarded to the FAA Administrator by April 15, 1983: Provided further, That not to exceed $150,000 of the funds provided to the Federal Aviation Administration in this Act shall be available for doubling the number of wind shear sensors at Molsaint Airport in Kenner, Louisiana.”

Mr. DOLE. Mr. President, the Senator from Kansas wishes to express his support for the compromise worked out with respect to payment of prior year claims under the Social Security Act programs.

The agreement, which prohibits payments for these claims during fiscal year 1983, does not in any way attempt to prejudice the pending court cases, nor does it attempt to change the policy set by the Senate Finance Committee and the Senate floor in 1979. Nor does it question the validity of the claims.

While recognizing the concern of the Department of HHS and the concerns of the Appropriations Committee regarding the expenditure of funds, the Senator does not wish to prohibit the States from realizing the payments in the future for legitimate claims if the courts so find.

The compromise leaves the decision with respect to scheduling of outyear payments, if they are to be made, to the Senate Finance Committee. This is reasonable given our responsibility for these programs.

MULTIPLE LAUNCH ROCKET SYSTEM

Mr. STEVENS. Mr. President, I see no need to address the multiple launch rocket system issue in the continuing resolution. The committee recommended on the regular defense appropriation bill as reported to the Senate does include instructions and funding for a second production source for MLRS. However, I would not expect the Army to take any action or make any commitment on any program change until Congress completes action on a specific appropriation for this program. The Army could go ahead and prepare the paperwork on a competitive
source so long as no request for proposal or obligation or commitment of funds is made. Meanwhile, the bill provides funding for continuing production of more than 23,000 missiles and 72 launchers, which can continue under terms of the Senate-reported continuing resolution. I should note further that there is likewise no authority for the Army to enter a multiyear procurement for MLRS. That, of course, would also have to await a final congressional determination.

Rapid Deployment Force

Mr. President, I recognize the committee's recommended restriction on the establishment of a unified command for Southwest Asia has raised concern in the Defense Department and among some Members of Congress. It would not be my intention to establish that prohibition permanently through a continuing resolution. I agree that there should be ample opportunity to debate this issue and that opportunity will certainly be available when we take up the regular defense appropriation bill for fiscal year 1983. This restriction on the Rapid Deployment Force organization is not an issue that needs to be dealt with in the context of the continuing resolution. The Department does not plan to establish such a unified command until January 1983. Thus, the restriction in the reported defense appropriation bill, which would be adopted as part of the continuing resolution, will not have any impact until the Congress reconvenes late in November, at which time the issue can be raised and dealt with.

I personally feel quite strongly that the prohibition is a good idea because it gives Congress time to consider whether another military bureaucracy is really necessary. But, as I said, that question does not need to be debated this issue when Congress returns after the election recess.

NATO Troop Commitments

Mr. President, I am aware the administration as a whole and the Defense Department in particular have problems with the committee's revisions in U.S. troop strength in Europe. I have talked to the President directly on this issue and corresponded with him, and I have assured him that there will be ample opportunity to debate this issue when we take up the regular defense appropriations bill for fiscal year 1983.

There is no need to debate this issue or try to amend the committee position during consideration of the continuing resolution. The committee instructions on ending U.S. troop strength in Europe to the level that existed at the start of fiscal year 1981 applied to 1983 end strength. That is, there is a need to handle personnel in Europe at the end of the 1983 fiscal year, September 30, 1983.

The Department of Defense will not be required to make any change one way or the other in European forces as a result of this continuing resolution as it has been reported in the Senate. Troop strength in the first few months of fiscal year 1983 need have no bearing on whatever end strength restriction Congress eventually adopts.

For my part, I would like to assure the Senate and the administration that there will be every opportunity to debate this issue when we take up the regular defense appropriation bill. If it is the will of the Senate, the committee recommendations can be amended at that time. As I said yesterday in a floor statement, I do not intend to back off the position established by the committee after a 12-to-1 supporting vote of the Defense Appropriations Subcommittee. The thrust of our recommendation is to halt the growth of U.S. troops in Europe and to expect more participation from our allies in the defense of Europe. It is a sound position, and President Reagan will be able to review the merits of that position before Congress returns from the election recess.

Meanwhile, Mr. President, I am confident we can safely pass over this issue so far as the continuing resolution is concerned without foreclosing any subsequent changes the Senate might wish to consider.

Low-Income Energy Assistance

Mr. EAGLETON. Mr. President, it has come to my attention that the Department of Health and Human Services and the Office of Management and Budget may once again attempt to dole out low-income energy assistance funds on a quarterly basis, totally ignoring the very purpose of the program to target assistance when and where low-income energy funds are most needed. The committee believes the Department should behave flexibly in this matter. It is clear, for example, that warmer States will require less money in the early part of the fiscal year than colder States, and the Department may take these factors into consideration when making appointments.

I would like to inquire of the chairman whether or not it is his intent, and the intent of the Senate under this continuing resolution, that the same report language applies to the fiscal year 1983 low-income energy assistance funds contained in this continuing resolution?

Mr. SCHMITT. I assure the Senate from Missouri that it is the intent of the committee that the Department and the OMB apportion funds to States under this program on an accelerated basis where weather conditions in the colder States warrant.

Statement in Opposition to Helms Amendment

Mr. KENNEDY. Mr. President, I was unavoidably detained in Massachusetts earlier this afternoon in order to attend the funeral of a close personal friend and was therefore unable to debate and vote on the Helms amendment. Had I been in the Senate I would have voted to table the amendment. Moreover, I want the record to reflect my strong opposition to the substance of the Helms amendment.

That amendment represented one more attempt to tamper with the constitutional rights of our citizens; one more attempt to interfere with the constitutional duties of the courts, all for the purpose of promoting the narrow concerns of another right wing special interest—in this case the National Right To Work Committee. The 97th Congress has, time and again, been asked to adopt court tampering special interest legislation. Fortunately, we have acted responsibly. We have defeated the forces of reaction, and I am pleased that, today, we have done so again.

Ever since the Federal Elections Commission was established, Members on both sides of the aisle—and particularly the majority—have regularly complained about the Commission's procedures and regaled us with stories of bureaucratic overreaching and incompetence. I have never subscribed to that view of the Commission's role. I believe in reducing the invidious influence of money in politics. The PEC has helped to maintain the integrity of our national election process and has restored the people's trust in that process. We all know that the Senator from North Carolina has been one of the principal opponents of the FEC and its role over the years.

Yet today we were asked to approve an amendment which would have put the Federal Elections Commission in the business of interpreting the Constitution of the United States. Needless to say the Commission has no such power today. Indeed Congress specially prohibited, and the courts have repeatedly held, that the Commission may not regulate speech or other first amendment rights because only the courts can delineate the scope of our citizens' rights in these areas.

In fact the Commission currently lacks the statutory authority to regulate the use of its slush fund except in connection with their use on behalf of candidates in Federal elec-
tion campaigns. The Senator from North Carolina said he wanted the Commission to issue regulations interpreting recent court cases in this area.

Those court cases involve, almost exclusively, the State and local employees. At least 16 States have laws which govern the rights of agency fee payers to rebates for that portion of union dues which are used for political purposes. The courts in these States have issued their own decisions. Yet the Helms amendment would have empowered a Federal agency to supersede those State courts. He wanted us to substitute our judgment for that of our State legislators.

It is difficult to imagine a more unprecedented intrusion by the Federal Government in an area reserved to the States.

The Federal Election Commission has enough to do. In the coming weeks it will be preoccupied with reporting political campaign expenditures, with complaints alleging violations of the act and with requests for expedited advisory opinions. Requiring the Commission to undertake at this time in an area unrelated to its primary responsibility was a bad idea.

The Helms amendment represented an attempt to use the Federal Election Commission in order to carry out a one-sided assault on the American labor movement. I am proud to join the overwhelming majority of the Senators who voted to defeat the amendment.

Mr. DeCONCINI. Mr. President, I wish to clarify a matter concerning an Indian Health Service program in the continuing resolution with the distinguished floor manager.

I am concerned with continuation of the community health representatives program during the time period of the resolution.

The President in his fiscal year 1983 budget proposal requested funds to implement the continuing resolution with the distinguished floor manager.

As the floor manager knows, this is the major field health program for Indian tribes in more than 27 States. Over 500 Alaskan Native and Indian communities depend on this program. It provides 90 percent of the skilled medical manpower necessary to operate tribal emergency medical services.

For example, without this program, the Navajo Reservation would have no ambulance drivers for their emergency medical system which spans a rural area the size of West Virginia. Other reservations would lose their entire emergency medical service technician and first responder staffs. This would be devastating for these rural reservations where immediate emergency care is crucial to individual survival in accident cases.

Terminating the program would also mean the loss of 1,800 jobs for reservation communities. This would only aggravate the present extremely high unemployment among the Indian people.

This program, which employs persons from the same community, delivers care with Federally trained personnel to the very young and the elderly and prevents costly hospital care. CHR workers help the elderly maintain a stable home health environment so they can live at home, instead of in nursing homes. They provide health education to families and reinforce vital preventative health programs like the maternal and child health program. The value of the program is clear.

Is the distinguished floor manager's understanding and intent that the valuable community health representatives program would continue under the Indian Health Service at its current level of funding during the term of the continuing resolution?

Mr. HATFIELD. That is correct.

METZENBAUM UNEMPLOYMENT INSURANCE AMPENDMENT (UP NO. 962)

Mr. KENNEDY. Mr. President, I was unavoidably detained in Massachusetts earlier this afternoon. I had a chance to talk to Senator Long on the amendment. I was paired with the Metzenbaum amendment.

When the Senate passed the tax bill in August it also voted a 10-week supplemental benefits program that went into effect on September 12. But that proposal fell short in two critical respects and effectively ignored the sense of the Senate resolution that accompanied the Senate on August 5. That resolution instructed the tax conference to undo the changes made in the extended benefits program last year. The effect of these changes is to eliminate 12 weeks of benefits in at least 30 States.

For that reason, I join with Senator Metzenbaum to offer this amendment.

This amendment contains two significant provisions to deal with the defects in the supplemental benefits program adopted as part of the tax bill:

First, every State that qualified for extended unemployment benefits on June 1 of this year would continue to pay these benefits until unemployment falls below 8.7 percent. Second, in addition the supplemental benefits program would continue until unemployment falls below 8.7 percent.

The cutoff for these programs would be based on the unemployment rate, not an arbitrary date. The rate specified is 8.7 percent which is the rate assumed in the budget resolution for the first quarter next year. In other words, if the unemployment rate meets the 8.7 percent target assumed in the budget resolution, the supplemental benefit programs would trigger off at the same time specified in the tax bill.

The changes in extended benefits would also go into effect. But if unemployment continues high, these programs would continue, as they should.

The amendment would insure that up to 49 weeks of unemployment benefits would be paid until the national unemployment rate drops below 8.7 percent. The tax bill would pay only 38 weeks of supplemental benefits in States between now and March 31.

I believe that the record level of unemployment we are now facing requires that we pay no less than 13 weeks of extended benefits in high unemployment States. The 10-week supplemental benefits program should not be a substitute for the extended benefits program.

I urge my colleagues to support the Metzenbaum amendment.

Mr. LEVIN. Mr. President. I am pleased that the continuing resolution calls for $320 million to be spent from the national defense stockpile fund for strategic materials, $200 million of which will go for the purchase of copper.

This is a much more complex issue than it appears at first glance. This is not an issue of using money from the stockpile fund for the purchase of materials for economic or budgetary purchases for which there is not a certified strategic need. There is currently a certified inventory goal, set by the administration, of 1 million straight tons of copper but currently only 29,000 tons of copper are actually in the strategic stockpile.

This is not an issue of putting blinders on the stockpile fund and requiring that it only address the need for copper. The continuing resolution provides another $120 million for purchases other than copper for which there is a certified strategic need.

And this is not an issue of selling off materials within the stockpile and using the proceeds to help reduce the deficit. The continuing resolution provides that the money come from the stockpile fund to be used solely for materials going into the stockpile for which there is a certified need.

What this provision in the continuing resolution does is provide the Congress with an opportunity to meet a certified strategic need at the same time we put some miners in the United States back to work. I am particularly sensitive to this dual benefit because as a member of the Armed Services Committee I am concerned about the fact that the needs of our strategic stockpile have been neglected in recent years, and because the only copper mine in my State of Michigan will be effectively closed down on October 1 when another 700 workers are laid off. Under this legislation double digit unemployment for over 30
months and currently has the highest rate of unemployment in the Nation—over 15 percent. This provision of the continuing resolution represents good defense policy and good economics.

There is a clear difference between purchasing materials for the stockpile which serve an economic or budgetary need but for which there is no certified strategic need, and purchasing materials for which there is a certified strategic need and which at the same time meet an economic need. One is a misuse of the stockpile, and the other is plain commonsense. Once an item is included on the list of certified strategic materials, then the rank of that item on the list should not be the sole determinant of what items on the list should be purchased. For example, it would be unwise to purchase an item which is ranked No. 2 on the list of certified strategic materials ahead of an item ranked No. 10. If the No. 2 ranked item is selling at an abnormally low price, then the only surmise that item is a country which is making a mockery of human rights, whereas the No. 10 ranked item is selling at a high price, it is produced in an economically depressed area in the United States.

During the debate on the supplemental appropriation bill last month, an amendment was offered which would have directed that all of the proceeds going into the stockpile fund resulting from the sale of strategic materials for a 15-month period be used to increase the value of copper for the stockpile. I voted against the amendment at that time because it ignored every other need of the strategic stockpile. Also, at that time I was under the impression that the grade of copper purchased for the stockpile was unlikely to include the grade produced in the State with the highest unemployment rate in Michigan, my home State. However, recently the copper production facilities in Michigan were modified and as a result mines and miners in Michigan may benefit from the stockpile's purchase of copper.

I, therefore, urge the conference representing the Senate to hold fast to the Senate position and keep this provision in the conference agreement on the continuing resolution.

Mr. ROBERT C. BYRD. Mr. President, once again we are faced with the necessity of passing a joint resolution to continue the operation of the Federal Government. Only one appropriation bill, the HUD-Independent Agencies for fiscal year 1983, which includes veterans programs, has been sent to the President at this time. Without this continuing resolution the functions of all those agencies not funded in the HUD bill would terminate on September 30, 1982. We witnessed the disruption that such a termination can cause last November when the President vetoed the continuing resolution and temporarily closed Government offices. That disruption in service to the American people was neither efficient nor practical. I sincerely hope that such a situation will not be faced again this year.

Passage of this continuing resolution will permit the ongoing operations of many programs which are important to the people of West Virginia. This resolution provides for continued funding for social security payments, and black lung benefits, as well as assistance to unemployed workers. The resolution also continues operations of the locks and dams on the Monongahela, Ohio, and Kanawha Rivers, a system of waterways essential to the transportation of coal and for other commerce. Construction on the West Virginia end of the East Huntington bridges as well as flood control work on the Tug Fork will continue under this resolution. The Elkina weather station and the Cardinal passenger train are among other items which are supported. The resolution also insures that operations in the Monongahela National Forest and Harpers Ferry National Historical Park, including the police force, will be maintained at current levels.

This joint resolution, which Congress is sending to the President today, will provide the important programs and projects until December 22, 1982. Congress will return in November to resume its work on the remaining appropriation measures.

The PRESIDING OFFICER. All time has expired.

The question is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

The PRESIDING OFFICER. 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 called the roll. Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON), and the Senator from Illinois (Mr. PACY) are necessarily absent.

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

The result was announced—yeas 72, nays 26, as follows:

(Roll Call Vote No. 373 Leg.)

YEAS—72

Abdnor, Andrew Bumpers, Cochran
Baker, Byrd, Robert C.
Benten, Cannon Danforth
Hoefert, C. D'Amato
Brady, DeConcini
Chiles Dixon

NAYS—26

Armstrong, East Metzenbaum
Baucus, Goldwater Mitchell
Bilott, Bart Nickles
Boren, Hefflin Pell
Bradley, Helms Proxmire
Byrd, Harry F.; Hollings
Jr., Kennedy Ragle
Cranston, Leahy Roth
Dodd, Levin Symms

NOT VOTING—2

Denton, Percy

So the joint resolution (H.J. Res. 599), as amended, was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. President, I move that motion on the table was agreed to.

Mr. HATFIELD. Mr. President, I now move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. MITTENING) appointed Mr. HATFIELD, Mr. STEVENS, Mr. WEXLER, Mr. MILLER, Mr. LAXALT, Mr. GARN, Mr. SCHMITT, Mr. COCHRAN, Mr. ANDREWS, Mr. ARNDOR, Mr. KASTEN, Mr. D'AMATO, Mr. MITTENING, Mr. RUDMAN, Mr. SPECTER, Mr. DECONCINI, Mr. BUMPERS, Mr. HOLGINGS, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HULLERSTON, Mr. LEAHY, MR. SASSER, Mr. DeCONCINI, Mr. BUMPERS, and Mr. BURDICK conferees on the part of the Senate.

Mr. BAKER. Mr. President, is the distinguished chairman of the committee finished with the last detail?

Mr. HATFIELD. Yes.

Mr. BAKER. Mr. President, let me take this opportunity to extend my heartfelt congratulations to the Senator from Oregon, the chairman of the Appropriations Committee, He, as usual, has done a magnificent job. He has handled a difficult situation in a masterful way, and we on both sides of the aisle have come to expect no less from the Senator from Oregon because of the good work he does on behalf of every Senator.
Even though some Members agreed and some disagreed with the final judgment of the Senate, in my view the important point is that the Senate made decisions and that we finished a bill, an essential bill, in a reasonable period of time and with fair concern for the rights and the obligations and the points of view of every Senator.

Mr. President, I extend my congratulations to the distinguished ranking minority member, the Senator from Wisconsin (Mr. Proxmire).

Without the assistance of the minority leader it would have been impossible to reach the point we have reached tonight. Once again I find myself in his debt for having made it possible for us to give every Senator his turn at bat and to produce a result, favorable result in my view, in a reasonable period of time.

Mr. ROBERT C. BYRD. Mr. President, I am delighted to congratulate the majority leader for pressing ahead and completing action on this measure.

I know it looked difficult at times, but I have also found it is a little darkest before dawn, and I thank him and commend him.

I also commend the chairman, Mr. Hatfield, for his characteristic courtesy, understanding and charity toward all. I congratulate Mr. Proxmire on his diligence, skill, and good workmanship, and I think the Senate has done well.

Mr. BAKER. Mr. President, I thank the minority leader and I am most grateful to him.

I would add only one final word with respect to the excellent staff on behalf of Senator Hatfield and Senator Proxmire who, indeed, made it possible for us to keep track of this complex measure and to deal with it. I believe, in a rational and realistic way.

Mr. President, I would like now to announce there will be no more record votes today. There is a great volume of work that yet remains to be done, and I would like to inquire of the minority leader about the status of certain measures that we may be able to consider tonight, and others that are in prospect for tomorrow before we get on to the business of routine matters that can be done by unanimous consent.

Mr. HATFIELD. Mr. President, will the Senate yield for one brief response? I want to thank the majority and minority leaders for their generous remarks. I know Senator Proxmire and I appreciate very much the support we have had throughout this entire effort of our leadership on both sides of the aisle, Senator Baker and Senator Robert C. Byrd.

We could not have accomplished it without the leadership support.

I want to pay a special tribute to Tom van der Voort and Keith Kennedy, the top staff persons on both sides, because without that type of staff support we would have been without the ability to accomplish this task. So I want to make a special comment concerning our outstanding staff.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I am advised that the conference report on HUD appropriations is here, and the distinguished chairman of the Banking Committee and the chairman of the Subcommittee on Appropriations has advised me he is ready to proceed on that. Do I understand so far as he agreeing votes of the two Houses on the conference report, that it would not require a record vote?

Mr. GARN. That is correct.

Mr. BAKER. I thank the Senator.

Is the minority leader in position to advise me as we move forward with the conference report this evening?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I thank the Senator.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES—CONFERENCE REPORT

Mr. BAKER, Mr. President, I submit a report of the committee of conference on H.R. 6956 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreement of the two Houses on the amendments of the Senate to the bill (H.R. 6956) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of today, September 29, 1982.)

Mr. GARN. Mr. President, yesterday, the conferees on H.R. 6956 met and resolved the differences between the two passed versions of the bill. While I know that many conferees would have liked to see higher levels of funding for various programs, the budgetary constraints we are under did not allow us that luxury. I do believe, however, that the conferees were able to reach fair and equitable agreement that represents a wholehearted attempt to minimize Federal expenditures in fiscal year 1983.

I would now like to highlight some of the major agreements of the conference and would also ask unanimous consent that a table showing the budget authority total for the conference be included in the Record.

HUD—ANNUAL CONTRIBUTIONS

Unfortunately, the conferees were not able to reach an agreement on the items dealing with the assisted housing provisions as contained in the Senate-passed version of the bill. These provisions included 18,000 units of elderly housing, 3,000 units of Indian housing, $1,000,000,000 of modernization funds for public housing and extension of the deadline for financing adjustment from October 1, 1982 to January 1, 1983. Therefore, the conferees deferred funding of the assisted housing programs until such time as an authorization bill is passed.

COMMUNITY DEVELOPMENT GRANTS

The conferees agreed to provide $3,486,000,000 for community development block grants as proposed by the Senate. In addition, the conferees agreed to delete House language limiting the amount available for the Secretary's discretionary fund to $45,500,000.

URBAN DEVELOPMENT ACTION GRANTS

The conferees agreed to provide $440,000,000 for urban development action grants (UDAG) as proposed by the Senate, rather than $340,000,000 as proposed by the House. In addition, the conferees have indicated their concern with the distribution of UDAG funds among large and small cities and would hope that the authorization committees address this concern. Finally, the conferees have deleted language proposed by the House limiting the amount of new budget authority available for small cities to $10,000,000.

HUD REORGANIZATION

The conferees agreed to bill language which would prohibit HUD from expending funds prior to January 1, 1983, to plan, design, implement, or administer any reorganization of the agency without the approval of the Appropriations Committees.

EPA

The conferees agreed to provide $548,613,200 for salaries and expenses. In providing this amount, the conferees provided an additional $10,500,000 for personnel compensation and benefits with the understanding that these funds will provide sufficient funding to preclude any reductions in positions during fiscal year 1983. The conferees have indicated that they expect OMB to increase EPA's fiscal year 1983 employment ceilings accordingly. In the event that additional resources are required, the conferees expect to receive a supplemental request for additional funding.
The conferees agreed that the balances in the disaster relief fund should be kept commensurate with the obligations of the fund. Therefore, the conferrees agreed to provide $150,000,000 for disaster relief as proposed by the Senate. With the amount agreed to by the conferrees and an estimated carryover of $31,000,000 from previous years, there will be a total of $81,000,000 available for disaster relief assistance during fiscal year 1983.

N A S A

The conferees provided an additional $200,000,000 for a variety of NASP programs in NASA. Two specific additions require additional clarification. The conferrees earmarked $170,000,000 over the budget request for the development, procurement and Operations needed to support the Centaur program for Centaur consists of $43,000,000 in the 1982 budget request and would become available through the cancellation of the IUS kick stages for the Galileo and NASP missions. Similarly, the $40,000,000 earmarked for small satellites over the budget request consists of $43,000,000 appropriated for this purpose and $3,000,000 available through cancellation of the kick stages.

On another matter, the conferrees included bill language that would take effect upon the enactment into law of the NASA authorization act for 1983. The language provided an additional $128,000,000 over the budget request consists of $3,000,000 for the operation of the Antarctic program and the Cleveland clinical addition. The conferrees agreed to provide advanced funding for these two projects later in fiscal year 1983 if these projects are included in the VA fiscal year 1983 budget request. The conferrees supported the concept of providing funds for these projects in time for the 1983 construction season. It was also agreed that neither the House nor Senate conferees would recommend new projects in the VA's fiscal year 1984 budget as a result of advance funding these two projects.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1983 recommended by the Conference Committee, with comparisons to the fiscal year 1982 amount, the 1983 budget estimates, and the House and Senate bills for 1983 follow:

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With the deferral of the assisted housing program, two provisions added to H.R. 6956 in the Senate, two provisions which I supported—the extension of the deadline for the financing adjustment factor (FAF) to January 1, 1983, and the so-called Moynihan amendment postponing the implementation of tenant rent increases—felled inclusion in the conference agreement.

Despite the deferral of funding for an assisted housing program, the conferrees have, however, recommended funding for a number of HUD programs as well as for other programs funded by the bill.

For the section 202 housing for the elderly and handicapped program, the conferrees recommend a loan limit of $15,000. There are, however, no section 8 unit reservations to be used in conjunction with these funds. Thus, any projects requiring reservations...
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will have to depend upon recapture or canceled units.

For public housing operating subsidies, the conference recommendation is $1.350 billion, the House figure. This amount, which is a carry-over from fiscal 1982, should come close to covering 1983 requirements. Furthermore, the conference bill requires the Department to obligate each public housing development corporation to submit its financial statement to the authority in a timely manner.

The conference has recommended a limitation of $35.8 billion for the Federal Housing Administration’s (FHA) loan guarantee program. This is only slightly below the fiscal 1982 level and reflects the intention that ample mortgage insurance be available should the hoped for revival in the housing market materialize.

The Solar Energy and Energy Conservation Bank is funded at $20 million under the conference recommendations.

The agreement for the community development block grant (CDBG) program is $3.456 billion, the same as the Senate amount and the budget request. The House limit on the Secretary’s discretionary fund was deleted.

The entire amount requested for the Department of Housing and Urban Development (HUD) is $3.456 billion, the same as the Senate, House, and proposed budget. HUD’s discretionary fund was reduced.

The conference has recommended a $3.3 billion fund for the comprehensive national fire protection and control program, as compared to a Senate recommendation of $3.4 billion. Within the Senate’s request, the conference deleted the House limitation of $2 million on earthquake research.

For the Federal Emergency Management Agency (FEMA), the conference figure is $549.8 million. Under FEMA’s Senate and House amounts, the conference deleted the House limitation of $2 million on earthquake research.

For the research and development activities of the National Aeronautics and Space Administration (NASA), the agreement includes $5.1 billion. This amount includes an addition of $5 million for technology transfer and/or technology utilization and an addition of $20 million to support continued work on the spacecraft and proof of concept for the advanced communications technology program—previously the 30/20 gigahertz program—so that a flight demonstration can be undertaken by the 1987-88 time period.

For the National Science Foundation (NSF), the conference figure is $1.922 billion. Of that amount, $1.060 billion is for research and related activities, $30 million for science and engineering education activities, and $2.2 million for scientific activities overseas.

For the Selective Service System, the recommendation is $22.7 million.

For the medical care account of the Veterans’ Administration, the conference figure is $7.5 billion to treat an estimated 11.3 million patients in fiscal 1983 and to cover an estimated 18.3 million outpatient medical and dental appointments. The medical and prosthetic research efforts are funded at $152 million. This account will fund the agent orange studies. For general construction, the conference figure is $689 million.

Mr. President, I certainly wish the assisted housing matter could have been resolved prior to action on this bill, but that was not possible. Nevertheless, I believe we achieved a good conference agreement. I commend the chairman of our subcommittee (Mr. GARN) and his counterpart on the House side (Mr. BOLAND). I urge the Senate to adopt this conference report, the first conference report, on a fiscal 1983 appropriation bill to come before the Senate.

Mr. SIMPSON. Mr. President, I have a floor statement with regard to this conference report. I want to express my appreciation to Senator GARN and Senator HUBBRESON for their work in the conference report in regard to a number of the Veterans’ Administration programs that I had serious objections to. But I do not choose to exercise a point of order in regard to it. I appreciate the courtesy and the attention of the floor managers.

Mr. GARN. I thank the Senator from Wyoming.

Mr. SIMPSON. Mr. President, as chairman of the Senate Committee on Veterans’ Affairs, I do wish to express my support of the provisions of S.R. 6956 concerning fiscal year 1983 appropriations for the Veterans’ Administration. I note that under the conference report, the appropriation for the medical and prosthetic research account has been increased by a total of $15 million above the level of the President’s request. This action is consistent with the actions and concerns of the Veterans’ Affairs Committee with regard to fiscal year 1983 funding for the VA’s very important research efforts in light of the substantial reductions that were made in this account in the fiscal 1982 appropriations process. I note also that the medical care appropriation has been increased by approximately $17 million, $12.5 million of which is designated for additional nursing support and $4.3 million to maintain a minimum census of 10,000 community nursing home patients.

One item in this bill, however, causes me a great deal of concern. The conference report contains a House provision appropriating $3 million for the design and site preparation phase of a replacement outpatient clinic in Los Angeles, Calif. The rationale for this project, which is intended to meet a total of $28.5 million, is that, in the long term, new construction is likely to prove far more cost-effective and practical than the present lease arrangement.
tient clinic. The Senate version of this bill had recognized these problems, but had stopped short of appropriating the money, suggesting instead that the VA should prepare and submit a budget request at the earliest possible time.

The problem, Mr. President, is that the inclusion of an appropriation for this project is in violation of the provisions of section 5004(a) of title 38, United States Code. Section 5004(a) provides, flatly and unambiguously, that no appropriation may be made for any project which involves a total expenditure of more than $2 million unless both the House and Senate Veterans’ Affairs Committees have first adopted a resolution approving such project. As of this date, neither the House nor the Senate Veterans’ Affairs Committee has adopted such a resolution. In fact, the VA has made no request, either formal or informal, for this project, and the Senate Veterans’ Affairs Committee has before it absolutely no information, whether submitted by the VA or any other source, attempting to justify a project of this nature. A pretty poor way to do business.

Thus, Mr. President, this appropriation is clearly contrary to the provisions of section 5004(a) and is accordingly subject to a point of order. In the interests of the bill as a whole, and in order that we may move one step closer to having at least one other major regular appropriations bill in place before the start of the new fiscal year, I will not be the one to raise such a point of order.

But I must state most emphatically, Mr. President, that my forbearance from raising this point of order is based in no way upon my embracing of the merits of the project itself. There simply has not been enough information about this project to read a shotgun. It is impossible for us to make any intelligent decision on it—one way or the other. The Veterans’ Affairs Committee has no hard data before it confirming that new construction would in fact be more cost-effective than any available form of lease arrangement. The VA has developed no alternative plans of construction, and we have no clear indication that the present outpatient facility can reasonably be replaced for the price of $28 million, the figure upon which the present appropriation is based. This is a most extraordinary situation, and one that causes me very serious personal concern in light of the statutory responsibilities imposed upon the Senate Veterans’ Affairs Committee and myself as its chairman.

My decision not to raise a point of order against this bill is based on my support for the bill as a whole. I realize that if a point of order were to be sustained against this bill, it would have to be recommitted to conference committee, and that such a recommittal could have the effect of delaying this bill to the point where it could not possibly be enacted before the start of the fiscal year. The appropriations committee has been very carefully and very closely involved in the many desperately needed funding increases for HUD, the Veterans’ Administration, and a small army of other independent agencies. I am simply not prepared to hold up this legislation—and thereby consign the broad range of funding for these agencies to the very uncertain future that now seems to await the rest of the Federal budget under the continuing resolution—solely on the basis of this one VA construction project. And I do not enjoy martyrtom.

Rather, Mr. President, I will lend my strong support to this bill, but with the following caveats. First, it will be my expectation that, before a single penny of this $3 million appropriation is spent for design and site preparation, the VA will submit to both the House and Senate Veterans’ Affairs Committees such prospectuses as would ordinarily be appropriate to provisions of section 5004(b) of title 38; second, that such prospectus will be subject to the same scrutiny as is any prospectus submitted in connection with a project for which appropriations had not yet been made; third, that if adequate justification is not presented for this project, that I will seek expedient consideration by the Congress a resolution rescinding the funds appropriated in this bill for the Los Angeles clinic; and fourth, that if the prospectus for the design and site preparations phases of this project do meet with the approval of the committee, that further full review of all aspects of the project and its justifications will be undertaken at the time that the VA submits its request for funding of the construction phase of this project. I intend to hew closely to this scenario.

After sharing these serious reservations with my colleagues, Mr. President, I shall support this bill, and I urge my colleagues to do the same.

Mr. GARN. Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I ask that the amendments in disagreement be reported.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

The House recedes and concurs in the Senate amendments to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"Provided, That the amount payable to each public housing agency shall be obligated at least forty-five days prior to the beginning of the public housing agency’s fiscal year; Provided, further, That payments made as a result of the amounts so obligated will begin during the first month of the public housing agency’s fiscal year, and shall be made in a lump sum payment to public housing agencies receiving $15,000 or less, shall be made quarterly to public housing agencies receiving more than $15,000 and less than $80,000, and shall be made monthly to public housing agencies receiving amounts of $80,000 or more: Provided further, That funds hereofore provided under this heading in Public Law 97–101 shall remain available for obligation for the fiscal year ending September 30, 1983, and shall be used by the Secretary for fiscal year 1983 requirements in accordance with section 101(a), notwithstanding (b) of the United States Housing Act of 1937, as amended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

"Provided, That none of the funds made available in this paragraph may be used prior to January 1, 1983 to plan, design, implement, or administer any reorganization of the Department without the prior approval of the Committees on Appropriations":

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 26 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"Provided further, That of the funds appropriated under this heading, $8,000,000 shall be made available to the Department of Health and Human Services, upon enactment, and up to an additional $2,000,000 may be made available by the Administrator to the Department for the performance of specific activities in accordance with section 111(c)(4) of Public Law 96–510, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: Provided further, That management of all funds made available to the Department shall be consistent with the responsibilities of the Trustee of the Fund, as outlined in section 222(b) of the Act: Provided further, That the administrative expenses contained in the first proviso are increased by $4,706,000":

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 to the aforesaid bill.
Provided further, That the funds appropriated in this Act or in funds appropriated previously to the Foundation, not less than $189,000,000 shall be made available for the U.S. Antarctic Program operations and support: Provided further, That no funds appropriated in this Act or in funds previously appropriated to the Foundation shall be available for the advanced ocean drilling program without the approval of the Committee on Appropriations and not in excess of $12,000,000 shall be available for the deep sea drilling project without the approval of the Committee on Appropriations.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 52 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, inserted: "$154,000,000".
Mr. President, I speak in strong support of H.R. 6782, the proposed Veterans' Compensation, Education and Employment Improvement Act of 1982. I urge expedient passage of this bill which is needed to insure that the over 2,800,000 service-connected disabled veterans and the 350,000 survivors of those who gave their lives in service to our country receive the 7.4 percent cost-of-living increase in disability compensation and indemnity compensation (DIC) on schedule. This legislation is further needed to provide some important improvements in veterans' education and employment programs, as well as in certain other areas concerning such issues as insurance and mobile homes.

This bill is the end result of a process which began with hearings held on July 22 and 28 of this year by the Committee on Veterans' Affairs, which I am privileged to chair. A committee bill was reported by the committee on September 17 and passed by the Senate on September 23. Since that very recent date, the House and Senate Veterans' Affairs Committees have worked with single-minded purpose to reach the very equitable agreement contained in the measure before us today. I have been assured by a spokesman for the VA that if the measure before us is passed today, the disability compensation checks will be mailed on time to our Nation's most deserving veterans, a goal highly supported by all Members of Congress, regardless of party. When this process is delayed it causes unnecessary anguish among the recipients of VA compensation, as well as an expenditure of $0.5 million to cover the costs of mailing retroactive checks. Needless to say, we want to avoid that result on both counts.

The compromise is an equitable one which I am proud to recommend to my colleagues. The provisions of H.R. 6782, as amended in both Chambers, are explained in detail in the explanatory statement which I will ask to have printed in the Record at the conclusion of my statement. However, I would like to emphasize several of the most important aspects of the bill.

Mr. President, the Conference Report on the First Concurrent Budget Resolution, which was agreed to on June 22, 1982, reflects the intent of the Congress to provide an across-the-board 7.4 percent cost-of-living allowance (COLA) for all recipients of VA disability compensation and dependency and indemnity compensation (DIC), effective October 1, 1982.

As I am sure you remember all too vividly, this year's budget process was a long and painful one. As it evolved and some of the issues changed, as things were wont to do around this place, the original intent to restrict all COLA's by the administration was abandoned. Restricting a COLA for service-connected veterans when benefits were at stake was never encouraged. Federal benefit programs would receive a full 7.4-percent increase was an untenable decision. Therefore, on June 16, 1982, I recommended that Committee Chairman, Pete Domenici, set the budget conference was getting under way, that the Senate agree to a budget which would provide funding for a full 7.4-percent COLA for all VA pension and compensation recipients. I am most pleased that the resulting budget resolution contained my recommendation. After all, it would be intolerable to think that those who have made great personal sacrifices for our Nation would not be compensated at least as well as other Federal beneficiaries.

AMENDMENTS TO VETERANS' EDUCATION AND REHABILITATION PROGRAMS

Title II of the compromise measure concerns amendments to education and rehabilitation programs for veterans administered by the VA. The Administrator requested some legislative changes in reporting requirements with the goal of saving money for the Government or, in some cases, the schools. The committee looked into these suggested changes and found that indeed, several congressionally mandated reports have served their purpose and are no longer needed. Vocational schools have been relieved of the requirement to report on their graduates' employment. Through other means, the Congress and the VA have succeeded in removing major abuses from the "system," so vocational schools may now be granted a reasonable rate of return and relieved from costly Government requirement. Another example of a measure in this bill to save the Government undue expense is the provision which gives the Administrator of the VA authority to suspend GI bill educational payments at schools where there is a pattern of noncompliance with reporting requirements. If schools do not report on veterans who drop out of school or change their status from full to part time, for example, the VA goes right on paying GI bill benefits which are unwarranted. These overpayments are very difficult to recoup once they are made. Most schools do a very good job at reporting on their veterans' status. But where a few are lax, the VA can avoid overpayments by expediting its new authority to suspend payments. I believe we are moving toward a solution to the overpayment problem which greatly concerns me and my colleagues on the Veterans' Affairs Committee.

REPEAL OF 1989 TERMINATION DATE FOR GI BILL

Mr. President, for the second year in a row, the Senate has passed a measure to repeal the December 31, 1989, termination date for the GI bill. For the second year, the House has opposed this measure, favoring instead, the passage of a new GI bill to replace the veterans' educational assistance programs which are now expired. VEAP is, in effect for the All Volunteer Force.

A year ago, it was not so clear just which course the Congress should take toward a new GI bill. The Senate agreed that legislation be held back until the administration could study the effects of VEAP and tell the Congress how it assessed its needs. In March, DOD announced that it opposes the passage of a new GI bill at this time, but that it would work to have the 1989 GI bill termination date eliminated because it creates an incentive for highly skilled, valuable career military to leave the service to use their benefits before 1990. Since recruitment for the military is at all time high, since the caliber of volunteers is increasing and the participation in VEAP is improving, and since a new GI bill program has never before been initiated in peacetime, even when budgets were expanding instead of contracting, I had hoped that the House would accept the Senate's proposal to repeal the termination date. Not so. Once again the House is of the opinion that a new GI bill must be approved, even though it is not currently needed and would be unjustifiably expensive. The Senate's modest proposal to help the military keep its careers, contained in S. 2813, was not accepted in the compromise effort, to my great regret.

VETERANS' EMPLOYMENT AMENDMENTS

Title III of the proposed bill contains numerous provisions to help the Department of Labor, improve upon the ASPE and its outreach programs. It addresses problems which have plagued the Assistant Secretary for Labor for Veterans' Employment (ASVE) since the Congress enacted legislation in 1980 to have the ASVE oversee all DOL programs for veterans. Both the House and Senate Committees have agreed to continue the current Senate version with regard to these programs. This bill as introduced, for instance, would place the Office for Veterans Reemployment Rights under the aegis of the ASVE so that veterans' problems with reemployment would receive closer attention. It would also make clear that the State Directors for Employment Services were intended by Congress to be furnished secretaries who are Federal employees, not State employees. And while the proposed bill clarifies many points with regard to the implementation of the discharge to reemployment program (DVOP), both committees had to be satisfied with only general statements of their desire to have that program fully funded. Every
avenue was explored to find a way to congressionally mandate those funds, but none was fruitful. As is noted in the explanatory statement, the best solution appears to be for the Department of Labor to include a line item request in its budget for that particular program. I do trust that the congressional intent on this issue will be considered fully by the Secretary of Labor.

**TITLE IV PROVISIONS**

In title IV of the proposed measure, it pleases me to point out that the Veterans' Affairs Committees, in consultation with the Armed Services Committees, have sought to define the minimum length of service required before veterans may be granted benefits under programs administered by the Federal Government other than the VA. We believe this legislation, if enacted, will clear up some inequities and confusion.

One of the most controversial matters addressed by this legislation is the issue of contracting out under OMB circular A-76. Under the conference agreement, contracting out would be permitted within the VA health-care system, but only where there would be no adverse impact on direct patient care, and only where savings of at least 15 percent would result. The conference agreement provisions would also establish restrictive standards for the conduct of studies comparing the cost of contractor performance with the cost of performance in-house by Government employees, and would impose a series of new reporting requirements on the Administrator's contract authority. The conference agreement provisions would not, however, affect any existing VA contract authority.

I strongly believe that the entire Federal Government should be in as cost-effective a manner as possible. This does not mean simply the cheapest manner, nor that we must cut corners simply to save a few dollars, but it does mean that we should pursue the most economical method of providing quality health-care services to eligible veterans.

Mr. President, despite our successes elsewhere in the proposed bill, I am disappointed by the Senate's failure to reach agreement with the House on Senator Thurmond's amendment to S. 2913, which I cosponsored, and which would have authorized a pilot program to test the Senate version with certain additional restrictions, the most significant of which are the reporting requirements that I have alluded to earlier. I would simply call my colleagues' attention to the introductory language to this provision, which is retained in substantially unchanged form from the Senate version, where it is reaffirmed that it is the policy of the United States that the Veterans' Administration, in pursuing this goal of cost effectiveness, shall continue to maintain a comprehensive, nationwide health-care system capable of providing quality health-care services to eligible veterans.

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Correction of Technical Error with Respect to Certain Survivors' Benefits

Both the House bill and the Senate amendment would amend section 410(b)(1) of title 38, to provide that for the purpose of computing compensation for dependents and survivors of veterans whose deaths were due to service-connected disability, DIC rates for certain survivors of veterans (those who suffered service-connected disabilities rated totally disabling for specified periods of time but whose deaths are not service connected) so as to provide that the requirement that the veteran had been in receipt of compensation for a service-connected disability rated as total for 10 years prior to death (or for 5 years continuously from the date of discharge) is met if the veteran would have been in receipt of such compensation for such period but for a clerical or computational error regarding the award of a total disability rating. Both the House bill and the Senate amendment would also repeal the requirement that the veteran had been in receipt of DIC for 10 years prior to death, but would make a lump-sum payment to survivors who would have been entitled to benefits prior to that date if the amendments had been effective October 1, 1982.

The compromise agreement contains this provision

Repeal of Earlier Rate Adjustment

The Senate amendment, but neither the House bill nor H.R. 6794, proposed the "Veterans' Employment and Education Assistance Act of 1982", as passed by the House on September 30, 1982 (hereinafter referred to as "H.R. 6794"), would provide that the provisions of title I of the Senate amendment supersede the provisions of section 410 of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253), which made various adjustments, effective January 1, 1983. In the rates of compensation and DIC, Subsection (a) of section 405 of that Act expressly contemplated the enactment of the legislation embodied in this compromise agreement providing for compensation and DIC increases—to be effective October 1, 1983, and to be computed in the same manner as the increases in the compromise agreement have been computed—-with the express intent that these increases supersede the adjustments made in section 405 before they take effect.

The House recedes with an amendment providing that section 405 of Public Law 97-253 is repealed.

Part B—Program Improvements

Compensation Rate Increases for Certain Blinded Veterans

Both the House bill and the Senate amendment would amend section 314 of title 38, effective October 1, 1982, to raise by one full step (from subsection (m) to subsection (n)) the statutory designation that determines the rates of special monthly compensation payable to veterans who suffer from blindness without light perception in both eyes.

The compromise agreement contains this provision.

The House bill, but not the Senate amendment, would further amend section 314, effective October 1, 1982, to provide payment of special monthly compensation, under subsection (p)(2), at the next higher intermediate rate (not to exceed a specified statutory maximum) to veterans who suffer from both service connected blindness, with 50 percent visual acuity or less, and service-connected anatomical loss or loss of use of one hand or one foot.

The Senate recedes.

TITLB II—EDUCATIONAL ASSISTANCE

Veterans' Counseling and Educational Services

Both H.R. 6794 and the Senate amendment would amend subchapter IV of chapter 3 of title 38, United States Code, to repeal the mandatory nature of the veterans' representative program, the so-called "vet-rep" program. H.R. 6794 would repeal section 243 of that subchapter and amend section 242 to permit the Administrator to outsource veterans' benefits counselors at educational institutions and other locations to provide assistance regarding benefits under title 38 and to provide outreach services. The Senate amendment would amend section 243 to delete the existing provisions which relate to the vet-rep program and make it mandatory, and instead to make it discretionary with the Administrator to outsource vet-rep services for those purposes.

The House recedes with an amendment deleting the reference to "veterans' representatives" and with other technical amendments.

Repeal of 50-Percent Employment Rule for Vocational Schools

Both H.R. 6794 and the Senate amendment would amend section 1673(a) and 1723(a) of title 38 to repeal the general requirement that for vocational objective courses to be approved for VA educational assistance purposes the institution offering the course must show that at least one-half of the course graduates obtained employment in the career field for which training was provided.

The compromise agreement contains these provisions.

Technical Amendment Relating to the 85-15 Rule

Both H.R. 6794 and the Senate amendment would amend section 1673(d) of title 38 to clarify that the restriction on the enrollment of veterans in courses where more than 85 percent of the expenses are in respect of educational assistance purposes the institution offering the course must show that at least one-half of the course graduates obtained employment in the career field for which training was provided.

The compromise agreement contains this provision.

Charge to Entitlement for Pursuit of Independent Study

Both H.R. 6794 and the Senate amendment would amend section 1682(e) of title 38 to clarify that the rate at which entitlement to GI Bill educational benefits is charged for programs composed wholly of independent study shall be at the rate at which benefits are paid but in excess of the less than half-time rate.

The compromise agreement contains this provision.

Modification of Restrictions on Allowances for Dependent Children

Both H.R. 6794 and the Senate amendment would amend section 1508 of title 38 to revise the restriction on the payment of allowances for dependent children for individuals whose children are not in receipt of compensation. Both bills would permit the payment of allowances to veterans who have been incarcerated as a result of a conviction of a felony.
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H.R. 6794 would repeal the provision in current law that specifies that payment of the subsistence allowance to such veterans who are residing in halfway houses or participating in work-release programs may be made if the Administrator determines that all the living expenses of a veteran are not being defrayed by the veteran or the veteran's family, employer, or local government. The Senate amendment would provide that the prohibition on the payment of the subsistence allowance to veterans who have been incarcerated for the conviction of a felony does not apply to a veteran residing in a halfway house or participating in a work-release program.

The House recedes.

Both H.R. 6794 and the Senate amendment would amend section 1682(g) of title 38 to require the Administrator to make an educational allowance to an individual who has been incarcerated for the conviction of a felony does not apply to those residing in halfway houses or participating in work-release programs.

The House recedes.

Both H.R. 6794 and the Senate amendment would amend section 1780(a) of title 38, relating to the prohibition on payments of VA educational assistance allowances to incarcerated veterans and eligible persons (1) for any course to the extent that tuition and fees for the course are paid under another Federal, State, or local government, and (2) for any course for which no tuition and fees are charged. H.R. 6794 would limit the applicability of the prohibition to veterans and eligible persons incarcerated for the conviction of a felony; the Senate amendment would repeal the prohibition.

The Senate recedes.

Both H.R. 6794 and the Senate amendment would amend section 1683(g) of title 38 to update a reference to another provision of law.

The Senate amendment, but neither the House bill nor H.R. 6794, would amend section 1780(b) of title 38 to update a reference to another provision of law.

The Senate recedes. The Committees note that this reference would be updated by section 4(38) of H.R. 4623, a technical amendments bill to amend titles 10, 14, 37, and 38, United States Code, to codify recent law and to improve the Code, as passed by the House on July 19, 1982.

Clarification of Class Hour for Purposes of Laboratory and Shop Courses

H.R. 6794, but not the Senate amendment, would amend section 1780(a) of title 38 to shorten the weekly attendance requirements for veterans and eligible persons who are pursuing vocational, post-secondary, or work-release programs in order to provide them with a 10-minute period of time at the end of a laboratory or shop course to enable them to go to their next class hour.

The House recedes.

Clarification of Targeted Delimiting Date Extention Authority

The Senate amendment, but neither the House bill nor H.R. 6794, would amend section 1662(a) of title 38 to provide for delimiting period extensions for the use of GI Bill benefits for the pursuit of secondary education, apprenticeship or other on-the-job training, or vocational training, so as to clarify Congressional intent with respect to the granting of these so-called "targeted delimiting dates" which extend the period of time during which these extensions are available. Under the Senate amendment, a veteran would be eligible for a targeted delimiting date extension for apprenticeship, other on-job, or vocational training unless the veteran's particular employment and training history is examined and shows that the veteran is not in need of the training in order to obtain a reasonably stable employment situation consistent with the veteran's abilities and aptitudes. The Senate amendment would extend for one additional year—until December 31, 1984—the period of time for which a veteran may use GI bill educational assistance under the targeted delimiting date extension provision. The Senate amendment would require the Administrator, within 30 days after the date of enactment, to publish, for public review and comment, proposed amendments to the regulations incorporating this provision. Also, the Senate amendment would require the Administrator to approve new enrollments in the course when the institution finds that the course falls to meet an approval requirement of chapter 36 of title 38, or if the institution discontinues the course for which the individual has received educational assistance, notice of the discontinuation is given to the SAA and the institution involved; the institution must either have refused to take corrective action or have failed, within 60 days (or other longer, reasonable period determined by the Administrator), to take corrective action; and the Administrator must give no less than a 30-day notice to the SAA and the institution involved of the intent to suspend benefits, together with the reasons, to the eligible veterans and eligible persons who would be affected.

