SENATE—*Wednesday, September 29, 1982*

(Legislative day of Wednesday, September 8, 1982)

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).

PRAYER

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, as we use 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 find in Thee and in prayer the resource indispensable to a quality of life which comes no other way.

We pray in the name of Him who spent much time in prayer to His Heavenly Father. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. STEVENS. Mr. President, I thank the Chair.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

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

ORDER OF PROCEDURE

CONTINUING APPROPRIATIONS, 1983

Mr. STEVENS. Mr. President, it is the desire of the leadership on both sides that Members who have amendments they intend to offer or are thinking about offering to the continuing resolution should come to the floor, confer with the leadership and see if it is possible to obtain time agreements on such amendments.

We have urged restraint on the part of all Senators with respect to the offering of amendments, and I am most pleased 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.

It is our hope that the bill will be sent to the House today and that the conference can commence so that the bill can be delivered to the President tomorrow prior to the beginning of the new fiscal year.

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 am compelled 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. I had a series 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 transfer 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 50 amendments which may be offered to the continuing resolution. It is going to be most important that 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 rollcalls 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 lengthily, 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

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 to limit the time on the Senator's amendment. We are not prepared yet to enter into a time agreement on the Senator's amendment.

Mr. METZENBAUM. I am perfectly willing to call the amendment up, speak briefly, and let the opposition speak to it, all in accordance with my rights as a Senator to offer an amendment, and then ask for the yeas 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 body agree with.

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—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 the facts may be.

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 that in it.

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 an operating railroad. It is losing money. It has a 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 Conrail 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 having some studies done now 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, notwithstanding 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. MATTINGLY). 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 Exon 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. STEVENS. Mr. President, I suggest the absence of a quorum.

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 ask unanimous consent that the order for the quorum call be rescinded.

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

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

The PRESIDING OFFICER. The committee amendments 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 now has before it 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 beyond the control of the Appropriations Committee have prohibited our consideration of regular bills until very late in the year.

Prolonged struggles over the budget and tax bills, the 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 resorted to reporting original Senate appropriations bills, and we have reported a total of nine bills, the Sentate has only passed three bills to date, HUD, military construction, and agriculture.

So this resolution is necessary to provide spending 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 wide variety of issues of concern to Members when we work on our regular bills.

I, therefore, will have to oppose most all 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, Interior—"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 controllers' pay 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 that we must go to conference 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 13 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 seeing 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 new 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 because 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 childhood 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, some $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 vocational 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 Chappie 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 colleagues the energy and water development portion 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 waterway 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 remains 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 and Senator JOHNSTON, 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 order to clarify the impact of the continuing resolution on the authority of the Federal Trade Commission.

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

Mr. KASTEN. Mr. President, on September 22, when the Appropriations Committee considered H.R. 6957, the State, Justice, Commerce appropriations bill, I offered, 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; trademarks, section 18; agricultural cooperatives, section 20; and rulemaking, section 21, establishing legislative veto procedures. These limitations are scheduled to expire on September 30, so they must be extended 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 paperwork and regulatory burdens on the public. I wish to state in unambiguous terms that one basis

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 will not undermine the Executive Office's oversight of regulatory paperwork in any way. If anyone means to call retreat in the battle against overregulation and excessive paperwork, it would take explicit statutory language explicitly agreed to by both Houses and the President. Certainly nothing in the continuing resolution would do this.

Mr. ABDNOR. I would like to interject that the Executive Office of the President also oversees regulatory policy under Executive Order 12291. This order was signed 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 as well as the Paperwork Act would continue under this continuing resolution?

Mr. HATFIELD. The Senator 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. We were aware of this practice 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 amendments: On page 33, lines 3 through 13; on page 35, lines 14 through 24; on page 26, line 18 through page 27, line 7; that portion of the committee amendment beginning on page 13, line 5 through page 14, line 25.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I know of no objection to this. May I ask the chairman if he knows whether or not Mr. PROXMIRE 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 enunciated, which will then provide Senator MCCLURE an opportunity to withdraw his amendment that he offered and which was adopted 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 as it relates to professional groups. That was adopted by the committee, and now Senator MCCLURE will move to strike that amendent that he had offered in committee so as to keep that issue off this bill. 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 have no objection.

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 167 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 102, 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 7, line 7, strike "Such", through and including "authority," on line 12, and insert the following:

"Such amounts as may be necessary for continuing projects and activities (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 1982 and for which appropriations, funds, or other authority would be available in the Foreign Assistance Appropriations Act, 1983, under the current terms and conditions and at a rate for operations of the current rate."

On page 7, line 25, strike ": Provided", through and including Act." on page 8, line 14, and insert the following:

"Such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in S. 2939, entitled the Legislative Branch Appropriation Act, 1983, as reported September 22, 1982, and the provisions of S. 2939 shall be effective as if enacted into law."

On page 9, line 2, after "Act", insert the following:

"*Provided*, That whenever the amount which would be made available or the authority which would be granted in this subsection is different from that which would be available or granted under such Act for each pertinent project or activity, as reported to the Senate on September 22, 1983, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

"(g) Notwithstanding any other provision of this joint resolution such amounts as may be necessary for continuing projects and activities under all the conditions and to the extent and in the manner as provided in H.R. 6956, entitled the HUD-Independent Agencies Appropriations Act, 1983, as reported September 16, 1982, to the Senate and the provisions of H.R. 6956 shall be effective as if enacted into law.

"(h) Such amounts as may be necessary for continuing activities which were conducted in fiscal year 1982, for which provision was made in the Energy and Water Development Act, 1982, at the current rate of operations: *Provided*, That no appropriation, fund or authority made available by this joint resolution or any other Act may be used directly or indirectly to significantly alter, modify, dismantle, or otherwise change the normal operation and maintenance required for any civil works project under Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil, Operation and Maintenance, General, and the operation and maintenance activities funded in Flood Control, Mississippi River and Tributaries: Provided further, That no appropriation or fund made available or authority granted pursuant to this paragraph shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1982: Provided further, That no appropriation, fund or authority made available to the Department of Energy by this joint resolution or any other Act, shall be used for any action which would result in a significant reduction of the employment levels for any program or activity below the employment levels in effect on September 30, 1982."

On page 10, line 22, strike "February 28, 1983", and insert "December 22, 1982";

On page 12, strike line 3, through and including line 15;

On page 12, line 16, strike "108", and insert "107";

On page 12, line 22, strike "109", and insert "108";

On page 16, line 7, strike "112", and insert "110";

On page 16, line 8, after "resolution", insert "except section 102";

On page 16, line 8, strike "moneys", through and including "Acquisition" 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 (50 U.S.C. 98h), as amended by Public Law 97-35 (95 Stat. 381), and shall remain available until expended: Provided, That of this amount $200,000,000 shall be obligated for the purchase of domestic copper mined and smelted in the United States after September 30, 1982."

On page 17, line 12, strike "113", and insert "111";

On page 17, line 18, after "House", insert "or the Senate";

On page 17, strike line 20, through and incuding page 18, line 7;

On page 18, line 8, strike "115", and insert "112";

On page 18, line 17, strike "116", and insert "113";

On page 18, line 22, strike "117", and insert "114";

On page 19, strike line 1, through and including line 4;

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 management expenses, and 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 actually 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)";

On page 20, line 6, strike "$14,000,000", and insert "$11,000,000";

On page 20, line 10, strike "122", and insert "118";

On page 20, line 10, strike "Notwithstanding", through and including "1981." on line 15, 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 and is—

"(1) an alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) 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) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admissions) or who has been granted asylum by the Attorney General under such Act; or

"(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 being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity shall be deemed, for purposes of section 1007(b)(11) of the Legal Services Corporation Act, to be an alien described in subparagraph (C) of such section: Provided further, That none of the funds appropriated in this Act shall be used by the Legal Services Corporation in making grants or entering into contracts for legal assistance unless the Corporation insures that any recipient organized primarily for the purpose of providing legal assistance to eligible clients is governed by a body at least 60 per centum of whose membership consists of attorneys who are admitted to practice in the State in which the legal assistance is to be provided and who are appointed to terms of office on the governing body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the recipient is to provide legal assistance. Any such attorney, while serving on such board, shall not receive compensation from a recipient: Provided further, That none of the funds appropriated in this Act shall be expended by the Corporation to participate in litigation unless the Corporation or a recipient of the Corporation is a party, or a recipient is representing an eligible client in litigation in which the interpretation of this title or a regulation promulgated under this title is an issue, and shall not participate on behalf of any client other than itself: Provided further, That none of the funds appropriated in this Act shall be available to any recipient to be used—

"(A) to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case which directly involves the client's legal rights and responsibilities, or

"(B) to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications made in response to any Federal, State, or local official, upon the formal request of such official: *Provided further*, That none of the funds appropriated in this Act shall be used to bring a class action suit against the Federal government or any State or local government except in accordance with policies or regulations adopted by the Board of Directors of the Legal Services Corporation."

On page 24, line 1, strike "$123", and insert "119";

On page 24, strike line 7, through and including page 25, line 2;

On page 25, line 3, strike "125", and insert "120";

On page 25, line 3, strike "$70,122,000", and insert "amounts";

On page 25, line 6, strike "$60,415,000", and insert "$80,886,000";

On page 25, line 7, strike "$2,620,000", and insert "$3,147,000";

On page 25, line 9, strike "7,087,000", and insert "$8,630,000";

On page 25, line 11, strike "126", and insert "121";

On page 25, line 22, strike "127", and insert "122";

On page 26, after line 2, insert the following:

SEC. 123. Notwithstanding any other provision of this joint resolution except section 102, funds shall be available for the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), at the rate and under the terms and conditions provided for in H.R. 7072 as reported to the Senate on September 22, 1982.