The House recedes.

Modification of Reporting Requirement on Default Rates under Educational Loan Programs

Both H.R. 6794 and the Senate amendment would amend section 1798(e)(3) of title 38 to revise the specifications for the report to be submitted annually by the Administrator to the Congress on the default rate under the VA's educational loan program. H.R. 6794 would repeal the requirements that the data that must be provided in the report be in maximum feasible detail and that the report provide data on the default experience and default rate at each educational institution. The Senate amendment would repeal any specification as to what data such reports must include.

The Senate recedes.

Administrative Implementation of Certain Department of Defense Educational Assistance Programs

Both H.R. 6794 and the Senate amendment would amend section 1622 of title 38 to authorize the Administrator to utilize the chapter 32 Post-Vietnam Era Veterans' Educational Assistance program (VEAP) fund for the purposes of receiving funds transferred by the Department of Defense for benefits under the DOD-funded educational assistance pilot program established under chapter 107 of title 10, United States Code, pursuant to section 801 of Public Law 94-442, the Department of Defense Authorization Act, 1981, and of disbursing those funds to beneficiaries enrolled in training under that program.

The compromise agreement contains this provision.

Adjustment of Computation of Benefit Payment Rate for Participation in Lump-Sum Contributions under Chapter 32 Program

Both H.R. 6794 and the Senate amendment would amend section 1683 of title 38 to provide that, for purposes of calculating the amount of a VEAP participant's monthly VEAP benefits, lump-sum contributions will be considered to be included in the participant's military pay deductions of $100, rather than $75 as under current law.

The compromise agreement contains this provision.
The committees were unable to reach agreement on this compromise agreement contains neither provision.

Both H.R. 6794 and the Senate amendment would modify the responsibilities of SDVE's and Assistant SDVE's to be functionally responsible for the supervision of the participation of veterans in the programs and to monitor the programs' implementation and operation to assure that preferences required by law or regulation are provided to eligible veterans, disabled veterans, veterans of the Vietnam era, and eligible persons are provided. The Senate amendment would require SDVE's and Assistant SDVE's to promote the participation of veterans in such programs and to monitor the programs' implementation and operation to ensure that priorities required by law or regulation are provided to eligible veterans, disabled veterans, and Vietnam-era veterans are provided.

The compromise amendment would require SDVE's and Assistant SDVE's to be responsible for promoting and facilitating the participation of veterans in Federal and federally-funded employment programs and for directly monitoring the implementation and operation of such programs. The compromise amendment would require SDVE's and Assistant SDVE's to provide particular attention to the participation of veterans in such programs and to ensure that complaints of discrimination filed under such section 2012 are resolved in a timely fashion, working closely with VA officials and cooperating with employers, to identify service-connected disabled veterans who are enrolled in or who have completed programs of vocational rehabilitation under chapter 31 of title 38; and, upon the request of a Federal or State agency or private employer, to assist the agency or employer in identifying and securing auxiliary aids and devices which tend to enhance the employability of disabled veterans.

The compromise agreement contains these provisions.

The Senate amendment, but not H.R. 6794, would further expand the responsibilities of SDVE's and Assistant SDVE's to include cooperating with the directors of VA veterans' assistance offices, established under section 242 of title 38, in order to identify and assist veterans who have readjustment problems and who need employment or training assistance.

The House recedes with an amendment including in these responsibilities the task of cooperating with the staff of Veteran's Employment and Training Programs conducted under section 612A of title 38—rather than with the directors of section 242 offices—to identify and assist veterans who have such problems and need such assistance.

Disabled Veterans' Outreach Program

Both H.R. 6794 and the Senate amendment would amend section 2003 of title 38 that are designed to improve the administration and implemen-
tation of the Disabled Veterans' Outreach Program (DVOP).

Both H.R. 6794 and the Senate amendment would make amendments with respect to the funding of DVOP. H.R. 6794 would require funds appropriated for DVOP to be appropriated from general revenues and specifically appropriated from general revenues and to be used only for the purposes specified in the DVOP authority. The Senate amendment would specify that the distribution and use of funds would be subject to the continuing supervision and monitoring of the ASVE and that such funds are not governed by the provisions of any law or regulations that are inconsistent with the DVOP authority.

The Senate amendment would authorize the Secretary of Labor specifically to request funding for this program from general revenues rather than from trust funds.

Both H.R. 6794 and the Senate amendment would amend section 2006 of title 38 to expand the Secretary's responsibilities for estimating, budget, and appropriations. The Senate amendment would broaden the scope of oversight to include the Department of Labor so as to include a requirement that the budget estimate include funds needed for the administration of chapters 42 and 43 of title 38.

The compromise agreement contains the House and Senate amendments and the compromise amendment would amend chapter 41 of title 38 and for including that estimate as a special item in the annual budget for the Department of Labor.

The compromise agreement contains these provisions:

- The Senate amendment, but not H.R. 6794, would clarify that funds for DVOP are made available for use in each State, rather than simply made available to each State.

The Senate amendment would authorize the Secretary of Labor, with the advice and consent of the Senate, to make funds available to the Secretary to carry out responsibilities of DVOP.

Both H.R. 6794 and the Senate amendment would amend section 2003A of title 38 to add a new paragraph requiring that the Secretary of Labor carry out functions under the DVOP authority through the ASVE.

The Senate amendment would require the ASVE to monitor the continued employment of service-connected disabled veterans who are enrolled in programs-in-training and to be used only for the provisions outlined in the DVOP authority. The Senate amendment would specify that the distribution and use of funds would be subject to the continuing supervision and monitoring of the ASVE and that such funds are not governed by the provisions of any law or regulations that are inconsistent with the DVOP authority.

The Senate amendment would authorize the Secretary of Labor specifically to request funding for this program from general revenues rather than from trust funds.

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known as the "Secretary's Committee on Veterans' Affairs", which would be required to meet at least quarterly for the purpose of bringing problems and issues relating to veterans to the attention of the Secretary. The Committee would be chaired by the Secretary of Labor and vice-chaired by the Administrator of Veterans' Affairs, and its representation would include representatives of the Secretary of Health and Human Services, the Administrator of Veterans' Affairs, the Director of the Office of Personnel Management, and the Chairman of the Equal Employment Opportunity Commission, the Administrator of the Small Business Administration, chartered veterans' organizations having national employment programs, and such other members as may be appointed by the Secretary after consultation with the ASVE.

The Senate recedes with amendments changing the name of the committee to the "Secretary of Labor's Committee on Veterans' Employment", adding the Secretary of Defense to the membership of the committee, and deleting the authority of the Secretary to appoint additional members. The Committees expect that the Secretary of Labor should be the member of the Committee as representatives of the Secretary those Department of Labor officials involved with issues relating to veterans. As such, the Committees authorize the Departments to Employment and Training and for Employment Standards) who the Secretary believes should serve on the Committee.

The Senate recedes. The compromise agreement contains a provision derived from these provisions.

Assignments by Veterans' Administration Insurance Beneficiaries

The Senate amendment, but neither the House bill nor H.R. 6794, would amend chapter 19 of title 38 to provide a limited expansion of the categories of persons to whom assignments of National Service Life Insurance and United States Government Life Insurance proceeds may be made by authorizing, in order to facilitate the resolution of certain disputes between persons claiming those proceeds, certain assignments of the proceeds by one claimant to another.

The Senate recedes. The compromise agreement contains a provision derived from these provisions.

Veterans' Employment in the Federal Government

H.R. 6794, but not the Senate amendment, would amend section 101 of title 38 to permit veterans who believe they were denied an opportunity to participate in a civil service examination because information about their disability was not made available to the employment service offices of the United States Employment Service, and to require OPM to investigate these complaints promptly. H.R. 6794 would further require a report on such complaints and on the number of openings listed pursuant to the title 5 requirement to be included in OPM's semi-annual reports on veterans' employment within the Federal Government.

The House recedes. The Committees are concerned as to whether the requirements of section 3327 of title 5 are being implemented in the manner called for by that law, but believe that the imposition of a complaint sanction for veterans may not be clearly warranted at this time. Instead, the Committees request the ASVE, in consultation with the Assistant Secretary of Labor for Employment and Training and the Director of OPM, to prepare and submit to the Committees no later than April 1, 1983, a report on the manner in which section 3327 is being implemented and the impact of such implementation on maximum employment opportunities for veterans in the Federal Government, as required by the Senate amendment.

The Senate recedes.

Burial Flags

Both the House bill and the Senate amendment would amend section 902 of title 38 to provide for the restoration of the $300 VA burial benefit in the cases of certain indigent wartime veterans and in the case of certain indigent peace-time veterans who had been discharged as a result of a disability or disease of duty which was non-compensable at the time of death. The House bill would provide, with respect to deaths occurring after September 30, 1982, that the VA would pay such benefits if the Administrator determines that there is no next of kin or other person claiming the body of the deceased veteran and that there are not available from the veteran's estate, or otherwise, sufficient funds to defray the cost of the burial and funeral of the deceased veteran. The Senate amendment would provide, with respect to deaths occurring after October 1, 1982, that the benefit would be paid in the cases of the same veterans if a State or political subdivision of a State has agreed to bear the cost of the veteran's burial and funeral expenses incurred after October 1, 1982, that the benefit would be paid in the cases of the same veterans if a State or political subdivision of a State has agreed to bear the cost of the veteran's burial and funeral expenses incurred after October 1, 1982, and that there are not available, other than from the State or political subdivision, sufficient resources to cover the burial and funeral expenses.

The compromise agreement contains a provision derived from these provisions, effective with respect to funerals and burial expenses incurred after September 30, 1982.

Clarification of Eligibility for Burial Benefits for Certain Veterans Who Die in Contract Nursing Home Facilities

The House bill, but not the Senate amendment, would amend section 903(a) of title 38 to authorize, with respect to deaths occurring after September 30, 1982, the VA to pay burial benefits in the cases of deceased veterans who die in a private nursing home under a contract with the VA for the veteran's care, regardless of whether the VA was bearing the cost of the veteran's care at the time of death.

The Senate recedes.

Personal Eligibility for Chapter 42 Employment Training Programs

H.R. 6794, but not the Senate amendment, would further amend section 201 to include within the definition of "disabled veteran" for purposes of chapters 41 and 42 veterans who are not in receipt of VA compensation because they have elected to receive disability retirement pay in lieu thereof. The Senate amendment would further amend section 201 to exclude such entities in both the terms "agency" and "instrumentality in the executive branch" for purposes of all provisions of title 5, relating to employment within the Federal Government.

Reports on Veterans' Employment Emphasis Under Federal Contracts

Both H.R. 6794 and the Senate amendment would amend section 201 of title 38 to require reports by employers having certain contracts with the Federal Government in amounts of $10,000 or more (and certain subcontractors of such contractors) who are required to take affirmative action to employ and advance in employment service-disabled and 30-percent or more disabled veterans of the Vietnam era. H.R. 6794 would require such contractors to file with the appropriate SDVE a report showing the total number of the employer's new hires and the number of those hires who are disabled veterans of the Vietnam era, and other eligible veterans. The Senate amendment would require such employers to file such reports annually with the Secretary of Labor and would require the Secretary to insure that the administration of the reporting requirement is coordinated with other requirements for reports from such contractors.

The House recedes. The compromise agreement contains a provision derived from these provisions.

Veterans' Employment in the Federal Government

H.R. 6794, but not the Senate amendment, would amend section 101 of title 38 to permit veterans who believe they were denied an opportunity to participate in a civil service examination because information about their disability was not made available to the employment service offices of the United States Employment Service, and to require OPM to investigate these complaints promptly. H.R. 6794 would further require a report on such complaints and on the number of openings listed pursuant to the title 5 requirement to be included in OMB's semi-annual reports on veterans' employment within the Federal Government.

The House recedes. The Committees are concerned as to whether the requirements of section 3327 of title 5 are being implemented in the manner called for by that law, but believe that the imposition of a complaint sanction for veterans may not be clearly warranted at this time. Instead, the Committees request the ASVE, in consultation with the Assistant Secretary of Labor for Employment and Training and the Director of OPM, to prepare and submit to the Committees no later than April 1, 1983, a report on the manner in which section 3327 is being implemented and the impact of such implementation on maximum employment opportunities for veterans in the Federal Government, as required by the Senate amendment.

The Senate recedes.

The compromise agreement contains a provision derived from these provisions, effective with respect to funerals and burial expenses incurred after September 30, 1982.

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The House bill, but not the Senate amendment, would amend section 903(a) of title 38 to authorize, with respect to deaths occurring after September 30, 1982, the VA to pay burial benefits in the cases of deceased veterans who die in a private nursing home under a contract with the VA for the veteran's care, regardless of whether the VA was bearing the cost of the veteran's care at the time of death.
those cases in which the VA was bearing the cost of the veteran's nursing home care at the time of the veteran's death—the same policy that had been in effect until the time of the veteran's death—the same policy that had been in effect until the time of the veteran's death. The General Counsel ruled on March 15, 1982, that no authority existed to make any such payments in cases of veterans who died in private nursing homes.

Superintendents of National Cemeteries Under the Jurisdiction of the Secretary of the Army

The House bill, but not the Senate amendment, would remove a requirement that superintendents of national cemeteries under Department of the Army jurisdiction (that is, Arlington and Soldiers' Home National Cemeteries) be "members of the Armed Forces who have been disabled in the line of duty for field services."

The Senate recedes.

Guaranteed Loans To Refinance Liens on Manufactured Homes and To Purchase Manufactured-Home Lots; Change in Nomenclature

The Senate amendment but neither the House bill, nor H.R. 6794, would amend section 37 of title 38 to authorize the VA to guarantee loans made to a veteran for the purpose of refinancing a lien on a manufactured home at the time of a one-year examination of a four-year period for a reasonable length of time when the individual demonstrates to the satisfaction of the Administrator that notification of the indebtedness was not actually received within a reasonable period after the date of notification. The provision in H.R. 6794 would be effective with respect to notifications of indebtedness made by the Administrator after the date of enactment; the provisos and amendments in the Senate bill would take effect 180 days after the date of enactment.

The House recedes with an amendment providing that the provision would be effective with respect to notifications made after March 31, 1983.

Minimum Active-Duty Service Requirement

The Senate amendment, but neither the House bill nor H.R. 6794, would amend section 3103A of title 38, enacted last year in section 604 of Public Law 97-68, the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981, which generally provides a two-year minimum-service requirement for title 38 and other VA benefits eligibility with respect to persons who entered on active duty after September 7, 1981, to provide generally uniform minimum-service requirements—based on policies parallel to those applicable under section 3103A to title 38 and other VA benefits eligibility with respect to persons who entered on active duty after September 7, 1981, to provide generally uniform minimum-service requirements—based on policies parallel to those applicable under section 3103A to title 38 and other VA benefits eligibility with respect to persons who entered on active duty after September 7, 1981, to provide generally uniform minimum-service requirements—based on policies parallel to those applicable under section 3103A to title 38 and other VA benefits eligibility with respect to persons who entered on active duty after September 7, 1981, to provide generally uniform minimum-service requirements—based on policies parallel to those applicable under section 3103A to title 38 and other VA benefits eligibility with respect to persons who entered on active duty after September 7, 1981, to provide generally uniform minimum-service requirements—based on policies parallel to those applicable under section 3103A to title 38 and other VA benefits eligibility with respect to persons who entered on active duty after September 7, 1981, to provide generally uniform minimum-service requirements—based on policies parallel to those applicable under section 3103A to title 38 and other VA benefits eligibility with respect to persons who entered on active duty after September 7, 1981, to provide generally uniform minimum-service requirements.
under the compromise agreement, the Administrator may, if the Administrator wishes, look for guidance to OMB Circular A-1. (In OMB Circular A-1, item 3.a, the phrase "cost Handbook" to the extent that they are consistent with the compromise agreement.

Chiropractic Services

The Senate amendment, but not the House bill, would amend chapter 17 of title 38 to add a new section 630 to provide for the reimbursement (or direct payment) of reasonable charges for chiropractic services, not otherwise covered by available health insurance or other reimbursement, furnished (prior to September 30, 1986) to certain veterans with neuromusculoskeletal conditions of the spine; and would limit the amount payable for such services furnished an individual veteran to $200 per year and total VA expenditures for chiropractic services to $4 million in any fiscal year.

The Senate recedes. The House Committee Chairman has given assurances to the Senate Committee that the House Committee will conduct hearings on this legislation early next year and will consider alternatives to ensure that the VA utilize its existing authority to provide chiropractic services to veterans.

Correspondence Training

The Senate amendment, but neither the House bill nor H.R. 6794, would provide that funds in the Veterans' Administration readjustment accounts be used to provide available for the payment of GI Bill correspondence training benefits unless the Congress enacts a provision in title III of the Senate Appropriations Act, and the Appropriations Committees.

The Senate recedes. The Senate Committees are not pressing ahead with this extraordinary provision at this point because it is not clear that it is necessary to take the provision to enactment at this time. The Senate Committees note that they are in total agreement with the thesis underlying the provision that all VA entitlements should be terminated or otherwise altered only through appropriations measures, as was proposed by the House last year in passing the fiscal year 1982 HUD-Independent Agencies Appropriations Act. The Senate amendment further provides that this provision would become effective on the day after the effective date of any law enacted after August 19, 1982, that the Administrator determines is inconsistent with this provision.

Mr. CRANSTON. Mr. President, as ranking minority member, I believe the pending legislation represents a fair compromise on the differences between the two bodies on this legislation, the basic purposes of which lie at the very heart of veterans programs—securing fair and just benefits for service-connected disabled veterans. The recognition of the sacrifices made and the hardships endured by our Nation's veterans are best reflected in our commitment to insuring that we meet the needs of those who bear the scars of battle and the dependents and survivors of those who have given their lives in the supreme national service to our country. The needs of veterans who suffer from service-connected disabilities and the survivors of those who have died from service-connected disabilities must always be our number one priority in dealing with VA programs—a sacred commitment which must be kept as a fundamental part of past national defense efforts.

This bill stands for the proposition that the Congress continues to be dedicated to honoring fully this Nation's debt to those veterans who have given so much of their health and lives so that all of us can live in freedom today.

Mr. President, the Senate's position on the great majority of the matters addressed in the legislation are well represented in the compromise agreement. A number of provisions of the compromise agreement—and one matter regrettably not contained in the agreement—are particularly noteworthy, and I would like to take this opportunity to discuss them.

VA Disability Compensation and Dependency and Indemnity Compensation Rate Increase

Mr. President, title I of the compromise agreement includes increases, effective October 1, 1982, of 7.4 percent in the basic rates of service-connected disability compensation and dependency and indemnity compensation (DIC). Our yardstick for this increase, as has been the Senate's guiding philosophy for 4 years now, has been to provide an increase no less than the increases in social security and VA pension rates that became effective in the preceding June. I am delighted that once again this philosophy has been vindicated in the final legislation.

Thus, the compromise agreement provides for the first time in almost 2.3 million service-connected disabled veterans and in the
rates of DIC for almost 350,000 survivors of veterans who died of service-connected causes. It is my understanding that, if the compromise agreement is approved by the Senate today, the VA will, at last, be able to program their computers so that the checks issued for the month of October—those received on November 1—will reflect the increases.

The cost of this 7.4-percent adjustment is estimated by the Congressional Budget Office to be $709.1 million in fiscal year 1983, $719.1 million in fiscal year 1984, $727.1 million in fiscal year 1985, $735.3 million in fiscal year 1986, and $743.8 million in fiscal year 1987.

**Targeted Delimiting Date Extension**

Title II of the compromise agreement contains provisions derived from an amendment—Amendment No. 1984—that the distinguished chairman of the committee (Mr. SIMPSON) joined me in introducing on July 21, 1982, and that were contained in section 208 of H.R. 6762 as passed by the Senate last week. The amendment would clarify congressional intent underlying a provision which I authored and which was enacted last year to provide for a 2-year targeted delimiting date extension for certain Vietnam-era veterans.

Mr. President, section 201 of Public Law 97-72, the Veterans' Health Care, Training, and Small Business Loan Act of 1981, which was enacted on November 3, 1981, provided GI bill benefits. This extension was targeted on educationally disadvantaged and unskilled or unemployed Vietnam-era veterans and was designed to permit an additional period of up to 2 years to pursue vocational objective or apprenticeship training or other on-the-job training (OJT) programs and, for those without high schools, to pursue secondary education level courses. As enacted in Public Law 97-72, the extension became effective on January 1, 1982, and under present law will continue until December 31, 1983.

However, the VA's manner of implementing this extension provision with respect to vocational objective or apprenticeship OJT programs reduced the determination of whether a veteran is eligible for an extension for such programs to a mechanical process. Under that process, the veteran is automatically found ineligible if any one of three very restrictive and rigid criteria apply. The VA's method of implementation provided no opportunity to permit making individualized determinations of eligibility in the cases of unemployed or underemployed veterans who are clearly in need of training despite the fact that they did not meet the VA's regulatorily imposed criteria. Because of my very deep concern that the VA's implementation was resulting in the denial of an opportunity for using GI bill benefits to a large number of Vietnam-era veterans for whom the Congress had intended that these opportunities be provided, I proposed in amendment No. 1984, a floor amendment of congressional intent with respect to the targeted delimiting-date extension.

Thus, Mr. President, I am delighted that the compromise agreement contains the provisions I authored in the Senate-passed amendment that would substantially limit the programmatic flexibility given the Administrator to make determinations regarding a Vietnam-era veteran's need for training. It would invalidate the existing regulatory provisions that so narrowly restrict eligibility for the delimiting-date extension. Instead, the provisions in the compromise agreement would establish statutory criteria under which the veteran would be determined eligible unless an examination of the veteran's particular employment and training history showed the veteran not to be in need of an OJT, apprenticeship or vocational program or course in order to obtain a reasonably stable employment situation consistent with the veteran's abilities and aptitudes.

The provisions of the compromise agreement are, as were the provisions of the amendment I originally offered, designed to permit a veteran to be denied eligibility only after a case-by-case determination and to avoid the use of any arbitrary, automatically disqualifying criteria. In addition, since many of the Vietnam-era veterans for whom the veterans' period of service have been foreclosed from the opportunity to make appropriate use of their remaining GI bill entitlements, the compromise agreement would extend the eligibility period for 1 additional year—until December 31, 1984.

In addition, I am very pleased that the compromise agreement provision would take effect as of January 1, 1982. The purpose of providing for this retroactive effect is to enable the VA to reconsider, under the new criteria, the eligibility of those to whom eligibility has previously been denied without the necessity of their submitting a new application. I had, by letter of March 17, urged the VA to maintain records on those veterans whose applications had been denied so that those veterans could be contacted in the future in the event that subsequent regulatory or legislative action modified the criteria for eligibility for extensions. The VA advised me on April 8 that they kept a record of name and claim number, of those veterans whose applications were denied. This will facilitate these reconsiderations.

Mr. President, I discussed the intent of this provision in considerable detail in my remarks upon initial Senate passage on September 24—pages S12185-89—and wish to call the attention of my colleagues to that discussion which applies fully to the provision in the compromise agreement.

I am delighted and grateful that my concerns were shared by the other body and that it concurred fully in the need for this provision. I believe that, if it is implemented in accordance with congressional intent, it will go a long way toward assisting many Vietnam-era veterans who are still encountering difficulties in readjusting to civilian life.

**Tolling of Eligibility on Account of Alcohol and Drug Conditions**

Mr. President, at the same time that I am delighted that the provisions of Amendment No. 1984 dealing with the targeted delimiting date extension have been incorporated into the compromise agreement, I am deeply disappointed that the agreement does not contain certain other provisions derived from that amendment. Those provisions would have provided for an extension—or tolling—of an Vietnam-era veteran's GI bill delimiting or vocational rehabilitation eligibility period when the veteran has been prevented by an alcohol or drug dependence or abuse condition from pursuing a program of education or vocational rehabilitation.

I regret very much that we have been unsuccessful in our third attempt to achieve enactment of provisions along these lines. In 1980, the Senate approved amendments I proposed providing for a similar tolling of the GI bill and, for that purpose, the result is, in my view, totally counterproductive to the goal of helping such individuals...
achieve readjustment and rehabilitation goals and resume more fully productive lives.

RESTORATION OF VA BURIAL BENEFITS IN CASES OF CERTAIN INDIGENT VETERANS

Mr. President, a second provision in the compromise agreement that I wish to highlight is derived from a measure that I introduced earlier this year—S. 2068. This provision would restore the $300 burial benefit in the cases of certain indigent veterans whose bodies are not claimed.

I am extremely pleased that Members on both sides of the aisle and in both Houses of Congress shared my very deep concerns that indigent veterans who served during time of war or who were discharged or released from the military for a disability incurred in line of duty should not be denied a decent funeral. Thus, the compromise agreement would provide that in the cases of such deceased veterans, the $300 burial benefit would be restored where there is no next of kin or other person claiming the body of the veteran and sufficient resources to provide for the cost of funeral expenses are not available.

LIMITATION ON CONTRACTING OUT ACTIVITIES IN VA HEALTH-CARE FACILITIES

Mr. President, I am very gratified that the compromise agreement contains a provision, based on a provision in the measure that I first proposed in Committee and that the Senate passed, that places restrictions on the VA's ability to convert an activity in the VA's Department of Medicine and Surgery (DM&S) from one carried out by VA employees to one carried out by employees of a private contractor. The recent decision of the OMB to change its guidelines on implementing OMB Circular A-76—which provides for contracting out to private entities the performance of certain functions that were carried out by Government employees—has caused an understandable measure of concern within DM&S and among those concerned about the VA's ability to fulfill its health-care mission. The provision in the compromise agreement, by identifying clearly what DM&S functions may not be converted to contractor performance and by establishing carefully defined bases for the evaluation of other activities for possible conversion, should allay those concerns.

Mr. President, the most important effect of the contracting out provision is the possibility, in so many words, that direct patient-care activities and activities incident to direct-care activities may not be considered for conversion to performance by contractor employees. The decision as to what constitutes either such activity—which, in the last analysis, is a medical decision—is placed where it belongs, with the agency's Chief Medical Director. This result ratifies a March 1980 opinion of the VA's General Counsel that determined the existence of the specific statutory mandate in title 38, United States Code, that the VA operate a health-care system to serve our Nation's veterans overcomes any administrative agreement, such as Circular A-76, relating to contracting out. The adoption of this preclusion of contracting out direct-care activities and activities incident to direct-care activities, together with the finding of Congress in the first section of the provision that it is the policy of the United States that the VA maintain a comprehensive, nationwide health-care system for direct health-care services to eligible veterans, is designed to reinforce in an unequivocal fashion the importance of the VA health-care system.

Mr. President, as to other activities in DM&S—those not direct health-care or incident to direct-care activities—the provision in the compromise agreement is less restrictive than that passed by the Senate. Whereas the Senate-passed provision required that, before contracting out could be considered, there be a determination that the cost of the activity performed by the contractor performing the activity plus the cost of the cost-comparison study be at least 10 percent less than the cost to the Government of performing the activity in-house, the provision in the compromise agreement requires that the cost be at least 15 percent lower and, in addition, sets forth more specific as to what should be the outcome of the determination that any contracting out of the activity is even stronger than that derived from provisions relating to OMB Circular A-76—which provides for the conversion of activities in the VA's health-care system.

Mr. President, the provision in the compromise agreement also contains various notification and reporting requirements that were not in the Senate-passed provision and which, in my view, improve the provision. These reporting requirements were largely derived from provisions relating to contracting out Department of Defense functions in section 502 of the Defense Authorization Act for fiscal year 1982. These reporting requirements should be enabling to the Veterans Affairs Committees to carry out their oversight responsibilities related to contracting out and thereby insure that direct patient-care activities take place only in those situations where it is clearly in the Government's best interest and where veterans eligible for VA health care will be best served. This result is very good news to those concerned about the future of DM&S, and I am very grateful to the chairman (Mr. Simpson) for working with me as we have worked with the House committee during the negotiations over this measure to develop a compromise position on this very critical matter.

CORRESPONDENCE TRAINING

Mr. President, the final issue involved in the compromise agreement that I want to address at this time is the provision dealing with GI bill benefits for correspondence training that was contained in section 408 of H.R. 6782 as passed by the Senate.

As members may recall, this provision would have provided that funds in the VA's readjustment benefits account shall remain available for correspondence training unless a restriction on their availability is enacted by the Congress in an amendment to section 1786(a)(3) of title 38 in a reconciliation bill. This provision was based on concerns that a veteran's entitlement—such as entitlement to VA correspondence training benefits—should not be terminated or reduced through appropriations action that purports to withhold the availability of funds for the payment of such entitlements.

At the time that the Senate considered H.R. 6782, the disposition of a provision, based on a provision in the HUD-Independent Agencies Appropriations Act for fiscal year 1983—H.R. 6956—that would have prohibited the payment of benefits for correspondence training was not known. During negotiations with our counterpart House committee on the compromise agreement, it was reluctantly agreed—despite the fact that both the Senate and Senate ranking minority member (Mr. Garamendi) and the Subcommittee's chairman (Mr. Simpson) fully concurred in the principles underlying the Senate provision—not to press ahead with the extraordinary provision in the Senate amendment because it was not clear that it was necessary to take the provision to enactment at this time.

I, quite frankly, had my reservations about deleting this provision from the compromise agreement. However, I am advised that the House, in the context of negotiations on the appropriations measure, has receded from its appropriations rider prohibiting the payment of correspondence training benefits. I'm delighted with this result and, at this time, want to express my appreciation to the distinguished chairman of the Subcommittee on HUD-Independent Agencies Appropriations (Mr. Garamendi) and the Subcommittee's ranking minority member (Mr. Humble) for insisting on this result and for their assistance and understanding on this issue generally.
Mr. President, we have pending before us another example of an excellently bipartisan effort that reflects our commitment to meeting the needs of those who have served this Nation in time of need. The distinguished chairman of both committees, Senator Simpson, and the Assisting Representative Morris, deserve congratulations for the development of this measure, as does the ranking minority member (Mr. HAMMERSCHMIDT) of the House Veterans’ Affairs Committee. I applaud the excellent cooperative spirit with which they and all other members of the Veterans’ Affairs Committees in both bodies approached this legislation and their dedicated efforts and that of their staffs to insure its timely enactment.

In particular, I want to express my deep appreciation for their excellent work and cooperation in reaching the compromise agreement on this measure to staff members of the House committee, Mack Fleming, Frank Stover, Rufus Wilson, Arnold Moon, Charles Peckarsky, Jill Cochran, and Richard Fuller—and especially for the, as always, most capable and most dedicated efforts House Legislative Counsel Bob Cover—as well as to the members of our committee staff, Tom Harvey, Julie Suiman, Brent Goo, Scott Wallace, Becky Hurs, Laurie Altemose, and Lucy Scoville. My special thanks to our staff for their work in developing the final text of this legislation, and preparing the joint explanatory statement on it, to go to the members of the minority staff, Barbara Polzer, Ed Scott, Bill Brew, Jon Steinberg, Ingrid Post, and Charlotte Hughes.

Finally, Mr. President, I want to make special mention of the excellent technical assistance we have received on this bill from the Veteran’s Administration, specifically from John Murphy, the General Counsel and Bob Coy, the Deputy General Counsel, from Norm Donaldson, Henry Cohen, Jack Thompson, and Mary Sears of the General Counsel’s office, and from June Schaeffer of the Department of Veterans’ Benefits. In addition I want also to thank Joe Juarez of the Office of the Assistant Secretary of Labor for Veterans’ Employment for his valuable technical assistance.

Mr. President, the compromise agreement now before the Senate is an excellent one, and it has my complete support.

I urge my colleagues to approve it unanimously.

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

The CONCLUDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER).

The motion was agreed to.

SENIATE AGENDA

Mr. BAKER. Mr. President, I have on my list of things that I would like to ask the Senate to do tomorrow or Friday, if it is necessary to extend these matters into Friday, the following:

Calendar Order No. 603, the highway reauthorization bill; Calendar Order No. 655, the career criminal bill; Calendar Order No. 541, the patent policy bill; and Calendar Order No. 543, CFTC.

There are eight legal services nominations that have been reported by the committee on Labor and Human Resources. They are nominations to the Legal Services Board of Directors.

Mr. President, there are six executive treaties that I would like to ask to be considered on a single vote but to count for six votes, to be set at a time for the maximum convenience of Senators.

Mr. President, there is Calendar Order No. 599, which is the crime bill; the jobs training bill conference report, which I mentioned earlier; the jobs conference report; and perhaps the small business bill.

There are two tax bills that have been reported out of the Finance Committee on which I understand there is agreement and that the time required to deal with technical amendments and the other dealing with subchapter S corporations.

There is the banking conference report, which the distinguished chairman of the Banking Committee indicated would not be available until tomorrow; the export trading company conference report, which is in the same status; the Uniform Customs Service reauthorization which is S. 2555, I believe.

These are items that have been brought to my attention. Mr. President, I think we can deal with them without any concern that they will not be available until tomorrow; that the Senate can be ready to go with some of these very important measures.

Mr. BAKER. I thank the Senator.

Mr. President, I am sure the Senate does not intend that to apply to all these items on here. I am also sure that the diligent minority leader and his staff will protect the interests of the Senator from Ohio.

Mr. METZENBAUM. I would say that the matters which the Senator from Ohio has indicated are very important matters which have been placed on the calendar.

Mr. ROBERT C. BYRD. Mr. President, may I respond to the distinguished majority leader? I am sure that the crime bill, on which there is a time agreement, is ready any time the majority wishes to proceed to that bill. Other matters he mentioned are being processed and possibly by tomorrow we can be ready to go with some of them, certainly on the treaties.

Mr. BAKER. I thank the Senator. I referred to the treaty and the need to check those things. There are clearance processes on both sides.

Mr. BAKER. The et cetera, et cetera, et cetera have been known to go on for days.

Mr. DOLE. Will the Senator yield?

Mr. BAKER. I yield.

Mr. DOLE. We are thinking about bringing up the noncontroversial bankruptcy bill.

Mr. METZENBAUM. Et cetera.

Mr. DOLE. Does the Senator have an interest in that?

Mr. METZENBAUM. I certainly do.

Mr. DOLE. A sustained interest?

Mr. METZENBAUM. As the chairman of the Finance Committee knows, and he is my colleague who works with me on the Judiciary Committee, I believe many of the provisions with respect to that bankruptcy measure, but there is still one very strong sticking point which would make it very difficult of passage.

Mr. DOLE. There is still the possibility for negotiation?

Mr. METZENBAUM. Always, with the chairman of the Finance Committee.

Mr. BAKER. Mr. President, I might also say that another matter that probably will compel the attention of the Senator from Ohio, and I have been advised about this since we began speaking, is that the distinguished Senator from Alaska (Mr. Stennis) would like to add to that the railroad bill, H.R. 6308.

Mr. METZENBAUM. I hope time will permit us in the next 2 months to finish all of these very important measures.

Mr. BAKER. I thank the Senator.

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Office bill and the shipping bill. I would like to recommend to the leader that if he hoped to find time to get to the other bills, that he bring them up before these two because these two will unquestionably involve considerable discussion and debate, et cetera, et cetera, et cetera.

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Mr. BAKER. I thank the Senator. I referred to the treaty and the need to check those things. There are clearance processes on both sides.
I would not expect the minority leader to be in a position to agree that all of them would be laid before the Senate tonight. The reason for giving the list tonight was so that the cloakrooms on both sides could be aware of the list as I see it at this time.

May I reiterate, Mr. President, this is not meant to be an exclusive list. Other items may be added. Some items may not be taken up. But, rather, it is a list, the best I can construct at this time, of items that may be dealt with in the course of the next 2 days.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be unanimous consent that there now be recess until the hour of 9:15 a.m. tomorrow.

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

ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW

Mr. BAKER. Mr. President, I have a great volume of routine business that I would like to invite the attention of the minority leader to. Before I do that, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the following five Senators be recognized on special orders for not to exceed 15 minutes: Senators Randolph, Cranston, Sasser, Nunn, and Tsongas.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, after the execution of the special orders tomorrow, there be a period for the transaction of routine morning business to extend not longer than 10 minutes, in which Senators may speak for more than 2 minutes each.

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

AUTHORIZATION AND DIRECTION FOR THE SECRETARY OF THE SENATE AND CLERK OF THE HOUSE TO TAKE CERTAIN ACTIONS

Mr. BAKER. Mr. President, the first item on my list which is cleared on this side for action by unanimous consent is House Concurrent Resolution 414. I inquire of the minority leader if he is prepared to consider that item at this time.

Mr. ROBERT C. BYRD. Mr. President, that item has been cleared.

Mr. BAKER. I thank the Senator. I ask the Chair to lay before the Senate House Concurrent Resolution 414.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 414) was considered and agreed to.

AMENDMENT OF TITLE 5, UNITED STATES CODE

Mr. BAKER. Mr. President, there is another matter which is cleared here. I hope that we are in a position to take it up. That is H.R. 5145. I ask unanimous consent that the Committee on Governmental Affairs be discharged from further consideration of H.R. 5145 and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5145) to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

UP AMENDMENT NO. 1344

Mr. BAKER. Mr. President, I send to the desk three amendments by the distinguished Senator from Alaska (Mr. Stevens). I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the amendments.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. Baker) for Mr. Stevens, proposes an unprinted amendment 1344.

Page 3, after line 3, insert the following new section:

Sec. 3. (a) Sections 8339(c)(1)(A), 8339(c)(2)(A), and 8334(k)(1) of title 5, United States Code, as amended by title III of the Omnibus Budget Reconciliation Act of 1982, are each amended by striking out "month," and inserting in lieu thereof "period".

(b) Section 8332(c)(1)(B) of such title 5 (as so amended) is amended to read as follows:

"(B) if a deposit (with interest, if any) is made with respect to that period, as provided in section 8334(j) of this title."

(c) Section 8334(k)(5)(A) of such title 5 (as so amended) is amended by striking out "calendar" the second and third times such term appears, and inserting in lieu thereof "fiscal".

(d) Section 8334(h) of such title 5 (as so amended) is amended by striking out "and" and "(d)" and inserting in lieu thereof "and"

(e) Section 8334(X)(1) of such title 5 (as so amended) is amended by striking out "within 90 days after the effective date of this subsection", and by striking out all that follows "December 1986" and inserting in lieu thereof a period and the following:

"The amount of such payment shall be based upon such evidence of basic pay for military service, as the Office determines sufficiency, as the Office determines sufficient evidence has not been so provided to adequately determine basic pay for military service, such payment shall be based upon estimates of such basic pay provided to the Office under paragraph (d)."

(2) Section 306(g) of the Omnibus Budget Reconciliation Act of 1982 is amended by striking out the period and inserting the following:

"except that any employee or Member who retired after the date of the enactment of this Act and before October 1, 1983, or is entitled to an annuity under chapter 83 of title 5, United States Code, based on a separation from service occurring during such period, or a survivor of such individual, may make a payment under section 8334(J)(1) of title 5, United States Code. Regulations required to be issued under section 8334(J)(1) of title 5, United States Code, shall be issued by the Office of Personnel Management within 90 days after such effectuation."

(f) Section 8342(a)(1)(B) of such title 5 (as so amended) is amended by striking out "such position" and inserting in lieu thereof "such a position."

(g) Section 8348(a)(1)(B) of such title 5 is amended by inserting after "title" the fol-
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lowing: "and in withholding taxes pursuant to section 3595(b)".

(b) Section 301(d)(1) of the Omnibus Budget Reconciliation Act of 1982 is amended by inserting after the first sentence of paragraph (1) of subsection (b) of such section: "and in withholding taxes pursuant to section 3595(b)".

(c) Section 301(d)(2) of such Act is amended by striking out "section 3595(b) or (c) of section 5532" and inserting in lieu thereof "section 3595(b) or (c) of title 5, United States Code".

Section 301(d)(3) of such Act is amended by striking out "section 3595(b) or (c) of section 5532" and inserting in lieu thereof "section 3595(b) or (c) of title 5, United States Code".

(c) Section 301(d)(4) of such Act is amended by striking out "section 3595(b) or (c) of section 5532" and inserting in lieu thereof "section 3595(b) or (c) of title 5, United States Code".

(d) Section 301(d)(5) of such Act is amended by striking out "section 3595(b) or (c) of section 5532" and inserting in lieu thereof "section 3595(b) or (c) of title 5, United States Code".

(b) The amendments made by this section shall also apply to any technician."

the United States.

The amendments made by this section shall take effect as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1982.

On page 3, after line 3, insert the following new section:

Sec. 3. (a) The Office of Personnel Management shall determine the amount by which the Government contribution under section 8906(b) of title 5, United States Code, for the 1983 contract year is less than (f) the amount calculated under subsection (d) of section 3595 of such title, by using the two employee organization payments shall be paid by the

The amendments made by this section shall take effect as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1982.

The second amendment authorizes the Office of Personnel Management to detail to agencies with vacant positions senior executives who are subject to a reduction in force.

The third amendment rechannels certain Government contributions to the Federal employee health benefits program into the contingency reserves of the health carriers.

Mr. President, I ask that a sectional analysis of these changes be printed in the Record at this point.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

SECTIONAL ANALYSIS OF AMENDMENTS TO H.R. 5145

The first amendment consists of technical changes to the Omnibus Reconciliation Act of 1982:

Section (a) provides for crediting of military service by period of service, as is the case with civilian service, rather than by month.
Subsection (b) clarifies that pre-1987 military service is creditable for civil service purposes even if the employee chooses not to make a deposit in order to obtain service credit for post-1986 military service.

Subsection (c) amends section 8334(c) to provide that the interest rate charged for each pay period of the actual period for which application is received by the Office of Personnel Management by September 30, 1982, shall be determined by the interest rate paid by that date. It also makes clear that the new interest rate provisions would apply to all deposits for military service made on or after the date of enactment of this amendment.

Subsection (d) provides that the Social Security offset for current annuities whose annuities are based in part on military service would apply in the case of annuities receiving Social Security survivors' benefits as well as those receiving old-age benefits.

Subsection (e) authorizes an employee who is entitled to a deferred annuity will be charged in the Social Security offset for current annuities to cover Social Security survivor's benefits as well as old-age benefits.

Subsection (f) specifies that the use of the 2,087 divider would apply to periods beginning in fiscal years 1984 and 1985, in order to avoid applying this formula in the middle of a pay period. It also provides that the Social Security offsets due to inflation, annuity calculations, and the payment of 2,087 divided to 2,087, will be subject to a reduction in force to the Merit Systems Protection Board.

Subsection (g) redesignates certain provisions of the Reconciliation Act of 1981, as amended, as signed by the President, on or after the Department of Defense.
EFFIGY MOUNDS NATIONAL MONUMENT

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate S. 1964, Calendar Order No. 815.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate S. 1964, Calendar Order No. 815.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill to establish a wilderness area, to acquire certain lands in the Mark Twain National Forest, Missouri, which comprise about seventeen thousand five hundred and sixty-two acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to accept a conveyance of approximately four acres of land lying east of and adjacent to the Effigy Mounds National Monument in the State of Iowa, and in exchange therefor to convey to the grantor, without monetary consideration, approximately three acres of land within the monument, all as described in section (b) of this section. Effective upon consummation of the exchange, the land accepted by the Secretary shall become part of Effigy Mounds National Monument, subject to the laws and regulations applicable thereto, and the land conveyed by the Secretary shall cease to be part of the monument and the boundary of the monument is revised accordingly.

The land referred to in subsection (a) which may be accepted by the Secretary is more particularly described as that portion of the southeast quarter of the southeast quarter of section 28 lying south and east of County Road Numbered 561, and the land referred to in subsection (a) which may be conveyed by the Secretary is more particularly described as that portion of the northeast quarter of the southeast quarter of section 33 lying north and west of County Road Numbered 561, all in township 96 north, range 3 west, fourth principal meridian, Allamakee County, Iowa.

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

Mr. BAKER. Mr. President, I request the minority leader if he is prepared to do so, I am prepared to ask the Chair to lay before the Senate Calendar No. 815, S. 1964.

Mr. ROBERT C. BYRD. There is no objection.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate S. 1964, Calendar Order No. 815.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1964) to establish a wilderness area, to acquire certain lands in the Mark Twain National Forest, Missouri, which comprise about seventeen thousand five hundred and sixty-two acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be known as the Irish Wilderness Act of 1981.

Sec. 1. In furtherance of the purposes of the Wilderness Act of 1980 (78 Stat. 290) and the Act of January 3, 1975 (88 Stat. 2096), the following area, as generally depicted on a map approved by the Secretary of the Interior on December 26, 1981, is hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, certain lands in the Mark Twain National Forest, Missouri, which comprise about seventeen thousand five hundred and sixty-two acres, and known as "Irish Wilderness", dated December 1981, and shall be known as the Irish Wilderness.

Sec. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Irish Wilderness area with the Energy and Natural Resources Committee of the Senate and the Interior and Insular Affairs Committee of the House of Representatives, and such description shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 3. The area designated as wilderness by this Act shall be a reference to the effective date of such Acts shall be deemed to be a reference to the effective date of this Act.

Mr. EAGLETON. Mr. President, I am pleased that the Senate has considered and passed S. 2710, the Irish Wilderness bill, as part of the Eastern Wilderness System. It is a proud day for Missouri. The Senate has taken a big step in preserving Missouri's crown jewel of wilderness. Since 1973, when the Senate first passed the Eastern Wilderness Act, I have been working with former Senator Symington and Senator DANFORTH in asking these valuable 17,562 acres of Irish Wilderness.

I want to thank the Senate Energy and Natural Resources Committee for holding a hearing this year and for reporting this bill without amendments. Without the chairman's cooperation, Irish Wilderness legislation would not be on the floor today.

Missouri is quite lucky. While wilderness legislation has shrunk and disappeared from many of our States, Missourians have fought to preserve some of its best geology, ecology, and natural beauty in its wilderness areas. Wilderness in Missouri, passed in past sessions of Congress, are Piney Creek, Bell Mountain, Rockpile Mountain, Devil's Backbone, Hercules Glades, and Mingo Wilderness. Irish will help to complete Missouri's wilderness system. I am hopeful that later this week, the last parcel in our original wilderness package, Paddy Creek, will also be passed.

Recently the Joplin Globe printed an editorial in support of Irish Wilderness:

In six wilderness areas, covering nearly 50,000 acres, no barbed wire fences divide virgin forests and tall grass prairie. The sounds of wildlife are not drowned out by the echo of power saws or hydraulic mining equipment. There are no neon-lighted hunting stands in the heart of glades. Nor is the native beauty of the land scarred by roads or utility poles.

I am glad that the 97th session of the Senate has taken the steps to give Irish Wilderness the same protection the other six Missouri areas enjoy. Today is a day that all Missourians and I have waited a long time for, and one that will benefit future generations who will have the opportunity to walk in the pristine beauty of Irish Wilderness.

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

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

The motion to lay on the table was agreed to.

HOOSIER NATIONAL FOREST

(Note: Later in today's proceedings, the following action was vitiated.)

Mr. BAKER. Mr. President, I am prepared now to deal with S. 2710, if the minority leader is.

Mr. ROBERT C. BYRD. There is no objection.

Mr. BAKER. I thank the Senator. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 816, S. 2710.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2710) to establish a wilderness area in the Hoosier National Forest area, Indiana.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which has been reported from the Commit-
ttee on Energy and Natural Resources with an amendment to strike out all after the enacting clause, and insert the following.

That in furtherance of the purposes of the Wilderness Act (78 Stat. 990; 16 U.S.C. 1131), certain lands within the Hoosier National Forest, Indiana which comprise 1131), certain lands within the and fifty-three acres as generally depicted ness-Proposed", dated April 30, 1982, are hereby designated as wilderness, and therefore as a component of the national wilderness system, and shall be known as the Charles C. Deam Wilderness.

Sec. 2. Subject to valid existing rights, the Charles C. Deam Wilderness as designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

Sec. 3. The Act shall affect the right of public access to cemeteries located within the Charles C. Deam Wilderness, including cemetery. The right of access to privately-owned land completely surrounded by national forest lands within the area, designated by this Act as wilderness, shall be maintained within the area designated by this Act as wilderness shall be protected in accordance with the provisions of section 5 of the Wilderness Act.

Sec. 4. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II); and

(2) the Congress has made its own review and examination of national forest roadless areas in Indiana and the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement (dated January 30, 1982) as to national forest lands in States other than Indiana, such statement shall not be subject to judicial review with respect to national forest systems within the State of Indiana; and

(2) with respect to the national forest lands in the State of Indiana which were reviewed by the Department of Agriculture in the second roadless area review and evaluation (RARE II), that review an evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 (Public Law 94-588) to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to further consider the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle.

(a) The State of Indiana viewed in such final environmental statement and not designated as wilderness by this Act shall be managed for multiple use pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not consider any further statewide roadless area review and evaluation of national forest system lands in the State of Indiana which were reviewed by the Department of Agriculture for the purposes of determining eligibility for inclusion in the National Wilderness Preservation System.

Sec. 4. (a) As soon as practicable after enactment of this Act, maps and legal descriptions of the Wilderness Area shall be filed with the Committees on Agriculture and Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and such maps and legal descriptions shall have the same force and effect as if included in this Act: Provided, however, That corrections of clerical and typographical errors in such legal descriptions and maps may be made.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to establish the Charles C. Deam Wilderness in the Hoosier National Forest, Indiana."

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

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

The motion to lay on the table was agreed to.

AUTHORIZATION FOR PLAQUE HONORING JOSEPH ROSENTHAL

Mr. BAKER. Mr. President, the next item I have is House Joint Resolution 207, if the minority leader is prepared to go to that one.

Mr. ROBERT C. BYRD. No objection.

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 821, House Joint Resolution 207.

The PRESIDING OFFICER. Is there objection?

There being no objection, the joint resolution (H.J. Res. 207) to require that a plaque at the U.S. Marine Corps War Memorial honoring Joseph Rosenthal, photographer of the scene depicted by the memorial, was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

H.R. 7102—HELD AT DESK

Mr. BAKER. Mr. President, I am advised that this request has been cleared. I will state it now for consideration of the minority leader.

I ask unanimous consent that when the Senate receives from the House of Representatives H.R. 7102, migrant and seasonal agricultural workers, it be held at the desk pending further consideration.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

H.R. 3787—HELD AT DESK

Mr. BAKER. I believe this has been cleared as well, Mr. President.

I ask unanimous consent that H.R. 3787 be held at the desk until the close of business on Thursday, September 30.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I have cleared on this side H.R. 5154, if the minority leader is prepared to proceed with that.

Mr. ROBERT C. BYRD. Mr. President, that item has been cleared.

Mr. BAKER. I thank the minority leader.

TO AMEND THE LAMHAM TRADEMARK ACT

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate H.R. 5154.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5154) to amend the Lanham Trademark Act to prohibit any State from requiring that a registered trademark be altered for use within such State, and to encourage private enterprise with special emphasis on the preservation of small business.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which was read a second time by title.

Mr. HATCH. Mr. President, the purpose of H.R. 5154 is to clarify that portion of the Lanham Act (15 USC § 1051 et seq.) which protects federally registered trademarks from interference by State or territorial legislation.

S. 2001, which I introduced on December 16, 1981, is identical to this House version and enjoys the support of my colleagues. This legislation provides that no State or jurisdiction in the United States may require alteration of a federally registered mark, or that component features of a composite mark be displayed in a manner different from that exhibited in the certificate of registration issued by the U.S. Patent and Trademark Office.

Trademarks play an indispensable role in the operation of all free market economies. A trademark is a form of property acquired when a mark is used
in connection with a particular trade or business. To enhance and strengthen rights acquired through use, Congress enacted the Lanham Act which provides a system of trademark registration administered by the Patent and Trademark Office. In section 45 of the act, Congress expressly stated that the act was intended "to protect registrants whose marks are used in commerce from interference by state or territorial legislation."

Notwithstanding this provision in the law, several State commissions have issued onerous and conflicting trademark display regulations which directly interfere with the uniform use of federally registered marks. Litigation challenging these regulations has preceded conflicting decisions and has not provided a satisfactory solution. Some courts have found such regulations to be anticompetitive and to result in unjustifiable economic deprivation of property. Other courts have upheld them.

Thus, trademark owners are confronted with serious uncertainty as to the value of Federal trademark registrations and as to the protectability of their investment in widely used marks. Although the regulations have been primarily directed toward companies engaged in franchising, the regulation of the regulations is that States may prevent the uniform use of all trademarks.

In the absence of clarifying legislation, businesses will be forced to endure unjustifiable hardships and interstate commerce will be seriously impeded. H.R. 5154 will prevent unwarranted interference with the use of federally registered marks. In this regard, it will make it possible for consumers to identify and obtain desired goods or services by allowing trademark owners to use their marks in the same manner throughout the United States. The legislation will clarify the intent of the Lanham Act; it will enhance and protect the established right of trademark owners; and it will encourage trademark owners to apply for Federal registration.

Historically, the Congress has been committed to fostering competition as the most effective means of protecting the public interest and, at the same time, promoting an economic system of independent local businesses which can effectively compete with one another. Section 45 of the act provides a serious threat to the owners of federally registered trademarks. The public interest will be protected by enabling trademark owners to use their marks in a uniform manner throughout the United States. It is the traditional right of State and local governments to protect the health, welfare, and safety of their citizens and ordinances designed to protect historic landmarks, scenic beauty, and environmental quality. H.R. 5154 would not conflict with that traditional authority since those worthy interests can be protected without mandating alterations in federally registered trademarks.

To make the limited scope of the bill clear, an amendment has been adopted, recommended by the Patent and Trademark Office, to make it clear that restrictions on a State's power is limited to the display of the franchisor's name "in the mark" itself and not to other uses of trademarks in advertising.

This legislation has the support of the administration, the Patent and Trademark Office, the Department of Justice, the Department of Commerce, the National Association of Real Estate Brokers, the U.S. Trademark Association, the U.S. Patent Law Association, and the International Franchise Association. I am not aware of any opposition to this legislation.

H.R. 5154 is a technical bill which shall be applicable in those instances where governmental agencies have sought to interfere with the uniform display of federally registered trademarks.

I submit certain material related to this legislation.

**NEED FOR LEGISLATION—NATURE AND PURPOSE OF TRADEMARK PROTECTION**

Section 45 of the Lanham Act defines the term trademark as including "any word, name, symbol or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others." 15 USC § 127.

Other types of marks including service marks, certification marks and collective marks are also protected under the Lanham Act.

The use of trademarks began at least 3500 years ago when potters' marks were used to identify the source of clay pots. By placing his mark on his pots, an artisan could be identified with the quality of the craftsmanship by all who encountered his work. Trademark rights have long been recognized at common law as a form of property for which protection could be obtained. Today many companies view trademarks as their most valuable asset.

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To enhance and strengthen the rights of trademark owners, Congress enacted a series of trademark statutes in 1870, 1881, 1905 and 1920. This legislation was supplemented in 1946 by the Lanham Act which provides a system whereby trademark owners may register their marks with the United States Patent and Trademark Office. A federal registration provides several procedural benefits for the trademark owner, and the registration system provides a means whereby businesses may determine whether a particular mark is available for use. Prior to adopting a new mark businesses may conduct a search of Patent and Trademark Office records to avoid conflicts with the established rights of others.

Since 1947 when the Lanham Act became effective, the advent of the interstate market has never been more significant for trademarks. The increased opportunity for use of nationwide advertising, and the evolution of franchising, have had a significant effect on the manner in which trademarks are used and the need for trademark protection.

To successfully launch new products and to increase sales of existing products, businesses frequently invest substantial sums in advertising designed to create consumer awareness and demand. Invariably, such advertising emphasizes a particular trademark. As consumers become acquainted with a mark through advertising, the owner's rights in the mark are strengthened and the value of the mark is increased.

Before adopting a mark and investing in advertising, a citizen's economic liberty and freedom is also widely recognized. Without trademark protection, businesses never apply to register their marks. If uniform use of federal trademark is precluded by local regulations, many other businesses may conclude that federal trademark registrations are of limited value. This will discourage the filing of trademark applications and will diminish the effectiveness of the Trademark Register as a tool for preventing the adoption of marks which may lead to confusion of the public.

H.R. 5154 will encourage businesses to apply for federal registration by insuring that the owners of such registrations will be permitted to use their marks in interstate commerce without interference by local regulation.

**THE IMPORTANT ROLE OF TRADEMARKS IN FREE MARKET ECONOMIES**

A fundamental aspect of the law regulating the American economy is the encouragement of competition. This is based on the principle that competition in business is beneficial and economic freedom is also widely recognized. Without trademark protection, businesses may be permitted to use their marks in interstate commerce without interference by local regulation.

The concept of competition as protecting a citizen's economic liberty and freedom is also widely recognized. Without trademark protection, businesses may be permitted to use their marks in interstate commerce without interference by local regulation.

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In general a trademark functions and is accorded legal protection because it (a) designates a source of origin of a particular product or service, even though the source is no longer in active commerce; (b) be a particular standard of quality which is embodied in the particular service or product; (c) identifies a product or service and distinguishes it from the goods or services of others; (d) symbolizes the good will of its owner and motivates the consumer to purchase the trademarked product or service; (e) represents a substantial advertising investment and is treated as a species of property; or (f) protects the public from confusion and deception, in that the public is able to purchase the product or service...
they want, and enables the courts to fashion a standard of acceptable business conduct.4

Consumers place great reliance on trademarks as indicators of the source of desired goods or services and as guarantees of quality. Reputable businesses recognize this fact and endeavor to protect their marks in a uniform manner both in advertising and on labels or in connection with the sale of goods or services so as to convey source and quality messages to consumers. Trademarks, therefore, serve as indicators of the source of desired goods or services. Many others have graduated that commercial transactions are enhanced by the presence of trademarks. The enforcement of trademark law has been designated to control all aspects of trademark law and the rights of trademark owners to convey source and institutional identity. The trademark display regulations have been promulgated by the Real Estate Commission and the Real Estate Association to regulate the use of trademarks in advertising. The regulations diminish the ability of real estate franchises to compete effectively and injure them in other ways. Franchises are deprived of a property right in that they are required to alter marks in other ways.

The right to use a trademark is recognised as a form of property, of which the owner is entitled to the exclusive enjoyment to the extent that it has been actually used.17 It is the essence of due process that a state cannot affect a person's personal and property rights except after a fair and impartial tribunal.18 Moreover, a state regulation affecting fundamental rights can only be upheld under the Fourteenth Amendment if it seeks to promote legitimate state interests in a rational manner.19

Trademark display regulations have been held to constitute a deprivation of property without due process and without just compensation in violation of the Fifth and Fourteenth Amendments to the Constitution, and an impairment of the obligation of contracts in violation of Article I, Section 10, of the Constitution.20

There is no rational basis for the regulations promulgated by the various real estate commissions. Less restrictive alternatives for achieving those objectives are available and have been adopted in many states. H.R. 5154 will provide guarantees against future deprivations of constitutional rights involving trademarks.

ECONOMIC HARDSHIPS CREATED BY TRADEMARK DISPLAY REGULATIONS

The trademark display regulations in the various states have imposed serious hardships on an already troubled real estate industry. The regulations diminish the ability of real estate franchises to compete effectively and injure them in other ways. Franchises are deprived of a property right in that they are required to alter marks in other ways.
which significant good will has been developed. They are deprived of their contractual right to use their franchisor’s readily identifiable mark. The regulations increase the cost of doing business by requiring franchi-
ses to incur the ongoing expense of chang-
ing signs and labels or packaging that are used in interstate commerce and sales tools. The regulations constitute an unwarranted interference with federally registered trademarks by prohibiting uniform uniform use of the marks. This, in turn, hampers efforts to strengthen the mark through uniform use. Although existing trademark display regulations are directed primarily at real estate brokers, they set a dangerous precedent for interference with other marks.

Iris Reeves, owner of a franchised real estate brokerage office in Alabama, estimated that the total cost of complying with the trademark display regulations promulgated in that state will amount to over $27,000.00 for her office alone. As a result of costs incurred in complying with the rules she was forced to close one of her two offices.

Trade associations and bar groups including the United States Trademark Association and the American Bar Association have expressed concern as to the potent-
ial harm presented by trademark display regulations that have formally en-
dorsed the legislation as a means of assuring trademark owners that their valuable rights will not be diluted.

The public is also adversely affected by the patchwork of regulations requiring trademark alteration since prospective purchasers are deprived of the source and quality identifying information which is otherwise available where trademark use is not further limited to the use of the marks uniformly. Trademark infringement, wheth-
er deliberate or unintentional, is a common occurrence. Infringers often adopt marks with sufficient similarities to cause confu-
sion and sufficient differences to provide a basis for arguing that there was no deliber-
ate infringement. Variations in the display of well known marks are often ear-
marks of counterfeiting or infringement. The changes mandated by trademark dis-
play regulations may arouse suspicion of confusion in the minds of the public as to the identity, affiliation and reputation of the trademarks.

The federal trademark laws are designed to promote and encourage uniform trade-
mark use as well as to prevent the use of marks that would result in confusion among purchaser-
ners. Trademark display regulations which require alteration of federally registered marks may be implied. Such regulations would be interpreted as limitations on the use of the marks. The Lanham Act, as expressed in the legislative history, is designed to provide uniformity in the use of the federal trademark system.

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STATE AUTHORITY TO PROTECT THE HEALTH, WELFARE AND SAFETY OF CITIZENS

Many states and local communities have laws or ordinances designed to promote scenic beauty, preservation and environmental protection. The legislation was carefully drafted so as to avoid any con-
ict with the traditional state right to regu-
late such matters. Some communities have adopted ordnances limiting the size of signs on which trademarks or business names may be displayed. Such regulations would not fall within the scope of the legislation since total size dimensions are not claimed as federally registered marks.

On the other hand, the relative sizes of components or elements of federally regis-
tered trademarks and the regulations requiring alteration in the rela-
tive size of trademark components are pro-
hibited by the legislation.

Some states have enacted laws requiring disclosure of the source of any product. As a general rule, regis-
ted trademarks are merely one feature of product labeling. Thus, any disclosures required by state law attend to product identification on product packaging without requiring an al-
teration of federally registered trademarks. The framers of the Constitution re-
sorted to these alternatives to provide a mark owner with the right to require such warnings or other disclo-
sures.

FEDERAL AUTHORITY TO REGULATE INTERSTATE COMMERCE

The framers of the Constitution recog-
nized that interstate commerce could be most efficiently regulated by the federal courts from enacting legislation or rule. See Section 8 of the Constitution, Congress was given express authority to “regulate commerce with foreign nations and among the several states and the Indian Tribes”. Con-
gressional authority to enact laws pertaining to trademarks is derived from the Inter-
state commerce clause of the Constitution.

H.R. 5154 is consistent with prior legisla-
tion relating to trademarks and will serve to enhance the rights of trademark owners. The public interest by permitting uniform use of trademarks is protected.

The Lanham Act provides a basis for federal questions arising in actions for trademark infringement and unfair com-
petition arising under the Act. (15 USC § 1121.) The jurisdiction of the federal courts is not exclusive and state courts have concurrent authority to hear and decide such actions. The legislation will not pre-
vent state courts from continuing to hear such actions, even where federally regis-
ted marks are involved, nor will the legis-
lation affect state authority to prohibit acts of trademark infringement or unfair com-
petition.

The regulation will prevent states and ter-
itories from enacting legislation or regu-
lations requiring alteration of federally regis-
tered marks, thereby preserving Congress-
ional authority to regulate commerce. The legislation will not disturb the authority of states or federal courts to adjudicate actions involving claims of trademark infringement and unfair competition.

LEGISLATIVE HISTORY

Legislation to clarify the intent of the Lanham Act and to prohibit state regula-
tions requiring alteration of federally regis-
tered trademarks was introduced in the 96th Congress (S. 1433). The bill was not report-
ed. On December 16, 1981, I introduced, along with Strom Thurmond and Alan Cranston, S. 2001, The Trademark Display Protection Act. The companion bill H.R. 5154 was also introduced in the House of Representatives and was ordered reported by the House Committee on the Judiciary, August 10, 1982 with a recommendation that it be passed by the House. On Septem-
ber 20, 1982, H.R. 5154 passed the House of Representatives and is now awaiting Senate consideration.

ANALYSIS OF S. 2001 AND H.R. 5154

These Acts amend the federal trademark laws to prohibit any state from requiring that a registered mark be altered for use within such state. The bills will protect fed-
erally registered marks from undue interfer-
ce by state and local regulation. Thus, S. 2001 and H.R. 5154 will prevent state and local regulatory commissions from meddling with federally registered trademarks by prohibiting state and local regulations requiring alteration of trademarks in any manner other than that contemplated by the Certificate of Registr-
ation.

These bills will also promote uniform trademark usage and to encourage qualified trademark owners to seek federal registra-
tion of their marks. Nothing in this bill is intended to prevent the states from adopt-
ing legislation to promote the health, wel-
fare and safety of citizens. For example, the states may adopt legislation enacting legislation to promote scenic beauty, historical preservation or environ-
mental protection. The legislation in this trac-
t is intended to prevent the states or federal courts from continuing to adjudicate actions for trademark infringement and unfair competi-
tion.

On the other hand, the legislation pre-
cludes regulations such as those promulgated by various real estate commissions which have resulted in economic hardship and which require the alteration of federally registered marks.

This clarified and effective competition re-
quires that businesses be permitted to iden-
tify the source and quality of goods or ser-
vice through the use of uniform trademarks and service marks. The Lanham Act is designed to enhance the rights of trademark owners by providing a system of federal registra-
tion. This legislation also provides that federal trademark registration confers upon the registrant cer-
tain procedural benefits, and the Certificate of Registration constitutes prima facie evi-
dence of the registrant’s ownership of the mark and exclusive right to use the mark in commerce in connection with the goods or services of the registrant, in any manner except as stated therein. (15 USC § 1057.)

The extent to which trademark owners use their marks in a uniform manner, trade-
mark rights are enhanced and public aware-
ness as to the source and quality of the goods or services is increased. Regulations interfering with the uniform use of federal-
tally registered marks deprive registrants of a property right and interfere with the pub-
lic’s right to receive source and quality indi-
cating information.

The clarification of the Lanham Act is necessary because of conflicting judicial ad-
ministrative decisions concerning the scope of protection to which federally registered marks are entitled. Judicial decisions and administrative rulings create a climate of uncertainty not only for owners of marks affected by such rulings, but for all trademark owners which use their marks in interstate commerce. The Congress of the United States has authority and responsibil-
ity in matters affecting interstate commerce.

The legislation is consistent with previous legislation designed to facilitate and pro-
mote commerce among the several states and full and fair competition between busi-
ness enterprises.

The legislation is consistent with legal precedent recognizing trademarks as a prop-
erty right subject to the guarantees of the Fifth and Fourteenth Amendments of the Constitution. Without clarifying legislation of this type, doubts will remain as to the effi-
cacy of the system of federal registration embodied in the Lanham Act and the rights of all trademark owners will be jeopardized.

FOOTNOTES

1 As used herein, the term trademark refers to all types of marks covered by the Act.
2 A historical treatment of trademarks may be found in Schechter, The Historical Foundations of the Law Relating to Trademarks (Columbia Legal
The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that H.R. 7173 be held at the desk until the close of business on Thursday, September 30.

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

INSPECTION AND RECEIPTS OF TAX RECORDS BY SELECT COMMITTEE TO STUDY LAW ENFORCEMENT UNDERCOVER ACTIVITIES OF DEPARTMENT OF JUSTICE

Mr. BAKER. Mr. President, another matter that has been cleared according to our notation is a resolution which I am prepared to offer on behalf of Mr. MATHIAS, for himself and Mr. HUDDLESTON. It does not bear a number, but if the minority leader is prepared to proceed with it, I will offer the resolution.

Mr. ROBERT C. BYRD. Mr. President, I wonder whether the Senator from Kentucky wishes to offer the resolution on behalf of himself and Mr. MATHIAS.

Mr. HUDDLESTON. I thank the majority leader, I will.

Mr. President, this is in connection with the select committee and is a requirement in order to complete the committee's work in an efficient and thorough manner.

I ask unanimous consent that the Senate proceed to consideration of the resolution.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 480) to authorize the inspection and receipts of tax records by the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MATHIAS. Mr. President, on March 25, 1982, the Senate adopted Senate Resolution 350, which established the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice. This select committee, of which I am chairman, is charged with investigating the conduct of law enforcement undercover operations, including the Abscam investigation. As part of its Abscam investigation, the committee is attempting to get at the facts about the distribution of funds paid by undercover operatives to public officials as purported bribes. One critical allegation concerns possible sharing of
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Abscam.

Enforcement Code of 1954, as amended, provides the select committee with such authorization.

The Select Committee to study and consider the activities of components of the Department of Justice in connection with their law enforcement undercover operations generally, and the Abscam operation specifically;

Whereas the Select Committee has been specifically authorized to do so by resolution of the Senate, the dispute is reconciled for the select committee with such authorization.

The resolution was agreed to.

The Select Committee is authorized, in addition to and other tax-related material, held by the Secretary of the Treasury, related to ABSCAM ships, corporations, and other business entities, other than publicly held corporations, in which the above named individuals have a beneficial interest, and any other tax return (including amended returns), return information, or other tax-related material held by the Select Committee related to the above-named individuals that the Select Committee determines may contain information directly pertinent to the investigation and otherwise not obtainable.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

SIXTIETH ANNIVERSARY OF RESERVE OFFICERS ASSOCIATION

Mr. BAKER. Mr. President, the next item on my list is a resolution to be offered by the distinguished President pro tempore of the Senate, for himself and the distinguished Senator from Mississippi (Mr. Stennis).

Does Senator Thurmond wish to submit the resolution at this time?

Mr. THURMOND. Mr. President, I send the resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 496) expressing the sense of the Senate that the Reserve Officers Association of the United States deserves public recognition upon the sixtieth anniversary of its founding for its dedication to the development of a strong national defense.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. THURMOND. Mr. President, today, I am submitting a sense of the Senate resolution commending the Reserve Officers Association (ROA) on the occasion of ROA's 60th anniversary on October 2, 1982, for its outstanding contributions to the national security of our country.

Mr. President, it was on October 2, 1922, that General of the Armies John J. Pershing addressed several hundred officers assembled in what was then the "New Willard Hotel" in downtown Washington. At this meeting to establish ROA, General Pershing noted the importance of the Reserve Officers Association and its potential in the national defense by promoting the development and exercise of the skills of military officers. The Reserve Officers Association is a voluntary organization, and demonstrated beyond question the fallacy of pacifist theories.

General Pershing said that World War I taught the Nation a lesson. On October 2, 1922, he said "that never again shall our untrained boys be committed to the battlefield under leadership of new officers with practically no conception of their duties and responsibilities."

Today, the Reserve Officers Association of the United States is our neighbor on Capitol Hill. Their headquarters is the beautiful Minute Man Memorial Building across Constitution Avenue from the Senate Office Buildings, directly northeast of this Chamber. Members of the ROA come from all over the World. The 125,000 officers on the current rolls represent all branches of the uniformed services. Today, the membership is not confined to reserves. There are also regular officers and retired officers and the ROA can truly lay claim to representing the viewpoint of the officers of America's military forces.

Mr. President, ROA is not an organization which emphasizes the rights and benefits of military officers. The charter which the Congress gave the ROA in 1950 gives it one responsibility and that is "to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof."

It is that objective that steers ROA's course. When we seemed to be veering away from legislation providing adequate national security, we can be certain that ROA will sound the alarm. It has contributed significantly in its 60 years to the security of these United States of America. As it opens its second six decades of service to the country, ROA will continue to serve unselfishly in this same cause that protects the freedoms that we enjoy today.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. ROBERT C. BYRD. It is my understanding that Mr. Stennis is a cosponsor. Am I correct?

Mr. THURMOND. Senator Stennis is a cosponsor of the resolution. Mr. Robert C. Byrd. Will the distinguished Senator add my name as a cosponsor?

Mr. THURMOND. I ask unanimous consent that the name of the distinguished minority leader be added as a cosponsor.

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

Mr. BAKER. I ask the distinguished Senator from South Carolina that my name be added as a cosponsor.

Mr. THURMOND. I ask unanimous consent that the name of the distin-
guished majority leader be added as a cosponsor.
The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. THURMOND. Mr. President, I also ask unanimous consent that the name of the distinguished Senator from Georgia (Mr. MATTINGLY) be added as a cosponsor.
The PRESIDING OFFICER. Without objection, it is so ordered.
The question is on agreeing to the resolution.
The resolution was agreed to.
The preamble was agreed to.
The resolution (S. Res. 486) with its preamble, reads as follows:
S. Res. 486

Whereas on October 2, 1922, the Reserve Officers Association of the United States was organized in Washington, D.C., at the urging of General of the Armies John J. Pershing, with the objective to support a military policy for the United States that will provide adequate national security and to promote the development and execution of the military to that end; and
Whereas on June 30, 1950, this objective was reaffirmed in a Charter granted to the Reserve Officers Association by the Congress of the United States; and
Whereas for the past 60 years, the Reserve Officers Association by its action and example has established itself as a catalyst between the military, citizen-soldiers, and Congress to educate and insure that the nation's defense remains strong and visible through coordinated efforts on both local and national levels; and
Whereas for the past 60 years, the Reserve Officers Association has not only voiced its position on national security matters, but also influenced the passage of legislation to strengthen this nation's security; and
Whereas the 125,000 members of the Reserve Officers Association are commemorating the 60th Anniversary of the founding of the Reserve Officers Association of the United States: Now, therefore, be it

Resolved That it is the sense of the Senate that the Reserve Officers Association of the United States is deserving of public recognition and commendation upon the occasion of the sixtieth anniversary of its founding on the second day of October, 1922, and that the people of the United States should observe this date with appropriate programs, ceremonies and activities which pay tribute to the men and women who are members of this organization and to the principles of a strong national security policy to which this organization is dedicated.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.
Mr. ROBERT C. BYRD. I thank the majority leader.
Mr. President, I send to the desk a Senate resolution and ask that it be stated.
The PRESIDING OFFICER. The resolution will be stated by title.
The assistant legislative clerk read as follows:

A resolution (S. Res. 487) to recognize the city of Nitro, Va., as a living memorial to World War I.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution.
The PRESIDING OFFICER. Without objection, it is so ordered.

FROM GUNCOTTON TO NATIONAL PROMINENCE

Mr. ROBERT C. BYRD. Mr. President, there are too few reminders in our Nation of the achievements, the heroism, and the sacrifices of Americans who worked on the home-front and fought in Europe to win what we have come to call World War I. It is my privilege to introduce legislation which will acknowledge the wholehearted resolve of citizens of a uniquely qualified small city in West Virginia to help fill this historical gap.

My resolution, Mr. President, asks that the Senate designate the city of Nitro as a living memorial to our victorious role in the Great War against Imperial Germany, and to those who fought that war or worked to win it.

The existence of the city of Nitro is a direct result of this too little remembered conflict. On April 6, 1917, the United States recognized that a state of war existed between the United States and Germany. In October of that year, appropriations legislation was enacted "for the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including experiments in connection therewith, machinery for its manufacture and the necessary storage facilities." A site for one of these plants, known as explosives plant "C," was selected at a point on the east bank of the Great Kanawha River, 16 miles west of Charleston, where the terrain, a navigable stream and railroad provided a feasible site for the manufacture of nitro-cellulose for shells, bombs, torpedoes, and naval guns. During the brief lifetime of this heavily guarded plant, some 30,000 employees lived and labored there, building from scratch an elaborate complex of homes, warehouses, furnaces, and factories for production of the essential war material known as guncotton.

The war ended, the plants closed and most of the people drifted away. A handful, however—attracted by the river and its fishing and water sports, and by the dramatic backdrop of the wild and beautiful Appalachian Mountains—remained. They set out to build a permanent community. Nitro today has some 8,000 inhabitants, many of them descendants of those early citizens. Forty-seven industries, among them some of the Nation's most important, are represented in that area. The people, keenly aware of their city's history, are dedicated to preserving the memory of its significance and their heritage.

Thus, indeed, an aura of World War I about Nitro. More than 300 structures, mostly inhabited houses, remain from the original installation. Residents are fond of recounting local incidents and tragedies of the Great War, ranging from the work of the young Clark Cable as a telephone lineman, to the massive influenza epidemic of 1918, which took more than 300 Nitro lives.

Today's citizens of Nitro have contributed their time, talent and money to making their city a living memorial to the Great War. They have collected and published manuscripts of all kinds. They have renovated a large warehouse beside the river to house research materials and to display wartime military equipment. A search is being made for a suitable World War I warship to moor next to this museum.

On November 11—the World War I Anniversary Day before it became Veterans Day—the city of Nitro will dedicate a war memorial park in a ceremony which will officially recognize the city's status as a living memorial to World War I.

All of the surviving West Virginia veterans of the Great War have been invited to attend the event, along with officials from the Department of Defense, the West Virginia National Guard, Veterans of Foreign Wars, American Legion, and State and local governments. The Governor of West Virginia has arranged for the donation of a 150-ton 12-ton, an 18-pounder siege cannon, and a statue of a Doughboy—the World War I infantryman—is being prepared for the occasion. Flags of our World War I allied nations will fly in the park, the State and city flags. There will be a parade, fireworks, speeches to underline the city's commitment to the development of an authentic museum of World War I artifacts and a research library for the benefit of future generations of Americans.

The people of Nitro are hospitable folk. They hope to attract many visitors to their historical sites and exhibit over the years to come. The Kanawha River makes the city accessible by boat from Charleston and Huntington. Scenic roads through the mountains provide recreation in all directions. We, in West Virginia, are proud to add the city of Nitro to the list of places in our State which underscore the importance we attach to our remarkable history.
Mr. President, I hope the Senate will concur in the resolution to designate the city of Nitro a living memorial to World War I.

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 487), with its preamble, reads as follows:

WHEREAS the City of Nitro, West Virginia, was founded during World War I as a result of the Deficiency Appropriation act of October 6, 1917, which authorized funds for the construction of United States Government explosives plants;

WHEREAS the area topography between Charleston and Huntington, West Virginia, on the Kanawha River, was conducive to the selection of the area, and is conducive to tourism today;

WHEREAS the extant residual World War I structures heighten the historical significance of the City of Nitro;

WHEREAS the citizens of the community are working diligently to dedicate the City of Nitro as a National Memorial to World War I; and

WHEREAS the City of Nitro will celebrate Veterans Day, November 11, 1982, with parades, firesides, and appropriate displays; Now, therefore, be it

Resolved, that it is the sense of the Senate that the City of Nitro, West Virginia, be recognized as a living Memorial to World War I.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Mayor of Nitro, West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

VITIATION OF ACTION TAKEN BY THE SENATE

Mr. BAKER. Mr. President, I have been advised that there is a request to vitiate the action on two items that were disposed of in the course of these proceedings, and I will state them now.

I ask unanimous consent that the action taken in adopting Calendar Nos. 815, S. 1964, and 819, S. 2710, be vitiated and that the items be returned to the calendar.

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

INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS ACT

Mr. BAKER. Mr. President, the next item on my list is H.R. 6164, which I am prepared to offer if the minority leader, Mr. DOLE, is prepared to consider it.

Mr. ROBERT C. BYRD. Mr. President, that item has been cleared on this side.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, I ask that the Chair lay before the Senate H.R. 6164, Calendar Order No. 579.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows: A bill to provide for an additional Assistant Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment for Such Carriage, and for other purposes. The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1983

(Purpose: To provide for an additional Assistant Secretary of Agriculture to be appointed by the President)

Mr. BAKER. Mr. President, I send to the desk an amendment by the distinguished Senator from Kansas (Mr. DOLE) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

"The Senator from Tennessee (Mr. Baker) for Mr. Dole proposes an unprinted amendment numbered 1983.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment as follows:

On page 7, after line 9, insert the following new section:

"ASSISTANT SECRETARY OF AGRICULTURE

SEC. 8. (a) There shall be in the Department of Agriculture an Assistant Secretary of Agriculture who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of Agriculture shall prescribe and shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of Agriculture.

(b) Section 5315 of title 5 of the United States Code is amended by striking out "6" following "Assistant Secretaries of Agriculture" and inserting therefor "7".

(c) Section 5316 of title 5 of the United States Code is amended by striking out "Assistant Secretary of Agriculture for Administration".

(d) Section 3 of Reorganization Plan Numbered 2 of 1953 (67 Stat. 633) is repealed.

(e) This section shall take effect on the date of enactment of this Act except that subsections (a) and (d) of this section shall take effect upon the appointment of a person to fill the successor position created by subsection (a) of this section.

Mr. DOLE. Mr. President, this amendment would authorize the President, with the advice and consent of the Senate, to appoint one additional Assistant Secretary of Agriculture, thus raising from seven to eleven the number of Presidential appointed Assistant Secretaries at USDA. The amendment would also delete the authorization for the existing USDA position 'To Be Used for Secretary For Administration'. The Assistant Secretary for Administration is now appointed by the Secretary, with the approval of the President, from the rolls of the classified civil service.

This amendment would also set the level of compensation for the new position at level IV of the classified schedule, which is the same level as that of the other six USDA Assistant Secretaries. The position to be deleted is compensated at level V of the classified schedule. The amendment would repeal the provision of Reorganization Plan No. 2 of 1953 relating to the Administrative Assistant Secretary.

This amendment would be effective on the date of its enactment, except that the provision deleting the position of Assistant Secretary for Administration and repealing section 3 of the Reorganization Plan No. 2 of 1953 would be effective upon the appointment of the new Assistant Secretary of Agriculture.

The net effect of this amendment is to convert the position of Assistant Secretary for Administration from one which is appointed by the Secretary from the ranks of the classified civil service to that of a Presidential appointment and to raise the level of compensation from level V to level IV.

Mr. President, the Assistant Secretary for Administration in the Department of Agriculture has responsibility for nine offices in the Department. These include the Board of Contract Appeals, the Office of Administrative Law Judges, the Office of Minority Affairs, the Office of Operations, and the Office of Personnel, the Office of Administrative Systems, the Office of Information Resources Management, and the Office of Small and disadvantaged Business Utilization.

The Assistant Secretary for Administration is one of the top policy level officers of the Department of Agriculture, serving as principal adviser to the Secretary on all administrative and related matters. Therefore, the position should be one that is filled by a Presidential appointee.

This amendment would make that possible. It would put the Assistant Secretary for Administration on the same level as all of the other Assistant Secretaries in the Department of Agriculture. The Secretary of Agriculture has requested legislation to do the same thing as this amendment. That legislation was introduced as S. 2787 on July 29, 1982. The Secretary's letter requesting the change, along with supporting materials, was included in the Congressional Record on July 30, 1982, at pages 18526-18527.

I urge adoption of the amendment.

Mr. HELMS. Mr. President, the matter that is now pending before the Senate is a bill to authorize the Secretary of Agriculture to implement the agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for...
such carriage, commonly known as the ATP. If enacted this bill will be known as the "International Carriage of Perishable Foodstuffs Act." This bill would delegate to the Secretary of Agriculture authority to implement the ATP through the establishment of a program for the inspection, testing, and certification of the special transportation equipment used by the U.S. companies in transporting perishable foodstuffs in international commerce.

Under the bill, the Secretary would be authorized to designate appropriate organizations to inspect and test equipment used in the international transportation of perishable foodstuffs and to issue certificates of compliance for equipment that meets the standards under the ATP. The Secretary would be authorized to make inspections of facilities and procedures used by, and to require the maintenance of records and the submission of reports by, designated organizations and by persons seeking the certification of equipment. The Secretary would also be authorized to issue regulations to carry out this program.

In addition, the bill would authorize the designated organizations to charge reasonable fees to cover the cost of the inspections and testing of equipment. Similarly, the Secretary would be authorized to assess fees to cover the costs incurred in connection with the issuance of certificates of compliance. With this authority to establish user fees, it is estimated that the enactment of this measure would cost the taxpayers less than $100,000 annually. This minor cost is well worth the benefits to U.S. export trade that will flow from the adoption of this legislation.

Let me recite a little history to put this matter in proper perspective. The ATP was developed at the end of World War II under the auspices of the Economic Commission for Europe, one of the United Nations' regional commissions. The interest of the original conferees, all members of the European Economic Community, who first met in 1950, was to investigate ways to prevent the spoilage of perishable foodstuffs moving in Europe.

With the advent in the mid-1960's of the refrigerated and insulated intermodal freight containers, owned and operated by U.S.-flag carriers and operated within the European commercial market, the United States became interested and started to participate in Economic Commission for Europe meetings regarding the drafting of the ATP.

On November 21, 1976, the ATP came into force, and now has 18 signatories: France, West Germany, Spain, Yugoslavia, Denmark, Austria, Italy, Luxembourg, Sweden, Belgium, the Netherlands, Norway, Finland, the United Kingdom, Bulgaria, the U.S.S.R., the German Democratic Republic, and Morocco.

Notably absent from this list is the United States. Despite the fact that on March 20, 1980, the Senate unanimously approved U.S. accession to the ATP treaty. The United States is not yet participating in the ATP, however, because Congress has not yet adopted implementing legislation necessary to authorize the administration to carry out the program.

The primary objective of the ATP is to establish uniform inspection requirements for the transportation equipment that is used to move perishable foodstuffs across national borders. In general, ATP requires that insulated, refrigerated, or heated transportation equipment used to move perishable foodstuffs into nations that are signatories be tested, certified, and marked to insure that such equipment is properly insulated and capable of maintaining a prescribed temperature within the equipment.

The major problem that under the ATP, signatory nations frequently impose national law on containers belonging to citizens of nonsignatory countries. Although American-owned and operated equipment consistently exceeds the standards and specifications under the ATP, the failure of this country to become a signatory has many times resulted in our equipment being subjected to harassment and transportation delays by signatory governments having slight variances with the United States in their specification requirements.

Enactment of this legislation will allow the United States to become a signatory to the ATP and will thus enable U.S. firms to avoid similar problems in the future. Under the legislation, the authority to administer the program has been delegated to the Department of Agriculture. I believe that Agriculture is the most appropriate agency to administer this program due to its current responsibility for matters relating to the movement of agricultural commodities and its substantial interest in developing and promoting international trade in such commodities. The commodities for which the ATP establishes equipment temperature standards consist primarily of the following: poultry and rabbits; meat and meat products; fish; dairy products; game; and red offal.

Finally, I would just like to point out that this legislation was carefully considered by the Committee on Agriculture, Nutrition, and Forestry, and was unanimously reported to the Senate for adoption. The Senate bill is identical to H.R. 6164, which passed the House of Representatives on May 20 of this year.

I am aware of no opposition to the adoption of this legislation and it is supported by the administration and all segments of the affected industry. For these reasons, I strongly urge the Senate to adopt this necessary legislation.

Mr. HUDDLESTON. Mr. President, I am pleased to join Senator HELMS in supporting H.R. 6164, the International Carriage of Perishable Foodstuffs Act.

In March 1980, the Senate ratified the agreement on the international carriage of perishable foodstuffs. However, in addition to the Senate's approving the agreement, Congress must enact legislation to implement a testing and certification program to insure that U.S. transport equipment complies with the standards set out in the agreement. Enactment of the legislation will enable the United States to actually become a signatory of the agreement, as ratified by the Senate. Failure of Congress to act will only prolong the inequities currently experienced by U.S. firms.

Under the agreement, signatory nations can impose restrictions on containers belonging to citizens of nonsignatory countries. Although American-owned and operated equipment consistently exceeds the standards and specifications under the agreement, there have been instances where our equipment has been subjected to harassment and transportation delays by signatory governments having slight variances with the United States in their specification requirements. Enactment of this legislation would alleviate these problems.

The intent of H.R. 6164 is to protect existing trade, promote expansion of trade in perishable foodstuffs, and provide a means of monitoring and relying on inspection and testing of equipment such as temperature-controlled railway cars, trucks, trailers, semitrailers, and intermodal freight containers. This legislation will facilitate the growth of U.S. exports.

I also support the amendment that would upgrade the position of Assistant Secretary for Administration to one requiring Presidential nomination and confirmation by the Senate.

At present, nine offices or agencies of the Department of Agriculture report to the Assistant Secretary for Administration. The Assistant Secretary for Administration is heavily involved in policymaking and plays an important role in implementing management improvement initiatives of the administration. I believe the responsibilities and duties of this position warrant its upgrading.

I urge my colleagues to join me in supporting the provisions of H.R. 6164, as reported by the Committee on Agriculture, Nutrition, and Forestry, and the amendment relating to the additional Assistant Secretary of Agriculture.
The President. Mr. President, I ask if the minority leader is prepared to reconsider the vote by which the bill was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The President. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 6164), as amended, was passed.

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

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PROTECTION OF CERTAIN AGRICULTURE OFFICIALS

Mr. BAKER. Mr. President, I ask if the minority leader is prepared to consider it I am prepared to ask that the Chair lay before the Senate, Calendar Order No. 836, H.R. 2035.

Mr. ROBERT C. BYRD. There is no objection.

Mr. BAKER. I thank the Senator.

The President. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 2035) to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection.

The Senate proceeded to the consideration of the bill.

UP AMENDMENT NO. 1348

(Purpose: To improve the quality of table grapes for marketing in the United States)

Mr. BAKER. Mr. President, on behalf of the distinguished Senator from California (Mr. HAYAKAWA) I send an amendment to the desk and ask that it be stated by the clerk.

The President. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for Mr. HAYAKAWA, proposes an unprinted amendment numbered 1348.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The President. Without objection, it is so ordered.

The amendment is as follows:

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

SEC. 2. The first sentence of section 8e of the Agricultural Adjustment Act, as amended and amended by the Agricultural Marketing Agreement Act of 1927, as amended (7 U.S.C. 608e-1), is amended by inserting "table grapes," after "filberts,"

Mr. HAYAKAWA. Mr. President, the amendment which I am offering consists of the text of S. 505 as reported unanimously by the Senate Committee on Agriculture on September 23. I have been joined by Senators CRANSTON, HUBBLE, and LAXALT as cosponsors of this legislation.

The amendment which I offer today is simple and, I believe, noncontroversial. It amends section 8e of the Agricultural Marketing Agreement Act of 1937 to include table grapes among the 13 other imported agricultural commodities required to meet Federal marketing order quality standards. It would close a loophole in current law which permits imported grapes to escape compliance with minimum quality standards applicable to domestic table grapes under Federal marketing order regulations. However, it would impose no quality standards on imported table grapes sold on the domestic market thereby allowing the enforcement of minimum quality standards applicable to domestic table grapes and lessening demand for all grapes, both foreign and domestic alike.

The result is a depressed market for reputable domestic table grape farmers and importers whose grapes meet applicable Federal standards.

My amendment would rectify this situation by extending Federal quality standards to imported table grapes. Specifically, during the period in which a Federal marketing order is in effect, namely, the first of May until mid-August—imported table grapes would be required to meet Department of Agriculture standards for size, maturity, grade, and quality—the same standards that domestic table grapes must meet. This will assure that all marketers of table grapes are subject to equal treatment under Federal law.

This legislation is supported by virtually all of the domestic table grape farmers and shippers, as well as such nationwide organizations as the United Fresh Fruit and Vegetable Association, the Inland Market Institute, the Western Growers Association, and the Western Farmers Association.

I urge the Senate to adopt this amendment.

Mr. HEIMS. Mr. President, H.R. 2035 would authorize certain Department of Agriculture animal health technicians charged with the enforcement of animal quarantine laws, and whose duty area has a high potential for danger and violence, to carry firearms for self-protection. This authority would apply only to those persons designated by the Secretary of Agriculture and the Attorney General.

Animal health technicians of the U.S. Department of Agriculture, commonly known as tick inspectors or river riders, make daily patrols of the United States-Mexican border to prevent the illegal entry of animals into the United States. The inspectors are authorized, pursuant to section 5 of the Act of July 2, 1962 (title 21 United States Code, section 134d), to stop and inspect, without a warrant, any person or means of conveyance moving into the United States from a foreign country to determine whether such person is carrying or means of conveying any animal, carcass, product, or article regulated or subject to disposal under any law or regulation administered by the Secretary of Agriculture for the prevention of the introduction or dissemination of any communicable animal disease.

Tick inspectors patrol the border alone, on horseback, and are exposed to smuggling, cattle rustling, and the movement of illegal aliens along the international border. In addition, reports from Federal, State, and local law enforcement agencies indicate that narcotics smuggling occurs in this patrol area. There have been numerous instances of violence in this area, including the shooting of one tick inspector.

Animals, including racehorses, are smuggled across the river from both countries to avoid inspection and payment of customs fees. These actions subject the animals to seizure by the inspector, and could result in a substantial loss to the smuggler. The threat of loss of assets by the smuggler creates a high level of hostility toward the inspector. By the same token, the witnessing by a tick inspector of other suspected illegal activities places the inspector in danger. The frequency of these incidents necessitates providing tick inspectors with firearms for their own protection.

Mr. BENTSEN. Mr. President, I thank the Senate leadership and the leadership of the Senate Agriculture Committee for agreeing to bring this bill to the floor in spite of the crowded legislative schedule. This bill, H.R. 2035, will authorize employees of the Department of Agriculture who enforce our Nation's animal quarantine laws to carry firearms for self-protection. This bill has already been passed by the House of Representatives and it is identical to legislation which I have introduced in the Senate.
The need for this legislation is pressing. A small band of USDA Animal and Plant Health Inspection Service employees patrols the United States-Mexico border along the Rio Grande River in Texas. They are our first line of defense against tick fever, a livestock disease which could spread throughout the Southern United States with potential cost of $1 billion dollars per year to livestock producers. However, the area that they patrol is a smuggler's paradise and has a very heavy flow of illegal traffic in drugs and aliens as well as livestock. A 1978 report prepared for the Department of Agriculture noted that this work environment would be considered combat conditions for a police department operating in a heavily populated urban center.

These tick inspectors now have no authority to carry firearms for self protection. It has been well demonstrated that this authority is critically needed and the administration supports this legislation. As the USDA report on this issue put it these inspectors should be recognized for what they are—law enforcement officers. Mr. President, the tick inspectors who enforce our animal quarantine laws should be entitled to the same right of protection as other peace officers.

'I am pleased to support H.R. 2035, a bill that would authorize designated employees of the Department of Agriculture to carry firearms for self-protection while on duty. The Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is responsible for protecting the animal and plant resources of this Nation from diseases and pests. Specifically, employees of APHIS are designated by the Secretary of Agriculture to carry out any law or regulation to perform any function in connection with any Federal or State program, or any program of Puerto Rico, Guam, the Virgin Islands of the United States, the District of Columbia, for the control, eradication, or prevention of the introduction or dissemination of animal diseases. The legislation would benefit a small number of APHIS employees located in Texas whose responsibilities consist of surveillance patrols along the Rio Grande River on the Texas/Mexico border, precautionary treatment of animals before they are allowed to leave the quarantine zone, and eradication procedures applied against all infestations of ticks in Texas. Referred to as tick inspectors, these employees patrolling the Texas/Mexico border are patrolling an especially dangerous area.

Federal, State, and local law enforcement agencies have reported that in this area illegal narcotics smuggling occurs in massive proportions, there are numerous incidences of cattle rustling, racehorse smuggling, and movement of illegal aliens. Federal employees working in an environment such as this should be allowed to have some form of protection. I believe this legislation warrants the Senate's approval.

In addition, I support the amendment to the bill that would improve the quality of table grapes for marketing in the United States. This language of the amendment is identical to that contained in S. 506, a bill that I cosponsored and that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices recently held hearings on. I urge my colleagues to join me in supporting H.R. 2035 and the amendment.

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

The amendment (Up No. 1346) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 2035), as amended, was passed.

Mr. BAKER. Mr. President, I send to the desk a amendment to the title and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the title so as to read: "An act to authorize certain employees of the United States Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection and to improve the quality of table grapes for marketing in the United States."

The amendment was agreed to.

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

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ARKANSAS FORESTRY COMMISSION

Mr. BAKER. Mr. President, the next item is H.R. 3881, Calendar Order No. 837, which I am prepared to present if the minority leader can clear it.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the Senator.

Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 837, H.R. 3881.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3881) to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission, and to direct the Secretary of the Interior to convey certain mineral interests in such lands to such Commission.

The Senate proceeded to the consideration of the bill.

Mr. HELMS. Mr. President, H.R. 3881 directs the Secretary of Agriculture to release the condition in the deed conveying a certain tract of land in Arkansas from the United States to the Arkansas Forestry Commission. The condition provides that if the tract ceases to be used for public purposes it will revert to the United States. Under the bill, the condition is to be released only if the commission agrees that the parcel to be exchanged; second, after any such exchange the newly acquired property will be used exclusively for public purposes; and third, the commission will not exchange any portion of the tract involved unless the fair market value of the property to be obtained is approximately equal to that of the parcel to be exchanged; second, after any such exchange the newly acquired property will be used exclusively for public purposes; and third, the commission will not exchange any portion of the tract unless the proceeds from the transaction are equal to the fair market value of the interest disposed of and they are deposited in an account open to inspection by the Secretary of Agriculture and are used, if withdrawn from the account, exclusively for public purposes.

The act directs the Secretary of Agriculture to release the condition in the deed conveying a certain tract of land in Arkansas from the United States to the Arkansas Forestry Commission. The condition provides that if the tract ceases to be used for public purposes it will revert to the United States. Under the bill, the condition is to be released only if the commission agrees that the parcel to be exchanged; second, after any such exchange the newly acquired property will be used exclusively for public purposes; and third, the commission will not exchange any portion of the tract involved unless the fair market value of the property to be obtained is approximately equal to that of the parcel to be exchanged; second, after any such exchange the newly acquired property will be used exclusively for public purposes; and third, the commission will not exchange any portion of the tract unless the proceeds from the transaction are equal to the fair market value of the interest disposed of and they are deposited in an account open to inspection by the Secretary of Agriculture and are used, if withdrawn from the account, exclusively for public purposes.

The motion to lay on the table was agreed to.