SEC. 124. Notwithstanding any other provision of law or this joint resolution, except section 102, an amount for those International Financial Institutions referred to in title I of Public Law 97-121, the Foreign Assistance and Related Program Appropriations Act, 1982, as is equal to the total for such institutions in that title, may be allocated by the President among those institutions in a manner which does not exceed the limits established in authorizing legislation.

SEC. 126. Notwithstanding any other provision of this 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 section 419 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 to remain available until expended, and such amounts as may be necessary to liquidate obligations incurred prior to September 30, 1982, under 49 U.S.C. 1376 and 1389: *Provided*, That notwithstanding any other provision of law, none of the funds hereafter appropriated by this joint resolution or any other Act shall be expended under section 406 (49 U.S.C. 1376) for services provided after September 30, 1982: *Provided further*, That, notwithstanding any other provision of law or of the previous provision of this paragraph, payments shall be made from funds appropriated herein and in accordance with the provisions of this paragraph to carriers providing, as of September 30, 1982, services covered by rates fixed under section 406 of the Federal Aviation 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, but shall not exceed $13,500,000 in the aggregate: *Provided further*, That, notwithstanding any other provision of law, to the extent necessary to meet this limitation, such payments shall be reduced by a per-

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. 1389) pertaining to a carrier receiving compensation under this 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 308a(c) of title 37, United States Code, are amended by striking out "September 30, 1982" and inserting in lieu thereof "March 31, 1983".

(b)(1) Section 301b(e) of title 37, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) During the period beginning on October 14, 1981, and ending on March 31, 1983, only agreements executed by officers of the Navy or Marine Corps may be accepted under this section.

"(3) During the period beginning on October 1, 1982, and ending on March 31, 1983, only an agreement—

"(A) that is executed by an officer who—

"(i) has at least six but less than eleven years of active duty;

"(ii) has completed the minimum service required for aviation training; and

"(iii) has not previously been paid special pay authorized by this section; and

"(B) that requires the officer to remain on active duty in aviation service for either three or four years;

may be accepted under this section. An officer from which an agreement is accepted during such period may be paid an amount not to exceed $4,000 for each year covered by that agreement if that officer agrees to remain on active duty for three years or an amount not to exceed $6,000 for each year covered by that agreement if that officer agrees to remain on active duty for four years. An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the requirements of clause (A) of this paragraph and such officer has completed less than seven years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed $6,000 for each year covered by the agreement.

"(4) An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section.".

(2) Section 301b(f) of title 37, United States Code, is amended by striking out "September 30, 1982" and inserting in lieu thereof "March 31, 1983".

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

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

(B) The Secretary of the Navy shall submit to the Congress not later than July 1, 1983, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301b of title 37, United States Code, since October 1, 1982. Such report shall include—

(i) a list 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;

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

(iii) an explanation and justification for the Secretary's designation of an aviation speciality as "critical" and for the payment of special pay under section 301b 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 shortages of aviators in the aviation specialties designated by the Secretary as critical.

SEC. 128. Notwithstanding any other provision of this joint resolution, there are appropriated $296,500,000 to carry out title V of the Older Americans Act of 1965, of which not more than $65,230,000 shall be for grants to States under paragraph (3) of section 506(a) of such Act.

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

SEC. 130. (a) Notwithstanding any other provision of this joint resolution, there are appropriated $64,432,000 to carry out title XV of the Public Health Service Act.

(b) 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 1970 shall be subject to reduction under section 1521(d)(2) of the Public Health Service Act during the period beginning on October 1, 1982, and ending on the date specified in clause (c) of section 102.

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. Amounts appropriated under section 101(b) of this joint resolution (including amounts transferred from the Federal Hospital Insurance Trust Fund or the Federal Supplementary Insurance Trust Fund) shall be in addition to the $45,000,000 transferred from those trust funds for fiscal year 1983 under section 118 of the Tax Equity and Fiscal Responsibility Act of 1982.

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 Services Block Grant Act of 1981, not more than 10 per centum of the funds allotted to each State under section 674 of such Act shall be used for purposes other than to make grants to eligible entities as defined in section 673(1) of such Act or to organizations serving seasonal and migrants farmworkers or to designated limited purpose agencies which meet the requirements of section 673(1) of such Act.

SEC. 136. Notwithstanding any other provision of this joint resolution, unobligated funds from fiscal year 1982 appropriations provided for closeout activities of the Community Services Administration are to remain available through September 30, 1983.

SEC. 137. Notwithstanding any other provision of this joint resolution, none of the appropriations and funds made available and none of the authority granted pursuant to this joint resolution shall be available for payments under section 5(b)(2) of Public Law 87-874, except to the extent necessary to avoid undue hardship.

SEC. 138. Notwithstanding any other provision of this joint resolution, there are appropriated $50,000,000 to carry out subpart 2 of part A of the Vocational Education Act of 1963, which is in addition to amounts appropriated under this joint resolution.

SEC. 139. Notwithstanding any other provision of this joint resolution or section 512(b) of the Omnibus Budget Reconciliation Act of 1981, there are appropriated $9,000,000 for fiscal year 1983 to carry out subpart 2 of part H of title XIII of the Education Amendments of 1980 and section 528(5) of the Omnibus Education Reconciliation Act of 1981, which shall remain available for obligation until September 30, 1988.

SEC. 140. Notwithstanding any other provision of this joint resolution, there is hereby appropriated $5,000,000 under title III of the United States Public Health Service Act for Nursing Research activities.

SEC. 141. Section 93 of title 14, United States Code, is amended by (1) striking out "and" at the end of subsection (p); (2) striking out the period at the end of subsection (q) and inserting in lieu thereof "; and"; and (3) adding at the end thereof the following new subsection: "(r) provide medical and dental care for personnel entitled thereto by law or regulation, including care in private facilities.".

SEC. 143. Notwithstanding any other provision of this joint resolution, except section 102, funds shall be available for the United States Travel and Tourism Administration at an annual rate of $7,600,000: Provided, That the number of offices in foreign countries and the number of employees assigned to such offices in foreign countries, and obligations for the activities of such office in foreign countries, shall not be less than the numbers and amounts for fiscal year 1982.

SEC. 144. Notwithstanding any other provision of this joint resolution, the head of any department or agency of the Federal Government in carrying out any loan guarantee or insurance program shall enter into commitments to guarantee or insure loans pursuant to such program in the full amount provided by law subject only to (1) the availability of qualified applicants for such guarantee or insurance, and (2) limitations contained in appropriation Acts.

SEC. 145. No change in the regulations subject to the moratorium required by section 135 of Public Law 97-248 shall be promulgated in final form until one hundred and twenty days after the expiration of the moratorium, during which period the Department of Health and Human Services shall seek public review and comment on any such proposed regulations and consult with the appropriate Committee of Congress.

SEC. 146. (a) Notwithstanding any other provision of law to the contrary, the Secretary of Agriculture shall have the authority to conduct boundary surveys of National Forest System lands.

(b) The Secretary of Agriculture should jointly develop with the Secretary of the In-

terior, within one hundred and eighty days of enactment of this section, procedures to conduct boundary surveys of National Forest System lands.

(c) So much of the personnel, properties, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available, in connection with the performance by the Department of the Interior of boundary surveys of National Forest System lands as the Director of the Office of Management and Budget shall determine, shall be transferred within one hundred and twenty days of enactment of this section to the appropriate agency, or component, of the Department of Agriculture, except that no such unexpected balances transferred shall be used for the purposes other than those for which the appropriation was originally made.

SEC. 147. Notwithstanding any other provision of this joint resolution or any other provision of law, appropriations for urban and nonurban formula grants authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.) shall be apportioned and allocated using data from the 1980 decennial census.

SEC. 148. Notwithstanding any other provision of this joint resolution, for necessary expenses for the National Oceanic and Atmospheric Administration (NOAA) to operate the civilian land remote sensing satellite system (LANDSAT), $13,555,000 above the rate provided by section 101(a) of this joint resolution, shall remain available until expended.

SEC. 149. Of the amounts appropriated to the Department of State for the purposes of "Contributions for International Peacekeeping Activities" not more than $50,000,000 shall be available for expenses necessary for contributions to a United Nations Transition Assistance Group, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 or any other provision of law: Provided, That none of these funds shall be obligated or expended for contributions to the United Nations Transition Assistance Group unless the President determines and reports to the Congress that adequate agreement has been achieved among the parties to the Namibia dispute concerning implementation of United Nations Security Council Resolution 435 for the independence of Namibia.

SEC. 150. Notwithstanding any other provisions of this joint resolution, $365,000 shall be made available for the National Security Council, effective October 1, 1982, for the operations of the President's Foreign Intelligence Advisory Board and the President's Intelligence Oversight Board.

SEC. 151. $5,200,000 of the funds appropriated to the National Endowment for the Humanities for "Salaries and expenses" in Public Law 97-100 are hereby transferred to "Matching Grants" for the purposes of section 7(h) of the National Foundation on the Arts and the Humanities Act of 1965, as amended. Such funds shall remain available until September 30, 1984.