In addition, the bill permits the commission, after the release by the Secretary of Agriculture of the condition referred to above, to apply to the Secretary of the Interior to acquire the undivided mineral interests of the United States in the tract in question. The bill directs the Secretary of the Interior to convey such interests upon payment by the commission of a sum necessary to cover administrative costs of the conveyance, plus either: First, $1 if it is determined that the tract has no mineral value and is under no active mineral development or leasing, or Second, the fair market value of any mineral interests in the tract.

Under the provisions of the Bankhead-Jones Farm Tenant Act, the Secretary of Agriculture may acquire a tract of land in the State of Arkansas to the Arkansas Forestry Commission. Title III of the act authorizes the
Secretary of Agriculture to sell, exchange, lease, or otherwise dispose of Federal land that was acquired under the act for the purpose of land conservation. However, the act requires that the deed conveying these lands must specify that the land be used only for public purposes and if it ceases to be so used, it shall revert to the United States.

The lands conveyed by the Secretary of Agriculture to the Arkansas Forestry Commission are known as the southern Arkansas land utilization project and are located in Nevada and Ouachita Counties, Ark. The project consisted of 18,443 acres and is now the Poison Springs State Forest which is administered by the Arkansas Forestry Commission.

A private party that owns land adjacent to the tract conveyed by the Secretary to the Arkansas Forestry Commission for a net of 80 acres of land for expanding its production of pine seedlings for reforestation purposes. The commission is interested in exchanging that amount of its acreage for land of equivalent value now owned by the seedling producer. However, such an exchange may not take place unless the reversionary interest of the United States is released.

Such an exchange, involving about 80 acres of the tract conveyed to the commission, would not impair the usefulness of the tract for State forest purposes. Acquisition of the 80-acre parcel, which is particularly well-suited for the production of seedlings, would, however, permit the private owner to assist in fulfilling a need for seedlings for reforestation purposes by other forest landowners in the State of Arkansas. Further, similar valid needs for exchange or other disposition of other portions of the commission tract may arise in the future.

The Department of Agriculture has indicated that there is no objection to enactment of the bill.

The bill (H.R. 3881) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, then I ask that the Chair lay before the Senate Calendar Order No. 838, H.R. 6422, the PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6422) to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut.

The Senate proceeded to the consideration of the bill.

Mr. HELMS. Mr. President, H.R. 6422 directs the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut. The release would apply to a 0.93-acre tract which the State of Connecticut plans to transfer to the Ekonk Cemetery, Inc., for use as a cemetery. The condition that will be released requires that the land deeded to the State by the United States be used exclusively for public purposes and provides for a reversion of the land to the United States if at any time it ceases to be so used. Under the bill, the release will apply as long as the land is used exclusively as a cemetery, and any proceeds received by the State in return for the transfer of the land in question must be used only for public purposes. The release will not affect the interests of the United States in coal, oil, gas, or other minerals reserved by the United States in the land.

Certain federally owned lands acquired under the Bankhead-Jones Farm Tenant Act of 1935 were conveyed by the Federal Government to the State of Connecticut in 1954 and subsequently were included in the Pachaug State Forest. Section 32 of that act requires that any deed of conveyance made under title III of the act be conditioned on the land being used only for public purposes. Thus, the deed effecting the 1954 transfer contains a condition stating the right to reversion of ownership to the United States if the land ever ceases being used for public purposes.

For approximately 20 years, the Ekonk Cemetery has been seeking an additional acre of land from the adjacent Pachaug State Forest for use as additional cemetery space. The existing cemetery is now full. The Connecticut Park and Forest Commission is favorably disposed to transfer the acre to the cemetery. However, the State's attorney general has ruled that the "public purposes" clause contained in the deed makes such a transfer impossible. Therefore, this bill is necessary to enable the Secretary of Agriculture to release the State of Connecticut from the deed's reversionary condition for this parcel of 0.93 of an acre.

The Department of Agriculture has indicated that there is no objection to enactment of the bill.

The bill (H.R. 6422) was ordered to a third reading, was read the third time, and passed.

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

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, I have nominations that are cleared on today's Executive Calendar on this side of the aisle.

I invite the attention of the minority leader to those items appearing on page 5 beginning with Calendar No. 973, Lt. Gen. Charles C. Blanton, for appointment to the grade of lieutenant general on the retired list, continuing through the remainder of the nominations on that page, all the nominations on page 6, the nominations on page 7 beginning with Panama Canal Commission and continuing through the remainder of that page, all the nominations on page 8, page 9, page 10, page 11, page 12, page 13, and all the nominations placed on the Secretary's Desk in the Air Force, Army, Marine Corps, and Navy.

Mr. President, I am prepared to ask the Senate to consider those nominations at this time if all or any part of those nominees can be cleared by the minority leader.

Mr. ROBERT C. BYRD. Mr. President, there is no objection to proceeding with the aforementioned nominations.

Mr. BAKER. I thank the minority leader.

EXECUTIVE SESSION—NOMINATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

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

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations so identified be considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

Air Force
The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, section 1370.


The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:


The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general
Lt. Gen. James H. Ahmann, U.S. Air Force, (as of appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 601).

To be vice admiral

The following-named officer, under the provisions of Title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be admiral

The following-named officer under the provisions of Title 10, United States Code, Section 8019, for appointment as Chief, Air Force Reserve:

To be chief, Air Force Reserve

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

To be vice admiral

To be admiral

The following-named officer, under the provisions of Title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be admiral

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list pursuant to the provisions of title 10, United States Code, section 1370.

NAVY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370.

To be admiral

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601, and to be Senior Navy Member of the Military Staff Committee of the United Nations in accordance with title 10, United States Code, section 111:

Rear Adm. Arthur S. Moreau, Jr., /1110, United States Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Merit Systems Protection Board
K. William O'Connor, of Virginia, to be Special Counsel of the Merit Systems Protection Board for the remainder of the term expiring June 3, 1984.

The Judiciary
Raymond L. Acosta, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico.

John C. Fox, of North Carolina, to be United States district judge for the eastern district of North Carolina.

Department of Justice
Arthur F. Talmadge, of California, to be U.S. marshal for the eastern district of California for the term of four years.

Panama Canal Commission
Stephen W. Bosworth, of Michigan, to be a Member of the Board of the Panama Canal Commission.

Air Force
The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

The following-named officer under the provisions of Title 10, United States Code, Section 8019, for appointment as Chief, Air Force Reserve:

To be chief, Air Force Reserve

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

To be admiral

The following-named officer, under the provisions of Title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be admiral

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be admiral

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be admiral

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be admiral

To be admiral
Army nominations beginning Rembert G. Rollison, and ending Jeffrey P. Zervas, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1982.

Army nominations beginning Larry D. Aaron, and ending David C. Zucker, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1982.

Army nominations beginning Ralph P. Aaron, and ending Janet F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1982.

Army nominations beginning Thomas A. Rodgers, and ending Jimmy D. Young, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1982.

Army nominations beginning John A. Duff, and ending Stanley M. Krol, which nominations were received by the Senate and appeared in the Congressional Record of September 15, 1982.

Army nominations beginning William J. Brooks, and ending Charles R. Jarrett, which nominations were received by the Senate and appeared in the Congressional Record of September 13, 1982.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations and considered en bloc and confirmed en bloc.

Mr. ROBERT C. BYRD. In order at this time to ask for the yeas and nays with one show of hands.

Mr. BAKER. Mr. President, I am happy to do that. I ask unanimous consent that at 1 o'clock there be 10 minutes, equally divided in the usual form prior to the vote to count for six votes.

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

Mr. BAKER. Mr. President, since the order provided that it would be in order at this time to ask for the yeas and nays, I ask for the yeas and nays.

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

The yeas and nays were ordered.

TREATY WITH NEW ZEALAND ON THE DELIMITATION OF MARITIME BOUNDARY BETWEEN THE UNITED STATES AND TOKELAU

The PRESIDING OFFICER. Without objection, the first treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Treaty between the United States of America and New Zealand on the Delimitation of the Maritime Boundary between the United States of America and Tokelau, signed at Tokelau on December 2, 1980.
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NAIROBI PROTOCOL ON THE IMPORTATION OF EDUCATIONAL, SCIENTIFIC, AND CULTURAL MATERIALS

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (two-thirds of the Senate present concurring therein), That the Senate advise and consent to the Ratification of the Protocol to the Agreement on the Importation of Educational, Scientific, and Cultural Materials, adopted at Nairobi on November 26, 1976, and signed by the United States on September 1, 1981.

CONVENTION WITH MEXICO FOR THE RECOVERY AND RETURN OF STOLEN OR EMBEzzLED VEHICLES AND AIRCRAFT

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the Ratification of the Convention Between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embzeded Vehicles and Aircraft which was signed at Washington on January 15, 1981.

CONVENTION ON TONNAGE MEASUREMENTS OF SHIPS, 1969

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the Ratification of the Convention Between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezled Vehicles and Aircraft which was signed at Washington on January 15, 1981.

ESTATE AND GIFT TAX TREATY WITH THE REPUBLIC OF AUSTRIA

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the Resolution of Ratification, which the clerk will state.

The legislative clerk read as follows:


LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

Mr. BAKER. Mr. President, I have one more request that I would like to state for the consideration of the minority leader.

FREEDOM WEEK U.S.A.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 255, Freedom Week U.S.A., October 10, 1982, through October 16, 1982. I am prepared to ask for its immediate consideration, if agreeable to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I have no objection.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate, Senate Joint Resolution 255.

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

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 255) to designate the week of October 10, 1982, through October 16, 1982, as "Freedom Week U.S.A."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The joint resolution (S.J. Res. 255) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. Res. 255

WHEREAS the Jayceettes is an organization of young women who believe in the brotherhood of man and hold that this brotherhood transcends the sovereignty of nations;

WHEREAS the Jayceettes believe that government should be of laws rather than men;

WHEREAS in their right for independence, communities in the United States have established a heritage of freedom by patriotic services;

WHEREAS the American flag is a symbol of patriotic loyalty and pride in our country;

WHEREAS Jayceettes is committed to a patriotic recognition of the discovery of America and the founding freedoms of the United States of America; and

WHEREAS Jayceettes across the Nation will be showing their concern, loyalty, and support for our country by a vivid and patriotic display of pride in America throughout our communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 10, 1982, through October 16, 1982, is designated "Freedom Week, U.S.A." and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to show their concern, loyalty, and support for our country by a vivid patriotic display of pride and with other appropriate ceremonies.

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

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

HUMAN RIGHTS AND EXPORT POLICY

Mr. CRANSTON. Mr. President, I am dismayed at recent reports of the Reagan administration's decisions to sell electric shock batons to two conspicuous violators of basic human rights: South Africa and South Korea. What is especially worrisome about these decisions is that the Reagan administration either did not consult with or simply ignored the recommendations of the Department of State before issuing these two export licenses.

On April 26 of this year, the Department of Commerce approved an export license for 2,500 electric shock batons to South Africa. Section 6 of the Export Administration Act of 1979
requires the Secretary of Commerce to implement foreign policy controls "in consultation with the Secretary of State" and other departments and agencies as the Secretary of Commerce "considers appropriate." The Department did not even learn of the final sale until September 17—too late to stop the shipment of these items and too late even to analyze adequately the foreign policy implications of this action.

The United States has expended considerable diplomatic efforts in the complex and sensitive negotiations to attain independence for Namibia. The administration has repeatedly asserted that the resolution of the Namibia issue is a high priority in Africa. The participation of several key African nations has been and will continue to be essential for the success of these negotiations. Yet the reactions of these states to the sale of the batons to South Africa was apparently given no consideration.

The sale of these instruments reinforces the perception that promoting human rights has taken a back seat to promoting U.S. exports in U.S. foreign policy. In the last 50 years, the South African Government has institutionalized the denial of civil rights and tried the overwhelming majority of its citizens. Nearly 50 detainees were found dead in South African prisons before 1977, when the death of student activist Steve Biko provoked worldwide outrage. Following this tragic event, no deaths were reported in South African prisons until this year. Since February, two detainees have been found hanged. Reports from organizations such as Amnesty International chronicle the stories of other detainees who have been tortured.

Given this record, I am dismayed that a security organization within South Africa has been able to buy what essentially are electric cattle prods from the United States. I do not understand how the Department of Commerce could give routine treatment to any application to sell such items to South Africa, especially considering the long history of export controls on U.S. trade with South Africa. That the Department of Commerce could grant a license in such a clear case demonstrates the necessity of including the Secretary of State in the consultation process, as mandated in section 6 of the Export Administration Act. "Administrative inadvertence" is no excuse for failing to consult with the State Department on the sale of such instruments.

With regard to South Korea, I recently joined my colleagues Senator Kefauver and Senator Dole in expressing deep concern over the administration's decision to license the sale to South Korea of 500 electric shock batons. Because of fears that these batons could be used for the torture and interrogation of South Korean political activists, we asked Commerce Secretary Malcolm Baldrige for his personal review of the decision.

I am pleased that the Reagan administration's willingness to make these instruments available to the South Korean Government, given that Government's history of human right violations and its continued restrictions against political activity and dissent, in addition, this decision was made over the express objections of State Department officials. Instead, the administration followed the Department of Commerce's recommendations to approve an export license. I am pleased that the South Korean Government has since withdrawn its request to buy these batons.

This action, however, does not change the fact that the Reagan administration was willing to make the batons available to South Korea.

PHARMACY PROTECTION AND VIOLENT OFFENDER CONTROL ACT

Mr. HATCH. Mr. President, on October 21, 1982, Howard Sudit was brutally murdered in his Avenue Pharmacy in Charleston, S.C., by an armed assailant attempting to obtain controlled substances. Sudit was a leading member of the National Association of Retail Druggists' (NARD) Committee on National Legislation and Government Affairs. Only weeks before, he had again urged the passage of violent pharmacy robbery legislation. Howard's plea had gone virtually ignored.

The case of Howard Sudit is hardly unique. Since 1973, robberies of retail pharmacies to obtain controlled substances have increased 180 percent. One in five of these robberies results in death or injury to the pharmacist. More than 2,500 people have died or were injured since 1973 as a result of pharmacy robberies. Ten of these have occurred in my home State of Utah.

This dramatic rise in violence can be attributed in part to an inconsistency in current law. It is a Federal offense to obtain a controlled drug by fraud. It is a Federal offense to obtain a controlled drug by misrepresentation, forgery, or subterfuge. Yet it is not a Federal offense to acquire these drugs by violent methods. The implication is that the violence is of no Federal concern.

That implication is not one we wish to perpetuate. According to the Drug Enforcement Administration, the diversion of legitimate drugs from the retail level is one of three major sources of drug abuse. The other two sources are Southwest Asian heroin and Colombian marijuana and cocaine. The number of pharmacy robberies to obtain controlled substances is increasing at a rate more than three times as rapid as the increase in other robberies.

Legislation is needed to establish Federal penalties for the robbery or theft of controlled substances from a pharmacy. I am hopeful that the provisions contained in S. 2572, the Omnibus Violent Crime and Drug Enforcement Act of 1982, will aid in solving the problem. I am already a co-sponsor of S. 2572. However, the situation is of such grave concern that I am asking my name to be added as a co-sponsor of S. 1025, the Pharmacy Protection and Violent Offender Control Act, a bill that deals specifically with the problem. Only with the establishment of Federal law against violent acquisition of controlled substances will pharmacists cease to live with the constant fear of robbery, injury, and even death.

INTERNATIONAL ATOMIC ENERGY AGENCY

Mr. MATHIAS. Mr. President, today I have written the President of the United States expressing my hope that he will instruct the U.S. delegation to return to the next meeting of the International Atomic Energy Agency with new proposals and a renewed commitment to stemming the threat of nuclear proliferation.

It is encouraging to observe the interest the Reagan administration has taken in the IAEA and the obvious importance that is attached to its work. The wide attention attracted to the IAEA by the action of the United States in protesting the rejection of the credentials of the Israeli delegation will remind the world of the vital function of this international agency.

Having made this point in a forceful way, the President can now take new initiatives. In addition, it would be useful for the Secretary of State to inquire of the U.S.S.R. whether it would support new, more effective, international measures by which nuclear proliferation could be detected and restrained. The joint action of the two nuclear superpowers would be a major step in the right direction and would be welcomed by people everywhere.

Today we are witnessing both horizontal and vertical nuclear proliferation. More nations are experimenting with nuclear technology, and nuclear technology is ever more sophisticated. Intelligence sources have advised that there are even subnational organizations that are capable of acquiring nuclear devices.

The United States played a leading role in the founding of the IAEA, during the Eisenhower administration, by strongly encouraging a nonproliferation of other nations, including the Soviet Union. Since that time, support for the IAEA has remained a corner-
It is most unfortunate that it is not fully realised that these provisions could not be made to work more effectively. The Administration plans to shrink big government and to continue confidence in our tax system. The increase in income tax would mean that, and the cost outlays of government and business firms would be beyond our comprehension in shifting tax collections to others.

There is precedent for repeal in that both the House and Senate passed a 20 percent withholding in 1962 and then reversed their positions after it was disclosed to the Joint Conference Committee that (1) there was no sizable excess dividend reporting claimed by the Treasury, (2) over-withholding would result in as many investor filing claims for refunds as those filing tax returns. (3) there would be more refunds with bonds or sold between interest dates. This makes withholding impractical, unnecessary.

Withholding does not solve the compliance problem since its provisions apply mainly to presently registered securities and to future within security sales, and do not take into consideration billions and billions of outstanding corporate and other bearer securities which Treasury figures show constitute the largest gap of unreported income. We have been endeavoring to shut this gap for a decade or more through the extension of annual reporting of bearer interest income, the same as dividends. There is a 96.7 percent compliance on bearer dividends. Withholding cannot possibly increase this rate of compliance.

It is incredible to provide bonds to be registered in the future since it would not only destroy their marketability to readily buy and sell, but would adversely affect the growth of our economy by restricting capital formation. (It now takes from two to three months for the Federal Reserve Bank to register foreign bearer bonds in the names of bondholders."

Mr. PERCY. Mr. President, the recently enacted tax bill—the Tax Equity and Fiscal Responsibility Act of 1982—contains a controversial section requiring the withholding of interest and dividend income.

The debate on this matter was heated in the Senate and opposition of the provision, including myself, sought to remove it from the legislation. Unfortunately we did not succeed and the Senate chose, by a vote of 48 to 50, to leave it in the bill.

Since the Congress passed this legislation, I have heard from many constituents who are opposed to withholding. One of the most eloquent and candid letters I have received on this came from Mr. George Barnes of Chicago.

Mr. Barnes is an expert on capital markets and a long-time member of Wayne Hummer & Co., in Chicago, one of the foremost brokerage houses in that city. I have always respected his advice on matters pertaining to capital markets and I believe he has made a good case in his letter.

Mr. President, I ask unanimous consent that Mr. Barnes' letter be printed in the Record at the close of my remarks.

Mr. Barnes points out in his letter that Congress enacted a withholding provision in 1962 but repealed it before it went into effect. Mr. Barnes was instrumental at that time in bringing about the change in the law, and I commend his letter to my colleagues.

There being no objection, the letter was ordered to be printed in the Record, as follows:

WAYNE HUMMER & Co.
CHICAGO, ILL., September 3, 1982.

Hon. DONALD T. REGAN,
Secretary of the Treasury,
Washington, D.C.

Dear Sir: The purpose of this letter is to point out the need for immediate repeal of the withholding provisions to provide greater compliance in the recent tax package passed by Congress and to ask for your support. Also, it should be of grave concern to you that the combination of withholding of investment income and the registration of new securities would tie the financial community into knots, in delayed deliveries, paper work, and confusion with all the various exceptions and exemptions.

Just in reverse. Also, you cannot very well justify withholding on investment income just because there is no withholding on wages, with only one withholding. Moreover, the withholding plan on investment income is impractical, expensive, and contrary to other deductions. This is not true of wage withholding.

I would like to think that the extension of withholding to taxes is, in the effective date of withholding was changed to July 1, 1983 to give time for the consideration of repeal.

Since taxpayers fear and tremble where income is reported to the IRS, there is no more effective way to provide adequate compliance, and I would hope that, in lieu of withholding, consideration should be given to reporting by institutions when interest coupons are cashed, which I have proposed to the Treasury previously. In a conference with the Treasury staff, acquiescence was given, provided the banks and brokers would agree to it. Bank and broker nominees would then be charged to the IRS, to the burden of a full-name report or any other extensive public hearings.

I would like to think that the extension of withholding to taxes is, in the effective date of withholding was changed to July 1, 1983 to give time for the consideration of repeal.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that the testimony I gave before the Committee on Finance on September 28, 1982, dealing with tax reform, be printed in the Record.

TAX REFORM

Mr. DeCONCINI. Mr. President, I ask unanimous consent that the testimony I gave before the Committee on Finance on September 28, 1982, dealing with tax reform, be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR DENNIS DECONCINI
BEFORE THE COMMITTEE ON FINANCE

Mr. Chairman, other members of this Committee, thank you for the opportunity you have given me to come before you and state my feelings on the issue of tax reform in general and the viability of a flat-rate system of taxation in particular. Such an approach to a Federal tax policy has been advocated sporadically for many years but in recent months the dissatisfaction with the present Internal Revenue Code has seemed to reach a new high and with it has come piercing cry from the American public to reexamine the entire basis of our system of taxation. The most frequently suggested alternative is the so-called 'flat-rate' approach.

As I said when I introduced the first flat-rate tax bill, S. 2147, in the Senate on March 1st of this year, "A complete overhaul of our tax system is long overdue. . . . We must start over on a new patient." Events since that date have only served to reinforce my feeling that our present tax code has become so complicated and tortuous in its application, and so detrimental to spurring the economic recovery we are all.
anxiously awaiting, that a serious look must be given their tax system. Simply put, we would subject the tax base to only one tax rate (although some amount of income would be excluded from the base to provide "low income relief")., and broaden the tax base by repealing many of the tax benefits that subsidize various types of economic activity or provide relief from benefits that subsidize various grant programs. Failure to address this problem largely solves itself because tax shelters will not be nearly as attractive if only 15-20 cents of every dollar is exposed to the IRS.

9. Horizontal equity will increase. Because the definition of income will be broadened and non-economic activity or provide relief from benefits that subsidize various grant programs, the individual to whom a couple with separate incomes pays taxes on $60,000, and the taxpayer may have been cut back. Second, the argument that the personal exemption is designed for the farm economy is in the worst depression. Answers to such a hypothetical question may vary, but on the whole I don't believe that any income class will ultimately suffer from imposition of a flat-rate tax. Higher income earners will probably on the whole have a reduced tax burden but if a person is presently sheltering extensive amounts of income they may well end up paying more to Uncle Sam in taxes. The people of this country want tax reform. I believe a flat-rate tax is fair and that it would make the system immeasurably fair, more understandable and to comply with. I further believe that with a flat rate of 19 percent beginning in Fiscal Year 1983, the plan to bring about a balanced budget within three years thereafter assuming spending levels are kept reasonable. Additionally, it would be more rewarding the productivity and the additional revenues that could be expected to be derived from the taxation of economic activities that are now a part of a $200 billion underground economy, that the tax system could be driven down much further by 1990.

The essence of what a good tax system must contain was outlined by former Sec- retary of the Treasury Mellon with these words: "The problem of Government is to fix rates that are not only fair, but that will produce sufficient revenue for the Government; it must lessen as far as possible, the burden of taxation on those least able to bear it; and it must also remove those influences which might retard the continued steady development of business and industry on which, in the last analysis, so much of our prosperity depends."

I believe a flat-rate structure meets these criteria and deserves a chance to prove itself.

Mr. PRESSLER. Mr. President, our farm economy is in the worst depressions since the 1930's. Low farm prices, rising costs of production, and high interest rates are forcing thousands of farmers out of business. If these farm families are to weather the current economic storm, action must be taken now to increase farm prices.

The U.S. Government and farmers have near record grain stocks in storage. This surplus is greatly depressing grain prices. The only way prices will be improved is to reduce that surplus. Recently, farm, small business, religious and other organizations in South Dakota met to discuss the farm crisis. Plans to reduce the surplus were proposed. Among other actions, the South Dakota Farmers Union proposed a mercy food program to increase U.S. food aid to poor nations. The proposal calls for a redirection of our foreign aid programs toward increased levels of food aid.

Currently, the food aid portion of the foreign aid budget and the Public Law 480 share of total U.S. agricultural exports are relatively small. Of the $9 billion spent on U.S. foreign aid programs, only $1.5 billion will be in the form of food aid. The percentage of U.S. total agricultural exports accounted for by Public Law 480 sales fell from 27 percent in 1960 to between 2 and 3 percent in 1981.

In addition to this proposal, the South Dakota Farm Bureau has proposed a 10-step plan to reduce the surplus through increased exports. As a strong supporter of increased agricultural exports, I have sponsored or co-sponsored legislation encompassing a number of the Farm Bureau proposals.

The current crisis in U.S. agriculture illustrates the need for a strong agricultural export policy if thousands of family farmers are to survive.

PROPOSALS TO REDUCE GRAIN SURPLUS AND IMPROVE FARM PRICES
After the Farmers Union and Farm Bureau proposals were drafted, South Dakota farm organization leaders met with the Governor of South Dakota and combined portions from each proposal to form one plan. The group then endorsed the plan. These proposals come from farmers and other grassroots Americans who are affected by farm policies. The final plan is the work of a coalition of farm groups and represents the thinking of thousands of South Dakotans.

Mr. President, I ask that copies of the proposals be inserted in the Record following my statement. I also urge my colleagues to join me in careful consideration of building support for the proposals as appropriate means to reduce our huge grain surplus and to improve farm prices.

The making of no objection, the material was ordered to be printed in the Record, as follows:

**EMERGENCY FARM PROPOSAL**

American agriculture is in crisis. Family farmers and ranchers from Maine to California to South Dakota have not faced such bleak economic conditions since the worst years of the Great Depression of the 1930’s. America’s rural depression of 1982 has gone on for over 12 months. Interest rates have eroded the equity of agriculture and now threaten the continued survival of thousands of our fellow family farmers.

For the past 13 months the average parity level has been 33 percent below 1972. United States Department of Agriculture statistics show that the national average price of wheat, for example, declined from $3.94 to $3.92 per bushel from August 1980 to August 1982. During the same period, the national average price of corn fell by fully 28 percent from $2.92 to $2.19. In some areas, including South Dakota, prices have gone even lower.

The making of no objection, the material was ordered to be printed in the Record, as follows:

**CONGRESSIONAL RECORD—SENATE**

September 29, 1982

Since the current depression began in rural America, food prices have increased, but the national economy will not begin to recover until there is a significant increase in farm income.

As we approach fall, immediate action is necessary if we are to avert a still greater and perhaps irreparable collapse of our agricultural economy. For that reason we support the following actions:

**A MERCY FOOD PROGRAM**

The preamble to the International Affairs section of the 1983 United States Budget declares that the “foreign policy of the United States is directed toward achieving an environment of peace, international security and stability. For that reason we support the following actions:

1. **A MERCY FOOD PROGRAM**

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- **RECORD October 10, 1982.**

The South Dakota Farm Bureau proposed a 10 point program designed to correct present deficiencies in net farm income and to chart a course for long term prosperity for America’s farmers and ranchers.

The Farm Bureau proposal, adopted by the South Dakota Farm Bureau Directors at a meeting in Huron called for:

1. Passage of "sanctity of contract" legislation. The U.S. must rebuild its image of reliability to foreign buyers. Ensuring that contracts for future delivery of ag exports would be honored for at least 180 days would indicate a strong commitment by the U.S.

2. Adequate funding of the CCC Export Refinancing Fund. This method of credit for foreign customers has an excellent record of payment. Because of tight money conditions and present interest rates, many prospective buyers are having difficulty obtaining credit.

3. Allow agricultural exports to qualify for credit from the Export-Import Bank. Presently, business and industry use funds from the Export-Import Bank, and Farm Bureau believes agriculture deserves a percentage of the credit.

4. Appoint the U.S. Secretary of Agriculture as a voting member of the National Advisory Council on International Financial and Monetary Policies. As exports are di-
SHORT-TERM PLAN

Jerry Hayden, South Dakota Irrigation Association, made a motion that the group endorse Points 2, 3, 5, 7, 8, and 9 of the Farm Bureau Plan. He also moved to endorse the Mercy Food Plan of the South Dakota Farmers Union, as a short term program. The group voted on the alternatives present voted aye. Chris Hughes of the South Dakota Wheat Producers abstained. (A copy of the combined agricultural program is attached.)

LONG-RANGE PLAN

After lengthy discussion, the group revised Points 1, 4 and 10 of the Farm Bureau Plan. Jerry Hayden of the South Dakota Irrigation Association made a motion to endorse those points of the Farm Bureau Plan as amended as well as the Mercy Food Plan of the Farmers Union to be used as a long term goal of the group. Motion carried. Abstaining from the vote was Leland Swenson of the South Dakota Farmers Union and Chris Hughes of the South Dakota Wheat Producers. (A copy of the long term goals is available from the South Dakota Division of Agricultural Marketing.)

MERCY FOOD PROGRAM

We support the immediate establishment of a temporary emergency Mercy Food Program, which would allow American farm commodities to underdeveloped nations who are now not able to afford to buy the food they need, and assist in the construction of adequate storage facilities to feed their people. Under the Mercy Food Program, the U.S. Government would purchase American farm commodities at current prices, plus storage fees, interest and other costs, which would be incurred under the present Commodity Credit Corporation and could include grain which is presently in the reserve program.

These commodities would then be turned over to existing religious and other charitable organizations for delivery to recipient nations and peoples. Recipients should include only those nations which are now not able to buy food for themselves. Under no circumstances should such food aid be shipped to nations which are financially able to purchase commodities on the world market.

Religious and other charitable organizations desiring to participate in the distribution of commodities included in the Mercy Food Program should receive whatever federal financial aid is required to complete their task.

To insure that farm income is improved, in the United States, we recommend that at a bare minimum, the Mercy Food Program must include at least one-fourth of the current production carryover. And that the following programs be initiated as soon as possible:

- Adequate funding of the CCC Export Revolving Fund. This would help alleviate the tight money conditions and present interest rates which are causing many prospective buyers to have difficulty in obtaining credit, and this method of financing has had an excellent record of repayment.
- Allow agricultural exports to qualify for repayment under the Export/Import Bank. Presently, business and industrial export funds from the Export/Import Bank and agriculture deserves a percentage of the funds.

Protection against subsidized farm exports from the European Economic Community. American farmers cannot compete with the power of foreign national treasuries.

DEBT COLLECTION BY THE FEDERAL GOVERNMENT

Mr. DeConcini. Mr. President, as a long-time advocate of more aggressive debt collection activities on the part of the Federal Government, I am pleased to have been a cosponsor of the measure which was passed yesterday. I commend Senator Faccio for introducing this comprehensive package and for guiding it through the Governmental Affairs Committee.

The history of the Federal Government's debt collection activities is a sorry one indeed. Part of the problem has been, of course, that the Government has not been provided with the necessary tools to pursue delinquent debtors. S. 1249 will go a long way toward resolving those problems.

The magnitude of the problem confronting the Federal Government is graphically illustrated in the most recent Office of Management and Budget Debt Collection Report to the Senate Appropriations Committee dated May 30, 1982. That report estimates 1982 delinquencies and defaults on debts owed the Government at $32.7 billion. And the projections for 1983 are even more staggering—$42.2 billion. I respectfully request that the OMB table indicating the agency by agency breakdown of delinquent debts be printed in the Record at the conclusion of my remarks.
The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit I.)

Mr. DeCONCINI. Mr. President, according to the OMB table, projected delinquency is expected to range from approximately $33.5 billion in 1981 to $42.2 billion in 1983—an increase of 25 percent. While delinquent nonfederal debt actually declines from $13 billion in 1981 to $12.5 billion in 1983—a decrease of 4 percent—the amount of the outstanding debt owed to the Government is clearly unacceptable. This Nation can simply not afford to write off its bad debts. While some progress has been made, much remains to be done. And it behooves all of us to move forward on our debt collection activities with all deliberate speed. If the Government collects all the debts it is owed, we could reduce the Federal deficit by one-third.

This bill will remove many of the obstacles which have prevented the Government from collecting the debts it is owed. It will enhance the Government’s ability to collect its unpaid debts by allowing Federal agencies to refer credit information on delinquent debtors to credit bureaus; by allowing a Federal employee’s salary to be offset to satisfy his/her debt obligation to the Government; by allowing Federal agencies to contract with private collection agencies to collect delinquent debts; and by allowing the IRS to disclose to another Federal agency information on the outstanding tax liability of a Federal loan applicant. These provisions, among others, will help the Government to more effectively and efficiently collect its debts. It is a good bill. It is long overdue.

EXHIBIT 1

TABLE 1.—GOVERNMENT-WIDE DEBT COLLECTION ACTIVITIES

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<thead>
<tr>
<th>Department or other unit:</th>
<th>Total Receivables</th>
<th>Collections</th>
<th>Delinquencies/defaults</th>
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<tr>
<td>Department of Agriculture</td>
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<td>104,762.7</td>
<td>116,086.9</td>
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<tr>
<td>Department of Commerce</td>
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<td>4,947.2</td>
<td>5,605.6</td>
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<tr>
<td>Department of Defense</td>
<td>2,205.3</td>
<td>2,295.7</td>
<td>2,577.5</td>
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<td>Department of Education*</td>
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<td>10,357.6</td>
<td>11,456.8</td>
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<tr>
<td>Department of Energy</td>
<td>650.2</td>
<td>747.5</td>
<td>894.5</td>
</tr>
<tr>
<td>Department of Health and Human Services</td>
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<td>4,045.6</td>
<td>4,745.7</td>
</tr>
<tr>
<td>Department of Housing and Urban Development</td>
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<td>3,436.9</td>
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<tr>
<td>Department of Justice</td>
<td>560.8</td>
<td>650.0</td>
<td>750.0</td>
</tr>
<tr>
<td>Department of State</td>
<td>76.5</td>
<td>97.7</td>
<td>112.3</td>
</tr>
<tr>
<td>Department of Transportation</td>
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<td>1,104.0</td>
</tr>
<tr>
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<td>35,940.9</td>
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<td>Department of Veterans</td>
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<td>Department of the Interior</td>
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<tr>
<td>Department of Commerce, in</td>
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<td>1,419.3</td>
</tr>
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<td>United States Government Financing Corporation</td>
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<td>4,714.3</td>
<td>4,714.3</td>
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<tr>
<td>United States Government \ldots</td>
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<td>4,714.3</td>
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<tr>
<td>United States Government \ldots</td>
<td>4,464.4</td>
<td>4,714.3</td>
<td>4,714.3</td>
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<tr>
<td>Total</td>
<td>231,915.6</td>
<td>236,310.6</td>
<td>253,735.2</td>
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</tbody>
</table>

* Estimates were provided September 30, 1981. Actual amounts for Fiscal Year 1982 will be published in the Treasury Bulletin for March 1982 and will be available by March 31, 1982. Data was not provided to OMB on loans made by the Treasury Federal Financing Bank and Guaranteed by Defense, Education, Energy, GSA, HUD, Interior, NASA, DOD, SBA, and Transportation.

† The President’s budget proposes dismantlement of the Dept. of Education (ED) effective October 1, 1982. FY 1983 funding for activities currently performed by ED will be transferred to the Foundation for Education Assistance, the Dept. of Defense, HUD, Treas., Interior, and Justice; and to other independent agencies.

‡ The President’s budget proposes dismantlement of the Dept. of Energy (DOE) effective October 1, 1982. FY 1983 funding for activities currently performed by DOE will be transferred to the Dept. of Commerce, Interior, and Justice as to the Federal Energy Regulatory Commission.

TRIBUTE TO REPRESENTATIVE JOHN J. RHODES

Mr. DeCONCINI. Mr. President, in the House of Representatives today has been observed as a day to honor the distinguished retiring Member of the Arizona delegation, the Hon. John J. Rhodes. I am pleased to add my voice to those honoring Representative Rhodes today.

Since he was first elected to the U.S. House of Representatives nearly 30 years ago, John Rhodes has been a true leader among his colleagues. Arizonans are very proud that John Rhodes has represented them so well and faithfully over the years, rising in 1973 to the distinguished position of minority whip of the House, and serving honorably in that difficult and challenging post through the 96th Congress.

During my time here in the Senate, from the other side of the political aisle, and from the other side of the Capitol, I have seen John Rhodes and respected him both for his hard work and his integrity. I congratulate him on his years of distinguished service, and assure him that we will miss him in the House of Representatives.

He will always be a delegate from Arizona in the mind of this Senator.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

Mr. WALLOP. 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 on Ethics has received a request for a determination under rule 35, which would permit Mr. Patrick Donnelly Balestrieri, of the staff of the Committee on Foreign Relations, to participate in a program, jointly sponsored by the Center for Strategic and International Studies of Georgetown University and the Konrad Adenauer Foundation, to be held in Bonn and West Berlin, the Federal Republic of Germany, from September 25 to October 3, 1982.

The committee has determined that participation by Mr. Balestrieri in the program in Bonn and West Berlin is in the interest of the Senate and the United States.

WIND ENERGY TURBINES AT MEDICINE BOW

Mr. WALLOP. Mr. President, the town of Medicine Bow, Wyo., which is famous in western lore as the setting of Owen Wister’s “The Virginian,” is now also the setting for a brand-new set of wind turbines that are being op-
September 29, 1982

CONGRESSIONAL RECORD—SENATE

October 1982

erated by the Interior Department’s Bureau of Reclamation to generate clean electric power from a renewable natural resource, the force provided by the wind.

I was privileged on September 4, 1982, to be present at and participate in the dedication ceremonies for the Medicine Bow wind energy turbines. The two units, one built by Boeing Corp. and the other by United Technology’s Hamilton Standard Division, are being operated under identical conditions to provide valuable technical data on the practicality of wind-driven power generation, as well as 6.5 combined megawatts of power. With me at the dedication event was Commissioner of Reclamation Robert N. Broadbent, who delivered some pertinent remarks and read a congratulatory message from Secretary of the Interior James Watt.

Mr. President, to memorialize the significance of the event, I ask unanimous consent that the full text of Commissioner Broadbent’s remarks and Secretary Watt’s message be printed in the Record at this time.

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

Remarks of Robert N. Broadbent, Commissioner of Reclamation

New Orleans Saints football coach Bum Phillips was once asked about the talent of future Super Bowl winners. He immediately said, “He might not be in a class by himself,” Phillips said, “but whatever class he’s in, it doesn’t take long to call the roll!”

The same can be said of these two wind turbines.

The Hamilton Standard WT5-4 is the largest wind turbine in the world—in terms of both size and output. With its blade in the upright position, it stands nearly 400 feet above the ground. The tower is made of hollow steel, and the rotors are fabricated of filament-wound fiberglass. Total weight is 400 tons, equivalent to 410 pounds per square inch of foundation. At operation, the WT5-4 faces downwind. The rotor of the MOD-2 turns at 17.5 rpm’s, producing 2.5 megawatts of power.

Together, the turbines produce enough electricity to meet the needs of about 3,000 homes—9,000 people—or a town about the size of Riverton, Wyoming.

There has already been a lot of inter-agency cooperation on this project, and we expect more to come.

Reclamation received a great deal of assistance from the National Aeronautics and Space Administration (NASA) and from the Department of Energy (DOE) in designing, building, and testing these two units. NASA manages DOE’s development program for all large wind turbines and provides technical management of the Hamilton Standard unit under an agreement with Reclamation.

Installation of the Boeing unit was arranged through a joint agreement with DOE, NASA, and Reclamation. The unit was purchased under an existing contract which NASA had with Boeing for the development program.

Reclamation got involved in the wind energy business mainly because of our experience in hydroelectric power generation. Every year, new hydroelectric powerplants located throughout the 17 Western States generate some 40 billion kilowatt hours of electricity—the equivalent of about 73 million barrels of oil.

When Reclamation began the job of selecting a site for a potential wind farm, we reviewed a long list of possibilities. Records show that—believe it or not—Medicine Bow is only the third windiest spot in the Nation. Livingston, Montana, is a little windier. So is Guadalupe Pass, Texas. But the winds in both those locations are gusty. Medicine Bow has winds that are both strong and steady.

Records also show that here in Medicine Bow, at 300 feet above ground level where the wind generators will operate, the wind averages over 20 miles per hour—more than enough for efficient wind-driven power generation. Not only that, the windiest period of the day is between 10 a.m. and 10:00 p.m., the hours of heaviest power use.

More reasons Medicine Bow was chosen is that it is connected to the electric powerline, it has good access for construction, and the environmental impact is minimal.

We’re pleased with the Medicine Bow test site and expect some valuable engineering data—as well as electricity—to be developed here.

Operation of these two machines of different designs at the same site provides the opportunity to compare technology, engineering, operation and maintenance costs, output, and other factors important to Federal agencies and the emerging wind power industry.

Reclamation engineers are interested in the idea of tying wind energy into our existing hydroelectric system. That tie-in should solve the major problem that prevented earlier utility-scale development of wind turbines—namely, what to do when the wind stops blowing. With Reclamation’s large reservoirs acting as “storage batteries” to back up the wind energy system, we can take advantage of the sun when it’s available—and we can quickly switch to hydropower if there’s no wind.

Even though the wind turbine units on these two sites today is significant in itself, this event signals even greater possibilities for the future. We have just completed a study which shows that a wind field with a capacity of 100 megawatts and consisting of as many as 40 units could be integrated into the Federal hydroelectric system with substantial economic benefits and without adverse environmental effects. The energy produced could be marketed at rates that will result in full repayment of costs, plus interest, over a period of 30 years.

Because wind turbines use the wind—just like a fish uses water—the cost of windpower will not go up when fuel costs rise. This factor makes wind energy—like hydropower, which also uses no fuel—even more attractive for the future.

Wyoming has always had a deep-seated appreciation for its bountiful natural resources, and for efficient management of those resources. And Wyoming is in the forefront of Western States responding to President Reagan’s call for the States to take more of a lead in setting priorities for planning and financing future projects. The Wyoming legislature, responding to a call by Governor Herschler, has designated an impressive level of funding for future water resource development in the State. Receiving the Administration’s call for cost sharing, the Wyoming legislature has started a water development fund to which $100 million per year in State funds has been pledged for six years, for a total Wyoming cost-sharing component of $600 million earmarked for future federal projects in the State.

The Administration is greatly encouraged that States, localities, and other non-Federal interests are becoming more involved in planning and financing future water and power projects. With the right level of non-Federal commitment a 100-megawatt wind farm here at Medicine Bow is a real possibility for the future. The benefits to the local community, including new construction jobs and new economic activity, would be consider-

Over the years, advances in science and technology have enriched our lives and helped us cope with the problems of changing times and changing needs. These two wind turbines mark the beginning of an era in which one more of nature’s gifts—the wind—can be harnessed to help meet our growing energy needs. Dedicating these units here today is an important event for the town of Medicine Bow, the State of Wyoming, and our Nation.

We’re proud that the Bureau of Reclamation has had the opportunity to play a part in this historic occasion.

U.S. DEPARTMENT OF THE INTERIOR

Office of the Secretary


Hon. Gerald W. Cook,
Mayor of Medicine Bow,
Medicine Bow, Wyo.

Dear Mayor Cook: Medicine Bow, Wyoming—like the West itself—has always been identified with the frontier spirit. The brave men and women who came West during the 1800s exhibited self-reliance and innovation to survive the rigors of the environment and to conserve their often limited resources.

A young inventor named Thomas Edison wrote of these virtues during a summer day back in 1878 when he came to Medicine Bow and made plans with Wyoming’s Governor to view an eclipse of the sun. Owen Wister wrote of the frontier spirit in 1885 when he traveled to Medicine Bow to write the classic western novel, “The Virginian.”

Today, the people of Medicine Bow find themselves at another frontier—an energy frontier. The dedication on September 4, 1982, of two giant wind turbine generators marks the beginning of a new era in this Nation’s drive for energy self-sufficiency.

I would like to offer my congratulations to the people of Medicine Bow, the State of Wyoming, and the Bureau of Reclamation for the role they are playing in the development of wind energy and the renewal of the frontier spirit that it represents.

Sincerely,

James G. Watt
Secretary

The Deployment of a Temporary Multinational Peace-keeping Force

Mr. Thurmond: Mr. President, today I received a letter from the President of the United States regarding the use of American troops in


Beirut as part of a multinational peacekeeping force. As you know, this letter is the President's official explanation regarding the use of U.S. troops in Lebanon, as required by the War Powers Act. I ask unanimous consent that the text of the letter be printed in the Record at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE WHITE HOUSE

Hon. Strom Thurmond,
President Pro Tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: On September 20, 1982, the Government of Lebanon requested the Governments of France, Italy, and the United States to contribute forces to serve as a temporary Multinational Force, the presence of which will facilitate the restoration of Lebanese Government sovereignty and authority, and thereby further the efforts of the United States and the Governments of France, Italy, and the United States to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

I believe that this step will support the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is part of the continuing efforts of the United States to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

Sincerely,

RONALD REAGAN

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Mr. PROXMIRE. Mr. President, if the Nation follows the civil defense plans set out by the Federal Emergency Management Agency, then over 80 percent of the U.S. population will survive a nuclear attack and our society will recover to its prewar stage of economic development in a "relatively few years."

This is the conclusion of the war gamers as they examine the potential destruction from a nuclear exchange. Given these facts, an 80-percent survival rate, they do not see the civil defense plan of FEMA as make sense? After all, Is not the first obligation of a government the protection of its people?

The 80-percent survival figure, which is found in many political speeches, is based on a number of assumptions about the specific nature of a nuclear exchange. A look at these assumptions give one pause in accepting the scientific accuracy of such claims.

First FEMA assumes the Soviets will engage in an all-out attack with no subsequent followup. There would be no attacks over time—obviously an indefensible assumption to start with.

Then FEMA says that the U.S. nuclear powerplants are off limits to Soviet attack. We just tell them they cannot attack our nuclear powerplants—it would upset the analysis. And, of course, any deaths that occur must only be related to immediate effects—no postattack deaths from radiation, burns, bleeding, lack of medical care, weather, floods, or such. No, the FEMA analysis is a pure approach to deaths. And lastly, if the foregoing was not enough, FEMA assumes that all the survivors must have near perfect fallout protection for an indefinite period of time.

Ah, what a perfect world the nuclear planners live in where deaths can be computed without regard to likely situations. No wonder the results look so promising. The old computer saying aptly fits here, "Garbage in, garbage out."

Mr. President, I ask unanimous consent that the second and concluding part of an analysis of the administration's civil defense policies by the Center for Defense Information be printed in the Record, as follows:

NEED FOR RATIFICATION OF GENOCIDE CONVENTION STILL VERY REAL

Mr. PROXMIRE. Mr. President, since 1967 I have daily urged the Senate to ratify the Convention on the Prevention and Punishment of Genocide. Unfortunately, to this date, we have not done so.

In 1948 the General Assembly of the United Nations unanimously adopted the Genocide Convention; our country signed it just 2 days after its adoption. In 1949 President Truman then sent the treaty to the Senate for ratification and it has re­mained before the Senate, hanging in limbo, ever since. We seem to have forgotten its vital importance today. Although our country has been a leader in promoting international civil and political liberties, it has not joined over 80 other nations which have ratified the treaty in officially condemning the most heinous violation of human rights—the crime of genocide.

Mr. President, all racial, religious, and ethnic groups possess the most fundamental human right—the right to exist. Sadly, however, we cannot help but realize that widespread violence and human carnage threaten our world peace. In 1982, the Genocide Convention was drawn up initially in response to the need, and it was designed to prevent another attempt to systematically exterminate a particular group of people. Those who made up the treaty had much foresight, for in 1982, many, many years after World War II, the potential for genocide is still very real. The need for the Genocide Convention has not diminished one iota.

Mr. President, I ask you whether the elimination of an entire group is still pressing enough for our present concern? Of course, it is. The United States has not designed the Convention to protect specific species of animals—why can it not ratify a treaty protecting human beings?

The loss of a particular group is an irreparable loss to all of mankind. Respect for human life is not merely a backburner issue, it is an Immediate moral imperative. Today, once again, I should like to reiterate my belief in the real need for ratification. There can be no question on the need for the Genocide Convention. Our country can no longer stand aside in the fight to prevent this outrageous crime.

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I believe that this step will support the objective of helping to restore the territorial integrity, sovereignty, and political independence of Lebanon. It is part of the continuing efforts of the United States to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

Sincerely,

RONALD REAGAN

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CONGRESSIONAL RECORD—SENATE

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CIVIL DEFENSE: AGAINST NUCLEAR WAR—II

Mr. PROXMIRE. Mr. President, if the Nation follows the civil defense plans set out by the Federal Emergency Management Agency, then over 80 percent of the U.S. population will survive a nuclear attack and our society will recover to its prewar stage of economic development in a "relatively few years."

This is the conclusion of the war gamers as they examine the potential destruction from a nuclear exchange. Given these facts, an 80-percent survival rate, they do not sees the civil defense plan of FEMA as make sense? After all, Is not the first obligation of a government the protection of its people?

The 80-percent survival figure, which is found in many political speeches, is based on a number of assumptions about the specific nature of a nuclear exchange. A look at these assumptions give one pause in accepting the scientific accuracy of such claims.

First FEMA assumes the Soviets will engage in an all-out attack with no subsequent followup. There would be no attacks over time—obviously an indefensible assumption to start with.

Then FEMA says that the U.S. nuclear powerplants are off limits to Soviet attack. We just tell them they cannot attack our nuclear powerplants—it would upset the analysis. And, of course, any deaths that occur must only be related to immediate effects—no postattack deaths from radiation, burns, bleeding, lack of medical care, weather, floods, or such. No, the FEMA analysis is a pure approach to deaths. And lastly, if the foregoing was not enough, FEMA assumes that all the survivors must have near perfect fallout protection for an indefinite period of time.

Ah, what a perfect world the nuclear planners live in where deaths can be computed without regard to likely situations. No wonder the results look so promising. The old computer saying aptly fits here, "Garbage in, garbage out."

Mr. President, I ask unanimous consent that the second and concluding part of an analysis of the administration's civil defense policies by the Center for Defense Information be printed in the Record, as follows:

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NEED FOR RATIFICATION OF GENOCIDE CONVENTION STILL VERY REAL

Mr. PROXMIRE. Mr. President, since 1967 I have daily urged the Senate to ratify the Convention on the Prevention and Punishment of Genocide. Unfortunately, to this date, we have not done so.

In 1948 the General Assembly of the United Nations unanimously adopted the Genocide Convention; our country signed it just 2 days after its adoption. In 1949 President Truman then sent the treaty to the Senate for ratification and it has re­mained before the Senate, hanging in limbo, ever since. We seem to have forgotten its vital importance today. Although our country has been a leader in promoting international civil and political liberties, it has not joined over 80 other nations which have ratified the treaty in officially condemning the most heinous violation of human rights—the crime of genocide.

Mr. President, all racial, religious, and ethnic groups possess the most fundamental human right—the right to exist. Sadly, however, we cannot help but realize that widespread violence and human carnage threaten our world peace. In 1982, the Genocide Convention was drawn up initially in response to the need, and it was designed to prevent another attempt to systematically exterminate a particular group of people. Those who made up the treaty had much foresight, for in 1982, many, many years after World War II, the potential for genocide is still very real. The need for the Genocide Convention has not diminished one iota.

Mr. President, I ask you whether the elimination of an entire group is still pressing enough for our present concern? Of course, it is. The United States has not designed the Convention to protect specific species of animals—why can it not ratify a treaty protecting human beings?

The loss of a particular group is an irreparable loss to all of mankind. Respect for human life is not merely a backburner issue, it is an immediate moral imperative. Today, once again, I should like to reiterate my belief in the real need for ratification. There can be no question on the need for the Genocide Convention. Our country can no longer stand aside in the fight to prevent this outrageous crime.

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INDUSTRIAL PROTECTION

The third part of the Reagan civil defense plan is to provide protection for key industries, a subject currently under evaluation. FEMA maintains that "simple items and methods could help assure survival of American industry," but the plan has been criticized as "not a very effective" as it does not include any new programs or initiatives.

The Reagan administration has been particularly concerned with the potential for nuclear attack. FEMA has been working to develop methods to protect vital industries, and has initiated a program to look into the feasibility of covering industrial facilities with protective structures.

The Boeing Aerospace Company has been working on a project to develop methods for protecting large industrial facilities from nuclear attack. The project involves a series of elaborate tests and experiments to assess the effectiveness of various methods for protecting industrial facilities.

This government-in-waiting is "authorized" only by the President and the Senate as next in line after the Vice President. FEMA has already designed and the White House has its own surveillance teams to help keep the Executive Branch informed.

The CoG program is designed to provide protection for key industries and will be delegated, to impose martial law, or be fully mobilized only during a strategically critical national crisis. The CoG program involves the continuity of government plans, which are designed to keep some successors out of office.

Recent public reaction to these civil defense plans has been critical, as concerns about the economic implications of such plans remain high. While FEMA's plans rely on a mixture of half-truths and simple aggregations, they do represent a distorted view of the potential for nuclear war.
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within the Relocation Arc and the 10 Reserve Areas.

All 33 departments or agencies have designated "teams" to carry out different categories of emergency responsibilities. Team "A" personnel must relocate to FEMA's "Springfield" at Mt. Weather near Berryville, Virginia; Team "C" personnel must relocate to their agency's own, according to the written in the Relocation Arc to await further instructions.

A good deal of the specific guidance which agencies receive from FEMA to carry out their emergency functions come from Federal Preparedness Circulars and the National Plan for Emergency Preparedness, which is undergoing revision. A more detailed and classified nuclear war plan, Federal Emergency Plan D, differs from the National plan in that it contains a set of Presidential Emergency Action Documents. These documents would activate standby organizations, and formally allow for the exercise and delegation of emergency powers.

AN UNWINNABLE RACE

Effective protection and national survival in a nuclear war, with today's vast number of nuclear weapons and their destructive power, are impossible. The active pursuit of and belief in a civil defense program of significant size will increase the likelihood of non-nuclear war, especially so in the event of a crisis. As tension builds, the pressure to demonstrate resolve by preparing for evacuation and leadership dispersal, will grow. Either side's decision to evacuate the cities could trigger the nuclear war it was designed to prevent.

Soviets Civil Defense

In the 1950s, the Soviet Union began efforts to evacuate against conventional weapons. Twice invaded in the twentieth century, it is not surprising that the Soviet Union should be concerned with homeland defense in the nuclear age. In the 1960s and 70s, a more energetic program, though not a crash effort, was initiated. According to a report published in 1978 by the CIA, the Soviet civil defense program has approximately 100,000 full-time personnel. While costs are unknown, the CIA estimates the Soviet civil defense expenditure per year to be $2 billion. The CIA computes these costs, as it does military expenditures, by assuming what it would cost the U.S. to do the same with 3/4 representing manpower costs, these estimates are highly inflated. A comprehensive training program exists for all citizens in the Soviet Union—a combination of lectures, films, booklets and practical instruction. According to the CIA, however, the Soviet civil defense program is plagued by "bureaucratic difficulties and apathy."

The Soviet urban evacuation plan is similar to the American plan, moving tens of millions of people from the cities to the countryside and elsewhere in the event of a nuclear war. The U.S. plan would be compounded manyfold in the Soviet Union due to more limited resources and other factors. For instance, the Soviets have a private highway system and only 5 percent of the motor vehicles the U.S. does. Most people would have to walk thirty to forty miles to the nearest military base and supplies to construct fallout shelters in the country. The bitter climate could make it difficult to evacuate, and in winter, most of the population could not evacuate even if they had the tools to make it. If the Soviet Union ever presented a set of different problems during spring and autumn. It is very doubtful that the population could ever evacuate in peace; time, could begin to meet wartime necessities since sufficient stockpiling is clearly out of the question.

The Administration claims that the Soviets could, in a crisis, blackmail the U.S. by implementing their evacuation plans. To provide rationale for the need to have the U.S. needs to be able to order a counterevacuation. It is unlikely the Soviets would ever risk such an adventure. Like the U.S., the Soviets have never practiced a large scale evacuation. Even if they did implement their plan, it would be impossible to make and alert and ready additional nuclear forces. More submarines could be sent to sea and additional missiles placed on alert. Also, missiles could be quickly re-targeted.

Although the Administration claims that U.S. civil defense efforts would be implemented only after evidence of a Soviet nuclear war, in an actual crisis, the U.S. could evacuate first.

Soviet industry has been planned with civil defense in mind and that an active program of protecting and dispersing economic services is in place. In fact, Soviet industry is more concentrated than U.S. industry and, as the CIA notes, the tendency is for new facilities to be placed near existing installations. Little evidence exists that Soviet efforts to harden economic installations or rapidly disperse them would prove successful. Even a single attack designed to destroy the economy.

The Soviets have taken steps to protect a large number of leaders, somewhat similar to U.S. plans. Fixed relocation sites are known to U.S. targets and are vulnerable to direct attack. The new Weinberger defense department fears that an early success in a nuclear war is "de­ capititation", the destruction of the Soviet leadership in their command posts.

It should be recognized that civil defense in the Soviet Union performs other functions besides trying to limit the effects of a nuclear attack. Nuclear war and other defeats were feared to install and maintain a garrison-state mentality and the belief that the leaders are protecting their people.

Leaders, Planes and Games

The President of the United States, as the Commander-in-Chief, is the only person who can authorize the use of nuclear weapons, although this authority may be delegated to the Secretaries of Defense or other key military and civilian leaders.

In NeACP nuclear war procedures, the National Command Authorities, the Agency for National Emergency Action Plans (NEACP) to take charge of U.S. nuclear and conventional forces. The NEACP, a modified Boeing 747 aircraft, one of which is continuously on alert at Andrews Air Force Base, is manned by eleven White House. If, for any reason, the President cannot reach NEACP in time, it might leave without him. The White House Military.briefings, and the National Emergency Airborne Command Post (NEACP) which would take charge of U.S. and conventional forces in a peacetime or mobilization.

The NEACP nuclear war procedures, the President, if possible, would be taken to a landing strip to board NEACP. With aerial refueling NEACP can remain airborne for some 72 hours and, thus, DoD has set up scores of NEACP around the globe. Plans for many maneuvers, known as "curing" NEACP's, involve taking the NEACP to Washington.

From these NEACP facilities, the President, if possible, would be taken to a landing strip to board NEACP. With aerial refueling NEACP can remain airborne for some 72 hours and, thus, DoD has set up scores of NEACP around the globe. Plans for many maneuvers, known as "curing" NEACP's, involve taking the NEACP to Washington.

While NEACP's responsibilities do not extend to protecting the National Command Authorities, the Agency will provide various support services to the President or others aboard NEACP in the event of nuclear war. Additional staffs of these NEACP procedures, such as controlling damage assessment information and communication support. A FEMA official is to represent the Agency on these activities.

The Reagan Administration tested the Continuity of Government program in the recent worldwide, nuclear war game was conducted post exercise called "Ivy League". "Ivy League" was the first complete nuclear war exercise of the military and civilian components of the national emergency system conducted since 1956. The game's scenario involved a period of intense crisis with attacks by the Soviet Union on Cuba, Europe and Israel, and the nuclear war. All efforts to limit the conflict, including mobilization, failed.

FEMA and the Department of Defense need more than 1,000 civilian and military leaders throughout the world in the exercise, including two Cabinet secretaries—men who are in line to succeed the President if he dies in an attack. The two successors, the Secretaries of Interior and Commerce, along with the "CEO" (Chief of Operations from key executive departments, ultimately took con­
tral of the nation's remaining civilian and military resources from two of FEMA's underground Regional Facilities in Maynard, Massachusetts and Denton, Texas.

RESOLUTION COMMENDING SENATOR ROBERT C. BYRD

Mr. BOREN. Mr. President, at yesterday's luncheon conference of Senate Democrats, Senator J Orr Smyrna, the distinguished Senator from Mississippi who is the most senior Member of this august body, offered a resolution commending and thanking Senator Robert C. Byrd, the Democratic leader.

The resolution appropriately notes that Senator Byrd has provided leadership for and inspired unity among Senate Democrats during the 97th Congress.

I believe that this resolution, which was adopted by acclaim in our conference, is a fitting tribute to Senator Byrd for his tireless efforts in guiding our party to its important victory in the Senate.

I ask unanimous consent that the text of the resolution be printed in full in the RECORD.

RESOLUTION OF THE DEMOCRATIC CONFERENCE OF THE 97TH CONGRESS HONORING ROBERT C. BYRD, DEMOCRATIC LEADER

Whereas, Senator Robert C. Byrd has provided leadership for, and inspired unity among, Senate Democrats during the 97th Congress, and

Whereas, under Senator Robert C. Byrd's leadership, Democrats have proposed legislative initiatives to meet the serious challenges facing our Nation now and in the future, and

Whereas, Senator Robert C. Byrd has successfully guided Senate Democrats in their role as the minority party in developing constructive policy alternatives and working with the majority party to achieve important results.

Now, therefore, be it Resolved, That the Democratic Conference of the U.S. Senate hereby commends and thanks Senator Robert C. Byrd of West Virginia.

MESSAGES FROM THE HOUSE

At 3:57 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 bill (S. 1018) to protect and conserve fish and wildlife resources, and for other purposes, with an amendment; it insists upon its amendment, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as managers of the conference on the part of the House: Mr. Rogers of North Carolina, Mr. Brown, Mr. Studds, Mr. Hughes, Mr. Snyder, Mr. Forstyh, and Mr. Evans of Delaware; and from the Committee on Public Works and Transportation; Mr. Roe, Mr. Edgar, Mr. Farley, Mr. Clausen, and Mr. Hammerschmidt.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H.R. 6968) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Ginn, Mr. Bevill, Mr. Hefner, Mr. Long of Maryland, Mr. Addabbo, Mr. Obev, Mr. Tapp, Mr. Alexander, Mr. Whitten, Mr. Legola, Mr. Burger, Mr. Edwards of Oklahoma, Mr. Leffler, and Mr. Conte as managers of the conference on the part of the House.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 229. An act to revise the boundary of Voyageurs National Park in the State of Minnesota, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the following bill, with an amendment, in which it requests the concurrence of the Senate:

H.R. 6782. An act to amend title 38, United States Code, to increase the rates of compensation for disability compensation for veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, and for other purposes.

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

H.R. 2303. An act to designate the New York Bulk and Foreign Mail Center at Jersey City, New Jersey, as the "Michael McDermott Bulk and Foreign Mail Center"; H.R. 2387. An act to amend sections 10 and 11 of the Act of October 21, 1970 (Public Law 91-478, 16 U.S.C. 4602), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes"; H.R. 4486. An act to grant Federal recognition to the Texas Band of Kickapoo Indians to clarify the status of the members of the band to provide trust lands to the band, and for other purposes; H.R. 5553. An act to provide for the use and disposition of Miami Indians judgment funds in docket 124-A and 264 before the United States Court of Claims, and for other purposes; H.R. 5785. An act to provide for the use and disposition of the funds awarded to the Shawnee Tribe of Indians in docket 64, 335, and 338 by the Indian Claims Commission and docket 84-A by the United States Court of Claims, and for other purposes; H.R. 5916. An act to declare certain Federal lands acquired by the United States to be held in trust for the Tribes of such Indians; H.R. 5941. An act to designate the building known as the Federal Building and U.S. Courthouse in Greenville, S.C., as the "Clement F. Haynsworth, Jr., Federal Building," the building known as the Quincy Post Office in Quincy, Mass., as the "James A. Burke Post Office," and the building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building";

H.R. 6170. An act to amend title 26, United States Code (relating to copyrights), and the Communications Act of 1934, with respect to the compulsory licensing of second­ ary transmissions, limitations on the rights to secondary transmissions, and the carriage of broadcast signals;

H.R. 6192. An act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain land in Inyo County for such band;

H.R. 6967. An act to provide for the use and distribution of funds to the Wyandot Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the United States Court of Claims, and for other purposes; to the Select Committee on Indian Affairs; and

H.R. 6989. An act to amend the Federal Water Pollution Control Act to allow modifications of certain effluent limitations relating to biochemical oxygen demand and turbidity of the Committee on Environment and Public Works.

The message also announced that the House has passed and agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:


At 6:24 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 6976) to amend title 26, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons); agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. Edwards of California, Mr. Easker-McKee, Mrs. Schroeder, Mr. Washington, Mr. Simon, Mr. Sensenbrenner, Mr. Lunsford, and Mr. Shaw as managers of the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2852) to amend section 439 of the Higher Education Act of 1965 to
make a technical amendment relating to priority of indebtedness, to provide for the family contribution schedule for student financial assistance for academic years 1983-84, and 1984-85, and for other purposes.

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

H.R. 5121. An act to improve the collection of Federal royalties and lease payments derived from certain natural resources under the jurisdiction of the Secretary of the Interior, and for other purposes;

H.R. 5162. An act to provide for the protection and management of the National Park System, and for other purposes;

H.R. 6938. An act to amend the Export Administration Act of 1979 to terminate certain export controls imposed on December 30, 1981, and June 22, 1982;

H.R. 7102. An act to provide for the protection of migrant and seasonal agricultural workers and for the registration of contractors of migrant and seasonal agricultural laborers, for other purposes;

H.R. 7137. An act to increase the authorization of appropriations for certain education programs, and for other purposes; and

H.R. 7160. An act to provide a 10-percent increase in the pay and allowances of members of the uniformed services, to make various adjustments in military personnel and compensation programs, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

S.Con. Res. 384. A concurrent resolution expressing the sense of the Congress that the United States should maintain Federal involvement in, and support for, the child nutrition programs, and for other purposes.

At 8:25 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1409) to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone Project, Pick-Clown Missouri Basin project, Wyoming, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2566) to authorize certain construction at military installations for fiscal year 1983, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the amendment of the House to the bill (S. 2252) to authorize appropriations for the Coast Guard for fiscal years 1983 and 1984, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6956) making appropriations for the Department of Housing and Urban Development, and for sundry independence agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes; it recedes from its disagreement to the amendments of the Senate numbered 13, 23, and 96 to the bill, and agrees thereto; it recedes from its disagreement to the amendments of the Senate numbered 6, 18, 26, 27, 30, 36, 42, 45, 51, 52, 53, and 61 to the bill, and agrees thereto, each with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following joint resolution, without amendment:


The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 1186. Concurrent resolution to commemorate the 75th anniversary of the Washington Cathedral.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5543. An act to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:


At 9:08 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5588. Joint resolution to provide for the designation of the month of October 1982 as "Head Start Awareness Month;" and

H.R. Res. 98. Joint resolution to provide for the designation of the month of October 1982 as "National Spinal Cord Injury Month."

**HOUSE BILLS AND JOINT RESOLUTION REFERRED**

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2303. An act to designate the New York Bulk and Foreign Mail Center at New York, New York, as the "Michiel McDermott Bulk and Foreign Mail Center"; to the Committee on Governmental Affairs.

H.R. 4496. An act recognition to the Texas Band of Kickapoo Indians; to clarify the status of the members of the band; to provide land to the band, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 5121. An act to improve the collection of Federal royalties and lease payments derived from certain natural resources under the jurisdiction of the Secretary of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5162. An act to provide for the protection and management of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 5543. An act to establish an Ocean and Coastal Resources Management and Development Fund from which coastal States shall receive block grants; to the Committee on Commerce, Science, and Transportation.

H.R. 5553. An act to provide for the use and disposition of Miami Indians judgment funds in docket 6403 to the Shawnee Tribe of Indians in docket 64, 235, and 335 by the Indian Claims Commission and for other purposes; to the Select Committee on Indian Affairs.

H.R. 5795. An act to provide for the use and distribution of the funds awarded to the Shawnee Tribe of Indians in docket 64, 235, and 335 by the Indian Claims Commission and for other purposes; to the Select Committee on Indian Affairs.

H.R. 5815. An act to declare certain Federal lands acquired for the benefit of Indians to be held in trust for the tribes of such Indians; to the Select Committee on Indian Affairs.

H.R. 5941. An act to designate the building known as the Federal Building and United States Courthouse in Greenville, South Carolina, as the "Clement F. Hynsworth, Jr., Federal Building", the building known as the Quincy Post Office in Quincy, Massachusetts, as the "James A. Burke Post Office", and the United States Post Office Building in Portsmouth, Ohio, as the "William H. Harsha United States Post Office Building"; to the Committee on Governmental Affairs.

H.R. 6012. An act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for ninety-nine years certain lands held in trust for such band; to the Select Committee on Indian Affairs.

H.R. 6403. An act to provide for the use and distribution of funds to the Wyandot Tribe of Indians in docket 139 before the Indian Claims Commission and docket 141 before the U.S. Court of Claims, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 6838. An act to amend the Export Administration Act of 1979 to terminate certain export controls imposed on December 30, 1981, and June 22, 1982; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 7137. An act to authorize appropriations for certain education programs, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 7159. An act to amend the Federal Water Pollution Control Act to allow modification of certain effluent limitations relating to biochemical oxygen demand and pH; to the Committee on Environment and Public Works.

H.J. Res. 598. Joint resolution to provide for the designation of the month of October...
The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6170. An act to amend title 23, United States Code, to authorize the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals; and

H.R. 7166. An act to provide a 4-percent increase in the pay and allowances of members of the uniformed services, to make such increases retroactive to the first and second times by unanimous consent, and placed on the calendar:

H.R. 3889. An act to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management, and for other purposes;

H.R. 4347. An act to authorize the Secretary of the Interior to proceed with the development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Folsom-Redig irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power; and

H.J. Res. 496. Joint resolution to provide for the designation of the week beginning on November 21, 1982, as "National Alzheimer's Disease Week."

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1197. A resolution adopted by the Southern Governor's Association urging the Congress to retain the existing section 24(a) language contained in the Federal Insecticide, Fungicide, and Rodenticide Act, to the Committee on Agriculture, Nutrition, and Forestry;

POM-1186. A resolution adopted by the Council of County Commissioners of Michigan, the Sleeping Bear Dunes National Lakeshore, and for other purposes;


POM-1199. A resolution adopted by the Southern Governor's Association urging the Congress to enact legislation currently under consideration to allow banking institutions to become equity partners in export trading companies and to promoting and supporting such companies; to the Committee on Banking, Housing, and Urban Affairs;

POM-1200. A petition from a citizen of Jefferson, Ky., urging Congress to make our dollar "good as gold" once again by supporting Senate bill 6 to return America's currency to the gold standard; to the Committee on Banking, Housing, and Urban Affairs;

POM-1201. A resolution adopted by the Southern Governor's Association urging the Congress to enact legislation currently under consideration to allow banking institutions to become equity partners in export trading companies and to promoting and supporting such companies; to the Committee on Banking, Housing, and Urban Affairs;

H. Con. Res. 86. Joint resolution to provide for the temporary extension of certain inurance programs relating to housing and community development, and for other purposes;

The following concurrent resolutions were referred or ordered to lie on the table as indicated:

H. Con. Res. 386. Concurrent resolution regarding the restoration of Olympic records of the late James (Jim) Thorpe; to the Committee on the Judiciary;

H. Con. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry;

H. Con. Res. 409. Concurrent resolution regarding the massacre of Palestinians in Lebanon; to the Committee on Foreign Relations.

POM-1204. A resolution adopted by the Southern Governor's Association urging Congress to consider carefully the energy security impacts of new tax proposals and to place priority on the need for a more affirmative climate for investment in domestic energy resource development; to the Committee on Energy and Natural Resources;

POM-1205. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works;

"ASSEMBLY JOINT RESOLUTION No. 113

"Whereas, Today, more than 20 years into the era of commercial nuclear power, the United States has still not agreed upon a policy and a program for permanent isolation of commercial high-level radioactive waste; and

"Whereas, Nearly all of the waste produced thus far is contained in spent fuel, about 8,000 metric tons (MTU), which is stored at operating reactors; and

"Whereas, By the year 2000, over 70,000 MTU of spent fuel is expected to be generated; and

"Whereas, Most of the high-level radioactive fuel will be in storage, since the 1990's are the earliest that either reprocessing of spent fuel to recover reusable materials or direct disposal of the fuel can occur; and

"Whereas, The continued lack of federal repositories for the segregation of commercial high-level radioactive waste poses the following problems for the federal policy in this area:

(a) Some people oppose the further growth of commercial nuclear power until the problem of permanent waste isolation is satisfactorily resolved, and that opposition is likely to grow as long as the problem remains unresolved.

(b) The lack of an isolation system leaves nuclear utilities with two critical problems:

(1) Some reactors are running out of spent fuel storage space at reactor sites and may have to shut down beginning in 1986 unless more storage space is available in time and

(2) Utilities are financially liable for growing inventories of spent fuel and have no idea when or how or at what cost that fuel will be transferred to a permanent repository.

(c) Repeated federal failure in waste management has created widespread skepticism that the federal government will develop a successful waste isolation system and has left little room for further failure;

"Whereas, California, by statute, has imposed a moratorium on siting of nuclear fission thermal powerplants in this state, but there has been developed and the United States through its authorized agency has approved and there exists a demonstrated technology or means for the disposal of high-level, nuclear waste; and

"Whereas, The federal adoption of a plan that will systematically develop and demonstrate technology or means for the disposal of commercial high-level radioactive waste does not, in and of itself, constitute, the federal government's approval or existence of this technology or means; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take action to develop and implement a plan that will systematically develop and demonstrate technology or means for the disposal of commercial high-level radioac-
tive waste. This plan should include, but not be limited to both in situ and site specific testing and should be offered to the states and other interested parties for full review; and be it further

"Resolved, That the Chief Clerk of the As­
sociation transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1206. A resolution adopted by the Southern Governors' Association urging Congress to pass an authorization bill for critical inland waterway and port improve­ment projects and to establish a Federal policy on harbor improvements, main­tenance, and financing of the Committee on environment and Public Works.

POM-1207. A resolution adopted by the Southern Governors' Association supporting a rigorous national scope of the problem of acid rain, seeks to control emissions from all sources that contribute to acid rain and acid precipitation, does not impose heavy fiscal penalties on consumers in Southern States; to the Com­mittee on Energy and Natural Resources.

POM-1208. A resolution adopted by the Southern Governors' Association urging Congress to immediately take measures to curtail the use of flaxseed and angora wool textile products on the U.S. market; to the Committee on Finance.

POM-1210. A resolution adopted by the Southern Governors' Association opposing any action by the Federal Government to preempt, either directly or indirectly, sources of State revenues, State tax bases, or State taxation methods; to the Com­mittee on Finance.

POM-1211. A resolution adopted by the Southern Governors' Association requesting the Committee on Finance to clarify the disability review proces­s to provide meaningful and effective hearings, to ensure that the process and training of the Committee on Labor and Human Resources.

POM-1212. A resolution adopted by the Southern Governors' Association supporting a comprehensive solution to the inadequacies and inequities in the current finan­cing and administration of the Federal-State unemployment insurance system; to the Com­mittee on Finance.

POM-1213. A resolution adopted by the Southern Governors' Association supporting a Federal role in criminal law enforcement and calling upon Congress to take appropriate action to insulate the Southern Legislative Conference to work cooperatively and jointly with the SGA in establishing and developing the As­sociation's new office in Washington; to the Committee on Governmental Affairs.

POM-1214. A resolution adopted by the Southern Governors' Association expressing the desire that the Southern Governors' Association supporting the National Citizens' Crime Prevention

Campaign initiated by the Attorney Gener­al of the United States through the Office of Justice, and Judiciary and Statistics, to the Committee on the Judiciary.

POM-1216. A resolution adopted by the Southern Governors' Association commenda­tion the President for passage of the Voting Rights Act, to the Committee on the Judiciary.

POM-1217. A resolution adopted by the Southern Governors' Association in response to a petition from a citizen of Chandler, Ariz., on the subject of abortion; to the Committee on the Judiciary.

POM-1218. A resolution adopted by the General Synod of the Reformed Church of America opposing abortion as a form of birth control; to the Committee on the Judi­ciary.

POM-1219. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION NO. 125

"Whereas, On Thanksgiving Day, November 25, 1982, a national Children's Peace Day will be held during which children will visit the elected officials throughout the country to awaken the experience of peace within ourselves; and

"Whereas, Children will speak for all of us through the simple act of thanking each official for supporting peace and asking how children can help bring peace to the world; and

"Whereas, The California Legislature sup­ports Children's Peace Day and recognizes the children's peace course leading to lower levels of tension all across world society; and

"Whereas, In this way the closed circle and spiral of unresolved conflict, vio­lence, increased tension, and insecurity lead­ing to more conflict can be broken, and that peace and understanding can be Increase­d andtrainees of such graduates will achieve major accomplishments in solving internal conflicts, gradually lower the level of tension and conflict in every major society, thus reducing the like­lihood of individuals or populations accept­ing international violence as a solution to their problems; and

"Whereas, Although working for disarma­ment is important, it is not enough that the existence of our horrible overkill poten­tial augments the levels of international tensions, and that in which the peace and conflict and violence, such efforts are an essen­tial contribution to a more stable world; nonetheless, working solely for disarmament can also lead to focusing on treating ef­fects, rather than causes, because the rea­sons people are willing to have their lives endangered by peacekeeping and arms control budgets are their feelings of fear and inse­curity resulting from worldwide levels of tension, conflict, and violence; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memo­ralizes the President and the Congress of the United States to note the importance of Children's Peace Day, and to join with the children in their efforts to bring peace to the world; and be it further

"Resolved, That the Chief Clerk of the As­sembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Con­gress of the United States."

POM-1220. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Re­sources:

"ASSEMBLY JOINT RESOLUTION NO. 65

"Whereas, Armed conflict between na­tions and within our society is increasing at an alarming rate, and recent conflicts throughout the world make it necessary to develop new and creative means of manag­ing conflict before it escalates into violence, so that the greatest challenge facing the people of the State of California and this nation is the development of new tech­niques to resolve and prevent violent conflict; and

"Whereas, The Commission on Proposals for the National Academy of Peace and Conflict Resolution has recommended that a National Academy of Peace and Conflict Resolution be established to increase and improve the nation's capability of responding to national and international conflicts and to protect and preserve the life of the citizens of this nation and the world; and

"Whereas, The resolution of conflicts, their personal, local, national, or inter­national; can often be resolved by the use of trained personnel, and the systematic use of trained personnel, in the resolution of international conflicts could save this nation and others countless billions of dol­lars and untold human suffering; and

"Whereas, An immediate impact would be symbolic in that it would demonstrate in a visible, tangible form that history's most powerful nation is interested in and com­mitment to peace; and

"Whereas, Far beyond this immediate impact will be the long range benefit of the Peace Academy as it attracts the best and the brightest from our own society and other nations (until they establish their own Peace Acad­emies), trains them in the rapidly developing social science of Conflict Resolution, and send them back to the world wide pool of experts in peacemaking, who will be available to stop and damp down po­ten­tial conflicts in turn lead to in­creased con­tribute to the worldwide levels of tension, conflict, and violence; and

"Whereas, In this way the closed circle and spiral of unresolved conflict, vio­lence, increased tension, and insecurity lead­ing to more conflict can be broken, and that peace and understanding can be Increase­d andtrainees of such graduates will achieve major accomplishments in solving internal conflicts, gradually lower the level of tension and conflict in every major society, thus reducing the like­lihood of individuals or populations accept­ing international violence as a solution to their problems; and

"Whereas, Although working for disarma­ment is important, it is not enough that the existence of our horrible overkill poten­tial augments the levels of international tensions, and that in which the peace and conflict and violence, such efforts are an essen­tial contribution to a more stable world; nonetheless, working solely for disarmament can also lead to focusing on treating ef­fects, rather than causes, because the rea­sons people are willing to have their lives endangered by peacekeeping and arms control budgets are their feelings of fear and inse­curity resulting from worldwide levels of tension, conflict, and violence; now, therefore, be it

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"Resolved, That the Chief Clerk of the As­sembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Con­gress of the United States."

POM-1221. A resolution adopted by the Council of the City of Schenectady, N.Y. urging Congress to enact necessary legisla­tion to extend the senior aid program for the General and Cong in the interim, find a way to permanently finance such a pro­gram; to the Committee on Labor and Human Resources.

POM-1222. A resolution adopted by the Southern Governors' Association recognizing the success of the Jobs for America's
graduates program and urging Congress to enact legislation providing an effective jobs training program in accord with the principles of restoring greater responsibility and decisionmaking to the States; to the Committee on Labor and Human Resources.

POM-1224. A resolution adopted by the Southern Governors’ Association encouraging the Southern Regional Education Board to establish and coordinate other interstate education compacts to establish a means of common testing for teacher certification with the Committee on Labor and Human Resources.

POM-1224. A resolution adopted by the Southern Governors’ Association supporting a clear and comprehensive national policy for the management and ultimate disposal of high-level nuclear waste; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COHEN, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

By Mr. TOWER, from the Committee on Armed Services:
Special Report on Budget Allocations of the Committee on Armed Services (Rept. No. 97-597).

By Mr. COHEN, from the Select Committee on Indian Affairs, without amendment:
S. 297B: An original bill entitled the “Indian Claims Act of 1982.”

By Mr. DOLE, from the Committee on Finance, with amendments:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:
S. 306A: A bill for the relief of Ludina V. Dave (Rept. No. 97-600).
S. 378A: A bill for the relief of Irma A. Guard (Rept. No. 97-610).
S. 379A: A bill for the relief of Lily T. Pragas (Rept. No. 97-612).
S. 617: A bill for the relief of Mrs. Elsie B. Lawson (Rept. No. 97-613).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:
S. 1490: A bill for the relief of Prashant Agarwal (Rept. No. 97-615).
S. 1547: A bill for the relief of Alberto Hernandez Perez (Rept. No. 97-616).

By Mr. THURMOND, from the Committee on the Judiciary, under amendment in the nature of a substitute and an amendment to the title:
S. 170A: A bill for the relief of Nesca Nicolas (Rept. No. 97-617).
S. 1636: A bill for the relief of Hae Ok Chung (Rept. No. 97-618).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:
S. 273A: A bill for the relief of William Vo­jilav Rankovic, Stanislava Rankovic, hus­band and wife, and Rozab Rankovic, Junior, and Natalie Rankovic, their children (Rept. No. 97-620).
S. 2052A: A bill for the relief of Raul M. Melgar Maria Cristina Ray de Melgar, Steven Marcelo Melgar and Serrana Ivan Melgar (Rept. No. 97-622).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:
H.R. 1838: A bill for the relief of Herbert Herbert Westen and Mabel Gregson Weston (Rept. No. 97-626).
H.R. 1783: A bill for the relief of Felipe B. Manalo and Maria Monita A. Manalo (Rept. No. 97-627).
H.R. 1841: A bill for the relief of Isabella Clima Portilla (Rept. No. 97-630).
H.R. 2185: A bill for the relief of Beren­dina Antonia Maria van Kleef (Rept. No. 97-631).
H.R. 2342: A bill for the relief of Maria Cecilia Gabriel (Rept. No. 97-632).

H.R. 4662: A bill for the relief of Eun Ok Han (Rept. No. 97-636).
H.R. 5879: A bill to amend the Immigration and Nationality Act to extend for three years the authorizations for appropriations for refugee assistance to make improvements in the operation of the program, and for other purposes (Rept. No. 97-638).
H.R. 3963: A bill to amend the Contract Services for Drug Dependent Federal Offenders Act of 1978 to extend the periods for which funds are authorized to be appropriated.

By Mr. COHEN, from the Select Committee on Indian Affairs, with amendments:
H.R. 4001: A bill to authorize the exchange of certain land held in trust by the United States for the Navaajo Tribe, and for other purposes.

By Mr. DOMENICI, from the Committee on the Budget, unfavorably without amendment:
S. Res. 470: Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 271B.

S. Res. 471: Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 1838.

S. Res. 473: Resolution waiving section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 297B.

S. Res. 475: Resolution waiving section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 4476.

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment:
S. Res. 480: Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 5427.

By Mr. COHEN, from the Select Committee on Indian Affairs, without amendment:
S. Res. 484: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 271B; to the Committee on the Budget.

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment:
S. 1444: A bill to authorize the Adminis­trator of General Services to donate to State and local governments certain Federal personal property loaned to them for civil defense use, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERY, from the Committee on Foreign Relations:
By Mr. A. Curren, of Maryland, to be Deputy Director of the Peace Corps.
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:

S. 2957. A bill to facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of United States nationals against Iran, and for other purposes; to the Committee on Foreign Relations.

By Mr. MATTHIAS:
S. 2958. A bill to amend section 5 of the United States Code to provide for an allowance of 4 cents per mile to Federal employees for the use of bicycles while engaged on official business; to the Committee on Governmental Operations.

By Mr. METZENBAUM:
S. 2959. A bill to limit the application of the investment tax credit and the accelerated cost recovery system to domestic property; to the Committee on Finance.

By Mr. TSONGAS:
S. 2970. A bill for the relief of Andrew L. Lui and his wife, Julia Lui; to the Committee on the Judiciary.

By Mr. NUNN:
S. 2971. A bill to authorize the establishment of cooperative medical health programs for federal employee organizations; to the Committee on Governmental Affairs.

By Mr. BENTSEN:
S. 2972. A bill to name the building to be constructed in Lufkin, Tex., and leased to the United States as the "Colonel Homer Cooper Jr. Federal Building;" to the Committee on Environment and Public Works.

By Mr. PERCY:
S. 2973. A bill to amend section 204 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the deposit of cash proceeds from the disposal of surplus real property into the general fund of the Treasury to be used to retire the national debt of the United States; to the Committee on Governmental Affairs.

By Mr. BENTSEN:
S. 2974. A bill to authorize local improvements to be considered in costsharing calculations on the Lower Rio Grande Valley Basin Flood Control Project; to the Committee on Environment and Public Works.

By Mr. CHAFFEE (for himself and Mr. Bentsen):
S. 2975. A bill to amend title 10, United States Code, to authorize an alternative to the conventional construction of military family housing within the United States, Puerto Rico, and Guam; to the Committee on Armed Services.

By Mr. MATTHIAS:
S. 2976. A bill to facilitate the economic adjustment of communities, industries, and workers to civilian-oriented initiatives, projects, and commitments when they have been affected by reductions in defense or aerospace contracts, defense-related arms exports which have occurred as a result of the Nation's efforts to pursue an international arms control policy and to realign defense spending in accordance with changing national security requirements, and to prevent the ensuing dislocations from compromising national security, the budgetary process, and the Select Committee To Study Law Enforcement Undercover Activities of Components of the Department of Justice; considered and agreed to.

By Mr. ROBERT C. BYRD:
S. 2977. A bill to provide for a program to stimulate coal mining and construction jobs through the reclamation of abandoned mine lands; to the Committee on Energy and Natural Resources.

By Mr. COHEN, from the Select Committee on Indian Affairs:

By Mr. PRYOR (for himself, Mr. Bumpers, Mr. Sasser, Mr. Boren and Mr. Sasser):
S. 2979. A bill to establish a Federal Grain Storage Insurance Corporation to protect farmers who store grain in certain warehouses against the insolvency of such warehouses, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN:
S. 2980. A bill to amend the Internal Revenue Code to recapture investment tax credits used to fund tax credit employee stock ownership plans and to permit recovery by such plans of previously recaptured investment tax credits; to the Committee on Finance.

By Mr. MURTHY:
S. 2981. A bill to create a Federal offense for the carrying or use of a firearm during the commission of a State felony and to increase the penalties for carrying or using a firearm during the commission of a Federal felony; to the Committee on the Judiciary.

By Mr. THURMOND:
S. 2982. A bill to temporarily suspend the duty on certain menthol feedstocks until June 30, 1986; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. Andrews, Mr. Bradley, Mr. Heinz, and Mr. MINTZER):
S.J. Res. 256. Joint resolution to congratulate the American Public Transit Association; to the Committee on the Judiciary.

By Mr. WEICKER:
S.J. Res. 257. Joint resolution to designate the month of November 1982 as "National Diabetes Month;" to the Committee on the Judiciary.

By Mr. WEICKER (for himself, Mr. Randolph, Mr. Hatch, Mr. Kennedy, Mr. Stafford, Mr. East, Mr. Nickles, and Mr. Mathias):
S.J. Res. 257c. Joint resolution to authorize and request the President to designate the month of December 1982 as "National Close-Captioned Television Month;" to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. STAPFORD <for himself, Mr. STAPFORD, Mr. ROBERT C. BYRD, Mr. BAKER, and Mr. MATTESON>:
S. Res. 486. Resolution expressing the sense of the Senate that the Reserve Officers Association of the United States deserves public recognition upon the sixtieth anniversary of its founding for its dedication to the development of a strong national defense; considered and agreed to.

By Mr. ROBERT C. BYRD:
S. Res. 487. Resolution to recognize the city of Nitro, W. Va., as a Living Memorial to World War I; considered and agreed to.

By Mr. MATHESON:
S. Res. 488. Resolution expressing the sense of the Senate that the President should initiate talks with the Government of the Soviet Union, and with other governments, to plan for a space capability, with a view toward exploring the possibilities for a weapons-free international space station as an alternative to competing armed space stations; to the Committee on Foreign Relations.

By Mr. BAUCUS:

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (by request):
S. 2987. A bill to facilitate the adjudication of certain claims of United States nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of United States nationals against Iran, and for other purposes; to the Committee on Foreign Relations.

Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to facilitate the adjudication of certain claims of U.S. nationals against Iran, to authorize the recovery of costs incurred by the United States in connection with the arbitration of claims of U.S. nationals against Iran, and for other purposes.

This legislation has been requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments. I reserve my right to support or oppose this bill, as well as any suggestion or amendment to it, since the matter is considered by the Committee on Foreign Relations.
I ask unanimous consent that the bill be printed in the Record at this point, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated September 14, 1982.

S. 2987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Iran Claims Act".

RECEIPT AND DETERMINATION OF CERTAIN CLAIMS

Sec. 2. (a) The Foreign Claims Settlement Commission of the United States is hereby authorized to receive and determine, in accordance with the provisions of title I of the International Claims Settlement Act of 1949, the validity and amounts of claims of nationals of the United States against Iran which fall within:

(1) the jurisdiction of the Iran-United States Claims Tribunal pursuant to the provisions of the Declarations of the Democratic and Popular Republic of Algeria concerning the Settlement of Claims by the Government of the United States against the Governments of the Islamic Republic of Iran, or

(2) the terms of any agreement providing for the settlement and discharge of such claims by agreement of the Government of the United States to accept a sum en bloc against such claims.

In deciding such claims, the Commission shall apply, in the following order, the relevant provisions of the Claims Settlement Agreement, considering the interpretation given thereto by the Iran-United States Claims Tribunal, the terms of any settlement agreement as described in paragraph (2) of this subsection, and applicable principles of international law, justice and equity.

(b) The Commission shall certify to the Secretary of the Treasury any awards determined pursuant to subsection (a) of this section in accordance with section 5 of title I of the International Claims Settlement Act of 1949. Such awards shall be paid in accordance with sections 7 and 8 of that title, except that the Secretary of the Treasury is authorized to approve payments under subsection (a) of Section 8(e)(1) in the amount of $10,000 or the principal amount of the award, whichever is less.

DEDUCTIONS FROM ARBITRAL AWARDS

Sec. 3. (a) Except as provided in section 4, whenever the Federal Reserve Bank of New York shall receive an amount from the Security Account established pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981, in payment of any award rendered by the Iran-United States Claims Tribunal in favor of a United States national, the Federal Reserve Bank of New York shall deduct from the amount so received an amount equal to two per centum thereof as reimbursement to the United States Government for expenses in connection with the arbitration of claims of United States nationals against the Islamic Republic of Iran before the Iran-United States Claims Tribunal.

(b) Amounts deducted by the Federal Reserve Bank of New York pursuant to subsection (a) shall be covered into the Treasury to the credit of miscellaneous receipts.

(c) Nothing in this section shall be construed to authorize the payment, to United States nationals of amounts received by the Federal Reserve Bank of New York in respect of awards by the Iran-United States Claims Tribunal, after deduction of the amounts specified in subsection (a).

(d) This section shall be effective as of June 7, 1982.

EN BLOC SETTLEMENT

Sec. 4. The deduction by the Federal Reserve Bank of New York provided for in section 3(a) of this Act shall not apply in the case of a sum received by the Bank pursuant to an en bloc settlement of any category of claims of United States nationals against Iran when such sum is to be used for payments in satisfaction of awards certified by the Foreign Claims Settlement Commission pursuant to section 2(b) of this Act.

REIMBURSEMENT TO THE FEDERAL RESERVE BANK OF NEW YORK

Sec. 5. The Secretary of the Treasury is hereby authorized to reimburse the Federal Reserve Bank of New York for expenses incurred by the Bank in the performance of fiscal agency agreements relating to the settlement claims or arbitration of such claims as provided in section 2 of the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981.

DEPARTMENT OF STATE


Hon. George Bush, President of the Senate.

DEAR MR. PRESIDENT: I transmit herewith a bill to authorize various agencies of the Executive Branch to take certain actions in furtherance of the settlement of claims between United States nationals and the Government of Iran pursuant to the Algiers Accord of January 19, 1981. The proposed legislation would authorize the Foreign Claims Settlement Commission to adjudicate a number of such claims and would permit the Federal Reserve Bank of New York to recover certain costs incurred by the United States Government in connection with the arbitration of other claims before the Iran-United States Claims Tribunal at The Hague. The bill would also authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for its expenses as fiscal agent of the United States in the implementation of the Algiers Agreement. The steps authorized by the proposed legislation will facilitate the claims settlement process contemplated by those agreements.

Under the Algiers Accord which led to the release of the 52 American hostages from the Teheran, the United States and Iran agreed among other things to refer certain claims of U.S. nationals against Iran to binding arbitration before a newly created arbitral body, the Iran-United States Claims Tribunal. Some of those claims had been pending for years in U.S. courts. Iran had been subject of judicial injunctions and court-ordered attachments. Pursuant to the Accords, once the hostages were released, the United States Government regained authority for those attachments and injunctions, thus rendering them null and void. Following an intensive review of the Accords by the Administration, litigation involving claims which might be presented to the Tribunal was suspended by Executive Order No. 12294, dated June 7, 1981. That suspension was necessary to prevent the settlement of disputes which would be contingent on the resolution of the hostage issue. I ask unanimous consent that the bill be printed in the Record at this point, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Congressional Relations to the President of the Senate dated September 14, 1982.

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DEAR MR. PRESIDENT: I transmit herewith a bill to authorize various agencies of the Executive Branch to take certain actions in furtherance of the settlement of claims between United States nationals and the Government of Iran pursuant to the Algiers Accords of January 19, 1981. The proposed legislation would authorize the Foreign Claims Settlement Commission to adjudicate a number of such claims and would permit the Federal Reserve Bank of New York to recover certain costs incurred by the United States Government in connection with the arbitration of other claims before the Iran-United States Claims Tribunal at The Hague. The bill would also authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for its expenses as fiscal agent of the United States in the implementation of the Algiers Agreement. The steps authorized by the proposed legislation will facilitate the claims settlement process contemplated by those agreements.

Under the Algiers Accords which led to the release of the 53 American hostages from the Teheran, the United States and Iran agreed among other things to refer certain claims of U.S. nationals against Iran to binding arbitration before a newly created arbitral body, the Iran-United States Claims Tribunal. Some of those claims had been pending for years in U.S. courts. Iran had been subject of judicial injunctions and court-ordered attachments. Pursuant to the Accords, once the hostages were released, the United States Government regained authority for those attachments and injunctions, thus rendering them null and void. Following an intensive review of the Accords by the Administration, litigation involving claims which might be presented to the Tribunal was suspended by Executive Order No. 12294, dated June 7, 1981. That suspension was necessary to prevent the settlement of disputes which would be contingent on the resolution of the hostage issue.
The bill would authorize the Foreign Claims Settlement Commission to adjudicate claims by United States nationals against Iran to the extent that they are settled by agreement between the United States and Iran. It also authorizes the Secretary of the Treasury to pay awards in satisfaction of the Commission's determinations. Finally, it is providing authority and procedures for reimbursement to the United States from assets of nationals which are, in the aggregate, for less than $250,000 each (the "small" claims) to be presented to the Tribunal, Arbitration of such a large number of small claims would place a severe burden on the Tribunal. The United States has proposed to Iran that such claims be settled by a lump-sum (or en bloc) agreement. If such an agreement were negotiated, the amount received in discharge of the claims thereby settled would be distributed among the individual claimants on the basis of adjudication by the Foreign Claims Settlement Commission.

Subsection (a) makes clear the authority of the Commission to adjudicate the claims on the basis of title I of the International Claims Settlement Act of 1949, as amended. In particular, it would empower the Commission to decide claims to the extent that they come within the jurisdiction of the Iran-U.S. Claims Tribunal established by the Algiers Accords of January 19, 1981, by the Governments of Iran and the United States. The bill would authorize the reimbursement to the United States Government of expenses incurred in connection with the Tribunal and the Security Account by deducting two per cent from each amount received from the Security Account for payment to a U.S. national in satisfaction of the relevant agreements. Under the proposed legislation, these amounts will be transmitted directly to the U.S. national in whose favor an award has been made immediately and without any additional deduction.

II. PROVISIONS OF THE BILL

Section 1. Short Title

This section states that the Bill may be cited as the "Iran Claims Act".

Section 2. Receipt and determination

This section authorizes the Foreign Claims Settlement Commission of the United States, a component of the Department of Justice, to adjudicate claims of U.S. nationals. The bill would authorize the reimbursement to the United States Government of expenses incurred by the Tribunal and paid from the Security Account. The question of further distribution of the amounts received by the New York Federal Reserve Bank Markazi Iran, a subsidiary of the Bank of New York as Fiscal Agent of the United States, Bank Markazi Iran, Banque Nationale d'Algerie, and the Dutch Central Bank and its subsidiary depositary bank, arbitral awards rendered by the Tribunal against Iran in favor of U.S. nationals which are, in the aggregate, for less than $250,000 each (the "small" claims) to be presented to the Tribunal, Arbitration of such a large number of small claims would place a severe burden on the Tribunal. The United States has proposed to Iran that such claims be settled by a lump-sum (or en bloc) agreement. If such an agreement were negotiated, the amount received in discharge of the claims thereby settled would be distributed among the individual claimants on the basis of adjudication by the Foreign Claims Settlement Commission.

In accordance with the Claims Settlement Agreement, claims of U.S. nationals against Iran for less than $250,000 each are to be presented to the Tribunal by the United States Government rather than by the claimants themselves. The Bill would authorize the Foreign Claims Settlement Commission and the Department of the Treasury to pay these "small" claims in the event that Iran and the United States agree to settle them rather than to arbitrate them before the Tribunal.