SEC. 152. (a) Section 4109 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a)(1) of this section, the Administrator, Federal Aviation Administration, may pay an individual training to be an air traffic controller of such Administration, during the period of such training, at the applicable rate of basic pay for the hours of training officially ordered or approved in excess of forty hours in an administrative workweek.".

(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 retainer pay of a former member of a uniformed service shall not be reduced while such former member is temporarily employed, during the period described in paragraph (2) or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train others to perform such duties.

"(2) The provisions of paragraph (1) of this subsection shall be in effect for any period ending not later than December 31, 1984, during which the Administrator, Federal Aviation Administration, determines that there is an unusual shortage of air traffic controllers performing duties under the administrative authority of such Administrator.".

(c)(1) Chapter 55 of title 5, United States Code, is amended by inserting after section 5546 the following new section:

"§ 5546a. Differential pay for certain employees of the Federal Aviation Administration

"(a) The Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator') may pay premium pay at the rate of 5 per centum of the applicable rate of basic pay to—

"(1) any employee of the Federal Aviation Administration who is—

"(A) occupying a position in the air traffic controller series classified not lower than GS-9 and located in an air traffic control center or terminal or in a flight service station;

"(B) assigned to a position classified not lower than GS-09 or WG-10 located in an airway facilities sector; or

"(C) assigned to a flight inspection crewmember position classified not lower than GS-11 located in a flight inspection field office,

the duties of whose position are determined by the Administrator to be directly involved in or responsible for the operation and maintenance of the air traffic control system; and

"(2) any employee of the Federal Aviation Administration who is assigned to a flight test pilot position classified not lower than GS-12 located in a region or center, the duties of whose position are determined by the Administrator to be unusually taxing, physically or mentally, and to be critical to the advancement of aviation safety.

"(b) The premium pay payable under any subsection of this section is in addition to basic pay and to premium pay payable under any other subsection of this section and any other provision of this subchapter.".

(2) The analysis of chapter 55 of such title is amended by inserting after the item relating to section 5546 the following new item:

"5546a. Differential pay for certain employees of the Federal Aviation Administration.".

(d) Section 5546a of title 5, United States Code (as added by section 152(c) of this joint resolution), is amended by adding at the end thereof the following new subsections:

"(c)(1) The Administrator may pay premium pay to any employee of the Federal Aviation Administration who—

"(A) is an air traffic controller located in an air traffic control center or terminal;

"(B) is not required as a condition of employment to be certified by the Administrator as proficient and medically qualified to perform duties including the separation and control of air traffic; and

"(C) is so certified.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 1.6 per centum of the applicable rate of basic pay for so long as such employee is so certified.

"(d)(1) The Administrator may pay premium pay to any air traffic controller of the Federal Aviation Administration who is assigned by the Administrator to provide on-the-job training to another air traffic controller while such other air traffic controller is directly involved in the separation and control of live air traffic.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 10 per centum of the applicable hourly rate of basic pay times the number of hours and portion of an hour during which the air traffic controller of the Federal Aviation Administration provides on-the-job training.

"(e)(1) The Administrator may pay premium pay to any air traffic controller or flight service station specialist of the Federal Aviation Administration who, while working a regularly scheduled eight-hour period of service, is required by his supervisor to work during the fourth through sixth hour of such period without a break of thirty minutes for a meal.

"(2) Premium pay paid under paragraph (1) of this subsection shall be paid at the rate of 50 per centum of one-half of the applicable hourly rate of basic pay.

"(f)(1) The Administrator shall prescribe standards for determining which air traffic controllers and other employees of the Federal Aviation Administration are to be paid premium pay under this section.

"(2) The Administrator may prescribe such rules as he determines are necessary to carry out the provisions of this section.".

(e) Section 5547 of title 5, United States Code, is amended by adding at the end thereof the following: "The first sentence of this section shall not apply to any employee of the Federal Aviation Administration who is paid premium pay under section 5546a of this title.".

(f) Section 8339(e) of title 5, United States Code, is amended by inserting before the period "unless such employee has received, pursuant to section 8342 of this title, payment of the lump-sum credit attributable to deductions under section 8334(a) of this title during any period of employment as an air traffic controller and such employee has not deposited in the Fund the amount received, with interest, pursuant to section 8334(d) of this title".

(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 receiving an annuity from the Fund while such annuitant is employed, during any period described in section 5532(f)(2) of this title or any portion thereof, under the administrative authority of the Administrator, Federal Aviation Administration, to perform duties in the operation of the air traffic control system or to train other individuals to perform such duties.

"(2) Paragraph (1) of this subsection shall apply only in the case of any annuitant receiving an annuity from the Fund who,

before August 3, 1981, applied for retirement or separated from the service while being entitled to an annuity under this chapter.".

(h)(1) The amendments made by subsections 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 text for the purpose of further amendment, with the understanding that no points of order be considered waived by reason thereof, and that the excepted committee amendments may be temporarily laid aside by agreement of the floor managers.

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

Mr. HATFIELD. Mr. President, let me just sort of explain briefly what the status of the situation is. We have some 40 amendments that have been announced, not necessarily has it been indicated that each and every one of them will be offered.

I had indicated earlier yesterday that, in order to comply with the requirements of paperwork and the necessity of a conference, it will be vital that we complete the action on this continuing resolution by noon today in order that we can complete the full process and have an opportunity for the President to act upon it by midnight tomorrow night, Thursday night. There is no order of amendments that will be offered. Any Senator seeking and getting recognition will, of course, have an opportunity to raise his amendment.

I would also announce that last night before adjournment we had secured a unanimous-consent agreement on six amendments that have been announced as expected to be offered. There is an amendment dealing with Clinch River and an amendment dealing with land disposal, both being offered by Senator BUMPERS and the Clinch River by Senator BUMPERS and Senator HUMPHREY. Then there is an impact aid amendment by Senator EXON and a hydroelectric amendment by Senator SASSER and a District of Columbia appropriations amendment by Senator SARBANES. No other time agreements have been achieved.

I would hope, as Senators now are ready to offer amendments, that perhaps we could enter upon a time agreement.

Mr. METZENBAUM. No problem with this Senator.

Mr. HATFIELD. Will the Senator indicate what time he would like?

Mr. METZENBAUM. The same time I had indicated yesterday, 40 minutes. I am prepared to go forward. I have been prepared to go forward since 8:20 this morning. I am willing to make my opening remarks and reserve to the opposition such time as they need at a specific time and I am willing to agree upon a time certain as to when a rollcall vote will be taken.

Mr. HATFIELD. Mr. President, I will yield the floor and we will, in the meantime, try to work out a time agreement as offered by the Senator from Ohio of 40 minutes equally divided. I will try to make contact with the other side of the issue and see if we can reach that agreement.

Mr. METZENBAUM. If the Senator from Oregon has no strong objection, I am prepared to go forward now. I will speak briefly and I will still be willing to agree to the time limitation. In fact, I am willing to say to the Senator from Oregon 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 temporarily set aside the excepted committee amendments in order that Senators may offer amendments.

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

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

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

The PRESIDING OFFICER. The Senator from Oregon 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 or disposed of. So there are four or five committee amendments that have been excepted from being accepted en bloc.

So I say 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 may be offered unless the 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 amendment.

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 comanagers 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, the committee amendments are temporarily set aside.

The Senator from Ohio.

AMENDMENT NO. 3621

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. . (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 8.7 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" 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.

(2) For purposes of making such determinations described in paragraph (1), the rate of insured 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.

(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 national seasonally adjusted total rate of unemployment is less than 8.7 percent for at least one month occurring after September 1982".

(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 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 determined that State legislation is required in order to amend its State unemployment compensation law so as to include any requirements imposed by this section with respect to extended compensation, such State's unemployment compensation law shall not be determined 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 began prior to the date of the enactment of this Act and remained in session for at least twenty-five calendar days after such date of enactment. For purposes of the preceding sentence, 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. METZENBAUM. Mr. President, this is not a new subject for the Senate. It is a subject that has to do with the extension of unemployment benefits. Unemployment benefits come in three different categories: We have the 26 weeks of unemployment benefits that each State provides, we have an extended benefit program that is federally funded for 13 weeks, and we then have an additional 10 weeks, over and above the 39 weeks, that was provided by the tax conferees pursuant to the resolution or the amendment that this Senator offered on the floor of the Senate and that was adopted by a vote of 84 to 13.

The 10-week period is taken care of. The intervening 13-week period, however, is a problem. The amendment that was offered on the floor of the Senate directed the conferees to provide a correction for this problem as well and the tax conferees, in their haste, did not do so.

As a consequence, approximately 30 States will trigger off with respect to that 13 weeks of unemployment compensation. Now we are talking about States with persistently high unemployment—Alabama, Arkansas, Delaware, Indiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Vermont, Alaska, Arizona, California, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Montana, New Mexico, North Carolina, Ohio, Oregon, Tennessee, Utah, the Virgin Islands, Wisconsin, and by some estimates, Mississippi and West Virginia.

Now what we are talking about here has to do with a thing called triggering. 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 bill it substantially changed the extended benefits program for unemployment compensation.

Many of the Senators supported that which was then described as supply-side economics. And it was assumed that supply-side economics would produce real growth of 4.2 percent in fiscal year 1982 and 5 percent in fiscal year 1983. It assumed that unemployment 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 unemployment at that point is 7.8 percent and it will gradually decline.