Under implementing agreements signed on August 17, 1981, the New York Federal Reserve Bank of New York as Fiscal Agent of the United States, Bank Markazi Iran, Banque Nationale d'Algerie, and the Dutch Central Bank and its subsidiary depositary bank, arbitral awards rendered by the Tribunal against Iran in favor of U.S. nationals which are, in the aggregate, for less than $250,000 each (the "small" claims) to be presented to the Tribunal, Arbitration of such a large number of small claims would place a severe burden on the Tribunal. The United States has proposed to Iran that such claims be settled by a lump-sum (or en bloc) agreement. The bill would authorize the reimbursement to the United States Government of expenses incurred in connection with the Tribunal and the Security Account by deducting two per cent from each amount received from the Security Account for payment to a U.S. national in satisfaction of the relevant agreements. Under the proposed legislation, these amounts will be transmitted directly to the U.S. national in whose favor an award has been made immediately and without any additional deduction.

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cate claims included in a settlement agreement even if such claims are not within the Tribunal’s jurisdiction.

Sections (d) and (e) direct the Commission to certify its awards under section 5 of the International Claims Settlement Act to the Secretary of the Treasury for payment in accordance with the provisions of sections 7 and 8 of that Act. Section 8(e)(1) currently limits the initial payment which the Secretary may make on an account of an award to the amount of $1,000 or the principal amount of the award, whichever is less. This subsection authorizes the Secretary of the Treasury to make such payments to successful claimants up to the amount of $10,000 or the principal amount of the award, whichever is less. Payments on the unpaid balance of awards in excess of $10,000 would thereafter be made in accordance with the existing provisions of Section 8(e) of the International Claims Settlement Act, i.e., from time to time on a basis of four percent deduction from each payment by the Secretary of the Treasury to deduct the reimbursement from each payment received by the Secretary of the Treasury as reimbursement for U.S. claims arising out of non-beneficial use of the U.S. security account. Those expenses include both the U.S. contributions to the Federal Reserve Bank in connection with the Tribunal and the Fed­eral Reserve Bank of New York to deduct the reimbursement from each payment received by the Federal Reserve Bank as reimbursement for U.S. Government expenses. In the absence of the provisions provided in this section of the Bill, therefore, U.S. nationals with claims against Iran which were adjudicated by the Foreign Claims Settlement Commission rather than the Tribunal could be subjected to duplicative deductions from their awards-first by the Federal Reserve Bank under the Bill, and second by the Secretary of the Treasury under the Interna­tional Claims Settlement Act.

Section 5. Reimbursement to the Federal Reserve Bank

This section authorizes the Secretary of the Treasury to reimburse the Federal Reserve Bank in satisfaction of a settlement of claims of U.S. nationals which are to be adjudicated by the Foreign Claims Settlement Commission. Section 7(b)(2) of the International Claims Settlement Act of 1949, as amended, provides for a five per­cent deduction from each payment by the Department of the Treasury as reimburse­ment for U.S. Government expenses. In the absence of the provisions provided in this section of the Bill, therefore, U.S. nationals with claims against Iran which were adjudicated by the Foreign Claims Settlement Commission rather than the Tribunal could be subjected to duplicative deductions from their awards-first by the Federal Reserve Bank under the Bill, and second by the Secretary of the Treasury under the Interna­tional Claims Settlement Act.

By Mr. MATHIAS:

S. 2968. A bill to amend title 5 of the United States Code to provide for an allowance of 4 cents per mile to Feder­al employees for the use of bicycles while engaged on official business, and for other purposes; to the Committee on Governmental Affairs.

REIMBURSEMENT FOR USE OF BICYCLES ON OFFICIAL BUSINESS

• Mr. MATHIAS. Mr. President, I am today introducing legislation that is designed to enable the Government to make use of thousands of privately owned vehicles that are quiet, lightweight, easy to maintain, do not pollute, require little storage space, and improve the health of their users. This legislation amends title 5, United States Code, to authorize that Federal employees may be reimbursed, at the rate of 4 cents per mile, when they use their own bicycles on official business. Reimbursement of use of a private automobile is currently au­thorized at a rate of 20 cents per mile. In his January 1981 report titled “Actions Needed To Increase Bicycle/ Moped Use in the Federal Community,” the Comptroller General con­cluded that—

Conclusions should be made to reimburse Federal employees for official travel by pri­vately owned bicycle or moped. We believe this action would be justified from several points of view which taken together far outweigh the reasoning advanced for excluding these vehicles as authorized modes of travel.

The experience of State and local agencies with similar provisions has been beneficial. The State of Califor­nia adopted such a policy in 1980, and local governments in California, Ken­tucky, New Jersey, and Wisconsin have also been reimbursing their em­ployees for the past few years at rates ranging from 4 to 10 cents per mile for bicycle use on official business.

There are distinct advantages to the Government in providing this greater flexi­bility to its local managers by adding the versatile bicycle to the list of vehi­cles available for reimbursable travel. The Government will be helping to con­serve energy and scarce parking space, and to reduce air pollution. As bicycle usage grows, the fitness of Fed­eral employees will be improved. In a few years, new governmental business is already employing the bicycle, as for postal deliveries in some cities in Ari­zona and Florida. As the Federal agen­cies gain more experience with bicycle use, additional ways of harnessing the bicycle’s many advantages will undoubtedly be discovered. I urge my col­leagues to join me in supporting this legislation, which in a modest and eco­nomical way will benefit both the Gov­ernment and its employees. Mr. Presi­dent, I ask unanimous consent that the text of the bill, and portions of the Comptroller General’s report, be printed in the Record.

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

S. 2968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) section 5704(a) of title 5, United States Code, is amended—

(1) in paragraph (2), by striking out “or”;

(2) in paragraph (3), by inserting “or” after “airplane”; and

(3) by inserting after paragraph (3) the following new paragraph:

This section authorizes a mileage rate of 4 cents per mile for the use of a privately owned bicycle or pedal assisted vehicle;
We believe provisions should be made to reimburse Federal employees for official travel by privately owned bicycle or moped. We believe this action would be justified from several points of view which, when together, far outweigh the reasoning advanced for excluding these vehicles and authorized modes of travel. For instance, our study showed there are definite, definable costs associated with owning and operating a bicycle or moped just as there are for the privately owned vehicles now included. Moreover, the cost data we obtained demonstrated that cost savings are realized when using a bicycle or moped are quite similar to the costs considered in the establishment of a reimbursement rate for automobiles, motorcycles, and airplanes.

Establishing reimbursement rates can also be justified for other reasons. One is that the failure to include bicycles and mopeds as authorized modes of travel can be viewed as total at odds with the principle that the Federal government should set an example. If the United States is to improve its trading position in the world market below cost, it must take the lead in providing economic stimulus to encourage the development of industries that will produce goods at lower costs. In the United States, no one is more aware of the need to provide an incentive for industry than the Secretary of Commerce. Mr. Maurice Stans, in his testimony before the Senate Committee on Finance, stated that "If the Administration is going to be effective in stimulating new investment, it must provide an incentive that is commensurate with the need for new capital investment."

We urge that the Congress enact a job development credit, a job development credit, to help American industry compete with the goods of foreign producers. The tax code of products made abroad. This is wrong.

Providing lucrative tax breaks for foreign manufactured articles violates the very purpose for which these tax breaks were enacted—to help stimulate American industry and American jobs.

Hundreds of American workers lose their jobs every time cars, steel, or manufactured goods are purchased from abroad. Why must we provide additional tax incentives to put more Americans out of work?

There is absolutely no reason to continue this policy. One need only look at the history of the investment tax credit to realize that Congress never intended the ITC to be used to export jobs overseas.

The ITC originated as part of the new economic policy of the early seventies. In 1971, this Nation faced an increasing balance-of-payments deficit, mounting unemployment and growing inflation. President Nixon responded by imposing wage and price controls, levying a surcharge on all imported goods, and initiating the Revenue Act of 1971. As part of this economic policy, the Nixon administration proposed, and Congress enacted, a job development credit. According to testimony before the Senate Finance Committee by then-Secretary of the Treasury John Connolly the credit was "designed to achieve an immediate response in order to reduce unemployment and improve productivity quickly."

This job development credit was not available to foreign produced goods so long as the President's import surcharge remained in effect. When asked at a Ways and Means Committee hearing if the prohibition should be permanent, George Meany, president of the AFL-CIO responded:

If you gave an investment credit for the purchase of foreign equipment you would be really to some extent nullifying the whole idea that has been put forth. The idea of the investment credit was to make jobs. If you are going to buy the equipment overseas, it is not going to make jobs here.

This rationale was echoed by the National Electrical Manufacturers Association in testimony before the Senate Finance Committee.

Foreign competitors, based on an array of protective and restrictive import devices in their home markets and a variety of export assistance incentives to promote the U.S. market in volume, have not had the benefit of the U.S. tax credit designed explicitly to increase U.S. jobs, U.S. productivity and U.S. competitiveness.

Congress and the administration had the same intention—that of stimulating more American jobs—when they worked together to enact the accelerated cost recovery deductions as part of the economic recovery tax act of 1981.

In testimony before the Senate Finance Committee last year, Treasury Secretary Donald Regan said of this economic proposal to cut corporate taxes:

Combined with individual rate deductions, accelerated cost recovery will provide the economic incentives needed to provide jobs and improve the U.S. competitive position in world markets.

Mr. President, I believe that statement directly supports the notion that ACRS deductions should not be extended to companies making purchases overseas.

This Nation's competitive posture is not improved, nor are enough jobs created to justify the extension of lucrative tax breaks to American firms purchasing foreign-made equipment and machines.

Indeed, what happens to the domestic companies and workers involved in the manufacture of these same machines and equipment? Is it not important business lost to them when the companies they supply turn to foreign manufacturers? Is it not a loss of the ability to survive, let alone expand to keep pace with foreign competition, seriously jeopardized?

The answer is a plain and simple "yes."
This is foolhardy policy. At a time when we are struggling to balance the budget we can ill-afford the loss of additional revenues to the Treasury which serves some countervailing productive purposes. And at a time when unemployment rolls are swelling, and foreign imports are capturing ever-increasing shares of the U.S. market, it is unwise for Treasury to continue to subsidize the export of jobs overseas.

The legislation I am today introducing will help put an end to the practice of subsidizing competition from abroad. It is sensible and fair.

Articles necessary for national security and articles which are only manufactured overseas would be exempt from the provisions of this bill. Furthermore, the bill authorized the President to exempt articles by Executive order if denying the tax benefits would result in a net loss of American jobs overseas.

By denying the investment tax credit and accelerated depreciation deductions to goods which are manufactured abroad, this bill will return these items to their original purpose—creating more American jobs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

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

S. 2971

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

This act may be cited as the “Fair Trade Tax Act”.

SEC. 2. LIMITATION OF APPLICATION OF INVESTMENT TAX CREDIT TO DOMESTIC PROPERTY.

Paragraph (7) of section 48 (a) of the Internal Revenue Code of 1984 (defining section 38 property) is amended—

(1) by striking out “subparagraph” in subparagraph (A) and inserting in lieu thereof “paragraph”;

(2) by striking out subparagraphs (B), (C), and (D), and inserting in lieu thereof the following new subparagraphs:

“(B) EXCEPTIONS.—Subparagraph (A) shall not apply to any article or class of articles for a period during which such article or class of articles is—

“(i) necessary for national security or national defense;

“(ii) only manufactured or produced outside the United States.

“(C) PRESIDENT MAY EXEMPT ARTICLES.—If the President of the United States shall at any time determine after consulting with the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce, and the United States Trade Representative, that the application of subparagraph (A) to any article or class of articles would—

“(1) result in a net loss in jobs in the United States, or

“(ii) less than 50 percent of the basis of such property is attributable to value added within the United States.

For purposes of this paragraph the term “United States” includes the Commonwealth of Puerto Rico and the possessions of the United States.

“(B) EXCEPTIONS.—Subparagraph (A) shall not apply to any article or class of articles for a period during which such article or class of articles is—

“(i) necessary for national security or national defense;

“(ii) only manufactured or produced outside the United States.

“(D) DETERMINATION BY THE PRESIDENT.—The determination by the President of the United States described in subparagraph (C) may be in response to—

“(i) recommendations by the Secretary of the Treasury, the Secretary of Labor, the Secretary of Commerce, or the United States Trade Representative, or

“(ii) a petition for exemption by a taxpayer.

SEC. 3. LIMITATION OF APPLICATION OF ACCELERATED COST RECOVERY SYSTEM TO DOMESTIC PROPERTY.

Subsection (e) of section 168 of such Code (relating to accelerated cost recovery system) is amended—

“(4) PROPERTY COMPLETED ABOROAD OR PRIOR TO THE EFFECTIVE DATE.—If such property was completed outside the United States, or

“(B) EXCEPTIONS.—Subparagraph (A) shall not apply to any article or class of articles for a period during which such article or class of articles is—

“(i) result in a net loss in jobs in the United States, or

“(ii) less than 50 percent of the basis of such property is attributable to value added within the United States.

For purposes of this paragraph the term “United States” includes the Commonwealth of Puerto Rico and the possessions of the United States.

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“(1) result in a net loss in jobs in the United States, or

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“(i) necessary for national security or national defense;

“(ii) only manufactured or produced outside the United States.

“(D) DETERMINATION BY THE PRESIDENT.—The determination by the President of the United States described in subparagraph (C) may be in response to—

“(i) recommendations by the Secretary of the Treasury, the Secretary of Labor, the Secretary of Commerce, or the United States Trade Representative, or

“(ii) a petition for exemption by a taxpayer.

SEC. 4. EFFECTIVE DATES.

(a) INVESTMENT TAX CREDIT.—The amendments made by section 2 shall apply to property placed in service after December 31, 1982 and before December 31, 1989.

(b) ACCELERATED COST RECOVERY SYSTEM.—The amendments made by section 3 shall apply to property placed in service after December 31, 1982 and before December 31, 1989.

By Mr. NUNN:

S. 2971. A bill to authorize the establishment of competitive health insurance plans for Federal employees; to provide for the establishment of competitive health insurance plans for certain employees of the United States Government; to provide for the establishment of competitive health insurance programs for Federal employees; to the Committee on Governmental Affairs.

COMPETITIVE HEALTH PROGRAMS FOR FEDERAL EMPLOYEES

• Mr. NUNN. Mr. President, good health is among our most cherished possessions, and the access to quality medical care is one of the privileges which our Nation affords to its citizens. Unfortunately, the medical care for which we can justifiably be proud is becoming so expensive that it is often out of the reach of the average American. Also keeping pace with the rising cost of health care is the ever-increasing cost of health insurance. The security which health insurance offered many working Americans in the past has been dwindling as many service and indemnity companies substantially increased premiums.

Federal employees and annuitants have been particularly hard hit by massive changes in health premium costs and benefit levels. Like many Americans, our Government work force, through the reduced cost-of-living adjustments and additional payroll taxes, is already bearing a large portion of the burden of our efforts to reduce the Federal deficit and restore our economy.

The legislation which I am introducing today addresses only a limited portion of the Federal employees health benefits program. Under present law, any employee organization wishing to offer its own health plan as an option to its members had to submit its application for such a health plan in 1979. This arbitrary cutoff date prevents employee organizations from now providing cost effective alternatives to existing health plans already approved under the program. My legislation would remove that arbitrary barrier by deleting the cutoff date contained in current law. Furthermore, this legislation would also authorize the employer group to transfer their enrollment to the new plan within a specified period of time. Such a limited transfer opportunity would be available only to members of the specified employee group and would not cause a disruption in health plans for other Federal employees and annuitants.

One group in particular, the Federal Managers’ Association, has been seeking an opportunity to offer a competitive health plan to its members. The Federal Managers’ Association is one of the oldest and largest management organizations in the Federal Government. Currently, there are approximately 15,000 members nationwide who represent all the major departments and agencies of the Federal Government.

The lifting of the 1979 closing date only allows the FMA or other employee group to submit their plans to the Office of Personnel Management. OPM still has complete authority to negotiate with the employee group so...
By Mr. PERCY:
S. 2973. A bill to amend section 204 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the deposit of cash surplus proceeds of sales of surplus Federal real property into the general fund of the Treasury to be used to retire the national debt of the United States; to the Committee on Governmental Affairs.

National Debt Reduction Act of 1982

Mr. PERCY. Mr. President, I am today introducing the National Debt Reduction Act of 1982. This legislation will direct the sale of surplus Federal lands to go into a special fund in the U.S. Treasury to be used solely to reduce the debt of the United States.

A few months ago, we reached a milestone in American history—the national debt surpassed the $1 trillion mark. This is not a milestone we should be proud of. It should be a signal to the Congress that we must act to stop this dangerous trend, or we may push our economy past the breaking point.

While there are encouraging signs lately on the economic front, it is going to take time to reverse the effects of two decades of reckless spending by the Federal Government. In my own State of Illinois, one worker in eight is unemployed. High interest rates are pushing small businesses into bankruptcy daily and stifling growth and production in others.

In the past, the only solution offered to attack sprawling and unmanageable Government spending was to cut programs—a solution I have generally supported. What I realized last fall was that up until then, we had almost totally disregarded the most basic financial analysis used in every business large or small, and in most households. We had closed our eyes to the fact that our Government has plenty of assets—substantially more assets than debts. Yet, there is no reason why, with our resources, we should not sell properties which we simply do not need to offset part of the national debt.

President Reagan has embraced this idea and moved swiftly and decisively, with my full support, to implement a full-scale surplus property sales program.

I am certain that the administration will succeed because it believes the public will support it. The American people are tired of being taxed to pay interest on the national debt, and I believe they will support the President with their votes in 1984 if he continues with a balanced budget policy.

The New York Assay Office consists of 88,000 square feet of office space in the heart of Manhattan's financial district, unused by the Government. It is worth over $8 million.

In Joliet, Ill., 1,300 acres of a 23,000 Army ammunition plant is not used by the military and is worth several million dollars.

Much of the Army's Fort DeRussy on Waikiki Beach is open space, not used for any training. It is here that the administration plans to sell 17 acres of some of the most valuable land in the United States.

The executive branch already has the authority to sell surplus Federal property under the jurisdiction of the General Services Administration. Federal lands administered by the Department of Interior and Agriculture may be sold under more limited circumstances.

In fiscal year 1983, President Reagan wants to sell about $1 billion in surplus Federal land, all of it under the jurisdiction of the General Services Administration. No public domain lands will be part of this sale. Under the Federal Property and Administrative Services Act, and subsequent amendments in the Land and Water Conservation Act, all proceeds from the sale of public domain (GSA) lands must go toward the land and water conservation fund in the Treasury.

The bill I am introducing today—The National Debt Reduction Act of 1982—would authorize the General Services Administration to sell 79 percent of the proceeds from nonpublic domain land sales to a special fund in the Treasury to be used solely for the retirement of the national debt.

This legislation, if enacted, would not deplete the land and water conservation fund by 1 cent. Under current statute, the land and water conservation fund must receive at least $900 million each year from any of the three sources: Offshore drilling leases, motor boat fuel taxes, and surplus land sales. Currently, the fund is receiving 90 percent of its funding from offshore leases, 5 percent from motor boat taxes, and 5 percent from surplus land sales—about $50 million. The fund would continue to receive this same $900 million each year should the surplus land sales proceed to retire the debt because offshore leases would easily make up the difference.

By Mr. BENSON:
S. 2972. A bill to name the building to be constructed in Lufkin, Tex., and leased to the United States as the "Col. Homer Garrison, Jr., Federal Building"; to the Committee on Environment and Public Works.

Col. Homer Garrison, Jr., Federal Building

Mr. BENSON. Mr. President, today I am introducing a bill to name the Federal building to be constructed in Lufkin, Tex., after Col. Homer Garrison, Jr.

Homer Garrison was born in Anderson County, Tex., in 1901. He became a deputy sheriff in Angelina County as a teenager and served in this capacity until 1939. He joined the Texas Highway Patrol when it was created in 1930 and was made captain. After the highway patrol and Texas Rangers merged to become the department of public safety, he was named assistant director of the department. In 1938, Colonel Garrison was made director and chief of the rangers. Under his leadership, the department grew from a modest agency to over 1,000 patrolmen, 62 Texas Rangers, and several other specialty law-enforcement organizations. He died on May 7, 1980, after serving as chief for 30 years.

Homer Garrison was known for backing those who worked for him and for standing behind what he believed was right. He always exerted personal input into any situation and his decision to interfere with a decision. Shortly after his death, the Texas Senate adopted a resolution paying tribute to his leadership, saying: "He exerted greater influence on the direction of law-enforcement than any other man in the Lone Star State". He truly impressed all that met him, leaving a legacy for those who succeed him to forever seek to equal.

By Mr. PERCY:
S. 2973. A bill to amend section 204 of the Federal Property and Administrative Services Act of 1949, as amended, to authorize the deposit of cash surplus proceeds of sales of surplus Federal real property into the general fund of the Treasury to be used to retire the national debt of the United States; to the Committee on Governmental Affairs.

National Debt Reduction Act of 1982

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A few months ago, we reached a milestone in American history—the national debt surpassed the $1 trillion mark. This is not a milestone we should be proud of. It should be a signal to the Congress that we must act to stop this dangerous trend, or we may push our economy past the breaking point.

While there are encouraging signs lately on the economic front, it is going to take time to reverse the effects of two decades of reckless spending by the Federal Government. In my own State of Illinois, one worker in eight is unemployed. High interest rates are pushing small businesses into bankruptcy daily and stifling growth and production in others.

In the past, the only solution offered to attack sprawling and unmanageable Government spending was to cut programs—a solution I have generally supported. What I realized last fall was that up until then, we had almost totally disregarded the most basic financial analysis used in every business large or small, and in most households. We had closed our eyes to the fact that our Government has plenty of assets—substantially more assets than debts. Yet, there is no reason why, with our resources, we should not sell properties which we simply do not need to offset part of the national debt.

President Reagan has embraced this idea and moved swiftly and decisively, with my full support, to implement a full-scale surplus property sales program.

I am certain that the administration will succeed because it believes the public will support it. The American people are tired of being taxed to pay interest on the national debt, and I believe they will support the President with their votes in 1984 if he continues with a balanced budget policy.

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Much of the Army's Fort DeRussy on Waikiki Beach is open space, not used for any training. It is here that the administration plans to sell 17 acres of some of the most valuable land in the United States.

The executive branch already has the authority to sell surplus Federal property under the jurisdiction of the General Services Administration. Federal lands administered by the Department of Interior and Agriculture may be sold under more limited circumstances.

In fiscal year 1983, President Reagan wants to sell about $1 billion in surplus Federal land, all of it under the jurisdiction of the General Services Administration. No public domain lands will be part of this sale. Under the Federal Property and Administrative Services Act, and subsequent amendments in the Land and Water Conservation Act, all proceeds from the sale of nonpublic domain (GSA) lands must go toward the land and water conservation fund in the Treasury.

The bill I am introducing today—The National Debt Reduction Act of 1982—would authorize the General Services Administration to sell 79 percent of the proceeds from nonpublic domain land sales to a special fund in the Treasury to be used solely for the retirement of the national debt.

This legislation, if enacted, would not deplete the land and water conservation fund by 1 cent. Under current statute, the land and water conservation fund must receive at least $900 million each year from any of the three sources: Offshore drilling leases, motor boat fuel taxes, and surplus land sales. Currently, the fund is receiving 90 percent of its funding from offshore leases, 5 percent from motor boat taxes, and 5 percent from surplus land sales—about $50 million. The fund would continue to receive this same $900 million each year should the surplus land sales proceed to retire the debt because offshore leases would easily make up the difference.
CONGRESSIONAL RECORD—SENATE

September 29, 1982

This is a very simple and straightforward proposal. It is a chance for us to take a first step to attack the national debt without reducing funds for new park land, cutting social programs, or raising taxes.

Mr. President, I urge the Senate to act quickly on this needed legislation.

Mr. President, I ask unanimous consent that the text of the bill and a White House Press Release containing the text of a letter relating to this matter be printed in the Record.

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

S. 2973

BE IT ENACTED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, THAT THIS ACT MAY BE CALLED THE "NATIONAL DEBT RETIREMENT ACT OF 1982."

SEC. 2. SECTION 204(a) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1946 (38 STAT. 388; 40 U.S.C. 485(a)), IS AMENDED TO READ, AS FOLLOWS:

"Section 204(a) of the Federal Property and Administrative Services Act of 1946 (38 Stat. 388; 40 U.S.C. 485(a)), is amended to read, as follows:

"Notwithstanding any other provision of law, all cash proceeds under this title from any transfer of excess property to a Federal agency for its use, or from any sale, lease, or other disposition of surplus property, shall be covered into the general fund of the Treasury to be used solely for retirement of the national debt of the United States, except as provided in subsections (b), (c), (d), and (e) of this section."

[Text of a letter from the President to the Speaker of the House of Representatives and the President of the Senate.]

SEPTEMBER 29, 1982

DEAR MR. SPEAKER: (DEAR MR. PRESIDENT:)

I am forwarding for the consideration of the Congress a draft bill entitled the "National Debt Retirement Act of 1982."

As you know, my Administration has recently undertaken a number of policy initiatives with respect to the disposal of surplus Federal real property. For example, on February 25, 1982, I signed Executive Order 12348, establishing the Presidential Property Review Board, which has been given the responsibility for developing Federal property disposal policy to ensure that surplus Federal real property is identified and made available for sale at its fair market value. Proceeds from the sale of surplus real property are to be used to help retire the national debt.

The enclosed legislation eliminates a barrier to using the proceeds of the sale of surplus real property to retire the national debt. Under current law, receipts from the sale of such property are deposited in the Land and Water Conservation Fund of the Department of the Interior. Our proposed legislation amends present law to state that, notwithstanding any other requirement of law, cash proceeds from the sale, lease, or other disposition of such property are to be covered into the general fund of the Treasury. This proposal does not affect the statutory requirement that there be an annual income level of $600 million for the Land and Water Conservation Fund. Proceeds from Outer Continental Shelf oil lands will continue to be deposited in the Fund, thus enabling those to exceed $600 million annual floor for deposits in the Fund will be met.

Enactment of this draft bill would help put the Federal government on a sounder fiscal footing. According to the Federal Reserve Bank of New York, the Treasury will receive $600 million a month from the Fund.

Sincerely,

RONALD REAGAN

BY MR. BENTSEN:

S. 2974. A bill to authorize local improvement projects to be considered in cost-sharing calculations on the Lower Rio Grande Valley Basin flood control project to the Committee on Environment and Public Works.

IMPEDIMENTS TO LOWER RIO GRANDE VALLEY BASIN FLOOD CONTROL PROJECT

BY MR. BENTSEN, Mr. President, I am introducing legislation to fairly recognize the efforts of the local authorities in dealing with the serious flood control problems of the Lower Rio Grande Valley. This bill is designed to assure that actions taken by the local authorities will not be subverted by any subsequent Federal project that may be authorized in that area.

Clearly, no one can now predict whether a Federal water project will be authorized in this area. Congress has not authorized new water resource projects since 1976. Moreover, before new projects are authorized, Congress will surely address the question of cost sharing between Federal and non-Federal interests. Currently, the Corps of Engineers is completing a study of the feasibility of a Federal flood control project in the Lower Rio Grande Valley. For such a project to ultimately be constructed, it must have a favorable benefit/cost ratio, strong local support, congressional construction authorization, and the necessary appropriations. This process will take many years.

In the meantime, the people of the lower valley are compelled to act on their own to respond to the prospect of continuing flood threats. I ask you at this point that flooding in the Lower Rio Grande Valley has some unique aspects. Because the land around the river is so flat, there is little runoff. Under severe conditions water can stand across the area for weeks, backing up septic tanks and devastating cropland. I have worked for years to speed the process of determining whether or not this project should get the green light. In spite of my efforts, progress has been slow. Consequently, the local authorities are developing their own flood control efforts. After a several-year delay in obtaining a dredge-and-fill permit under section 404 of the Clean Water Act, the Hidalgo County Drainage District No. 1 is constructing a drainage network in the area.

My bill would instruct the Corps of Engineers to include the costs and benefits of local improvements that are compatible with its ultimate project. This bill does not authorize any Federal funds. It does, however, protect the local investment in the event that a Federal project is authorized and built to control flooding in the Lower Rio Grande Valley.

By Mr. CHAFEE (for himself and Mr. PELL):

S. 2975. A bill to amend title 10, United States Code, to authorize an alternative to the conventional construction of military family housing. The alternative would permit the Secretary of Defense to enter into a long-term lease for family housing.

This alternative could provide an attractive and economical method of procuring family housing in certain situations, and I believe we should make this alternative available.

A companion measure has been introduced in the House of Representatives. It is my hope that the Department of Defense and the appropriate committees of Congress will give this measure their early and favorable attention.

BY MR. MATHIAS:

S. 2976. A bill to facilitate the economic adjustment of communities, industries, and workers to civilian-oriented initiatives, projects, and commitments when they have been affected by reductions in defense contracts, military facilities, and arms export which have occurred as a result of the Nation's efforts to pursue an international arms control policy and to realign defense expenditures according to changing national security requirements, and to prevent the ensuing dislocations from contributing to or exacerbating recessionary effects; to the Committee on Governmental Affairs.

DEFENSE ECONOMIC ADJUSTMENT ACT

BY MR. MATHIAS. Mr. President, I am introducing today the Defense Economic Adjustment Act. The purpose of this bill is to plan and provide technical assistance to States and localities which may experience sudden unemployment increases due to loss of defense contracts.

Defense Department decisions on facility locations, employment levels, weapons procurement, and contracts can severely affect a local employment base. The result can be sharp declines in employment which wreak havoc with local economic stability.
The social costs, economic disruptions, and human stress caused by sudden layoffs and shifts in defense spending are substantial. This bill establishes a mechanism to plan for such slowdowns in defense spending, retrain workers, recycle defense facilities, identify new markets and new products for current defense suppliers, and assure a stable transition to a domestic civilian economy.

Although the defense sector of our national budget is currently programmed for real growth, we must be prepared for the time when defense spending slows. The enormous number of military contractors (20,000) and the 400 U.S. military bases located throughout the United States are a sizable segment of our national economy. The spin-off employment of these employers in subcontractors is even greater.

No locality or region can afford to become overly dependent on one part of its employment base. This bill is aimed at those towns and cities where the principal employer is a military base or defense contractor. Should the need for the base or product of a contractor decline, the local economy is caught in the lurch. A diversified, balanced local economic base can insulate our communities.

Furthermore, by seeing that new markets, products, and types of employment are assured in the future, this bill makes it easier for national security interests to be served without a bias to existing defense suppliers and contractors, whose product or service may no longer be necessary to national needs.

Reindustrialization is a term handled about these days as a means to move our Nation out of its current recession. This bill would see to it that the meaning of reindustrialization would be realized and a program for getting there was agreed upon.

There are numerous national priorities which beg to be addressed: Our methods of public transportation; our methods of education; our health program; the health of our citizens; or urban infrastructure—streets, bridges, water and sewer lines; our water and air quality research and technology; new energy conservation and recycling technologies; our merchant ship fleet; and business communication needs.

All of these areas and many more call for priority national attention and the directing of careful thought and a skilled work force. The Defense Economic Adjustment Act is a step in the direction of such economic conversion.

By Mr. COHEN, from the Select Committee on Indian Affairs:
S. 2978. An original bill entitled the "Indian Claims Settlement Act of 1982"; placed on the calendar.
satisfied that none of these three objectives is now being met. I am deeply disturbed that the administration has failed to provide the Congress with a single recommendation for legislative resolution of any of the identified claims.

Mr. President, each time the Congress has extended the statute of limitations, witnesses for the tribes have stressed the potential liability of the United States for failure to diligently prosecute the claims of Indians. Witnesses for the Government have never specifically stated that the United States would in fact be liable to the Indians for failure to bring a trust-related claim, but in each of these extensions the Government witnesses have acknowledged that such liability is a very distinct possibility.

In hearings before the Select Committee on Indian Affairs in December of 1978, I asked the then Associate Solicitor for the Division of Indian Affairs whether a suit would lie against the United States as trustee for failure to carry out a fiduciary obligation if it failed to bring an action on behalf of an Indian tribe or individual.

Mr. Walker stated that that was very possible. In hearings before this committee in May of 1977 at the time of that extension, Mr. Krultz, then Solicitor of the Department of the Interior, when asked the same question responded to the chairman by saying, "I must say that in my mind I think there is a clear exposure and substantial risk of liability in this situation."

Peter Taft, then Assistant Attorney General for Natural Resources, Department of Justice, while not conceding liability, acknowledged that there was no question that the Government would be used. On September 4, 1982, a class action suit was filed in the U.S. District Court for the District of Columbia seeking declaratory relief against the United States premised on failure of the Federal Government to timely file claims and failure to timely notify claimants. It also seeks mandatory injunction to compel the United States to file remaining claims within the time allowed.

Mr. President, I cannot overstate my frustration with the manner in which the executive branch has handled this problem. It is not just this administration. The problem has been known for 10 years and successive administrations must share the blame. Nevertheless, I am deeply disappointed. To simply allow these claims to lapse—to administratively shove them under the rug—is damming to the law; it is damaging to the Congress; and ultimately it is damaging to this country. For these reasons I am reporting this bill today.

By Mr. PRYOR (for himself, Mr. BUMPERS, Mr. SASSER, Mr. BOREN, and Mr. SARBANES):

S. 2979. A bill to establish a Federal Grain Storage Insurance Corporation to protect farmers who store grain in certain warehouses against losses caused by such hazards as fire, dust storms, hurricanes, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL GRAIN STORAGE INSURANCE ACT OF 1982

Mr. PRYOR. Mr. President, I want to take this opportunity to address the Senate on an issue that has, unfortunately, become a factor in the lives of American farmers. The problem has captured regional and national headlines and has generated discussion at all levels of government and within the agricultural community. Farmers, already plagued by high-interest rates, high fuel costs, and high seed and fertilizer costs, have now been hit by still another problem—bankruptcies and failures of grain elevators.

More than 120 grain elevators have failed in the United States in recent years, leaving in the lurch at least 3,200 farmers with over $25 million in grain. While the number of occurrences of grain elevator failures is small compared to business failures in general, few other types of bankruptcies can have such a devastating effect on farmers who, in effect, are innocent bystanders. We have heard far too many stories of financial failure.

On April 7, the 20-year old Coast Trading Co. filed to reorganize under chapter 11 of the Federal Bankruptcy Law. Coast had a 6 State chain of 22 grain elevators, feed mills, barge facilities, and other related services. The debt includes $14 million to secured creditors and $30 million to an estimated 200 creditors, most of whom are farmers and local elevators that sold to Coast Trading.

In Stockport, Iowa, an elevator collapsed 2 years ago where too much grain was delivered without receiving a check, too little warehouse grain was secured by a warehouse receipt and too much grain was delivered to be credited for later. This is really a farmer's unsecured loan to the elevator—and then the sudden, unexpected bankruptcy.

In Montana, North Dakota, Kentucky, Louisiana, Missouri and Arkansas similar stories have unfolded. While it is understood that farmers themselves need to become alert to the danger signals as an elevator that offers a higher price if the farmer agrees to wait a few days, or offers to store grain at a cheaper rate, or even fails to give proper warehouse receipts, the time has come for the Congress to offer the farming community some statutory protection.

More and more State legislatures are recognizing their role and responsibility in developing sound criteria upon which to audit and regulate grain elevator operators. Additionally as Paul Hughes, a businessman of mind, said recently in the Delta Farm Press, "As long as you make it possible for someone to succeed, then it also will be possible for them to fail." However, State and Federal initiatives have not been sufficient in this critical situation and it is important for the Congress and the State legislatures to take seriously the duties of government in these situations.

Legislative reforms are under consideration that would change bankruptcy laws, increase oversight of warehouse operations by the Federal Government, and insure farmers against loss.

For farmers and other individuals and businesses caught with assets in a bankrupt elevator, the issue can be extremely frustrating. Those with warehouse receipts, or in some cases, claim marks funneled into a non-preferred class of general creditors and generally have a good chance of recovering a large percentage of the loss. But farmers who have sold grain to a failing elevator under a deferred payment arrangement fall into a non-preferred class of general creditors and may recover little of their loss. And, in either case, the claims process can take months or possibly years to complete.

I have supported attempts to amend Federal bankruptcy laws to accomplish the following: First establish a time limit on the disposition of elevator assets; second, establish a priority disposition system; and third, allow a farmer to impose a statutory lien in a deferred payment arrangement. It has been noted that these changes are far reaching and could have secondary effects, one of which might be that the statutory lien could jeopardize the financing of elevator operations. Additionally, this proposed change might cause bankers and lenders to face new risks since the lien provisions affect clear title to commodities used as collateral. Also, some commentators have said that these amendments interfere with priorities set by States in bankruptcy proceedings. According to a statement by Brian Crowley, U.S. General Accounting Office, the best overall and latest available data on past bankruptcies indicate that about 2 percent of the approximately 10,000 grain warehouses nationwide have gone bankrupt between 1974 and 1979. To estimate how many warehouses might be in financial trouble, we applied certain financial ratios and self-developed criteria to data reported to USDA by a random sample of 400 grain warehouses using the MARS distinction. We found that 19 or 4.75 percent of the sample warehouses met our criteria for being in financial trouble. Based on these results, we esti-
mate that about 300 warehouses may be financially unsound. At the 95-per-
cent confidence level, this number could range from 173 to 427 ware-
houses.

Mr. Crowley further added "that the Federal programs, no matter how ef-
fective, do not provide protection for all grain depositors." About 36 percent of
grain warehouses are subject only to State requirements, which range from
nonexistent to very stringent.

Therefore, it is my belief that a pro-
gram is needed that will apply to situa-
tions throughout the country and
that will offer protection to farmers.
Finally, it will help restore the needed
confidence between farmer and
elevator.

To accomplish these goals, I am in-
troducing legislation to establish a
Federal Grain Storage Insurance Cor-
poration. The program would be fi-
nanced and governed by farmers
through a corporate board and be
established within the U.S. Department
of Agriculture. This plan will give
the farmers of this country the opportu-
nity to voice their approval or disappro-
a benefit of this concept by voting in
a referendum. The referendum will allow
them to express support for a
program under which a portion of
their grain is assessed in return for the
protection offered by the Corporation.
By this method, just as farmers now
support check-offs for research and
promotion, they could support a simi-
lar checkoff to insure their season's
harvest.

While some States, like Oklahoma and
South Carolina, have already set
up statewide insurance programs and
many other States are showing inter-
est, it seems logical that a national
program that offers the advantages of
a broad financial base and uniformity
across State lines would be attractive
to producers.

In the same vein, this program should not circumvent efforts that are
now occurring to tighten the fiscal
management of grain elevators. This
program should further this cause.
Farmers may even be wary of any
warehouse that fails to meet require-
ments for qualification, just as depos-
itents may be wary of a bank or savings
and loan association that does not qualify for FDIC or FSLIC protection.

This bill also changes the criminal
penalties for persons selling grain
without proper title.

It is also hoped that by giving broad
authorities to the Board of the Corpo-
ratio, the Board can adequately ad-

characteristics of com-
ment. These include:
First, how to deal with vari-
ations in business risks; second, how
much responsibility the producer
should assume; third, how much pro-
tection should be offered and whether
the assessment should vary between
commodities; and fourth, whether a
uniform warehouse receipt or scale
ticket should be used by participants
to increase uniformity.

I urge the consideration and support
of my colleagues for this measure. We
need to work together to try to allevi-
ate a problem we find in our agricul-
tural communities. I believe this is a step in the right direction.

I ask that the text of the bill, a sum-
mary, and highlights of the bill, be
printed following my remarks.

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

S. 2979
Be it enacted by the Senate and House of
Representatives of the United States of
America in Congress assembled, That this
Act may be cited as the "Federal Grain
Storage Insurance Act of 1982".

DEFINITIONS
Sec. 2. As used in this Act, unless the con-
text clearly requires otherwise—
(1) the term "Board" means the Board of
Directors of the Corporation established
pursuant to section 4;
(2) the term "certified warehouse" means
a warehouse which is certified pursuant to
section 10;
(3) the term "Corporation" means the
Federal Grain Storage Insurance Corpo-
ration established pursuant to section 3;
(4) the term "Department" means the De-
partment of Agriculture;
(5) the term "depositor" means the owner
or holder of a scale ticket, a warehouse
receipt, or other original source document
issued by a certified warehouse for grain,
which resides in a State and who is entitled
to possess or payment for the grain repre-
sented by such ticket, receipt, or other docu-
ment;
(6) the term "grain" means barley, corn,
cotton, dry edible beans, flaxseed, grain sor-
ghum, oats, rice, rye, soybeans, sunflower
seeds, wheat, and any other commodity
which is commonly classified as a grain and
traded at, or stored in, a warehouse;
(7) the term "hall" means hallway.
(8) the term "Secretary" means the Secre-
tary of Agriculture; and
(9) the term "State" means a State, the
District of Columbia, the Commonwealth of
the northern Mariana Islands, the District of
Columbia, and the Trust Territory of the
Pacific.

CREATION OF CORPORATION
Sec. 3. There is hereby established within
the Department a corporation to be known as
the "Federal Grain Storage Insurance Corpo-
ratio". The office of the Corporation shall
be located in the District of Columbia.

MANAGEMENT OF CORPORATION
Sec. 4. (a)(1) The management of the Cor-
poration shall be vested in a Board of Direc-
tors, subject to the general supervision of
the Secretary.
(2) The Board shall consist of—
(A) the manager of the Corporation;
(B) the Under Secretary of Agriculture or
Assistant Secretary of Agriculture responsible
for the Federal grain storage insurance program;
(C) the Under Secretary of Agriculture or
Assistant Secretary of Agriculture responsible
for the Federal grain storage insurance program;
(D) two persons from private life who are
experienced in the grain storage business;
(E) eight persons from private life who are
actively engaged in farming;
(F) one person to represent the Interests
of private lenders who make a substantial
portion of their loans for agricultural pur-
poses and to represent the Interests of the
Pam Credit System, as defined in section 1.2
of the Farm Credit Act of 1971 (12 U.S.C.
1982); and
(G) one person who is experienced as a
trustee in warehouse bankruptcies.
(3) Members of the Board described in
clauses (D) through (G) of paragraph (2)
shall be appointed, and hold office at the
pleasure of, the Secretary, and the Secretary
shall not be a member of the Board. In
order to assure that diverse agricultural in-
terests in the United States are at all times
represented on the Board, persons appointed
under paragraph (2)(E) shall be appoint-
ed from different geographic areas of the
United States.
(b)(1) Any vacancy in the Board shall not
affect its powers, but shall be filled in the
same manner in which the original ap-
pointment was made.
(2) Eight members shall constitute a quorum
for the transaction of the business of
the Board.
(c)(1) Members of the Board who are em-
ployed in the Department shall receive no additional compensation for their services
as directors, but may be paid necessary trav-
elling and subsistence expenses when en-
gaged in business of the Corporation.
(2) Members of the Board who are not em-
ployed by the Federal Government shall be
paid compensation for their services as
Directors as the Secretary shall determine,
but such compensation may not exceed the
usual fee for such services, or the fair mar-
tine compensation prescribed for grade GS-18
under section 5332 of title 5, United States
Code, when actually employed;
and
(d) actual necessary traveling and subsist-
ence expenses, or a per diem allowance in
lieu of subsistence expenses, as authorized
by section 5703 of title 5, United States
Code, for persons in government service em-
ployed intermittently, when on the business
of the Corporation away from their homes
or regular places of business.
(d) The manager of the Corporation shall
be its chief executive officer and shall have
such powers and authority as are con-
ferred upon him by the Board. The manag-
er shall be appointed by, and hold office at
the pleasure of, the Secretary.

Sec. 5. (a) The Corporation—
(1) shall establish and administer a Feder-
al grain storage insurance program in ac-
cordance with this Act;
(2) shall institute and report to the Secre-
tary on violations of this Act;
(3) shall recommend to the Secretary,
from time to time, amendments for the im-
provement of this Act;
(4) may use the resources, personnel, and
facilities in the service of the Agriculture
Stabilization and Conservation Service of the
Department;
(5) may cooperate with State officials
charged with the enforcement of State stat-
utes governing warehouses;
(6) shall have succession in its corporate
powers;
(7) may adopt, alter, and use a corporate
seal, which shall be judicially noticed;
(8) may, in its corporate name, acquire all
such real and personal property as it considers
necessary or convenient in the transac-

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of its business and may dispose of such property held by it upon such terms as it considers appropriate;

(9) may sue and be sued in its corporate name and may appear in its own right in any suit, action, or proceeding in which it has an interest, except that no attachment, injunction, exec­ution, or garnishment shall issue against the Corporation or its property;

(10) may adopt, amend, and repeal bylaws, rules, and regulations governing the conduct in which its business may be conducted and may exercise and enjoy the powers granted to it by law;

(11) may use the United States mails in the same manner as the other executive agencies of the Government;

(12) shall assemble data for the purpose of establishing actuarially sound premiums for insurance on grain stored in certified warehouses;

(13) shall determine the character and necessity for its expenditures under this Act and the manner in which they shall be incurred, and shall observe any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Corporation;

(14) may enter into and carry out contracts or agreements necessary in the conduct of its business, as determined by the Board, except that the Corporation may not enter into or carry out contracts or agreements to provide insurance under this Act; and

(15) shall have such powers as may be necessary or appropriate for the exercise of the powers specifically conferred upon the Corporation by this Act and all such incidental powers as are customary in corporations generally.

(b) The district courts of the United States, including the courts of bankruptcy and the district courts of the District of Columbia and of any territory or possession, shall have exclusive original jurisdiction, without regard to the amount in controversy, of all suits brought by or against the Corporation, any suit against the Corporation shall be brought in the District of Columbia, or in the district wherein the plaintiff resides in business.

c) State and local laws or rules shall not apply to contracts or agreements of the Corporation or the parties thereto to the extent that such contracts or agreements provide that such laws or rules shall not apply, or to the extent that such laws or rules are inconsistent with such contracts or agreements.

Sec. 6. (a) Except as provided in subsection (b), the Secretary shall—

(1) appoint, pursuant to the provisions of title 5, United States Code, governing appointments in the competitive service, such officers and employees as may be necessary for the transaction of the business of the Corporation;

(2) fix their compensation in accordance with chapter 51, and subchapter III of chapter 53, of title 5, United States Code;

(3) define their authority and duties; and

(4) delegate to them such of the powers vested in the Corporation as the Secretary determines appropriate.

(b) Personnel paid by the hour, day, or month when actually employed may be appointed and their compensation fixed without regard to regular compensation, chapter 51, and subchapter described in subsection (a).

MONIES OF THE CORPORATION

Sec. 7. (a)(1) To carry out this Act, the Corporation is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed $250,000,000, in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations.

(2) The Secretary of the Treasury shall purchase, by the Secretary or a political subdivision issued under this subsection. To purchase such notes and obligations, the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act (31 U.S.C. 752 et seq.). The purchase price of any such notes may be increased by the Secretary of the Treasury at any time to sell any of the notes or other obligations acquired by him under this subsection, if the Secretary determines that such action would be necessary to maintain the market for such notes.

(c) The Corporation shall have such powers as the Secretary of the Treasury may adopt, amend, and repeal bylaws, rules, and regulations governing the current business of its officers and employees as are necessary or appropriate for the transaction of its business.

(d) The Corporation shall have such powers as may be necessary or appropriate for the exercise of the powers specifically conferred upon it by this Act.

(e) The Corporation shall have such powers as may be necessary or appropriate for the exercise of any other powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(f) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(g) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(h) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(i) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(j) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(k) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(l) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(m) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(n) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(o) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(p) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(q) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(r) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(s) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(t) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(u) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(v) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(w) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(x) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(y) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.

(z) The Corporation shall have such powers as the Secretary of the Treasury or the Board determines are necessary for the transaction of the business of the Corporation.
U.S.C. 241 et seq.) is a certified warehouse under this Act.

The Corporation shall grant certification under this Act to a warehouse, other than a warehouse described in subsection (a), if—

(A) submits to the Corporation an application which contains such information and is in such form as the Corporation prescribes; and

(B) meets the eligibility qualifications established for the licensing of warehouses under—

(1) the United States Warehouse Act (7 U.S.C. 241 et seq.); or

(2) a State statute which imposes qualifications for the licensing of the warehouses which the Corporation determines are at least equal to the qualifications established under such Act.

(2) The Corporation shall terminate the certification of a warehouse, other than a warehouse described in subsection (a), if—

(A) such warehouse requests the termination of such certification; or

(B) the Corporation determines, after notice and opportunity for a hearing, that such warehouse does not meet the eligibility qualifications described in paragraph (1)(B). (2) shall not apply to any warehouse which applies for certification or is certified under subsection (a) or underparagraph (1)(B) if such warehouse has not lost more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(3) The Corporation shall terminate the certification of a warehouse, other than a warehouse described in subsection (a), if—

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CONGRESSIONAL RECORD—SENATE

out problems (such as jeopardizing financial lenders and elevators relationship).

4. State legislatures are turning to state farms (South Carolina, Maryland, Oklahoma). Arkansas Legislative Council has directed State to draw up program for '83 season.

5. Allows large financial base that would be impressed with state financial aid.

6. Allows restoration of confidence in farmer and grain elevator relationship.

7. Allows uniformity of standards on a nationwide basis.

8. Allows protection to farmers in unsecured position.

9. Estimates that about 300 warehouses may be considered financially unsound. The problem of bankruptcy is not going away.