Well, Mr. President, you do not need this Senator to say to you or to the Members of the Senate what has in fact happened. What has actually happened is that the economy has gone into chaos and we now have an unemployment rate that was last reported at 9.8 percent and, according to some predictions, will exceed 10 percent when the September figures are out.

In July and August the Department of Labor reported national unemployment at 9.8 percent. It is particularly acute in the Northeast and Midwest. In my own State of Ohio, the announced figure was 12.2 percent, but the indications are that it will be up over 14 percent when the next reports are made.

I do not have to say to the Members of the Senate or the people in this country that bankruptcies are at the highest level in 50 years and in the first 6 months there were as many bankruptcies filed in this country as there were in all of last year. So we do indeed have chaotic conditions in the economy.

What we are talking about in this instance is to say, "Well, now, look, there was an intention to give 26 weeks and 13 weeks, but what happened is that there was this triggering provision and the triggering provision relates not to actual unemployment but it relates to a thing called the IUR, the insured unemployment rate."

The budget cuts changed that figure in two ways: People who have exhausted their regular unemployment benefits are no longer counted as unemployed in calculating the insured unemployment rate, or the so-called IUR. Therefore, many States will be actually triggering off that 13-week extended benefit program at the time when they need it the most, at a time of record levels of unemployment. But when you add to it the fact that the trigger levels were also increased, then the problem becomes even that much more acute.

Previously a State would trigger for the extended benefits program if the IUR was 4 percent and 120 percent higher than the average of the previous 2 years. Under reconciliation, the trigger level was lifted to 5 percent. Combined with the other change to exclude those who have exhausted their benefits, this change is expected to trigger a number of States off the 13-week extended benefit program by the end of this year, some in September, some possibly in October.

What does our amendment actually do? It suspends the changes made in last year's reconciliation bill dealing with counting those who have exhausted their regular unemployment benefits until the national unemployment rate declines to 8.7 percent.

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

If Congress believes that unemployment will decline to that level, surely we can afford to maintain the extended benefits program until it actually reaches that level.

By the same token, if the unemployment level does not decline to at least 8.7 percent, we need the extended benefits program even more.

The second part of this amendment would suspend the changes made last year 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 already 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 8.7 percent.

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 changes would be higher as far as unemployment costs are concerned, there is a major offset to the Government 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 of the program should 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 certainly 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 1982. 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. President, my amendment is cosponsored by Senator ROBERT C. BYRD, Senator EAGLETON, Senator PRYOR, Senator LEAHY, Senator FORD, Senator INOUYE, Senator TSONGAS, Senator SASSER, Senator DIXON, Senator HUDDLESTON, Senator JOHNSTON, Senator HOLLINGS, Senator BURDICK, Senator BRADLEY, Senator BAUCUS, Senator LEVIN, Senator RANDOLPH, Senator DECONCINI, Senator MATSUNAGA, Senator KENNEDY, Senator BUMPERS, Senator SARBANES, Senator CANNON, Senator HEFLIN, Senator PROXMIRE, Senator EXON, Senator HART, Senator JACKSON, Senator PELL, and Senator RIEGLE.

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 increased 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 on 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 for the suffering that 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:

> This coming month, when the figures are released, we think that August has been in a kind of doldrums and it may show 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 system 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 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 resented 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 malfunctioning, and one way to address it, is to address the glitch in the unemployment compensation formula for extended benefits.

I urge my colleagues to adopt this amendment.

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

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

The yeas and nays were ordered.

Mr. METZENBAUM. Mr. President, I repeat what I said earlier. I am prenents of the amendment. I am prepared to agree to any unanimous-consent request which is reasonable with respect to the opposition appearing on the floor to oppose this amendment. I am also willing to agree for a time certain as to when the vote will be taken in connection with this amendment.

Mr. HATFIELD. Mr. President, did the Senator from Ohio ask unanimous consent to temporarily set aside his amendment?

Mr. METZENBAUM. No; I did not.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the amendment offered by the Senator from Ohio be temporarily laid aside in order to take up another amendment, with the expectation that we would return to the amendment of the Senator from Ohio around 10:30 a.m.

Mr. METZENBAUM. With the understanding that we will return to the amendment of the Senator from Ohio immediately following the disposition of the next amendment.

The PRESIDING OFFICER. 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 House, has to pass the Senate—the conference report does. That is going to take time. If we are going to comply with the absolute requirements—after 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.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. 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. PROXMIRE. Mr. President, I had hoped to bring up an amendment to this resolution which would extend the current ceiling on Senate employment so as to avoid the need for constructing yet another Senate Office Building. I felt that I might miss my opportunity to raise this issue if the legislative appropriations accounts are funded for a full year, as the House version of the continuing resolution would do, rather than for 3 months pursuant to the Senate version. However, if I can receive assurance that there will be no objection to considering this amendment in December when we act on a further continuing resolution, and that no point of order will be raised inasmuch as at that time, as I understand it, there is a possibility that the legislative part of the continuing resolution would have been continued for a year in this measure—perhaps that will happen in conference. If no point of order would be made against my introducing such an amendment in December, then I shall be glad to withhold at this time.

Mr. HATFIELD. Mr. President, I very happily respond to the Senator from Wisconsin by assuring him that as far as I am concerned, there would be no point of order raised. I can only speak for myself on that question, but I certainly would not raise a point of order.

The Senator knows I happen to oppose his position on this issue, but, at the same time, I respect the Senator's proper and appropriate right to raise this issue. I appreciate very much his willingness to postpone the raising of the issue until we get into the bills themselves, rather than on the continuing resolution.

I shall do everything I can possibly do to help him in getting this issue raised at that time that he selects on that bill in order for there to be full and open discussion on it. He has that right and I shall certainly do everything I can to help him secure that right.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Oregon. With that assurance, I shall not press the amendment on the resolution today, but I do intend to offer it when we come back in December.

FOUR PERCENT CAP ON BLUE-COLLAR PAY

Mr. ABDNOR. I would like to make absolutely clear that the withdrawal of the committee's amendment merely restores the provision of the House-passed joint resolution applying a 4-percent pay cap to Federal blue-collar workers.

Mr. HATFIELD. Yes, this action would restore to the joint resolution a provision in the House-passed version. This language, which has appeared in similar form in previous continuing resolutions, and was included in the President's budget, would simply insure that the budget target of a 4-percent Federal pay raise would apply equitably to all Federal employees. I might add that, as you know, this provision is identical to one which is in both the House and Senate reported Treasury-Postal Service appropriations bills for fiscal year 1983.

Mr. ABDNOR. And it is my understanding that this provision for a 4-percent cap specifies that Federal blue-collar employees would not receive an amount, due to wage survey adjustments, that exceeds the overall average percentage of the Federal white-collar adjustment for fiscal year 1983?

Mr. HATFIELD. The Senator is absolutely correct.

EXCEPTED COMMITTEE AMENDMENT WITHDRAWN

Mr. HATFIELD. Mr. President, I ask unanimous consent, with the approval of the ranking minority member, that the committee amendment beginning on page 13, line 5, through page 14, line 25 be withdrawn.

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

Mr. HATFIELD. Mr. President, let me explain that.

The House had placed in the continuing resolution a 4-percent cap on certain employees in the Federal Government, and we had deleted that in the committee until we could seek and obtain further information. That was only the reason the committee deleted that provision. We deleted it, and we have since received additional information. Therefore, we feel that we can concur with the House and withdraw that deletion, thereby restoring the House language.

I thank the Chair, and I thank the Senator from Wisconsin for handling that matter.

That leaves us with about four committee amendments that are still excepted on the basis of requests from individual Senators.

Mr. President, on behalf of the leadership we will set aside the remaining committee amendments in order that Senators may offer amendments.

Mr. President, at this point, with the concurrence of the Senators on the floor, Senator HUMPHREY and Senator BUMPERS, I ask unanimous consent that we have a modified time agreement on the Clinch River breeder reactor amendment to one-half hour time equally divided.

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

UP AMENDMENT NO. 1309

(Purpose: To terminate funding of the Clinch River breeder reactor project)

Mr. HUMPHREY. Mr. President, I send an unprinted 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 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 be 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 money, waste of taxpayer's money.

The Clinch River breeder demonstration project is involved in a stupendous cost overrun. It was originally estimated to cost $600 million, which is no small piece of change in itself, 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 $3 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 even 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 fuel costs are a very small part of the lifetime cost of the nuclear plant. The capital costs of breeder reactors are very much higher and because uranium is relatively inexpensive and abundant and is forecast to be abundant and relatively inexpensive for several more decades, light water reactors, the kind of reactors we are using today, are much more economical.

Mr. President, no utility in this country is going to commercialize breeder reactors in this century; there-

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 ny 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 were going to develop three breeder commercial projects immediately after they finished the Super Phoenix, and all three of them have been postponed and put on the back burner for very good reasons. 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 1 million 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 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 yet 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 overstated 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 and utilities 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 outfit 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 has been 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. BUMPERS. Mr. President, it is a fine thing to support pork barrel projects on occasion. I do not have any objection to politicians around here getting something for their home districts—within limits. But this goes far beyond the bounds of reason, far beyond the bounds of anything that you can explain to your constituents back home.

Just yesterday the generators for this reactor were tested and failed. It is an outmoded technology. So I am pleading with my colleagues to listen to what the physicists in this country say: "Do not build this outmoded technology."

I am agreeing with the National Taxpayers' Union—the Heritage Foundation, the Hoover Institute, and many other groups in opposing this project. The coalition opposing the CRBR is one of the most pervasive across-the-board coalitions I have ever been associated with. Almost everybody in America is opposed to this, and I hope my colleagues will be, too.

I yield the floor, Mr. President.

Mr. BAKER addressed the Chair.

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 prototype 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 their 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 it was assumed that the plant would 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 was made 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 that power into a nearby 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 facility.

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 much for pork. I have always been amazed at those who say that this is a Tennessee project, because while components will be shipped to my State and assembled there and the 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 appropriations process. But that has not been possible, and I would say to my distinguished colleagues, the Senators from Arkansas (Mr. BUMPERS) and from New Hampshire (Mr. HUMPHREY), it 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 plain fact is, the 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 on the regular 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 from 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 feel, I am prepared to dispose 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 $2.3 to $2.6 billion, depending on whether you care to believe the latest estimate of the Department of Energy, or the estimate of the General Accounting Office. The most conservative profit and loss assumptions for an operating, electricity-producing powerplant insure at least half that amount will be recovered by 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. We should not make that decision at this time. But that is not what we are doing. What we are doing is making one entry in that sweepstake. We are making 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 foolhardy in the exteme, 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 ever regretted an investment in long-term, high technology research and development. There is almost universal agreement in this country that failure to keep pace with 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 suspect 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, simply says:

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 leave the landscape strewn 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, 47 seconds.

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 anymore—when he was in the House of Representatives, sent out a "Dear Colleague" letter that says Clinch River is "incompatible" with the free enterprise system.

Secretary Edwards testified before the Energy 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. The French and the British and the Japanese and the Soviets have them. Every one of them have put their technology on 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 light water reactors, coal-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 meet 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, and we certainly do not need it at a cost of $8 billion and $20 million per megawatt.

I plead with my colleagues to do your duty and do the sensible thing and stop this project before it gets started.

I yield the floor.

Mr. McCLURE. Mr. President, will the Senator from Oregon yield 5 minutes to the Senator from Idaho?

Mr. HATFIELD. Yes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. I thank the Senator for yielding this time. I appreciate the statement by my colleague from Tennessee, because I am afraid the opponents of the Clinch River breeder have succeeded in erecting a number of factual barriers—and I use that term loosely—by talking about obsolete technology. As a matter of fact, that is simply not supported by the evidence. As a matter of fact, repeated assessments by the General Accounting Office and most recently supported by their July 12 report—that is July 12, 1982, have found that:

Among a wide range of knowledgeable industry, Government, and private individuals. No one we talked with was able to provide us with any specific facts indicating the components or design features were obsolete.

That is from the GAO and not from JIM McCLURE.

I would suggest, also, that the cost overrun questions are greatly inflated. Again, the opponents of the Clinch River breeder reactor have come up with false and phony and rigged figures and then repeat them. The fact of the matter is that if you look at the design costs of the plant at the time they were designed, what they were intended to do, and apply the inflation factor to it that is inherent in society generally, the Clinch River breeder has suffered no more than any other and, as a matter of fact, it is lower than the inflated costs that are attached to general construction activity. So that the cost overrun question simply is not supported by the facts.

Those who have talked about an $8 billion cost are using inflated and phony figures and I do not think they know that. I am sorry that they do not know about it, but they have included such matters as including the cost of plutonium fuel—I wonder if the Senator from Arkansas knew that—when, as a matter of fact, we already own it. We do not have to buy any. We already own it.

They have ignored the fact that there will be $200 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 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 succeeding 4 years, the project is proceeding apace 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 for 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 repulsed these arguments, and the plant today stands with 70 percent of components

completed or on order and onsite construction finally begun, pursuant to the favorable August 5 decision of the Nuclear Regulatory Commission. The arguments against completing this essential research and development facility are no more valid today than they have been in previous years. The American breeder reactor program is today at the point where the sensible next step is the engineering demonstration of a first large-scale breeder reactor electric powerplant. The CRBR is therefore appropriate and prudent in a carefully timed, conservatively paced engineering development program.

The Clinch River breeder reactor is not technologically outmoded or inherently unsafe, as some have argued. Repeated assessments by the General Accounting Office, most recently supported by their July 12 report, have found that among "a wide range of knowledgeable industry, government, and private individuals * * *. No one 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 is current, with a number of important design refinements and a fundamental advance in the core configuration developed in the past 4 years. In short, the Clinch River reactor is meant to be a technology development 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 billion. Inflation has doubled all prices since 1974, so it is quite remarkable that the most recent cost estimate of $3.6 billion exceeds inflation by only a few percentage points. Terminating the CRBR project today would leave us with nothing to show for a $1.3 billion investment. The completion costs, on the other hand, will be substantially recovered, even under the most conservative profit-and-loss assumptions, by the $8 billion revenues from the sale of electricity over the life of the project. Meanwhile, in the shorter term, the project objectives as a research, development, and demonstration activity will be fulfilled.

The recent GAO interim report on project costs, contrary to impressions created in the media, substantially confirms and supports the $3.6 billion DOE cost estimate. Exaggerated claims of project costs exceeding $8 billion can be largely attributed to imputed interest on Federal debt, a factor which GAO notes is not normally associated with cost estimates for this or any other Federal expenditure.

To those who argue that the nuclear industry should fund this project beyond their already substantial contributions, 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 undoubtedly be longer than that for conventional light-water reactors. With the confused Federal policies of the last few years, the evolutionary licensing procedure that attaches to this new technology, and the precommercial scale of this technology demonstration facility, the private sector should not be expected to increase its contributions to this project. It is clearly a proper role for the Federal Government to complete the development of such new technologies to the point where a commercialization decision can be made by the utilities.

The suggestion that the United States might purchase French breeder technology does not recognize the problems that would be incurred in licensing the French breeder, which at this time would not meet U.S. standards. It is questionable whether the French would want to subject their technology to U.S. licensing standards because of potential upgrading and disruption in their own licensing and construction schedule that could result from U.S. scrutiny.

The international community has made its position clear on breeder reactor technology development. The international fuel cycle evaluation program in 1980 strongly supported rapid development of breeder technology, citing lower radiation exposure, less thermal pollution, and less waste for disposal. The LMFBR technology was judged to be no more prone to proliferation risk than other nuclear power reactor technology. The United States has repeatedly reaffirmed the necessity to maintain the liquid metal fast breeder reactor option.

In view of the commitment this Nation has made and will continue to make in the LMFBR program, it would be sheer folly not to proceed, as has each of the major advanced industrial nations, with the construction of a technology demonstration facility in concert with our basic LMFBR program. The reason is plain: both proponents and opponents agree that breeder reactors today, without the cost benefit gained by replication of a standardized plant, can generate electricity at a cost half the present cost of oil-generated electricity. No other inexhaustible energy system comes close to this achievement.

Let me now address more specifically the issues related to this amendment.

BREEDER REACTORS USE RESOURCES 60 TIMES MORE EFFICIENTLY

Less than 1 percent of naturally occurring uranium is usable as fuel in today's nuclear powerplants. However, in breeders, the unusable constituent of uranium can be used not only to generate electricity, but to produce additional nuclear fuel which can then be used in other nuclear reactors. The energy value of the uranium already mined and above ground is roughly equal to our total unmined coal resources or at least three 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 electricity was produced on a breeder reactor.

ECONOMIC GROWTH REQUIRES ADEQUATE ENERGY

Because of its convenience and versatility, our country is relying more and more heavily on electricity to provide its power. As the economy recovers and grows over the next few years, electric power demand will increase as well.

According to the Electric Power Research Institute, a modest 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 replacement power needs for retiring plants or substitutes for inefficient oil-fired plants.

An electricity shortfall could be the limiting factor in the Nation's economic 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 generate electricity. Utilities today have two choices—coal and uranium. Few countries have even one abundant energy source within their borders. We are blessed with two. However, both have limitations, and both are finite resources.

While coal will inevitably remain our major fuel for electric power, there are both economic and fuel supply dangers in relying solely on a single source for all our electricity needs. In addition, the environmental effects of burning too much coal could be severe.

Nuclear power is the partner—and the competitor—that coal needs. Prudence demands that we use our domestic uranium resources wisely. The nuclear breeder technology will enable us to extend our finite resources from decades to centuries.

CLINCH RIVER: THE NEXT LOGICAL STEP IN OUR NATIONAL BREEDER PROGRAM

The Nation is now approaching midpoint in the development of breeder technology. Hundreds of millions of dollars have been invested in building a base of technology upon 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 licensability of such a plant in an actual utility system.

A total of 753 utilities have pledged $257 million to the project—the largest Government/industry/utility partnership in the history of this country.

Plant design is more than 85 percent complete.

Nearly $660 million worth of equipment is either complete or on order.

It is a prudent scaleup of technology. At 375 MW(e), Clinch River is 2½ times the size of the fast flux test facility (FFTF), the current U.S. breeder test plant, and roughly 2½ times smaller than the next generation breeder—a logical intermediate step toward the ability to build commercial size plants.

CLINCH RIVER IS TECHNOLOGICALLY SUPERIOR

Allegations that the project is technologically obsolete have never been substantiated. In fact, the Clinch River design is the most advanced in the world, incorporating features and innovations no other nation can claim, including an advanced core design and upgraded shutdown systems and safety features.

Thirteen independent Government reviews since 1975 have confirmed Clinch River's technical merits.