10. Allows, by referendum vote, to decide on insurance proposal.

11. Check-off concept is widely accepted by farmers and elevators.

12. Would increase criminal penalties and to have more uniform and thorough audit procedures.

Mr. BUMPERS. Mr. President, Junction, Ill.; Stockport, Iowa; and most recently Ristine, Mo., have assumed their places in the annals of the long list of tragedies that have befallen the American farmer. I am talking about recent sites of elevator bankruptcies—tragedies that not only ruin the farmers immediately involved, but also the entire farming community. According to a 1981 study conducted by the Illinois Legislative Council, 110 grain elevators went bankrupt in the United States during the period of 1974 to 1979 alone. The U.S. Department of Agriculture in its 1981 study, "Keeping Harvests Safe From Falling Elevators," estimated that approximately 175 elevators have either been liquidated or reorganized since 1975. The Congressional Research Service puts the number at 180 for the same period.

Each elevator collapse is a disaster blow to the farming community of our American farmers, and exacerbates their feelings of helplessness in the face of our legal institutions and the apparent lack of concern of their elected officials. It is for these reasons that we are introducing the Federal Grain Storage Insurance Corporation Act. The bill is designed to cover most marketing and storage situations in which farmers have been left unprotected when dragged into bankruptcy litigation because of a warehouse failure. We have not reinvented the wheel. Instead, we have borrowed good provisions from previous bills and have incorporated the practical and structural suggestions from such far-ranging groups as the Farm Bureau, the AAM, warehouses associations, and the agricultural law faculty at the University of Arkansas. And, of course, we have received extensive comments and suggestions from individual farmers, which we have incorporated.

Times are extremely tough for our farmers today. After experiencing tremendous risks in planting, raising, and harvesting their crops, the last thing our farmers need to worry about is that elevators will go under. Our bill is designed to instill confidence into the farmer-grain warehouse relationship. It will establish a corporation whose management will be left in the hands of a 15-member, farmer-controlled board of directors. Besides the eight farmer members, there would be two persons involved in the grain storage business, one member from the Farm Credit System, one trustee experienced in grain warehouse bankruptcies, two Under Secretaries of related agencies within the USDA, and a corporation manager. The corporation would utilize the many offices of the ASCS nationwide to handle the day-to-day administrative affairs. Our farmers already are used to dealing with their ASCS office and we are avoiding the creation of another large Federal bureaucracy with which farmers must deal.

The insurance fund will be provided by the farmers themselves by a check-off on the per-bushel bushel of commodities stored in a program warehouse. A program financed by the warehouses would simply be passed on to the farmer anyway, so we have designed our program to be farmer-financed but also farmer-controlled. The storage insurance corporation also will have the authority to borrow money from the Treasury, especially for the establishment of a beginning fund base and for emergency situations.

The decision as to which grain warehouses would be covered was a heavily researched one, and I believe this program has the potential to include eventually 100 percent of all grain warehouses. The 10,000 grain warehouses in this country generally have the option of being State-licensed in the 29 States that have State licensing, or of being federally licensed under 7 U.S.C. 241 et seq. of the U.S. Warehouse Act. It is the federally licensed warehouses that will be required to enter into the insurance program. This group represents 20 percent of the total, but 43 percent of all commercial grain storage capacity, and would include the major grain companies because of their preference for the uniformity of Federal law.

Those elevators that are currently not federally licensed will be allowed into the program if they can show that they could meet the licensing requirements under the U.S. Warehouse Act. The procedure is relatively simple, and the farmer can avoid the financial loss. The time to act is now. The American farmer is pleading for help. I am convinced that major legislative changes in our farm programs will be necessary if our agriculture is to remain viable. Elevator bankruptcies are just a small part of the problem, but any farmer who has been the victim of one can attest to the anger, frustration, and misery it causes in our farmers in a warehouse relationship. I urge the quick passage of this legislation.

Mr. SASSER. Mr. President, I am pleased to rise today as an original co-sponsor of S. 2979, the Federal Grain Storage Insurance Act of 1982. This legislation is particularly significant for farmers from my home State of Tennessee. There are some 126 grain warehouses in Tennessee with a storage capacity of 59,000,000 bushels. Because of our geographic proximity to several navigable waterways, long-term storage for grain has not been needed. Rather, grain elevators in Tennessee serve as monetary holding bins in a market where barge moves are at all uncommon in Tennessee for barges docked at these elevators to have
greater storage capacity than that offered by the warehouses.

Our farmers store grain in bins primarily through a delayed price system of contracting. The farmer delivers his grain to the warehouse passing title to the grain to the warehouseman. The warehouseman sells the grain at a later date and uses these proceeds to pay off the farmer for his grain.

This situation can become quite intolerable for Tennessee farmers if and when the grain elevator goes bankrupt. Farmers in the system I just described are usually far down in the line of creditors to be paid in the event of a bankruptcy. They are usually not secured creditors and oftentimes the proceeds from the bankruptcy sale simply do not stretch far enough to cover the farmer.

Our bill offers the farmer a chance to avoid this predicament. Under this bill the farmer's deposits are insured for the entire period they are in storage or for as long as the farmer has a right to payment for the grain. This last provision will help to protect farmers in circumstances such as in Tennessee. If something should go wrong, the farmer will not be left out in the cold.

As I said, our bill is one that offers the farmer a choice. In fact that is one of the more satisfying aspects of this bill. The farmer has the major voice in the actual implementation of this bill. Initially, farmers across the country must decide whether or not they want such insurance program through the referendum called for in the act.

Assuming the system is set up farmers will have another choice to make. Not all grain elevators and warehouses will be covered by this bill. The farmer must make the effort to seek out the ones which will be able to offer the insurance protection this bill provides. But considering the benefits, this should not be a very difficult choice to make. Hopefully, the march of consolidation and federal insurance warehouses will spur those warehouses not eligible to upgrade their standards and come under this umbrella of protection.

And finally, once the bill is operational farmers will make up the controlling voice on the board of the insuring corporation which oversees the entire program.

Mr. President, this bill offers protection that is long overdue. It has taken tragedies such as bankruptcies and lost grain to galvanize action on this important topic. We must not abandon the American farmer in this time of economic depression in our farmlands. We hold the means of helping the farmer work back to economic stability and prosperity. We must not let this opportunity pass us by. I urge my colleagues to take expeditious action to enact S. 2979 into law.

By Mr. MOYNIHAN:

S. 2980. A bill to amend the Internal Revenue Code to exclude from recapture investment tax credits used to fund tax credit employee stock ownership plans and to permit recovery by such plans of previously recaptured investment tax credits; to the Committee on Finance.

TAX CREDIT ON EMPLOYEE STOCK OWNERSHIP PLANS

\* Mr. MOYNIHAN. Mr. President, the bill I am introducing today amends the tax laws pertaining to tax credit employee stock ownership plans. Employee stock ownership plans have become an attractive and popular form of employee benefit. The acronyms are confusing. There are ESOP*, GSOC*, PAYSO's and TRASOP's. The idea behind them is the same: to broaden stock ownership in America. In the hope that this will improve worker productivity and lead in the long run to a more even distribution of wealth.

My bill amends TRASOP's. In 1975, Congress increased the investment tax credit from 7 to 10 percent. It also allowed an extra 1 percent tax credit to any company that would contribute an amount up to 1 percent of its investment to a stock ownership plan for its employees. The contribution could be in the form of stock, or cash that could be used to buy stock.

Few TRASOP's were established. In 1976, Congress decided that this was due to a number of reasons. One problem was investment tax credit recapture. The Government recaptures, or takes back, a corporation's investment tax credit if the corporation does not hold on to the property for which a credit was claimed for at least 3 to 5 years. In some cases, the recapture period can be as long as 7 years. It depends on the type of property. Since the extra 1-percent credit a corporation got for contributing to a TRASOP was an investment tax credit, if the corporation did not hold on to the property for which the credit was claimed for at least 3 to 5 years, the corporation had to refile the credit. This amounted to $103,039 in the case of the TRASOP. Central Hudson was able to withdraw $61,316 from the TRASOP it had set up. The remaining amount had been contributed before the law was changed in 1978. But another $41,723 had to be recovered by reducing future contributions to the plan.

This is not what the company anticipated would happen when it established a TRASOP in 1977. Matters were made worse last year in the Economic Recovery Tax Act. The 1981 tax bill repealed the extra investment tax credit for TRASOP contributions and, instead, authorized corporations to take a tax credit equal to one-half percent of the company payroll in 1983 and 1984, provided that amount is contributed to an employee stock plan. The tax credit increases to three-fourths of one percent in 1985, 1986, and 1987. Central Hudson, like all utilities, is capital intensive. It has a small payroll. The switch to a payroll-based credit calls into question the ability of Central Hudson to recover its recaptured credits by reducing future contributions. By law, the right to recover TRASOP credits by reducing future contributions ceases at the end of 1982. Investment tax credits cannot be offset against payroll tax credits.

Central Hudson is partners with other utilities in a new and another nuclear plant called the Nine Mile Point plan in New York. That plant may also have to be abandoned or the company may decide to sell off its interest in it if it no longer needs the power. If that happens, the company would have another huge sum in TRASOP credits recaptured. But it would have no means effectively to recover that lost credit. At the end of 1980, Central Hudson had given
By Mr. MOYNIHAN.

S. 2861. A bill to create a Federal offense for the carrying or use of a firearm during the commission of a State felony and to increase the penalties for carrying or using a firearm during the commission of a Federal felony; to the Committee on the Judiciary.

FIREARM FELONY ACT OF 1982

Mr. MOYNIHAN. Mr. President, one of the benefits of standing for re-election to the U.S. Senate is the opportunity a campaign presents for the exchange of new ideas. And it is not out of order, I believe, for me to suggest that one of the Republican primary candidates for the seat I now hold had a good one; namely, that those convicted of a felony during which they carried a firearm, should be subjected to an additional term of punishment for having possessed that firearm at the time of the crime.

Mr. Whitney North Seymour, Jr.—a distinguished former U.S. attorney for the southern district of New York—made this proposal during his unsuccessful campaign for the Republican nomination for U.S. Senator from New York. During that campaign, which concluded September 23 with the New York primary, Mr. Seymour made several altogether reasonable suggestions as to what the Congress should do to stem the abhorrent rise of criminal activity in the land.

As is the custom during such exchanges, I had the opportunity to recount some of my work in this area and to identify the legislation I had sponsored to help stop crime. It is a record not inconsiderable in dimension, and one that I feel is furthered with the introduction of the measure I place before the Senate today. Clearly, my principal objective is to offer a measure that I believe will help deter the commission of such crimes. Yet, I also offer this measure knowing full well that it follows from the honorable discourse of a political campaign.

Mr. Seymour suggested the creation of a Federal criminal offense for carrying a firearm during the commission of a felony. This offense would apply to felons under State or Federal law. I believe that the essence of Mr. Seymour’s suggestion, modestly refined, is embodied in the legislation I now introduce, “The Firearm Felony Act of 1982.”

My legislation would: One, make it a separate Federal offense for carrying or using a firearm during the commission of a felony under State law, two, strengthen the penalties already provided for carrying or using a firearm during the commission of a felony under Federal law, and three, impose a mandatory minimum sentence of 3 years for a first conviction under the terms of this legislation, and 10 years for a second or subsequent conviction under this act.
Mr. President, such a measure is indeed harsh. But certainly warranted given the dreadful toll that violent crime exacts from the citizens and our Nation. The incidence of crime has a disproportionate effect upon the poor, minorities, and the elderly—in short, the most vulnerable segments of our population. Our commitment to reform is left untouched. Close to 25 million households—30 percent of all households in America—were victimized by a crime, of violence or theft last year alone.

The use of firearms was not an insignificant factor during the commission of these crimes. According to statistics from the Federal Bureau of Investigation, assembled by the Senate Committee on the Judiciary, the percentage of homicides involving use of a firearm has consistently been between 62 and 68 percent since 1967; in other words, nearly two-thirds of all murders involve a handgun, shotgun, or rifle—14,051 murders in 1981 alone.

Over the past two decades, the number of aggravated assaults and robberies in the Nation have increased dramatically. In 1981, firearms were involved in 230,228 robberies around the Nation, just under 70 percent of the total. Firearms were involved in 151,918 aggravated assaults, just under 24 percent of the total. The figures for New York are just as telling, and underscore the importance citizens of my State attach to the issue of crime. In 1981, there were 1,008 murders involving firearms in New York, 27,697 robberies, and 12,202 aggravated assaults.

What we are faced with is a society in which the principal instrument of violent crime is the firearm. Efforts to regulate those firearms have met with lackluster result in Congress. Food and drug administration, and importation of so-called Saturday night specials—the Handgun Control Act which I cosponsored as well as its predecessor in the 95th Congress, S. 551, the Victims of Crime Act. I have also authored legislation that would help deter the hands of criminals that often render innocent people—husbands, wives, and children—victims of violent death. That measure, S. 2572, is vital and as a cosponsor I commend the distinguished majority leader's decision to have the Senate consider it before adjournment.

We have also taken steps to protect and compensate the victims of crime. The Senate, on September 14, passed S. 2420, the Victims Protection Act which I cosponsored as well as its predecessor in the 95th Congress, S. 551, the Victims of Crime Act. I have also authored legislation that would close the loophole in the laws as they now exist.

What strikes me about the unprecedented attention in this Congress to the issue of crime is the degree of support that Members of all political philosophies. This is as it should be. In 1965, when campaigning for the office of city council president in New York City, I noted that "crime is the subterranean issue of American politics." I meant by that those who should have taken a leading role in examining the fact of crime in our lives had seemingly been reluctant to address the issue at all. I set out, 17 years ago to do so, noting at the time that "we are beginning to run rather serious risks by not doing so." Our achievement, in the last decade and one-half, has been to elevate the problem of crime to a level where those who ignore it, do so at peril, particularly so if they are in public life. Responsible public policymaking now includes a responsibility to address the threat which most concerns the public—crime. And none should doubt that our spirited debate over the issue will not aid in the identification of measures that will do most to control crime.

Mr. President, I offer the thought that the public policy debate over the issue of crime of violence in this country is a good place to begin a war on crime. It is born—as I noted at the outset—from a suggestion made to me by a man who might well have been my political opponent. The enforcement of law is a matter wholly above politics and it should not be beyond the powers of the men and women of this body to agree upon measures to do the job.

By Mr. THURMOND:

S. 2983. A bill to temporarily suspend the duty on certain menthol feedstocks until June 30, 1986; to the Committee on Finance.

S. 2893. A bill to apply duty-free treatment to tetra amino biphenyl; to the Committee on Finance.

DUTY SUSPENSION FOR MENTHOL CHEMICALS AND TETRA AMINO BIPHENYL

Mr. THURMOND. Mr. President, today I am introducing two separate bills dealing with the relaxation of duties on imported chemicals utilized by domestic manufacturers.

The first bill will temporarily suspend the duty on certain menthol feedstocks until June 30, 1986. The feedstocks are used in the production of synthetic menthol, and are imported from the country of West Germany. There is a duty applied to these feedstocks that they are brought into the United States. However, there are no domestic industries that produce these particular chemicals, and, therefore this duty does not afford any protection to any chemical manufacturer in the United States. To the contrary, it imposes an unnecessary economic cost on the U.S. menthol industry by increasing the production costs for that industry.

Mr. President, this unnecessary duty only compounds the problems that face our domestic menthol industry. Menthol producers in this country also have to compete with highly subsidized and cheap imports of menthol from the People's Republic of China. Additionally, in 1977 when Mainland China was granted most Favored Nation status, the duty on Chinese menthol fell from 50 cents per pound to 17 cents per pound. These developments have placed America's menthol producers at a competitive disadvantage in marketing their product within the United States and abroad where other countries, such as Japan, impose high tariffs on menthol imports.

Mr. President, I realize that this bill does not represent a complete solution to the numerous trade difficulties that our domestic menthol producers face today. However, it would allow America's menthol manufacturers to become competitive with the inexpensive menthol imported from Mainland China. This will help preserve America's menthol industry and the many jobs it represents.

Mr. President, my second bill addresses a situation very similar to that faced by our menthol producers. The bill suspends import duties on a chemical raw material called tetra amino biphenyl, or TAB, which is essential for
By Mr. WEICKER:
S.J. Res. 257. Joint resolution to designate the month of November 1982 as "National Diabetes Month"; to the Committee on the Judiciary.

Mr. WEICKER. Mr. President, I am today introducing a joint resolution to designate the month of November 1982 as National Diabetes Month. In our continuing war against diabetes, we have made significant advances in basic and clinical research aimed at prevention, diagnosis, and treatment of persons with diabetes. Yet, much more remains to be done.

Eleven million Americans suffer from diabetes. Tens of millions of additional Americans—the families and friends of those with the disease—are personally affected by the illnesses of their loved ones. Almost $10 billion are spent each year for health care, disability payments, and premature mortality costs as a result of diabetes.

Diabetes leads to further health complications which affect a variety of bodily organs and functions. For example, according to a recent report of the National Diabetes Advisory Board:

Five thousand persons with diabetes become blind each year;
Approximately 50 percent of foot amputations among adults are due to diabetes;
Diabetes is responsible for about 20 percent of all cases of kidney failure;
Diabetes is a leading cause of birth defects and infant mortality;
Diabetes is a major risk factor for cardiovascular disease;

Persons with diabetes spend twice as many days in hospitals as persons without the disease;
One in seven nursing home patients has diabetes;
Forty percent of persons with diabetes are age 65 or older;
Federal health care programs, such as Medicare (including the end-stage renal disease program) and Medicaid, plus health-related programs of the Veterans' Administration and the Indian Health Service, bear a significant portion of the economic burden of diabetes.

Mr. President, the designation of National Diabetes Month will serve to call the human and economic costs of diabetes to the wider attention of the American people. I hope that a greater understanding of this disease—both by those afflicted with diabetes and by others—will lead to more intensive research, greater public and patient understanding of methods of treatment for this national health problem. I urge the speedy adoption of this joint resolution.

Mr. President, I ask unanimous consent that the text of 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. 257

Whereas diabetes kills more Americans than all other diseases except cancer and cardiovascular diseases; Whereas 11 million Americans suffer from diabetes and 5.7 million of such Americans are not aware of their illness; Whereas $9.7 billion annually are used for health care costs, disability payments, and premature mortality costs as a result of diabetes; Whereas up to 85 percent of all cases of noninsulin-dependent diabetes may be preventable through greater public understanding, awareness, and education; and Whereas diabetes is a leading cause of blindness, kidney disease, heart disease, stroke, birth defects, and lower life expectancy, which complications may be reduced through greater patient and public understanding, awareness, and education; Now, therefore, be it
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of November 1982, is designated as "National Diabetes Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate programs, ceremonies, and activities.

By Mr. WEICKER (for himself, Mr. RANDOLPH, Mr. HATCH, Mr. KENNEDY, Mr. STAFFORD, Mr. EAST, Mr. NICKLES, and Mr. MATSUNAGA):
S.J. Res. 258. Joint resolution to authorize and request the President to designate the month of December 1982 as "National Closed-Captioned Television Month"; to the Committee on the Judiciary.

NATIONAL CLOSE-CAPTIONED TELEVISION MONTH

Mr. WEICKER. Mr. President, I am pleased, together with my distinguished colleagues, Senators RANDOLPH, HATCH, KENNEDY, STAFFORD, EAST, NICKLES, and MATSUNAGA to introduce this joint resolution designating December 1982 as "National Closed-Captioned Television Month". I recognize it is late in this session for new matters to be considered; however, I am hopeful that the Senate will act expeditiously to enact this important proclamation.

As 1982 is the National Year of Disabled Persons, it is a fitting time to commend the National Captioning Institute for the invaluable service it is provided through closed-captioned decoding systems. This service enables the hearing-impaired population to read on the TV screen what they cannot hear, without subjecting hearing viewers to unwanted distraction. Seven and one-half million Americans are affected by hearing loss and the incidence is growing. Furthermore, this new communication technology has great potential to benefit a myriad of reading and learning disabled among the population as a whole.

By calling closed-captioned TV to the attention of the American people, we encourage the expansion of educational horizons as well as equal access for hearing-impaired persons of all ages to the wealth of information so abundantly available to the general public. This serves also as a celebration of the United States as the world's leader in services to its hearing-impaired population, demonstrating the American commitment to developing equal opportunity for all its citizens.

I hope my colleagues will afford this joint resolution their prompt and serious attention, so that "National Closed-Captioned Television Month" will be proclaimed by the 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. 258

Whereas the Congress has officially proclaimed 1982 as the National Year of Disabled Persons;
Whereas hearing-handicapped Americans of all ages traditionally have suffered isolation from society and too often have unwillingly ended up as burdens to society rather than participating citizens;
Whereas the recent telecommunications breakthrough of "closed captioning" now enables these people to read on the television screen what they cannot hear and thus share—for the first time in history—that wealth of information, entertainment, and language so abundantly absorbed by the general public;
Whereas the innovative service, provided through nonprofit and tax-exempt National Captioning Institute (NCI), represents the
culmination of almost ten years of technological development and governmental investment in research and development, and cooperation between government, industry, and community.

Whereas the worldwide service which began in March 1960 on ABC, NBC, and PBS is already proving to open up new educational horizons and new avenues toward equal opportunity for the severely hearing-impaired population, particularly its children and youth;

Whereas hearing-impaired citizens have personally invested over $71 million to date for purchase of decoding devices;

Whereas many members of the Congress have long been actively supporting development, implementation, and expansion of the closed-captioned television service which is the first of its kind anywhere in the world; and

Whereas President Reagan, referring to the closed captioning of his inaugural ceremonies and televised addresses to the Nation, has stated: "I feel very honored to be the first President in history to have spoken directly to people who had never before experienced this historic tradition": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating the month of December, 1982, as "National Closed-Captioned Television Month" in recognition of this invaluable new service for deaf and hard-of-hearing American citizens, and calling on the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

ADDITIONAL COSPONSORS

S. 1296
At the request of Mr. WALLOP, the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from Oklahoma (Mr. BOREN), the Senator from Arizona (Mr. DECONCINI), and the Senator from Colorado (Mr. HARR) were added as cosponsors of S. 1296, a bill to amend part E of the Internal Revenue Code of 1984 to extend certain tax provisions to Indian tribal governments on the same basis as such provisions apply to States.

S. 1450
At the request of Mr. CANNON, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1450, a bill to provide for the continued deregulation of the Nation's airlines, and for other purposes.

S. 1688
At the request of Mr. SPECTER, the names of the Senator from Virginia (Mr. WARNER), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1688, a bill to combat violent and major crime by establishing a Federal offense for continuing a career of armed and providing a mandatory sentence of life imprisonment.

S. 2665
At the request of Mr. FOXX, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. RIEGLE), and the Senator from Massachusetts (Mr. THOMAS) were added as cosponsors of S. 2665, a bill to provide increased maximum limits for student loans under part B of title IV of the Higher Education Act of 1965 for students who lost benefits under the Social Security Act as a result of amendments made by the Omnibus Budget Reconciliation Act of 1981.

S. 2711
At the request of Mr. INOUYE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2711, a bill to specify that health maintenance organizations may provide the services of clinical psychologists.

S. 2845
At the request of Mr. Dono, the names of the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2845, a bill to authorize a demonstration program to provide for housing for older Americans.

S. 2844
At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. D'AMATO) be added as a cosponsor to S. 2844, a bill to increase the authorized reimbursement to New York City for police protection of diplomatic missions to the United Nations. Senator D'Amato was cosponsor of S. 2235, a bill dealing with this subject introduced earlier in this session, and he was inadvertently omitted as cosponsor when S. 2845 was introduced. This is a subject of keen and continuing interest to my colleague and I deeply appreciate his cooperation in this shared endeavor.

S. 2902
At the request of Mr. THURMOND, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2902, a bill to define the affirmative defense of insanity and to provide a procedure for the commitment of offenders suffering from a mental disease or defect, and for other purposes.

S. 2910
At the request of Mr. TSONGAS, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 2910, a bill to amend title 38, United States Code, to establish new educational assistance programs for veterans and for members of the Armed Forces.

S. 2913
At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. HUSTON) was added as a co-
sponsor of S. 2918, a bill to permit the investment of employee benefit plans in residential mortgages.

S. 2928
At the request of Mr. BENTSEN, the name of the Senator from Texas (Mr. TOWNE) was added as a cosponsor of S. 2928, a bill to amend the Internal Revenue Code of 1954 to treat as medical care the expenses of meals and lodging of a parent or guardian accompanying a child away from home for the purpose of receiving medical care, and the expenses of meals and lodging of a child away from home for the purpose of receiving medical care on an outpatient basis.

S. 2954
At the request of Mr. PELL, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2954, a bill to provide for a program of financial assistance to States in order to strengthen their programs in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes.

S. 2957
At the request of Mr. STEVENS, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2957, a bill to amend part E of the Higher Education Act of 1965 to provide cancellation of loans for certain teachers who enter the teaching profession in the field of mathematics, science, and computer education.

S. 2961
At the request of Mr. DANFORTH, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 2961, a bill to promote improved defense preparedness by revising certain provisions of title III of the Defense Production Act of 1950, and to extend the expiration date of the act.

S. RESOLVED 178
At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to authorize and request the President to proclaim the second week in April as "National Medical Laboratory Week."
At the request of Mr. Percy, the name of the Senator from Arizona (Mr. Goldwater) was added as a co-sponsor of Senate Joint Resolution 214, a joint resolution to authorize and request the President to designate the month of November 1982 as “National React Month.”

At the request of Mr. Eagleton, the names of the Senator from Louisiana (Mr. Johnston), and the Senator from Wyoming (Mr. Wallop) were added as co-sponsors of Senate Joint Resolution 237, a joint resolution to provide for the designation of the week beginning on November 21, 1982, as “National Alzheimer's Disease Week.”

At the request of Mr. Chiles, the names of the Senator from Nebraska (Mr. Exon), the Senator from Massachusetts (Mr. Tsongas), the Senator from Arkansas (Mr. Bumpers), the Senator from Alabama (Mr. Helms), the Senator from Maryland (Mr. Sarbanes), the Senator from Mississippi (Mr. Stennis), the Senator from South Carolina (Mr. Thurmond), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Nevada (Mr. Cannon), the Senator from Texas (Mr. Tower), the Senator from Hawaii (Mr. Inouye), the Senator from South Carolina (Mr. Hollings), the Senator from Oregon (Mr. Packwood), the Senator from Florida (Mr. Chiles), the Senator from Missouri (Mr.殒), the Senator from Rhode Island (Mr. Chafee), the Senator from Indiana (Mr. Lugar), the Senator from Maryland (Mr. Sarbanes), the Senator from Pennsylvania (Mr. Heinz), the Senator from Montana (Mr. Baucus), the Senator from Mississippi (Mr. Cochran), the Senator from Virginia (Mr. Warner), the Senator from New Hampshire (Mr. Humphrey), the Senator from Massachusetts (Mr. Tsongas), the Senator from Florida (Mr. Baker), the Senator from New York (Mr. D'Amato), the Senator from South Dakota (Mr. Abhorsen), the Senator from Georgia (Mr. Martinizing), and the Senator from New Jersey (Mr. Bradley were added as cosponsors of Senate Joint Resolution 246, a joint resolution to authorize and request the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as “National Port Week.”

At the request of Mr. Dole, the name of the Senator from Florida (Mr. Chiles) was added as a co-sponsor of Senate Concurrent Resolution 121, a concurrent resolution expressing the sense of the Senate that the Export-Import Bank of the United States should be given sufficient authority and without reference to political or economic problems in nonagricultural areas.

At the request of Mr. Key, the names of the Senator from Pennsylvania (Mr. Heinz), the Senator from Kentucky (Mr. Metzenbaum) were added as co-sponsors of Senate Resolution 472, a resolution to preserve and protect medicare benefits.

At the request of Mr. Dorn, the name of the Senator from Rhode Island (Mr. Pell) was added as a co-sponsor of Senate Resolution 478, a resolution expressing the sense of the Senate with respect to the need to maintain guidelines which insure equal rights with regard to education opportunity.

At the request of Mr. Durenberger, the names of the Senator from West Virginia (Mr. Rockefeller), the Senator from New Jersey (Mr. Bradley), the Senator from Missouri (Mr. Eagleton), the Senator from Massachusetts (Mr. Tsongas), the Senator from Tennessee (Mr. Sasser), the Senator from Illinois (Mr. Dixon), the Senator from Hawaii (Mr. Inouye), the Senator from Missouri (Mr. Sasser), the Senator from Mississippi (Mr. Cochran), the Senator from South Carolina (Mr. Hollings), the Senator from North Dakota (Mr. Bentsen), the Senator from South Dakota (Mr. Abraham), the Senator from Massachusetts (Mr. Tsongas), the Senator from New Jersey (Mr. Bradley), the Senator from New York (Mr. D'Amato), the Senator from Georgia (Mr. Martinizing), the Senator from Tennessee (Mr. Sasser), the Senator from Hawaii (Mr. Inouye), the Senator from Missouri (Mr. Sasser), the Senator from Mississippi (Mr. Cochran), the Senator from South Carolina (Mr. Hollings), the Senator from New Jersey (Mr. Bradley), the Senator from New York (Mr. D'Amato), the Senator from Georgia (Mr. Martinizing), and the Senator from New Jersey (Mr. Bradley were added as cosponsors of Senate Joint Resolution 459, a joint resolution making appropriate for the fiscal year 1983, and for other purposes.

At the request of Mr. Sasser, his name was added as a co-sponsor of Senate Resolution 455, a resolution to express the sense of the Senate that the Export-Import Bank of the United States should be given sufficient authority and shall provide competitive financing for American exports.

At the request of Mr. Dole, the name of the Senator from South Dakota (Mr. Pressler) was added as a co-sponsor of Senate Resolution 465, a resolution to express the sense of the Senate that the restoration of U.S. competitive agricultural trade should be pursued through every legitimate means, and without reference to political or economic problems in nonagricultural areas.

At the request of Mr. Mondale, the names of the Senator from Ohio (Mr. Metzenbaum) were added as cosponsors of Senate Resolution 472, a resolution to preserve and protect medicare benefits.

At the request of Mr. Dorn, the name of the Senator from New Jersey (Mr. Bradley) was added as a co-sponsor of Senate Resolution 478, a resolution expressing the sense of the Senate with respect to the need to maintain guidelines which insure equal rights with regard to education opportunity.

At the request of Mr. Durenberger, the names of the Senator from West Virginia (Mr. Rockefeller), the Senator from New Jersey (Mr. Bradley), the Senator from Missouri (Mr. Metzenbaum) were added as co-sponsors of Senate Resolution 472, a resolution to preserve and protect medicare benefits.

At the request of Mr. Dorn, the name of the Senator from Rhode Island (Mr. Pell) was added as a co-sponsor of Senate Resolution 478, a resolution expressing the sense of the Senate with respect to the need to maintain guidelines which insure equal rights with regard to education opportunity.
not forget that tourism is one of our biggest revenue gainers and represents 6.5 percent of our GNP. It was, in 1981, a $12 billion business.

Given this great importance of the Olympic games, let me point out, Mr. President, that any person proceeding from the United States directly to Alberta and over the border through Montana since Montana lines the entire southern border of Alberta. Many will pause and enjoy the wonders of the State, and we want them all to know that a fine Western welcome will be available. Winter sports enthusiasts will be able to enjoy some of the finest skiing in the world.

As a result, Mr. President, it gives me great pleasure to offer today the following concurrent resolution declaring Montana the official gateway to the 1988 Winter Olympics. This supports the effort of the Montana travel promotion A.J. Bonner wants all travelers through Montana to know that they will be welcome visitors. We have so much to offer, and we fully understand how many people will want to linger a bit on their way north or south.

Mr. President, a gateway is just that, a means for entrance or exit. Only Montana can go directly by land from the United States to Alberta. My resolution simply recognizes that fact, and lets all potential visitors know that when they take that route, they will be met with a hearty welcome. I urge my colleagues to support this effort.

**SENATE RESOLUTION 484—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT**

Mr. COHEN, from the Select Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on the Budget:

S. Res. 484

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2719. Such waiver is necessary because S. 2719, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1983. Such bill was introduced on July 1, 1982 and was the subject of hearing before the Select Committee on Indian Affairs on July 14th. Such waiver is necessary because, due to the lateness of the introduction of the bill, the Select Committee on Indian Affairs was unable to complete action and report on or before May 15, 1982 as required by section 403(a) of the Congressional Budget Act of 1974 for such fiscal year 1983 authorizations.

S. 2719 embodies a negotiated settlement of a claim to land and mineral resources to which the Mashantucket Pequot Tribe of Connecticut. The timely action of Congress is necessary to ensure that the settlement is effected and the claims are forever extinguished. The bill would provide $900,000 in new budget authority.
September 29, 1982

CONGRESSIONAL RECORD—SENATE 25917

SENATE RESOLUTION 486—RESOLUTION RELATING TO THE ANNIVERSARY OF THE RESERVE OFFICERS ASSOCIATION

Mr. THURMOND (for himself, Mr. STENNITS, Mr. ROBERT C. BYRD, Mr. BAKER, and Mr. MATTINGLY) submitted the following resolution; which was considered, and agreed to:

S. Res. 486

Whereas on October 2, 1922, the Reserve Officers Association of the United States was organized in Washington, D.C., at the urging of General of the Armies John J. Pershing, with the objective to support a military policy for the United States that will provide adequate national security and to promote the development and execution thereof;

Whereas on June 30, 1950, this objective was reaffirmed in a Charter granted to the Reserve Officers Association by the Congress of the United States;

Whereas for the past 60 years, the Reserve Officers Association has acted as a catalyst between the citizen-soldier and Congress to educate and insure that the nation's defense remains strong and visible through coordinated efforts on both local and national levels;

Whereas for the past 60 years, the Reserve Officers Association has not only voiced its position on national security matters, but also influenced the passage of legislation to strengthen this national security; and

Whereas the 125,000 members of the Reserve Officers Association are commemorating the 60th Anniversary of the founding of the Reserve Officers Association of the United States; Now, therefore, be it

Resolved, That it is the sense of the Senate that the Reserve Officers Association of the United States is deserving of public recognition and commendation upon the occasion of the sixtieth anniversary of its founding on the second day of October, 1982, and that the people of the United States should observe this date with appropriate public and private ceremonies and activities which pay tribute to the men and women who are members of this organization and to the principles of a strong national security policy to which this organization is dedicated.

SENATE RESOLUTION 487—RESOLUTION RELATING TO THE CITY OF NITRO, W. VA.

Mr. ROBERT C. BYRD submitted the following resolution; which was considered, and agreed to:

S. Res. 487

Whereas the city of Nitro, West Virginia, was founded during World War I as a result of the Deficiency Appropriation Act of October 6, 1917, which authorized funds for the construction of United States Government explosives plants;

Whereas the area topography between Charleston and the Kanawha River, on the Kanawha River, was conducive to the selection of the area, and is conducive to tourism today; and

Whereas the extensive residual World War I structures heighten the historical significance of the city of Nitro;

Whereas the citizens of the community are working diligently toward dedicating the city of Nitro as a National Memorial to World War I;

Whereas the city of Nitro will celebrate Veterans Day, November 11, 1982, with parades, fireworks, and appropriate displays; Now, therefore, be it

Resolved, That it is the sense of the Senate that the city of Nitro, West Virginia, be recognized as a Living Memorial to World War I;

Ssc. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Mayor of Nitro, West Virginia.

SENATE RESOLUTION 488—CALLING FOR A JOINT UNITED STATES-SOVIET INITIATIVE

Mr. MATSUMAGA submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. Res. 488

Whereas the United States and the Soviet Union are in the midst of an arms race in space which is in the interest of no one;

Whereas the United States and the Soviet Union will drift into an arms race in space as prisoners of events unless preventive measures are taken while a choice still exists;

Whereas an arms race in space would open the door to a range of weapons systems whose introduction would further destabilize an already delicate military balance, perhaps permanently foreclosing hope for successful arms control agreements, requiring immense open-ended defense expenditures unprecedented in scope even for these times;

Whereas the prospect of an arms race in space between the United States and the Soviet Union has aroused worldwide concern expressed publicly by the governments of many countries, including most of the allies of the United States, such as Australia, Canada, France, the Federal Republic of Germany, India, Japan, and the United Kingdom of Great Britain;

Whereas the first decisive step in an arms race in space is the placing of orbiting space stations for testing weapons, which would proceed inevitably from the tensions and suspicions generated by competing American and Soviet space stations;

Whereas the 1972-75 Apollo-Soyuz project involving the United States and the Soviet Union and culminating with a joint docking in space was the most successful cooperative activity undertaken by those two countries in a generation, thus proving the practicability of a joint space effort;

Whereas the opportunities offered by space for prodigious achievements in virtually every field of human endeavor, leading ultimately to the colonization of space in the cause of advancing human civilization, would probably easily multiply were space to be made into yet another East-West battleground; and

Whereas space should be permitted to become an arena of conflict without first exerting efforts to prevent a space arms race, not tomorrow when we will be helpless to prevent it, but today when discussion can lead to meaningful preventive action.

In anticipation of questions which may be raised with regard to my resolution, please permit me to make these points.

First, will not the Soviets read this as a signal that we approve of their behavior in Poland, Afghanistan, and Azerbaijan? For nearly 70 years, we have repeatedly condemned Soviet behavior—sometimes more, sometimes less. And we have been trying to correct their behavior by one means or another. The real question in this regard

(1) initiate talks with the Government of the Soviet Union, and with other interested governments of countries having a space capability, with a view toward exploring the possibilities for a weapons-free international space station as an alternative to competing armed space stations; and

(2) submit to the Congress, at the earliest possible date, but not later than June 1, 1983, a report detailing the steps taken in carrying out paragraph (1).

Whereas the citizens of the community are in the midst of an arms race in space which is in the interest of no one;

Whereas the United States and the Soviet Union will drift into an arms race in space as prisoners of events unless preventive measures are taken while a choice still exists;

Whereas an arms race in space would open the door to a range of weapons systems whose introduction would further destabilize an already delicate military balance, perhaps permanently foreclosing hope for successful arms control agreements, requiring immense open-ended defense expenditures unprecedented in scope even for these times;

Whereas the prospect of an arms race in space between the United States and the Soviet Union has aroused worldwide concern expressed publicly by the governments of many countries, including most of the allies of the United States, such as Australia, Canada, France, the Federal Republic of Germany, India, Japan, and the United Kingdom of Great Britain;

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(1) initiate talks with the Government of the Soviet Union, and with other interested
is whether the methods we have been employing are the best available. I believe that a joint space station, with the emphasis on working together toward a concrete objective, has advantages over the methods employed so far.

Second, but is such a belief realistic will the Soviets accept it? It is no less realistic than the currently prevailing belief that only unremitting pressure on all fronts will alter Soviet behavior. We have been assuming that pressure unceasingly applied will make the Soviets more accommodating and eventually lead them to accept our view of the world. But all experience shows that a joint effort, co-operative, however, Susan pressure tends to provoke extreme behavior even as it seems closest to success. As one analyst perceptively remarked, terror is the explosion of impotence. But in the Soviet's case, we are talking about nuclear terror. If we push the Soviets toward the breaking point, we can expect that before they break, we will.

For those same reasons, I cannot accept the argument that laser weapons in space will actually reduce the chances of war. It is said that because lasers are able to hit missiles on seconds after launching, they will prevent war by making nuclear weaponry obsolete. But a missile-neutralizing laser battle station will require years of orbital testing before it can go operational. Should we engage the Soviets in a laser battle station race (which would probably be the outcome of separate space station programs rather than one project), whatever appears on the point of losing will come under irresistible internal pressure to launch a preemptive strike before its entire nuclear arsenal is rendered obsolete. Would we accept total impotence vis-à-vis the Soviets? If not, why should we believe that they will?

A policy of unremitting pressure against the Soviets, concluding with a weapon to end war, is hardly realistic, to put it mildly.

Third, assuming that a policy of unremitting pressure is not realistic, does that mean a policy of cooperation is? Yes, if we are realistic in pursuing it. I do not propose replacing pressure across all fronts with cooperation across all fronts. I do not propose abandoning our defense deterrent, or even necessarily reducing it. I do not propose acquiescing to Soviet adventures that threaten our national security. I merely propose carving out an activity in which we might work together with the Soviets on the proven assumption that working together reduces tension. Reduced tensions will in turn make cooperation possible.

Fourth, but is working together with the Soviets, whose ideology we find repugnant, in fact desirable? Ideology is not the ground of being. Antagonism between the United States and the Soviet Union is genetic. Indeed, all evidence confirms that the impulse for cooperation reaches far deeper than the impulse for conflict. It is a matter of awakening the former and, most important, allowing it access to the realm of Government policy.

Consider Anwar Sadat. If there are any people clinging more rigidly to their differences than the Soviets and the Americans, the Arabs and the Israelis certainly qualify. Yet Sadat correctly perceived that the effect of the problem lay not in this or that bone of contention, but in a climate of overpowering mistrust, which governs the attitudes of the protagonists, which blocks any constructive evolution in their relations and which renders the parties unapproachable by negotiation alone. Then, Sadat had the courage to act on this perception and the resolution to stick to the new course he so dramatically set. Sadat's great triumph was to reestablish Egyptian-Israeli relations on a level deeper than ideology or historical animosities.

We all admire Anwar Sadat. But have we the courage to emulate him?

Fifth, even if it is realistic and desirable, is the time ripe for such an initiative? Soviet cooperative activities with the Soviets always have been a cause of detente than a result. But I would reply that the process ought to be reversed. An atmosphere of cooperation affects the spirit of negotiations, opening the way to objectives hitherto believed unattainable, as Sadat demonstrated so well.

Sixth, the road to mutual understanding begins with cooperation, not the other way around. If Republicans and Democrats elected to Congress worked out of separate self-contained enclaves and met only over a negotiating table in a conference room but in the reaches of space. Within this decade, the United States and the Soviet Union plan to build permanent manned space stations. The age of space colonization, which scientists say will be comparable to the time when life emerged from the sea to colonize the land, will have the land, as it is probably far more attainable than any other means. If we seek to make the first orbiting space station a weapons-free international project involving the United States and the Soviet Union, as well as other interested nations having a space capability.

Reaching agreement with the Soviets on this won't be easy, but as a policy objective it is probably far more attainable than any other means. If we seek to make the first orbiting space station a weapons-free international project involving the United States and the Soviet Union, as well as other interested nations having a space capability.

Space is virgin territory, insofar as weapons are concerned. By converting what most otherwise invariable become the first space weapons platforms into a joint project, the Americans and the Soviets would, for the first time, decisively interrupt the suicidal process that has pursued them to this point. But this means that we would begin turning that process around, by learning to work together in a challenging environment, as is perhaps only now possible in space. In that context, the dra-
matically successful Apollo-Soyuz mission of 1975 is worth recalling. The project was sealed by a space cooperation date on July 17, 1975 with President Nixon and Premier Kosygin in Moscow on May 24, 1972. Two days later, Nixon and Kosygin signed a strategic arms pact.

The documents bore an instructive difference.

Whereas the strategic arms pact called for opening up technical imperatives which, in turn, obscured the basic character of their relations.

For instance, initial American requests for information ran up against compulsive Soviet secretiveness. Had they been negotiating over language and analyzing force strengths on the basis of contested definitions, the effort surely would have ended in stalemate. But they had spacecraft to design and build, communications systems to link, joint docking systems to train, joint tracking systems, joint life-support systems.

As the timetable ticked off, the Soviets opened up an unprecedented extent. Scientists and technicians from both nations became wholesomely absorbed in the project, integrating frustration for those involved.

Thus, in mid-1973, an American delegation visited the previously top secret Soviet space center outside Moscow, Soviet cosmonauts trained in Houston, and American public analysts discussed Soviet activity.

The project was sealed by a space docking into a train of technical imperatives which, in turn, obscured the basic character of their relations.

Clearly, the Soviet and American space programs are in sync. From the perspectives of science, engineering, and economics, both nations would benefit immensely from combining their efforts at this point.

Inestimably, there is the question of policy. The political drawbacks include concern about technology transfer (we are ahead in microelectronics and computer technology) and the related policy of using cooperation itself as a bargaining chip, like the cruise missile. But in full perspective, the political drawbacks are far outweighed by the advantage of an opportunity to re-in the arms race and redirect its latent energies to meet a new, more inspiring and far more demanding challenge.

A joint project in space would add a refreshingly expansive dimension to life on a planet edging toward self-annihilation.

The arms buildup on planet earth could lead to the SDI, a joint HAPF, whatever our hearts desire. Arms control negotiation could continue. We might even continue antiastronaut weapons testing, since that involves a ground-based Soviet weapon and an American weapon launched in the suborbital atmosphere from an F-16. So we would be protected.

But meanwhile, we also would be working on something with the Soviets. Something big. Something daring, bearing hope for the future.

And if it catches on, if we actually build some common ground up there, begin feeding it, wouldn’t it be worth a try?

Tom Stafford, American flight commander for Apollo-Soyuz, said that when he opened the Apollo hatch to greet his Soviet counterpart, Alexei Leonov, as they spun in orbit 100 miles above the Earth, he believed “we were opening back on Earth a new era in the history of man.”

We need to give the Stafford and Leonov of this world a chance.

**AMENDMENTS SUBMITTED FOR PRINTING**

**ADDITIONAL NATIONAL SCENIC AND HISTORIC TRAILS**

**AMENDMENT NO. 3632**

(Ordered to be printed and to lie on the table.)

Mr. COCHRAN (for himself, Mr. JOHNSTON, Mr. BAKER, Mr. THURMOND, Mr. STENNIS, Mr. NUNN, Mr. HOLLINGS, Mr. CHILES, and Mr. HERFLIN) submitted an amendment intended to be proposed by them to the bill (H.R. 961) to amend the National Trails System Act by designating additional national scenic and historic trails, and for other purposes.

**EDUCATION ASSISTANCE PROGRAM FOR VETERANS**

**AMENDMENT NO. 3559**

(Ordered to be printed and referred to the Committee on Veterans’ Affairs.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to the bill (S. 417) to amend title 38, United States Code, to provide a new educational assistance program for persons who entered the Armed Forces after June 30, 1981, to modify the December 31, 1989, termination date for the Vietnam-era GI bill, and for other purposes.

**AMENDMENT NO. 5442: PROVIDING “STANDBY” AUTHORITY TO ESTABLISH ALL-VOLUNTEER FORC EDUCATIONAL INCENTIVES PROGRAM**

Mr. CRANSTON. Mr. President, I am today submitting for printing amendment No. 3652 to S. 417, the proposed All-Volunteer Force Educational Assistance Act, a measure I introduced on February 5, 1981, which is presently cosponsored by Senators MatsuMAGA, DeCONCINI, HART, Mitchell, Proxmire, and RiegE. The purpose of this amendment is to provide to the President the authority to determine the effective date and terminate the national date of the All-Volunteer Force educational assistance program that would be established under my proposal.

I am submitting the amendment not because I anticipated S. 417 at this time but because I want to inform my colleagues of this approach to providing standby authority to the President of the United States to activate a peacetime GI bill. I intend to propose this approach as an amendment to the Cohen-Armstrong educational incentives amendment when it is offered to the proposed Uniformed Service Pay Act of 1982, S. 3594, as indicated in the September 21 “Dear Colleague” letter from the Senators from Maine and Colorado.

**BACKGROUND**

For some time now, there has been much interest in the enactment of a peacetime GI bill. Indeed, at this time, there are eight measures pending before the Senate Veterans’ Affairs Committee. Two days of hearings were held on these measures on July 25 and 26, 1981.

At the time I introduced my measure, recruitment, and retention in the Armed Forces were reaching emergency proportions. The service branches had each failed to reach their recruitment goals, and retention rates were very low. Caliber of new recruits was a major concern. My measure, like the measures introduced by others in the Senate and the House, was designed to aid in the recruitment and retention of well-qualified men and women in the Armed Forces. Specifically, it would provide incentives both to enter the armed services and to remain on active duty for lengthy periods of time.

Since I introduced S. 417 in February 1981, however, the service branches have enjoyed a real upturn in both recruitment and retention.
the first 6 months of this fiscal year, each of the four branches has exceeded its recruiting goals. The dropout rate in the Army has dropped from 21.4 percent in 1981 to 20.7 percent in 1982. Of those who finished first hitches in 1981, only 18 percent of the recruits are not coming from the lowest acceptable mental test category, compared with 31 percent in 1980. The proportion of high school graduates among new recruits rose from 68 percent in 1980—a 5-year low—to 81 percent in 1981. The figure for 1982 is expected to be even higher since the Army is no longer recruiting those without high school diplomas.

Nevertheless, Mr. President, down the road there are considerable potential problems that may undermine this current success. For example, the pool of eligible young men of prime recruiting age has continued to decline dramatically over the next decade, from 10.8 million in 1978 to barely 9 million in 1990. Competition among colleges for smaller numbers of qualified and talented young men and women can be expected to intensify substantially. Likewise, a lasting upswing in the economy, resulting in lower rates of unemployment and more job opportunities in the private sector, could reduce significantly the attractiveness of military service, as well as encourage more individuals to leave the military when their hitches are up.