Seventeen world-reknowned scientists have reaffirmed the plants technical accomplishments.

The abundant flexibility in the reactor provides the opportunity for U.S. leadership in demonstrating the practicality of various fuel cycles.

THE PLANT IS READY TO BE BUILT

After 10 years of development, the Clinch River plant is ready to break ground. About 3,500 persons in 29 States and the District of Columbia are presently employed on Clinch River. Plant design is more than 85 percent complete, with nearly $660 million worth of equipment either complete or on order. Of the total plant cost estimate of $3.6 billion, $1.2 billion has already been spent. In August, the NRC granted the project permission to begin limited construction activities.

Contrary to what many have said, termination of the plant will not necessarily save money. If canceled, the cost to the taxpayers would be $1.4 billion—with nothing to show for it. On the other hand, completion costs of $2.4 billion—comparable to the bill we pay for imported oil every few weeks—would be partially offset by net revenue from the already contracted for sale of electricity from the plant—a net cash flow into the Federal Treasury. Cancellation of the project would also jeopardize the possibility of any future joint venture between government and private industry.

Breeder technology is the only developmental energy technology today that can be assured to produce large amounts of power in the first quarter of the next century. Without operating Clinch River, the utility industry will not risk tight capital on a technology 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, requested $252.5 million in the DOE fiscal year 1983 authorization bill for its continuation. David Stockman, Director of OMB, reiterated this support in a letter to DOE Secretary Edwards. Mr. Stockman left no doubt that the administration 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 commercialization activity or as an economical power generator—but rather as the logical next step in breeder research and development.

IN CONGRESS

The Congress has repeatedly endorsed the project. The House, in considering its fiscal year 1980 DOE authorization bill (H.R. 3000) on July 26, 1979, overwhelmingly rejected, 237 to 182, an attempt to kill CRBR. Similarly, on September 27, 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 resolution (H.J. Res. 404), it was tabled by a significant 64 to 33 margin. More recently, both House and Senate versions 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 appropriations bill, the full House voted 206 to 186 against an amendment offered by Representative LAWRENCE COUGHLIN 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 Government or private studies have concluded that this Nation should pursue the breeder as a viable energy option. Most recently, in a July 12, 1982, report, the Government's General Accounting Office reiterated its belief that the Clinch River project is the next logical step in the Nation's breeder program. Failure to construct Clinch River, it said, would "foreclose on the long-term future of a major energy option—nuclear fission * * *."

OTHER COUNTRIES ARE COMMITTED TO THE BREEDER

Other countries are adopting breeder technology much faster than we are. England, France, and the Soviet Union have been operating prototype breeder reactors since the mid-1960's, and a year ago the Soviets began operating a breeder twice as big as the Clinch River plant. Germany and Japan are planning to bring their first breeders into operation during the 1980's.

To walk away from Clinch River would be a clear signal to other nations that we are not serious about pursuing increased energy production to reduce worldwide shortages as well as our own perilous and costly dependence on foreign energy sources. It would also seriously jeopardize our leadership position in the peaceful uses of nuclear energy.

CLINCH RIVER: AN ENERGY SOLUTION

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 problem, 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 who follow us.

It may be, Mr. President, that all of this debate is irrelevant, that everybody 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 suggested, 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 that to the worker in Youngstown, Ohio, who will be out of work because he does not have the opportunity to compete. Tell that to the workers across this country that will see the technology installed in this country that was developed in another country because we refused to participate 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

be able to continue to develop the technologies that will be applied 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 of producing electricity, 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. But 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 $400 million originally promised, industry's contribution will remain frozen at $275 million. The utilities know a bad project when they see one.

Even 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 radio 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 is going against 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 appropriations, 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:

[From the Wall Street Journal, Sept. 27, 1982]

SCUTTLING CLINCH RIVER

Construction crews broke ground last Wednesday for the long-delayed Clinch River breeder reactor near Oak Ridge, Tenn. If some members of Congress get their way, however, that may be as far as the project will ever get.

Sens. Gordon Humphreys and Dale Bumpers plan to introduce an amendment tomorrow to the continuing budget resolution that would terminate funding for the nuclear reactor. Supporters of the amendment think they have a good chance at passage because the last crucial Senate test of the program last year won by only a two-vote margin after Majority Leader Howard Baker lobbied intensely for this big investment in his home state. Since then, several conservative senators, who are normally supporters of nuclear power, have apparently turned around on Clinch River.

One big reason is acceptance of the simple view that government should get out of the energy business. The success of oil deregulation attests to the fact that market forces can easily cope with our energy demands without government intrusion and no good purpose would be served by further massive federal subsidization of any energy project, even nuclear power. This was, in fact, the Reagan administration's initial view on Clinch River until the White House acquiesced to gain Sen. Baker's support in the budget and tax fights on Capitol Hill last year.

Another concern is money. Only last week the General Accounting Office concluded that the cost of the project could exceed $8 billion, more than twice the administration's current estimate. The cost totals of the 11-year-old program have already been revised six times, and critics now say the total could rise to more than $10 billion if the reactor encounters any construction delays and suffers escalation costs.

It's also becoming clearer to many that the only reason the federal government is so enmeshed in the project is that breeder technology isn't economical and the private energy sector doesn't want to waste its own money. At least one study projects that given the availability of relatively cheap uranium fuel, breeder reactors won't be economical until the year 2030 or beyond.

Besides these concerns, there is also the haunting worry about nuclear proliferation. Breeder technology provides an easy means of acquiring weapons grade plutonium. American support of such an uneconomic nuclear technology could encourage other countries to pursue their own breeder programs with more than just electricity production in mind.

It makes no sense, especially in light of current budgetary constraints, to sink billions of federal dollars into a nuclear project that won't be economical for at least 50 years. The Senate could do us all a favor by sinking the Clinch River reactor.

[From the Washington Times, Sept. 27, 1982]

"PLUTONIUM PORK BARREL"

Congressional proponents of nuclear power can vote against the Clinch River breeder reactor with a clear conscience.

They will not be reneging on 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 whether we can afford to spend more than three billion dollars so Oak Ridge, Tenn., can advertise itself as the "capital of nuclear research and development."

Being for nuclear power has never meant being for inefficient nuclear power. Nuclear proponents have never been so rigid as those obsessed with wind and solar alternatives.

The idea has been to find the most economical and dependable source of energy. Even the most avid proponents favor nuclear power only when it meets that test. They gladly would switch allegiance to wind, solar or spit power if anyone could be shown to be more efficient.

Whatever the Clinch River project becomes, it will not become that. The Department of Energy's own research board has recommended deferring construction "because of its low urgency, low economic potential and low benefit-to-cost ratio."

The House Energy Subcommittee estimates the projected start-up cost of $3.6 billion, which already makes the reactor functionally ridiculous, will be more like $6.5 billion. Others such as Senator Humphrey believe it will be closer to $10 billion once you add "incidentials" 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 and hours-on-line definitely are.

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 are more advanced. 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 further research in breeder reactors and their like.

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

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

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 phony 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 of not only 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 obsolescent. The technology is the latest in the state of the art.

Mr. President, I think it would be silly for this country, over 33 percent into this project, to cease and desist and voluntarily lose our excellence, our edge, in this most important technology that we have today.

Mr. HART. Mr. 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 once and for all.

The estimated costs for building the Clinch River breeder reactor have skyrocketed, anywhere from fourfold to thirteenfold, depending on the estimates. The cost overruns on this project exceed those that plaque 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 sunk or 1 ounce of concrete poured.

The original 1971 cost estimate for the Clinch River breeder reactor was $400 million—or $960 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 estimates of the project's cost have risen to $3.6 billion. But the General Accounting Office (GAO), in a report released last week, disputes the DOE figure as too low. It estimates the cost at between $8 and $10 billion, figures that include several essential elements missing from the DOE estimates: the cost of the plutonium fuel for the reactor, the imputed interest to the Federal Government for financing, and the staff time used on the project.

Yet, despite the massive increases in the project's cost, 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 for all costs exceeding the original 1971 estimate.

Others also have doubted whether breeder reactors, in general, and the Clinch River breeder 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 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 reactor fuel, extracted by a highly technical process from the spent uranium fuel rods discharged from conventional nuclear power reactors. The GAO estimates the plutonium fuel for the Clinch River breeder reactor could cost from $23 to $200 per gram. Thus, to supply Clinch River with the 6.2 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 cream to a cow to get milk. 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 Nation's 22,000 uranium miners—many in my own State of Colorado. The domestic uranium industry has even persuaded the Congress to restrict imports of less expensive foreign uranium as a step toward restoring its economic health. Why should we now spend billions of dollars to develop an alternative to uranium fuel, when the domestic uranium industry verges on collapse?

If current 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 unjustifiable. Back-fittable technology currently under development by the nuclear industry and the DOE could increase by 15 percent the uranium efficiency of existing nuclear powerplants. This technology could save ratepayers $12.7 billion through the year 2000, according to the GAO.

In addition to the uranium savings that would result from back-fitting existing reactors, we can further reduce uranium consumption by up to 40 percent with a new generation of uranium-efficient, advanced converter reactors. A full-scale effort to develop these reactors as an alternative to breeder reactors would 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 reactors are the nuclear equivalent of the Boeing 757 and 767. If the administration truly wanted to help the failing domestic nuclear industry, it would reject the economic chicanery of those supporting the Clinch River breeder reactor and instead promote 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 Arkansas.