Because of the foregoing, I share concerns that restoration of GI bill-type benefits at this time may be premature. However, I continue to believe strongly in the value of educational incentives to enhance recruitment and retention in the Armed Forces and to act as a sound investment in the future of our Nation. I fully concur with the sentiment that one does not "fix the roof when it is raining" and that the time to address the issues is now. I believe that our educational incentives and their relationship to the needs of the All-Volunteer Armed Forces is now and, if recruitment and retention problems again reach emergency proportions, will become even more critical.

STANDBY AUTHORITY

Thus, the amendment I am submitting for printing to my measure—and which I intend to offer, with appropriate conforming changes, to other Committees—is designed to take a forward-looking approach to addressing the concerns about both the cost-effectiveness and general effectiveness of a GI bill at this time. I believe it strikes the appropriate balance among these considerations.

DEPARTMENT OF DEFENSE FUNDING

The amendment to S. 417 also makes another fundamental modification to the approach in the bill. It provides that any funds are to be funded from appropriations to the Department of Defense. I came to this conclusion last September when preparing for a hearing on S. 417, ultimately canceled, of educational incentive legislation by the Veterans' Affairs Committee, and circled such an amendment to committee members in preparation for the hearing. The amendment I am submitting today would make clear that the funds transferred from the Defense Department to the Veterans' Administration are to cover the costs of administration as well as paying benefits.

The basis for taking this approach is my conviction that the cost of these benefits must be considered in the context of their rightful place in our budgetary process—as a direct and continuing cost of providing for our national defense. Certainly, since what is at stake is solely a recruitment and retention device—and not a reallocation of resources—the Department of Defense should bear the costs of the program.

According to the September 21 "Dear Colleague" letter from Senators COHEN and ARMSTRONG, this Defense Department funding will also be a feature of their amendment.

CONCLUSION

Mr. President, I urge my colleagues to join me in this approach to designing a program of educational incentives for the All-Volunteer Armed Forces. I ask unanimous consent, Mr. President, that the text of the amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 3422

On page 2, strike out all on lines 9 through 11 and insert in lieu thereof the following: "by providing for the establishment for men and women entering active duty of an improved program of educational assistance designed to help in the recruit-"

On page 3, line 6, strike out "the" and insert in lieu thereof "The".

On page 3, between lines 8 and 9, insert the following new paragraph:

"(2) The term 'date determined by the President' means the date determined by the President pursuant to section (8)(a) of the All-Volunteer Force Educational Assistance Act.

On pages 3 and 4, redesignate paragraphs (3) through (6) as paragraphs (4) through (7), respectively.

On page 3, line 17, strike out "June 30, 1981," and insert in lieu thereof "the date determined by the President."

On page 4, line 5, strike out "June 30, 1981," and insert in lieu thereof "the date determined by the President."

On page 4, line 9, strike out "the" and insert in lieu thereof "The".

On page 5, line 16, strike out "June 30, 1981," and insert in lieu thereof "the date determined by the President."

On page 6, line 8, strike out "June 30, 1981," and insert in lieu thereof "the date determined by the President."

On page 10, line 16, strike out "June 30, 1981," and insert in lieu thereof "the date determined by the President."

On page 15, beginning on line 4, strike out all through line 12, and insert in lieu thereof the following:

"(4) Payments for entitlement earned under this chapter and payments under subsection (b) of this section shall be made from appropriations made to the Department of Defense."
“(b)(1) The Secretary of Defense shall make payments to the Administrator for all expenses incurred by the Administrator in administering this chapter.

“(2) Payments under paragraph (1) of this subsection shall be made in advance or as appropriate, and shall, not later than 30 days thereafter, submit to the Committees on Armed Services and Veterans’ Affairs of the House of Representatives and the Senate a report explaining the reasons for that determination. Subject to subsection (f), the President may also make such a determination on any other date than December 1.

(d)(1) Not later than 60 days prior to a date determined by the President pursuant to subsection (a)(1) or subsection (b)(1), the President shall submit to the Committees on Armed Services and Veterans’ Affairs of the House of Representatives and the Senate a report explaining the reasons for that determination.

(f) The authority of the President to make a determination pursuant to subsection (a) shall expire on December 1, 1987.

Amend the title so as to read: “A bill to amend title 38, United States Code, to provide for the improved recruitment and retention performances of the Armed Forces in the national interest of the United States.”
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2 p.m., hold a State Department consultation on export of helium-3 (dual-use nuclear export) to South Africa.

Mr. PUDSEY OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE NEED TO REEXAMINE MONETARY POLICY

Mr. QUAYLE. Mr. President, earlier today my friend and former colleague in the House of Representatives, Jack Kemp, introduced an important bill entitled "The Balanced Monetary Policy and Price Stability Act." The purpose of his bill is the need to change the focus of monetary policy from the money supply itself to interest rates. Although I have not fully digested its contents, I certainly agree with the intent of the bill—which is to shift attention to interest rates instead of monetary aggregates. I welcome his important contribution to the serious and pressing debate.

President, last March I introduced Senate Concurrent Resolution 71, a concurrent resolution calling on the President and the Federal Reserve Board to work together to stabilize real long-term interest rates at a level much closer to their historical averages, levels that would allow vigorous but stable economic growth. At that time I was concerned that the continuation of a tight monetary policy would preclude any possibility of the economic recovery needed to put millions of Americans back to work and to save millions of American farms and businesses from ruin.

The past 6 months have not shown any evidence of the type of recovery so badly needed by our economy, by our farmers, and by our businesses. In fact, we have seen a disheartening succession of layoffs, foreclosures, bankruptcies, defaults, and failures such as we have not experienced since the 1930's. Unemployment is at record levels, and business has continued to decline. Even if the Fed has eased somewhat, it has done so only timidly and in a fashion that cannot by itself lower interest rates.

I was struck yesterday by an article discussing the bond markets which appeared in the September 28 issue of the Wall Street Journal. The title of the article was: "Bond Prices Climb as Conviction Grows That Economy Will Continue To Be Weak." This article, like many others in recent weeks, makes the observation that interest rates have declined because there is so little hope or prospect for a near-term economic recovery. The objective conditions allowing the recent decrease in interest rates are a direct reflection of this pessimistic assessment: First, demand for business and consumer loans has dropped—because businesses are not expanding and consumers are extremely cautious; and, second, the Fed has allowed growth in the monetary aggregates at the upper end of its target ranges—probably to avert the risk of a financial disaster that high interest rates would have otherwise caused.

Mr. President, in today's economy, I must insist that we continue to focus our attention on the monetary policy of the Federal Reserve Board. Just because the prime rate has dropped recently does not mean that we are absolved of this responsibility—because a prime rate of 13 to 13.5 percent will not allow a sustainable economic recovery. We must continue to base our creative thinking and our political will on the problem of economic recovery—and lower interest rates are the key to any vigorous and stable recovery. I continue to believe that Senate Concurrent Resolution 71 is an appropriate vehicle for encouraging the redirection of monetary policy, but I certainly applaud the initiative of Jack Kemp and others to suggest positive alternatives, and I, for one Senator, will give serious attention to his important ideas.

THE FILIBUSTER RULE

Mr. KENNEDY. Mr. President, I would like to call the attention of my colleagues to an insightful essay written by a close friend of mine and one of the great lawyers in America, Joseph L. Rauh, Jr.

Mr. Rauh's discussion of the recent debate in the Senate on constitutional rights and the power of the judiciary entitled "Okay, So Change the Filibuster Rule" appeared in the Washington Post on September 25.

In that article, Mr. Rauh forcefully addresses the perceived inconsistency between the traditional opposition of many of us to the filibuster rule and the recent use of that rule to help stop a dangerous assault on judicial independence and our constitutional system. Mr. Rauh notes that certain interests object to the opponents of rule 22 invoking it in this instance. He then argues that, given the procedural posture of the Senate as it now exists, it is absurd to expect one side to forswear Rule 22 while the other side can invoke it at will. Let us change it for
everyone—or it will be available to everyone.

As usual, Joe Rauh offers us an important measure of common sense and shows us how to apply our principles to the policymaking process.

Mr. President, I ask that the full text of Mr. Rauh’s essay be included in the Record.

The essay follows:

OKAY, SO CHANGE THE FILLIBUSTER RULE
(.by Joseph L. Rauh Jr.)

The Posts “Liberal Fillibuster” editorial (Sept. 20) asks a fair and timely question: how come those who stoutly denounced the use of the Senate filibuster against civil rights and other proposed liberal legislation in the 1950s and ’60s now support that same anti-democratic procedure against school prayer, court-stripping, anti-abortion and other measures emanating from the New Right? As one who worked in the Leadership Conference on Civil Rights to amend Senate Rule 22 at the opening of each new Congress in the 1960s and ’70s to curb the filibuster and make it possible for a majority to get to a vote on pending bills, I accept the responsibility to explain that The Post calls “this Great Turnabout.”

Of course, a majority of the Senate should have the right to a reasonable time, to cut off debate and get to a vote. As Sen. Henry Cabot Lodge Sr. put it some 90 years ago: “To vote without debating is perfidious, but to debate is to lose the point.” Or, as Alexander Hamilton put it in “The Federalist” 100 years or so earlier, “If a party has the good fortune to control the opinion of a majority...the majority, in order that something may be done, must conform to the views of the minority. . . .”

Of course, too, the Constitution intended majority rule in the Senate as the method of enacting legislation. Where the framers intended more than a veto (veto overriding, treaty ratification, members’ expulsion, impeachment, constitutional amendment), the Constitution explicitly so states. Both by word and deed, the framers made clear their belief that the majority should prevail.

Of course, also, fillibusters have attacked legislation concerning the most basic of human rights. The injury inflicted by those long delays is irreparable. A generation of citizens suffered a tragic loss of rights in the post-World War II period while a minority of senators talked to prevent a vote on civil rights legislation.

So, if majority rule is right, constitutional- ly intended and historically vindicated, what is the justification for the liberal use of the fillibuster today against legislation that would outlaw abortion, permit prayer in the public schools, strip the courts of jurisdiction and the legal process. The answer was given by the late great senator from Oregon, Wayne Morse, who would put a repeal button on the floor of the Senate to start a fillibuster and announce that he was prepared to put his talkathon aside if the Senate would take up Rule 22 and amend it to outlaw fillibusters. But Morse also made clear that, if those on one side of the ideological spectrum, the conservative side, were going to use the fillibuster as a weapon against legislation they didn’t want, he saw no reason why the other side wouldn’t do likewise.

That is exactly what I feel. I am as much against the fillibuster today as I was when we were fighting for civil rights legislation in the 1950s and ’60s. If anyone, liberal or conservative, wants to mount an effort at the opening of the new Senate to change Rule 22 so that a majority of the Senate, after a reasonable time, can cut off debate and get to a vote, the Post’s editorial, quite fairly, reminds everybody of the intense arguments the anti-fillibuster groups made at an earlier time that “patsy senators from being voted on the floor was an outrage against democracy and the people’s right to a Congress.” That’s still true. But the answer is not for conservatives to use the fillibuster and liberals to forswear the weapon. The answer is to change the Rule.

Look at it this way: the present Rule 22 requires 60 senators to be on the floor and vote in favor of cutting off debate. In other words, a fillibustered bill requires 60 votes before it can pass. If there is no fillibuster, 40 to 50 senators (a majority of those on the floor) can pass a bill. Thus, if the conservatives continue to use the fillibuster against liberal legislation, it will take 60 senators to cut it off. But if liberals forswear the fillibuster, conservative legislation can be passed with 40 or 50 votes. Thus, in a system whereby liberal legislation takes 60 votes and conservative legislation takes only 40 or 50.

The House of Representatives operates under majority rule. The Senate should, too. But there cannot be one standard for ideological bills and another standard for measures of a different ideology. Criticism of the use of the fillibuster by liberal senators is like criticizing a person who opposes the deduction of interest payments from federal income taxes because he takes the deduction the law allows or telling a prize fighter to go into the ring with one hand tied behind his back.

THE FIFTH ANNIVERSARY OF THE CONNECTICUT STATE OFFICE OF PROTECTION AND ADVOCACY FOR HANDICAPPED AND DEVELOPMENTALLY DISABLED PERSONS

Mr. WEICCKER. Mr. President, October 8 will be an important day for the State of Connecticut and its 350,000 disabled citizens. It will mark the fifth anniversary of the creation of the State office of protection and advocacy for handicapped and developmentally disabled persons. Established in 1977 to comply with the Developmental Disabilities Assistance and Bill of Rights Act, the Connecticut agency is one of the few protection and advocacy office in the Nation which, as part of its State mandate, must serve all people with disabilities not just those with developmental disabilities as is currently required under Federal law. Over the past 5 years, therefore, the protection and advocacy office has filled quite a sizable gap in services for the disabled by being the only Connecticut agency whose sole interest and very reason for being is to preserve, protect, and enhance the rights, of such individuals. In fulfilling this vital function, the office engages in a myriad of activities ranging from routine SSI casework to conducting public services advertising campaigns designed to heighten the public’s awareness of the needs, rights, and abilities of people with disabilities.

When it has had to, the protection and advocacy has not hesitated to go to court in order to insure that disabled people receive the full protection afforded them under the laws and the Constitution of this country. As a result, some of the stands which the agency has taken over the years have not always been popular. However, through a rare combination of patience and persistence, the office has been making considerable progress in educating local elected officials and town residents alike to the fact that being retarded never stopped anyone from being a good neighbor.

During the past 5 years, Connecticut’s Protection and Advocacy Office has been a positive force working on behalf of our State’s disabled citizenry. No small measure of the success of this agency is directly attributable to the leadership provided it by Elliot J. Dober, the agency’s executive director, and Stanley Kosiolski, assistant director. The foresight and fortitude of both of these men is the reason why the agency has come so far in eliminating barriers which have long stood in the way of the participation of disabled persons in the mainstream of America’s life. For all that both men and their staff have done to improve the opportunities available to disabled people to lead satisfying and productive lives, we deserve our commendation and our thanks. Special thanks is also owed to Robert Melander, who as a parent and attorney helped to draft the original State legislation establishing the office and who now serves as the acting chairperson of its citizen advisory panel.

THE AMERICAN TAXPAYER AND “PLANNED PARENTHOOD”

Mr. HELMS. Mr. President, in recent weeks there have been two insightful newspaper columns on Planned Parenthood and its involvement in pro-abortion advocacy—one by William F. Buckley, Jr., and the other by John Lofton. Both are well-known and articulate syndicated columnists.

With regard to Planned Parenthood, the Buckley and Lofton articles ask for themselves. I commend them to my colleagues and the public. Moreover, I hope that all Federal and State legislators will pause to think about the true nature of Planned Parenthood’s public relations image, before they appropriate more hard-earned tax money to this organization.
Mr. President, I ask that the foregoing columns be printed in the Record.

The articles follow:

(From the Chicago (III.) Daily News, Aug. 19, 1963)

TURTLE DOVETAIL

(By William F. Buckley, Jr.)

The Planned Parenthood people are fea­
turing a full page ad of a bed, with three
people under the covers, getting upright, un­
smiling. On the left the young woman, in­
er nightgown. On the right, the young man in
pajamas. Between them, dressed in a busi­
ess suit, a grind-fed and middle-aged man.

The headline: "The Decision to Have a
Baby Could Soon Be Between You, Your
Husband and Your Own." Or: "Get Your Own,

The brief textual message warns that the
U.S. Senate will soon vote on a bill which
"could deprive you of your most fundamen­
tal personal freedom," which is, in the num­
er of children you want. When you want them. Or to have none at all." And it con­
tinues: "Sometimes the bills are just so,
these Helms, Orrin Hatch and other right-wing
U.S. Senators who will stop at nothing to im­
morally restrain particular religious and per­
sonal beliefs on you."

Now, we live in an age when people will
publicly swear to it that to be refreshed you need a glass of Coca-Cola, or to be
nourished a cupful of Wheaties, or to live
need for which the Planned Parenthood
people are responsible citizens. A crude way to put
it is that those who devised that particular
ad could justifiably accuse their parents of
permissiveness.

(From the Washington Times, Aug. 30, 1982)

THIS KIND OF SILENCE IS FAR FROM GOLDEN

(From John Lofton's Journal)

On Wednesday, the day after tomorrow, in
Indiana, a state law was to go into effect which
would have required that parents be
notified at least 24 hours before an abortion is
performed on their minor daughter. But,
Planned Parenthood is seeking a prelimi­
nary injunction to stop this law from being
enforced because it "unduly burdens the
right of minors to freely make and effectu­
de a decision to terminate pregnancy—a
fundamental right of privacy."

Now, the first thing this legal action does
is make a liar out of this organization's
chief lawyer. On the CBS television pro­
gram "Up To The Minute" several months
ago, Harriet Pippel, general counsel of the
Planned Parenthood Federation of America,
declared flatly: "Every Planned Parenthood
affiliate I know makes every effort to in­
volve the parents with any adolescent who
consulti them."

But, in fact, this is obviously not true. What the Planned Parenthood
people in Indiana are attempting to do is deny parents
any legal right to know if their minor child
is about to get an abortion.

The second thing the lawsuit in question
does is to allude to a right that simply does
not exist: the absolute right of a minor to
privacy. When I asked Ann McFarren, exec­
utive director of Planned Parenthood Asso­
ciates of Northwest Indiana where such an
absolute right comes from, she replied:

"It's our interpretation that this is the
statement of the Supreme Court and it is
one of the things we're seeking to get clar­
fication on that still hasn't been clearly de­

McFarren: "Well, it hasn't excluded this
either. And this is one of the things our suit
will help clarify."

This is, of course, double-talk. What the
Indiana Planned Parenthood groups are
trying to do is not clarify any absolute right
of privacy for minors, but create such a
right.

Noting that their suit makes no distinc­
tion among minors, I ask Are you not seri­ous when you say that parents have no
legal right to know, in advance, if their 10-, 11- or 12-year-old daughter is about to get
an abortion?

McFarren: (Pause) "I guess I'm feeling you're pushing for absolutes and if I had to
give you one way or another I suppose I
would be pushed into that position yes."

McFarren says that the difference be­
tween this and 1960 is: "in 1960 it was very
easily distinguish what ought to be abso­
late whereas she views the world as "a little
more complex than that." She adds that
while parental involvement is preferable in
"most situations," there are times when
such involvement is "detrimental" to both
parents and "the best of women in what
Planned Parenthood people call 10-, 11- or
12-year-old girls."

But, McFarren is an absolutist. When it
comes to the legal right of parents to know
if their minor daughter is about to get an
abortion, she is absolutely against any such
right for any parent. Period.

Now, I don't doubt for a minute that if
some parents did know, in advance that	heir minor daughter was about to get an
abortion this would complicate the situa­
tion. But even so, in my judgment, all
parents should be told about this right.
After all, what is at stake here is simply prior notification, not parental per­
mision.

The most fascinating thing is that the Ann
McFarren's of the world can see the possibil­
ity of problem parents, but they never seem
to mention the possibility of problem abor­
tionists. And they do exist. A series of arti­
cles in the Chicago Sun-Times in 1978, titled
"The Abortion Profiteers," revealed the fol­
lowing about Windy City clinic:

Dzens of abortion procedures were per­
formed on women who were not pregnant;
Some charging numbers of women were ferred
such severe internal damage that all their
reproductive organs had to be removed;
Some doctors performed abortions in only
minutes not even waiting for the anes­
thetic to take effect;
Some counselors were paid not to counsel
but to sell abortions with sophisticated
pitches and deceptive promises; and
Some referral services, for a fee, sent
women away to a disreputable "doctor" whose
dog, to one couple's horror, accompa­
nied a nurse into the operating room and
lapped blood from the floor:

It is into this potentially monstrous mael­
strom that the Planned Parenthood crew
would hurl our minor daughters without
even telling us kno.

What the Planned Parenthood mindset
represents is a throwback to the Dark and
Middle Age concept of children as "mini­
ture adults"—a dangerously naive notion
written about in horrifying detail in a new
book "The Disappearance of Childhood" by
Talcott Parsons. Neil Postman, professor
media ecology at New York University, Says
Postman:

"The liberal tradition (or as the Moral
Majority contemptuously calls it, secular
humanism) has had pitifully little to offer
in this matter. For example in opposing eco­
nomics体制改革 and Civil liber­
tarians have taken the curious position that it
is better to have Froster & Gamble's moral
standards control television's content than
Queen Victoria's. In any case to the
extent that a political philosophy can influ­
ence cultural change, the liberal tradition
has tended to encourage the decline of

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childhood by its generous acceptance of all that is modern as a corresponding hostility to anything that tries to ‘turn back the clock.’ But in some respects the clock is wrong, and the Moral Majority may serve as a reminder of a world that was once hospitable to children and felt deeply responsible for what they might become.”

To those of you who might say you don't care what Planned Parenthood is trying to do I would say you ought to because you are paying for their unceasing efforts to destroy the American family. During the past five years, the Planned Parenthood Federation, at the international level, has had its snout thrust deeply into the public through to the tune of $49.9 million worth of your hard-earned federal tax dollars. To finance it 188 U.S. affiliates, Planned Parenthood has gotten $246.3 million in federal tax dollars.

You'd think that with this kind of support from so many parents the folks at Planned Parenthood would allow parents to plan their children's future reasonable.

PATRICIA MOONEY PARKER: BROADWAY LIGHTS SHINE ON TALENTED TARHEEL ACTRESS

* Mr. HELMS. Mr. President, this past week a very talented and lovely young lady from North Carolina, Patricia Mooney Parker, made her debut on Broadway in the musical, “A Doll’s Life.” I join her parents and their many other friends in expressing a sense of joy and pride in her accomplishments. It was written by many other artists, including Tricia Mooney Parker, who has won numerous Tony Awards and is listed on the program as the youngest vocalist.

A graduate of the Connecticut Conservatory of Music, she sang in voice performance and won numerous vocal competitions. She also sang with the opera workshop. She was selected to attend the first summer school session of the North Carolina Governor’s School for the Gifted in the Performing Arts. She was admitted to the Northwestern University School of Music in Rochester, New York. In between schooling and several teaching positions, there were times in which she worked in offices, coaching, going to opera, giving recitals and other minor chores which was often done on a “lean budget,” but this was necessary “to grow as an artist.”

Patricia has no problem in separating her roles must in the hands of luck. Her time in the music and drama from her real life. She “treats this aspect as part of the professional job and does not take her characters home with her at night.”

Mr. and Mrs. Mooney, Patricia’s parents, plan to fly to New York for the first performance on Broadway. Mr. Mooney stated, “Throughout the years I told Patricia it was a long, hard road in musical and theatrical success and she would probably reach her goal over 40 years before. Now, she is on her way to one of the ultimate steps of success several years ahead of time.”

This musical is directed by Mr. Domenici, Mr. President, the St. Louis Post-Dispatch recently published an article that discussed the Federal Investment in a waterway that is known to be Peabody Coal Company’s main transportation route. The cost of doing business.

IS THIS WATERWAY A GOOD INVESTMENT?

* Mr. DOMENICI. Mr. President, the St. Louis Post-Dispatch recently published an article that discussed the Federal Investment in a waterway that is known to be Peabody Coal Company’s main transportation route. The cost of doing business.

That sounds like a sound investment, does it not? The only problem is that the taxpayers of America are spending $5.18 per ton of Kaskaskia Waterway for the exclusive use of a single power plant.

Stated that way, this does not sound to me quite as wise an investment.

My colleagues know of my long interest in the issue of waterway user charges. Frankly, I can see few better examples of the need for such charges than the Kaskaskia Waterway.

Mr. President, I ask that the article by Tim Renken be printed at this point in the Record.

The article referred to follows:

[From the St. Louis Post-Dispatch, July 18, 1982]

MEANT TO BE A LIFELINE, KASKASKIA BLOODE TAXPAYER

(By Tim Renken)

When the Kaskaskia River Navigation Project was being promoted to Congress in the 1960s, it was touted as a $67 million artery of commerce that would lead to a mining and industrial boom, spawn thousands of jobs and send economic ripples throughout Southern Illinois.

But since the public waterway opened five years ago, Army Corps of Engineers records show that the only freight that has moved on the river is coal mined by Peabody Coal Co. of St. Louis.

All of the coal has been carried by towns owned by Peabody. And virtually all of that coal has gone to one Peabody customer, a power plant at New Madrid, Mo.

It costs Peabody's customer $2.30 to move a ton of coal down the Kaskaskia River. That $2.30 does not cover all the shipping costs, however. Last year, American taxpayers paid what amounts to an additional $5.18 a ton for the coal to be shipped on the Kaskaskia.

Taxpayers are having to subsidize the coal shipments because the project hasn't generated enough business to cover its cost. In fact, because the total cost of the project is expected to reach $182 million by the time it is completed.

Jim Renken, director of the National Taxpayer's Union of Washington, called the project: “an incredible boondoggle, one in which the public is paying the bills and one company reaping all the benefits.”

Fred Smith of the Council For A Competitive Economy, a conservative businessmen's group also based in Washington, called the project “an obvious example where taxpayers have been exploited by special interests.”

If Peabody thinks this project should survive, let's give it to them and let them make completing it and maintaining it a part of the cost of doing business.

Defenders of the Kaskaskia project say that it is too early to write it off as a failure. They say that the slump in the nation's economy has slowed growth in the region and that an upturn will bring the hoped-for development. They point to two new coal-fired power plants, one certain and one proposed, as indicators of the canal's value.

Stanley Reeble, director of the Kaskaskia Regional Port District, said of the project: “We're learning that even happened to this area. With the river, this area has ev...
everything. Eventually, the canal will pay for itself many times over."

U.S. Rep. Paul Simon of Carbondale said that he believed the world market for Southern Illinois coal would grow in the years ahead and along with it traffic on the canal. But he said he had favor some form of user fees. "

Wayne Ewing, president of Peabody's Illi-

nois division, said the canal would pay divi-

dends to the area far in the future.

"The time has been a long, there's no denying that, because our primary cus-

tomer is the electricity industry and it has grown very fast, all in 1990."

Ewing said the coal now moving down the

Kaskaskia provided jobs for about 1,000 people, but support fa-

cilities. The company spends about $50 mil-

lion on those employees' wages and benefits in all. Peabody has eight mines in Illinois and 3,400 employees.

The Kaskaskia Navigation Project was placed in jeopardy a year ago when the Reagan administration ordered a study in spending for water projects. In response to this directive, the Corps of Engineers commissioned 35 projects, includ-

ing the Kaskaskia. Each was to be shut down. So far, none of the projects has been closed, but several are at 50 percent have been curtailed. And the Kaskaskia project was removed from the list, at least tempo-

rarily, at the request of Congress.

Coalition wants to es-

tablish a system of user fees that would make federal water projects at least partly self-supporting, and if a Kaskaskia project has become a pawn in that effort.

The Kaskaskia River is a modest-sized stream that rises not far from Champaign and flows southward to the Mississippi River 12 miles north of Chester. It's not a 600 square miles of fertile central Illi-

nois farmland and passes through one of the largest coal fields in the world.

In the 1960's became the focus of a huge develop-

ment program, promoted and built by federal and state governments, the river a

A member of

This group is

Leonard Keller, Methacol's president, told the Post-Dischale that the lack of fl-

molding is a "major energy conversion firm, Methacol, Corp., of Dallas, which convert,

a natural gas and coal into an oil fuel substitute, will build a plant on the canal.

The navigation project was by far the most ambitious part of the program. It re-

quired the construction of a single lock and dam and massive excavations which covert-

ed 52 miles of meandering, tree-lined river into 36 miles of steep-banked, rock-lined canal 300 to 400 feet wide with a minimum depth of nine feet and suitable for year-

round passage of barge traffic.

The two reservoirs and the navigation project are tied together, in that one of the purposes of the reservoirs—perhaps the primary

purpose—is to provide a stable water supply and dam and massive excavations which covert-

ed 52 miles of meandering, tree-lined river into 36 miles of steep-banked, rock-lined canal 300 to 400 feet wide with a minimum depth of nine feet and suitable for year-

round passage of barge traffic.

The navigation project was put before Congress in the early 1960's, the corps estimated that in the 50-year life of the project an average of 15 million tons of coal a year would come out of nearby mines and move down the waterway to points around the country and the world. Last year only one million tons moved down the river, almost all of it going to the power plant at New Madrid. Last year's tonnage was de-

pressed by the coal strike. This year's ton-

nage is expected to be 3.5 million tons.

Previously, coal for the New Madrid power plant came from Southern Illinois by a combination rail and barge route that did not include the Kaskaskia River.

By shipping coal via the canal, the power plant's operator, Associated Electric of Springfield, Mo., this year was estimated to have saved $14.5 million. This figure is based on the elimination of the rail segment of the route previously used for movement of the coal. According to an Associated Electric

spokesman, the resulting saving for Associated's southeast Missouri customers has been less than one-half of 1 percent on their electric rates.

Peabody, the world's largest coal compa-

ny, in its promotional brochures says it owns most of the vast coal reserves that lie underground along the river. Thus, any growth in coal traffic on the canal would benefit mainly Peabody, though other coal companies own significant reserves in the area.

Peabody recently acquired a new customer for its coal. Construction is to begin this fall on a 450-megawatt coal-fired power plant on the Illinois River in Pike County, near Flor-

ence. The Peabody Power Co., a subsidiary of the Peabody Coal Co., Cooperative of Decatur, will use 1.2 million tons of coal per year. The coal will be taken to Florence by a large line, Mid-

America Transportation Co.

A Soyland spokesman, Tom Seng, assistant to the general manager, said that the transport of the coal was chosen because it was "somewhat cheaper" than rail trans-

port. He worked the price of the coal or the cost of its transportation.

Rheeble, director of the Kaskaskia Region-

al Port District, said another power plant project that would be a customer for the

area's coal is in the works. The Port District operates the Kaskaskia's only commercial

freight dock and is the valley's chief develop-

ment promoter. Rheeble said he could not divulge names and dates yet, but said that the plant could be "twice as big" as the Soy-

land plant.

Rheeble, a former Peabody employee who is a longtime booster for the project, said that there also is a good chance that a

major energy conversion firm, Methacol, Corp., of Dallas, which convert,

a natural gas and coal into an oil fuel substitute, will build a plant on the canal.

The increased cost of the Kaskaskia navigation project (from $87 million to $162

million) was caused partly by inflation and partly by design changes made necessary by unforeseen problems. Most of the remaining $43 million needed to open the 17-mile stretch of the canal from New Athens to the power plant came from the 1960's. The project is behind schedule. Public support for the project was lost when it was hit by the US

Army Corps of Engineers, said

Edward Dickey, economic adviser to the assistant secretary for civil works of the

Corps of Engineers, said that operating wa-

terway projects with tax money "amounts to a robbery that this country has been bearing without any real good reason."

Everyone does not agree with that state-

ment. Waterway users, including barge

lines, energy companies and farmers, constitu-

ted a powerful coalition of interests that opposed such fees. And, as Dickey said, user fees "don't have a constituency—other than taxpayers."

Many in Congress are not opposed in prin-

ciple to waterway user fees, although they may not be supporting the administration's proposal. A member of this group is Rep.

Paul Simon, D-Carbondale, who was instru-

mental in getting the tax money removed from the "hit list" this spring.

David Carle, an aide to Simon, said that Simon opposes legislation to tax the user's current user fees proposal stems from the belief that it is too drastic and too sudden.

If the fees are too high and imposed too suddenly, it could cause abandonment of the waterways by shippers," he said. "(He (Simon) doesn't want to do anything that would cause closure of these projects. That would prevent the nation from ever recover-

ing the huge investment it has made."

Carle said that he foresees a move in the direction of increased user fees. Waterways users already pay a kind of user fee, a 6-

cents-per-gallon tax on fuel used by tow-

boats. The user fee is paid by the operators for operation and maintenance of the waterway system.

The pressure for budget cutting is ex-

tremely strong now," Carle said. "User fees are one way to do that."

Dickey said that presently the user fees movement is at a standstill, with no hear-

ings scheduled in either house of Congress on the administration's bills.

They would like to see the Corps of Engineers take on new projects, such as the second lock on the Mississippi at

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USERS OPPOSE WATERWAYS FEE

(As read)

When the Reagan administration directed the Army of Engineers to reduce its spending by $150 million last year, the corps published a list of 35 navigation projects it would close to comply.

The corps "hit list" included the Kaska-

skia River and Missouri River waterway projects.

In addition to reducing revenues, the adm-

istration also proposed raising revenues by placing a charge on users of many corps projects. The waterway users' fee proposal offered by the administration would, if adopted by Congress, raise about $150 mil-

lion a year—the same sum that the adminis-

tration would have saved by closing the projects.

The user fee philosophy was voiced by Secret-

ary of Transportation Drew L. Lewis, Jr. in testimony given Feb. 4 before a Senate subcommittee.

"It seems to be only common sense that

merging businesses should pay for the fac-

ilities they use rather than have the general taxpayers bear their costs," he said.

Edward Dickey, economic adviser to the assistant secretary for civil works of the Corps of Engineers, said that operating wa-

terway projects with tax money "amounts to a robbery that this country has been bearing without any real good reason."

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Alton. When waterway

THE ALAMO MISSION BELL

Mr. HELMS. Mr. President, last Saturday, September 25, I had the honor of participating in a special "School Prayer Day" observance on the Mall of the U.S. Capitol.

The rite was the expression of deep and continuing support for the basic constitutional right of public school children to engage in voluntary prayer.

President Reagan demonstrated his support for school prayer by lighting the first candle of the evening's candle light prayer ceremony. While the candlelit procession filled the Mall, the President, in his remarks, called the red candle a "symbol of a heritage of freedom, courage, and the will to stand up for what you believe is right in any public place—-in school.

The Alamo bell has not, always had the loving care it now receives and it no longer stands as a resolute symbol of Liberty including religious Liberty. But you must be its voice. For those who have come here tonight who are going to stay in the fight God Bless you. God Bless America."

Mr. President, I am pleased today to join as a cosponsor of S. 2961 and its companion amendment No. 3260 to S. 2375. This legislation, the Defense Production Act, would provide the Defense Department with $550 million in borrowing authority under title III of the Defense Production Act of 1950. This authority could only be used for purchases, commitments to promote domestic production of strategic and critical minerals, metals, and materials.

To cite but one example why this legislation is needed, the United States is almost totally dependent on unstable regimes in Zaire and Zambla for its supply of cobalt. The largest single use of cobalt in this country is for super alloys, mostly for jet engine parts. Cobalt is critical for such aircraft as the F-15, F-16, and F-18, and for missiles and the M-1 tank.

MINING COMPANIES are ready and willing to expand their domestic production of cobalt to a level that would meet this country's strategic needs, but the risk of predatory pricing by foreign competitors currently makes such a step imprudent without a guaranteed market. A long-term purchase commitment by the Government under title III would provide the assurances these companies need to proceed with their domestic production and would assure the Nation of an adequate supply in time of crisis. Such a step, in my opinion, would be a prudent and necessary measure in the interest of our national security, and I urge my colleagues to give favorable consideration to this legislation.

END THE TAX SUBSIDIES FOR CORPORATE MERGERS

Mr. HART. Mr. President, in recent months the demand on our Nation's limited credit facilities has increased, with billions of dollars being borrowed on a short-term basis from the banking system to finance the liquidation of one company by another. This demand for credit has increased the cost of money and been a factor in the high interest rates that have plagued our economy.

In this morning's New York Times, Mr. Edgar Bronfman, chairman and chief executive officer of Seagram Co., Ltd., proposed a simple, sensible tax reform to address this problem. Mr. Bronfman proposed to eliminate the tax deductibility of interest on corporate takeover money borrowed specifically to buy the common stock of another corporation. As Mr. Bronfman pointed out, to the extent that this interest was not tax deductible "Federal tax revenue would be increased and the average tax bill for the average American, whether he is a stockholder, employee, or other taxpayer, would go down."

Mr. Bronfman has come up with an interesting and sensible proposal which will help address a very serious problem currently facing our credit markets. I intend to put this proposal into legislative form and introduce it at the earliest opportunity. I commend Mr. Bronfman's article to my colleagues and I ask that it be printed in the RECORD.

The article follows:

From the New York Times, Sept 29, 1982

END THE TAX SUBSIDIES FOR CORPORATE MERGERS

(Edward M. Bronfman)

In the wake of the latest corporate-acquisition game—the four-way Allied-Bendix-Marietta-United Technologies deal—there is public confusion about who has done what to whom and what it all means. But more important, there is a public outcry, includ­ ing voices of leading businessmen in the United States, that "enough is enough."

As one industrialist quoted in The Wall Street Journal said, "We need a nationwide, widespread frustration: "Maybe there's something wrong with our system when these huge companies line up for government money in order to purchase stock, when it doesn't help build one new factory, buy one more piece of equipment, or provide even one more job."

I am indeed an odd business executive to embrace this view. Not so long ago, our own company, the Seagram Company Ltd., was a major player in a multibillion-dollar acquisition contest that still holds the course record for size.

The result of the Conoco-DuPont-Seagram-Mobil jousting is well-known. DuPont acquired Conoco for cash and DuPont stock, the cash was, while Seagram became Du­ Pont's largest stockholder—slightly over 20 percent of the merged company.

I am not an economist. But it is not difficult to recognize one huge demand on the United States' limited credit facilities. In
The takeover battles that we have all seen recently, and which are still going on, billion-dollar deals coming from the short-term basis from the banking system to finance the acquisition of one company by another.

When too many would-be borrowers are seeking credit, the cost of money goes up. This is especially true when the Federal Reserve system considers inflation a very real hazard than recession and is thus loath to increase the money supply—to print more money. It is the money supply, regulated by the Fed, which is the biggest barrier to economic recovery. There is surely a huge backlog of demand for housing as well as for automobiles, two of the most important industrial factors in our economic mosaic. But the high cost of money, as well as years of inflation, have put a new house or a new car beyond the reach of the vast majority of potential buyers, even though interest rates have come down somewhat recently.

There is a way to make available what I call more "constructive credit"—that is, credit that helps the economy: people, consumers, new models, research, industrial expansions and jobs.

If the interest on corporate takeover money borrowed specifically to buy the common stock of another corporation were not tax deductible, as it now is, such activity would be sharply curtailed. To the extent that it was not, Federal tax revenues would be increased and the average taxpayers would thus not be, as they are now, indirectly helping to pay for part of these corporate-takeover games.

All activity in the field of mergers or acquisitions would not stop, of course. It would still be possible, even as it is today, to effect such marriages through exchange of securities, or sale and purchase of assets and other methods well known to industry.

What would change is that unfruitful takeovers would become discouragingly expensive and bank credit would not be used to enrich a few shareholders, discharged executives, arbitrators, lawyers and others without real benefit to the economy as a whole. Banks would have billions of dollars to lend more creatively, while the supply of credit would increase with a probable drop in interest rates.

At a time when we want less, not more, Government regulation, this would free up credit to expand the economy rather than further restrict it. The tax-deductibility of interest on such loans is now, in effect, a Government-issued benefit and hence an intervention in a more desirable laissez-faire economy.

So let's stop this tax benefit to corporations that encourages using credit to make money for a few. And let's try to get back to the successful, pre-eminent American enterprise system, instead of just moving huge sums of tax-deductible finite credit around.

FOUR ESS PROJECTS AUTHORIZED

Mr. STAFFORD. Mr. President, the Committee on Environment and Public Works recently authorized construction of four Soil Conservation Service projects under the authority of the Soil Conservation Act of 1946. The projects are: Little Calumet River, Ill.; South Zumbro River, Minn.; Upper Mud River, W. Va.; and Mozinho Creek, Mo.

These projects do not require action by the full Senate. Under procedures of the Committee on Environment and Public Works, we issue a committee print report describing each project when we authorize items not requiring Senate action. That report has been completed and will soon be available to interested parties from the committee.

AGRICULTURAL SUBSIDIES—UNFAIR TO TAXPAYERS

Mr. PELL. Mr. President, I voted against final passage of H.R. 7072, the Agriculture, Rural Development and Tax Act of 1982, for the first time, because I believe it is far too generous to the private agricultural industry and unfair to taxpayers and consumers.

At a time when the majority of the Senate has approved deep cuts in essential health, education and employment programs, and, particularly, at a time when we are asking our citizens to tighten their belts, it is contrary to public policy and to support the payment of billions of dollars in subsidies to the agricultural industry.

SOCRATES Z. INONOG

Mr. PELL. Mr. President, I had the good fortune to attend a dinner on September 17, 1982, sponsored by the Rhode Island International Institute honoring Mr. Socrates Z. Inonog. Mr. Inonog is the director of operations of the culinary arts division of Johnson & Wales and is a first class certified culinary instructor in Rhode Island. Born in the Philippines, Socrates Inonog and his lovely family have become American citizens and occupy a leading position in our State where he is respected by all those that come in contact with him and is a true community leader.

At this dinner, Judge Anthony A. Giannini, former Chairman of the Board of Bank of America and her Excellency, the President of the Philippine Senate, let us not delude ourselves that those blessings cannot be lost. United States Supreme Court Justice Story, in writing about our constitutional form of government, gives us this eloquent warning:

"Never forget that you possess a noble heritage. The structure has been reared by architects of consummate skill and fidelity: Its foundations are solid, and its defences are impenetrable from assault. Nevertheless, perish in an hour, by the folly or corruption or negligence of its keepers, the Republic will be desolated and banished from the public councils, because they dare to be honest, and the profligate are rewarded because they flatter the people in order to betray them."

It is imperative to the preservation of our liberties that we be constantly vigilant against their erosion or diminution. Permit me to suggest some ways in which this can be done.

Know what your rights are. Read and re-read our Constitution. You will be surprised at how interesting a document it really is, and how astute and far-sighted were the men who devised it. Their words will always be the same, you will see a different face with each reading. Our Founding Fathers put us on notice that the limits of governmental powers but underscored the importance of the freedom of the Individual by the eight amendments which in our Bill of Rights. They wished to leave no doubt whatsoever that we could print and speak as we pleased, be free to choose our own masters and live lives as we see fit in religious matters, be secure in our persons, homes, papers and effects against un-
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reasonable searches and seizures, to be in-
formed of the nature and cause of any accru-
enment of the essence of this body.

Everyone knows about their freedoms of
speech and of the press, about their right
to petition the government for a redress of
grievance. But, unfortunately, a large major-
ity of our citizenry is ill-acquainted about its
rights much beyond that. It is important to the
security of an individual’s dignity that he be aware when the
Government oversteps its lawful llmits.

Recent history needs no recitation here to
demonstrate how conveniently a large
number of our citizens have been deprived
of their freedom of speech and of the press,
and how many have been imprisoned.

I am a Roman citizen.

And yet the indifference of those very citi-
sens caused their majestie empire to be
overrun. I submit to you that the essence of
good citizenship is the individual vigilance
so necessary to the preservation of our Con-
stitution. Should we so persevere, we shall
succeed to secure the blessings of liberty to
ourselves and our posterity.

PROGRAM
Mr. BAKER. Mr. President, may I
quickly review the situation for to-
morrow.

Mr. President, on tomorrow the
Senate will convene at 9:30 a.m. After
the recognition of the two leaders
under the standing order, five Sena-
tors will be recognized on special
requests of not to exceed 15 minutes
each.

After the execution of the special
orders there will be a brief period for
the transaction of routine business to
extend not longer than 15 minutes in which Senators may speak
for not more than 2 minutes each.

Mr. President, during the day to-
morrow a number of items may be called
up and considered. Conference reports
will be available and, of course, are
privileged to be presented as they can
be cleared to meet the maximum con-
venience of Senators.

In addition to that, Mr. President,
there are a number of bills which were
identified earlier in these remarks as
possible candidates for consideration.
By listing them, it was not meant to
imply that they have been cleared on
both sides or, indeed, on either side for
consideration by unanimous consent.

However, the purpose of the listing
was to give Senators some idea at least
of what we might be asked to consider
in the course of the next day or so.
The list is not meant to be an exclu-
sive list.

Mr. President, I urge Senators on
both sides of the aisle to take account
of this list, however, and advise their
cloakrooms of any preferences, objec-
tions, or other matters that they may
wish to note.

Mr. President, if there is no other
Senator seeking recognition—I see the
Senator from Ohio. I yield to the Sen-
ator from Ohio.

Mr. TSCHANG. Mr. President, I
rise only for 1 minute to say that there are those who know the names
of the majority leader and the minori-
ty leader, and the respective parties in
the Senate, but the world has no com-
prehension of the fact that they sit
here after everyone else has returned
to their homes to go through that
which is considered to be much drug-
ery in this body.

I want to say I pay my respects to
both for their diligence. They are
done a job that nobody pays any atten-
tion to, but without them doing these
things the U.S. Senate would not be operating. I pay my respects.

Mr. BAKER. Mr. President, I am
deply appreciative and humble of the
remarks of the Senator from Ohio. He,
too, is diligent, remaining on the floor
through long hours of sessions of the

Because of his diligence and under-
standing of the essence of this proce-
dure, this compliment is all the more
rewarding to me.

Mr. ROBERT C. BYRD. Mr. Presi-
dent, I join the majority leader in ex-
pressing appreciation to the Senator
from Ohio (Mr. METZENBAUM). He is a
man of supreme dedication, who has
an unlimited amount of brass, and a
backbone of commonsense. I appreci-
ate very much the compliment he has
given us, and I am more appreciative
of it appearing in the RECORD.

CONSIDERATION OF CRIME LEGISLATION
TOMORROW

Mr. THURMOND. Mr. President, I
am wondering if the majority leader
could give us any idea about when the
crime bill will come up? Will it proba-
bly come up tomorrow?

Mr. BAKER. Mr. President, I fully
expect it will be up tomorrow and be
up early tomorrow. There are some
items that are privileged, such as con-
ference reports, that I would like to
ask the Senate to consider as soon as
possible. I would not be surprised to
see us attempt to proceed to the con-
ideration of the crime bill before
noon tomorrow.

Mr. THURMOND. We feel that we
can probably finish in half a day.

Mr. BAKER. I thank the Senator.

ORDER TO VITIATE ORDER FOR RECOGNITION
OF SENATOR TSONGAS TOMORROW

Mr. BAKER. Mr. President, does
any other Senator seek recognition?

I am advised that the distinguished
Senator from Massachusetts (Mr. TSONGAS) no longer has need for his
special order. I ask unanimous consent
that his special order be vitiated.

The PRESIDING OFFICER. With-
out objection, it is so ordered.

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

Mr. BAKER. Mr. President, I ask
unanimous consent that the time for
the convening of the Senate be ad-
anced from 9:15 to 9:30 a.m. to-mor-
or.

The PRESIDING OFFICER. Is
there objection? Without objection, it
is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no
other Senator seeking recognition. I
move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 a.m. tomorrow.

The motion was agreed to and, at 10:13 p.m., the Senate recessed until tomorrow, Thursday, September 30, 1982, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 29, 1982:

DEPARTMENT OF STATE

William Alexander Hewitt, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Theodore C. Maino, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Peter Dalton Consable, of New York, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

Robert Bigger Oakley, of Louisiana, a Career Member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

Everett Ellis Briggs, of Maine, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Rwanda.

David Joseph Fisher, of Texas, a Career Member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Somalia.

Sharon Erdkamp Ahmad, of the District of Columbia, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Gambia.

John Biane, of Illinois, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mozambique.

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The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral


The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral


THE JUDICIARY

Raymond L. Acosta, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico.

James C. Fox, of North Carolina, to be U.S. district judge for the eastern district of North Carolina.

DEPARTMENT OF JUSTICE

Arthur F. Van Court, of California, to be U.S. Marshal for the Eastern District of California for the term of 4 years.

PANAMA CANAL COMMISSION

Stephen W. Bosworth, of Michigan, to be a Member of the Board of the Panama Canal Commission.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general


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The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general


The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general


The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

the President under title 10, United States Code, section 601:

To be lieutenant general


The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:


The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 1370:

To be lieutenant general


The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.


The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 1370:

To be admiral


The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 1370:

To be vice admiral


The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 1370:

To be vice admiral


DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Philip Abrams, of Massachusetts, to be an Assistant Secretary of Housing and Urban Development.

IN THE AIR FORCE

Air Force nominations beginning William J. Rome, and ending John H. Rogerson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 8, 1982.

Air Force nominations beginning Frederick B. Fishburn, and ending William J. Crisply, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 13, 1982.

Air Force nominations beginning Carl L. Batton, and ending Jerrold L. Nye, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 15, 1982.

Air Force nominations beginning William J. Criely, Jr., and ending William C. Wood, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 23, 1982.

Air Force nominations beginning Thomas L. Huff, and ending Donald G. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 23, 1982.

Air Force nominations beginning Robert W. Baker, and ending Darwin L. Bell, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 29, 1982.

Air Force nominations beginning Michael J. Arganbright, and ending Dick T. Jordan, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 29, 1982.

Air Force nominations beginning Michael J. Arganbright, and ending Dick T. Jordan, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 29, 1982.

Air Force nominations beginning Leonard B. Amick, Jr., and ending William H. Stigelman, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 29, 1982.

Air Force nominations beginning Walter A. Aichel, and ending Michael J. Zachee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 29, 1982.

Air Force nominations beginning Michael A. Abair, and ending James H. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 27, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning William J. Brooks, and ending Charles R. Jarrett, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 7, 1982.

IN THE NAVY

Navy nominations beginning Craig D. Batchelder, and ending Kermit R. Boother, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 8, 1982.

Navy nominations beginning Thomas M. Connor, and ending Dana C. Martinez, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 13, 1982.

Navy nominations beginning Milburn M. Anderson, and ending William Randolph Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 27, 1982.

Navy nominations beginning James O. Royder, and ending Oakley F. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 27, 1982.