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, in a day and age of fiscal constraint when the Members of this body are being asked to make difficult reductions in a broad array of projects and programs, we cannot afford to fund this project. To do so will take funds away from other much-needed energy projects and other discretionary spending programs. How can the Members of this body ever reduce Federal spending and balance the budget if sacred cows exist?

Mr. President, as difficult as this decision is, I feel that the arguments against the construction of this project are valid and that the funding for the Clinch River breeder reactor must be terminated.

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, as follows:

ARGUMENTS AGAINST THE CONSTRUCTION OF THE CLINCH RIVER BREEDER

ECONOMIC AND BUDGETARY ARGUMENTS

1. It is always argued that France and the Soviet Union are building large prototype 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 Super Phoenix—is almost twice the cost of electricity from conventional reactors.

2. There are fundamental economic questions concerning CRBR. Last year, the House Science and Technology Committee, primarily on economic grounds, decided not to include the Clinch River breeder reactor in the DOE authorization. I might also reference a letter written by David Stockman in September 1977 that stated "early commericalization of the breeder will result in large economic losses to society in addition to a lengthy list of non-monetary risks in the safety, environmental and international relations proliferation areas. Therefore, no further subsidization of the Clinch River project, an integral step in the early commericalization program, can be justified."

3. An important element in the decision to build or not to build CRBR rests on the demand for electricity and the availability of uranium resources. While there is considerable debate as to future U.S. electrical demand, there is a surplus of uranium. In addition, if uranium were to become scarce, utilities would opt to use reprocessed spent fuel before going to the breeder technology because of the more favorable economics of the once-through light water reactor cycle.

4. Current DOE data show sufficient natural uranium to fuel the light water reactor industry well past the year 2020 and that the breeder may not be economical until after the year 2025.

5. The President's Report of Federal Energy R&D Priorities issued in November 1981 by the Energy Research Advisory Board concluded that "the construction of a breeder reactor demonstration at this time is not an urgent priority and thus, under current budget constraints, recommended that such a demonstration be delayed until a future time."

6. On September 23, 1982, the GAO issued an interim report on the total cost estimate of the CRBR. The GAO revised the Department of Energy September 1982 estimate of $3.6 billion to $8.8 billion. The main reasons for this dramatic increase were that DOE underestimated the cost of plutonium and did not include the cost of imputed interest. Whereas the later component, usually is not normally associated with cost estimates, it does reflect the true cost of the project including the cost of Treasury borrowing.

The report also noted that additional expenses above the $8.8 billion level will be incurred for decommissioning, technical support and testing, and construction contingencies.

7. Through fiscal year 1981, $1.148 billion has been expended for the CRBR. The majority of these expenditures have been for the design, fabrication, and purchase of a nuclear steam supply system. Only recently was a site-clearing permit granted and to date no construction has been commenced. If the CRBR is not terminated at this point, you will be beyond the point of no return and will find the same arguments existing for the CRBR as the Tennessee-Tombigbee Waterway.

8. In 1973, the CRBR was estimated to cost $422 million; in 1976, $699 million; in 1981, $3.3 billion. In September of 1982, the DOE cost estimate is $3.6 billion and the GAO 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 1973! If the economics supported the CRBR, so would the utilities.

TECHNICAL ARGUMENTS

1. In May 1982, the GAO issued a report that was critical of the Department of Energy's failure to conduct complete and thorough tests of the steam generator design to be used in the CRBR. "Steam generators for liquid metal fast breeder reactors have had a history of serious technical problems. Small breeder reactors in this country and demonstration breeder reactors in foreign countries have experienced steam generator failures. Steam generators for the CRBR have also experienced a number of problems during their development."

2. 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 uneconomic even by the nuclear industry."

3. A broad array of Congressional and scientific critics argue that CRBR is rapidly becoming technically obsolete. Besides the problem with the steam generators, the use of liquid sodium to cool the reactor's core has created additional problems because sodium burns when it mixes with air. Sophisticated techniques are required to remove and replace fuels without opening the reactor up.

4. Constuction 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 and the construction of the Clinch River breeder cancelled. The

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 source of energy and that it will be 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 reports:

[GAO Report of Sept. 22, 1980]

"If Congress wishes to maintain a nuclear option or if it wishes to commit to nuclear power as a long-term energy source, GAO recommends that it require DOE to demonstrate the viability of the LMFBR technology by mandating the construction of a breeder reactor facility. However, in making this recommendation, GAO wants to emphasize that it is not necessarily advocating the completion of the Clinch River project as the only means of moving the program forward. The only resolution to the impasses may be to move ahead with a larger, more recently designed facility instead of the Clinch River project."

National Academy of Sciences Energy in Transition 1985-2000 "Development of the LMFBR should continue, but without immediate commitment to construction of prototype reactors. The Committee on Nuclear and Alternative Energy Systems was divided on the issue of whether to recommend the construction of the Clinch River breeder reactor as part of this development program. . . . A majority of the committee considered the Clinch River Breeder undesirable or unnecessary for reasons that varied within the majority, including inappropriateness of its design as a developmental facility, its incompatibility with President Carter's antiproliferation policies, and its possible contribution toward committing the U.S. to commercialization of the LMFBR. A minority considered it necesssary, as a technological step that is well short of commitment to commercialization, but necessary if early commercialization turned out to be desirable."

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 1981:

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

Mr. President, based on the arguments that exist, I have no choice but to oppose the construction of this project. However, 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.

CLINCH RIVER: UNSAFE AND UNWISE

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, the breeder in 1971 promised 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 1973 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 with the 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 promise of Clinch River has faded, its cost has not.

In 1971, the Atomic Energy Commission and a consortium of utilities agreed to become 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.

One easily wonders how rapidly the overruns will accrue if construction begins in earnest. That question was recently answered by a General Accounting Office report which concluded that the Clinch River breeder reactor could cost $8.8 billion, more than twice the current administration estimate.

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 7.2 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. Only 12 pounds of plutonium are required to manufacture an atomic bomb of the size that destroyed Nagasaki.

Breeder technology promises to hasten all the concomitant problems associated with the development of a plutonium economy—of large quantities of plutonium being transported, processed, and stored.

As The New York Times has stated,

No effective international control of separated plutonium seems possible. The use of plutonium as reactor fuel would widely distribute the substance employed as a nuclear explosive—and which could be made into bombs in a few hours by governments or terrorists.

Furthermore, our development of a breeder reactor can only serve to encourage other nations to start their own breeder programs. Where we might provide adequate safeguards 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.

Far 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 Nuclear Regulation, I have been extremely concerned and involved with issues of nuclear safety. The arguments over CRBR 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 unresolved safety problems, breeders are potentially more dangerous. With a tightly-packed plutonium core and an accelerated rate of fission required for "breeding" more fuel, an accident at a breeder reactor might result in an atomic explosion. In addition, breeders are cooled not by water, instead by highly volatile sodium. Recently in France, the Phenix demonstration breeder reactor was forced to shut down due to sodium leakage, resulting fires, and fear of a hydrogen gas explosion. Two earlier experimental breeders in the United States, the EBR-1 in Idaho and Fermi-1 near Detroit, experienced partial fuel meltdowns and have since been shut down.

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 $8.8 billion project represents a misuse of the taxpayers' dollars. Our necessary national commitments are many; each presses its own security, environmental, human, economic or social needs. But Clinch River continues to receive a substantial share of Federal energy funds. Continued Federal support for this project only prohibits our turning more of our 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 present today supported the Clinch River project when it was first funded 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 before 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 or "breed" more fuel than it used.

For better or for worse, time 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 disgust that 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 testiments to how any enterprise ought not to be run, let us analyze the initial grounds 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 7-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; Second, accordingly, 60 U.S. nuclear plant proposals have been cancelled since 1975 and DOE expects no more than 165 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 unions, environmentalists, religious bodies, business-oriented and 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 has 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 unemployment programs, $600 million 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 all of 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 a very 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 BUMPER's amendment and against continued funding for the Clinch River breeder reactor.

Mr. DECONCINI. Mr. President, this is the time to make a tough but realistic decision regarding the Clinch River breeder reactor project in Tennessee.

I originally supported the committee's funding of the Clinch River breeder reactor in earlier years. The promise of an electric power plant designed to produce more nuclear fuel than it consumes, leading to unlimited

future energy supplies is a worthy one. That promise justified in my mind the investment of public moneys for a research and development project.

However, we must base our decisions on available information and continuous reassessment of the costs, risks, and potential benefits. With the limited funds we have to work with, we have to decide what is practical and what is not.

I recommended to the committee last year that it eliminate the requested $228 million budgeted for the Clinch River project and designate less than half of that sum, approximately $111 million to solar and renewable resources programs. Unfortunately that did not happen. The transfer of Clinch River funds to solar programs is still a good idea, and I hope we will consider that possibility in our fiscal year 1983 bill.

Mr. President, as my colleagues consider the arguments made both in favor and in opposition to continuing 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 $669 million. This year we hear $5.3 billion, and the ground has still not been broken.

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, but $237 million in 1983. Hundreds of millions of dollars in 1984, hundreds of millions of dollars in 1985, hundreds of millions of dollars in 1986, and so on, and so forth. We all know further increases in these estimates 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-Humphrey amendment to terminate all Federal funding for the Clinch River breeder reactor. This multibillion-dollar expenditure of taxpayers' dollars is one the Nation can ill afford at this time. In the face of staggering budget deficits when we are told by the administration that we cannot afford 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 a nuclear 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 justifing 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 electricity, yet it will be the one given the overwhelming competitive advantage by virtue of having been selected as the governments choice. The result of this premature commercialization will be billions of dollars in irretrievable loss to the economy.

Now, OMB Director Stockman, speaking for the administration, states:

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

Very little has changed in the facility's design during the 5 years between these statements except that the price of the facility has risen and the price of uranium 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 Senators to exercise 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 meddle 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 shortage of nuclear 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 now be on the downswing. 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 this editorial cogently outlines arguments against continuing funding for the Clinch River breeder reactor.

The article follows:

[From the Hartford (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 considerd 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 plant that should 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.

Congress, which this summer must decide whether to appropriate about $253 million for the project in fiscal 1983, should not be so hasty to support the breeder.

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 refashion for use in nuclear weapons.

Congress still has the opportunity to nip potential nuclear problems in the bud, while snipping some conspicuous fat 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 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 absolute necessity to develop energy resources in as many diverse ways as practicable. We have already learned a bitter lesson on reliance on OPEC oil. While I recognize the weight of the arguments on the other side, I am persuaded that this project represents the state-of-the-art on 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 case against the CRBR gets stronger with time. Each time the Congress debates this matter, each time the media goes over the facts, the political support for this project weakens. The facts are simple:

The rationale for Clinch River has completely vanished. The annual growth in demand for electricity has dropped from 7 to 1 percent per year. New orders for nuclear reactors have ceased and many reactors under construction have been canceled.

The supply of uranium has increased and the price of uranium has dropped. There is also increasing evidence that light water reactors can be made more efficient in their use of uranium, stretching uranium resources even further. Because of these developments, the breeder will not be needed for 40 to 50 years, and probably will not be economical even longer than that.

The costs of CRBR have risen out-of-sight and are way beyond any projected benefits claimed by proponents. Initially conceived as a $400 million project with private sector cost sharing, the cost has risen to an astounding $8.8 billion, according to the latest GAO report. Even this does not include the cost for facilities that will be needed for reprocessing wastes and does not anticipate future delays and cost overruns. Meanwhile, industry's commitment to share the costs has been frozen at $257 million. This makes it very clear that the private sector sees little value in the project. While this administration is leaving so many other technologies, like solar, conservation, and fossil fuels to the private sector, it is inconsistent to continue enormous Federal support for Clinch River.

Clinch River raises other concerns more serious than merely the cost to the Federal Government. Clinch River will generate large amounts of plutonium which can be used in nuclear weapons. The commitment to a pultonium economy represented by Clinch River would lead us to a global situation where it will be nearly impossible to slow the proliferation of nuclear weapons.

In addition, the Clinch River design utilizing a "loop" type of reactor vessel is out of date. Foreign experience, often held up by proponents as a reason for us to push ahead if we want to be competitive, have experienced huge cost overruns, extensive delays, and technical difficulties. The fast breeder would appear the SST of the 1980's.

Even many of those who are enthusiastic about nuclear power and breeders have withdrawn their support of Clinch River. They see safety and reliability improvements to the light water reactor and continued research on alternate breeder cycles to be far more advantageous.

To summarize the case against Clinch River, we do not need it, it is not economical, we cannot afford it, and it presents serious proliferation risks. I believe that Clinch River will never be completed. Eventually, the President and Congress will recognize it as a technological turkey. The question before us today is whether we waste any more money on it before we call it quits on a $8.8 billion boondoggle.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. McCLURE. How much time remains?

The PRESIDING OFFICER. Three minutes twenty seconds.

Mr. McCLURE. I yield to the Senator from Tennessee.

Mr. SASSER. I thank the Senator for yielding.

Mr. McCLURE. Will the Senator from Oregon yield time?

Mr. HATFIELD. I yield 1 minute to the Senator.

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 am opposed to this amendment to the continuing resolution, and I strongly 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 only 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 unfair attempt to single out and eliminate current investment in the Clinch River breeder reactor project.

The estimated costs of completing the Clinch River breeder reactor project is $3.2 billion. Nearly $1.3 billion has already been invested in this project. Abandoning our efforts on the Clinch River project now would, in effect, waste the tremendous amount of human resources and funds that have been invested in the project.

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 over 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 industry 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, opponents of the Clinch River breeder reactor unfairly cite bloated and deceptive cost estimates in seeking to eliminate its continued funding.

Mr. President, many of the criticisms and misperceptions surrounding the continued funding of the Clinch River breeder reactor can be attributed to findings and estimates which

were recently published in the General Accounting Office report on the Clinch River project. The GAO report included an analysis of such cost factors as imputed interest, offsets, contingencies, and plutonium costs. These factors represent cost estimates not normally included in Federal projects. The inclusion of the inputed interest estimate alone attributes an excess of $3 billion being added to the total cost of the Clinch River project.

But the $5 billion cost overrun cited in the GAO report is wholly inconsistent with its statement which "found no reason to question the accuracy of many of the costs included in the Clinch River breeder reactor project's total cost estimate." The effect of the addition of these other extraneous factors in the GAO report grossly distorts the more accurate cost estimate of $3.2 billion for completion of the Clinch River breeder reactor project.

Mr. President, the Clinch River breeder reactor project is not a commercial project. It is a demonstration research and development project. Given the opportunity, the completion of the Clinch River breeder reactor could demonstrate for once and for all the technical performance, realiability, and economic feasibility of a liquid metal fast breeder reactor for meeting future energy demand. It would also help confirm the value of conserving our important renewable natural reserves of coal and uranium.

We must not now abandon our decade-long effort to gain energy independence. Unless we take positive steps now to assure our Nation's energy future, foreign oil and ever-depleting natural resources will cast a long and gloomy shadow over our Nation's future energy policies.

To abandon the Clinch River breeder reactor project now would be crippling blow to the U.S. breeder program. It would destroy the value of our present technological investment. It would demoralize and reduce the technical manpower teams presently pursuing breeder development. It would signal to the world that the United States no longer is committed to maintaining its role as a serious contributor to technical advancement in the nuclear field.

Mr. President, we do not have the energy resources by which we can remain infinitely independent.

We do have the technology by which we can now move toward energy independence.

It has been the sense of the last several Congresses to support the continued funding of the Clinch River breeder reactor project. We should not turn off funds on this project at this point.

I am opposed to this amendment to the continuing resolution, and I strongly urge my colleagues to join me and continue funding for this vital technology.

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 ought to be 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. MATSUNAGA) are necessarily 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. ABDNOR). Are there any other Senators in the Chamber wishing to vote?

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

[Rollcall Vote No. 365 Leg.]

YEAS—48

Armstrong	Biden	Bradley
Bentsen	Boschwitz	Bumpers
Byrd, Harry F., Jr.	Hart	Nunn
Byrd, Robert C.	Hatfield	Pell
Chafee	Hawkins	Percy
Chiles	Hollings	Proxmire
Cohen	Humphrey	Pryor
Cranston	Jepsen	Quayle
DeConcini	Kassebaum	Randolph
Dixon	Leahy	Riegle
Dodd	Levin	Roth
Durenberger	Lugar	Rudman
Eagleton	Melcher	Sarbanes
Exon	Metzenbaum	Stafford
Glenn	Mitchell	Tsongas
Goldwater	Moynihan	
	Nickles	

NAYS—49

Abdnor	Grassley	Packwood
Andrews	Hatch	Pressler
Baker	Hayakawa	Sasser
Boren	Heflin	Schmitt
Brady	Heinz	Simpson
Burdick	Helms	Specter
Cannon	Huddleston	Stennis
Cochran	Inouye	Stevens
D'Amato	Jackson	Symms
Danforth	Johnston	Thurmond
Denton	Kasten	Tower
Dole	Laxalt	Wallop
Domenici	Long	Warner
East	Mathias	Weicker
Ford	Mattingly	Zorinsky
Garn	McClure	
Gorton	Murkowski	

NOT VOTING—3

Baucus	Kennedy	Matsunaga

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 Senator 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 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 or equal to 6.7 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" 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.

"(2) For purposes of making such determinations described in paragraph (1), the rate of insured unemployement 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.

"(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 national seasonally adjusted total rate of unemployment is less than 8.7 percent for at least one month occuring after September 1982".

"(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 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 determined that State legislation is required in order to amend its State unemployment compensation law so as to include any requirements imposed by this section with respect to extended compensation, such State's unemployment compensation law shall not be determined 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 began prior to the date of the enactment of this Act and remained in session for at least twenty-five calendar days after such date of enactment. For purposes of the preceding sentence, 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. METZENBAUM. Mr. President, my perfecting amendment is cosponsored by Senator ROBERT C. BYRD, Senator EAGLETON, Senator PRYOR, Senator LEAHY, Senator FORD, Senator INOUYE, Senator TSONGAS, Senator SASSER, Senator DIXON, Senator HUDDLESTON, Senator JOHNSTON, Senator HOLLINGS, Senator BURDICK, Senator BRADLEY, Senator BAUCUS, Senator LEVIN, Senator RANDOLPH, Senator DECONCINI, Senator MATSUNAGA, Senator KENNEDY, Senator BUMPERS, Senator SARBANES, Senator CANNON, Senator HEFLIN, Senator PROXMIRE, Senator EXON, Senator HART, Senator JACKSON, Senator PELL, and Senator RIEGLE.

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

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

The yeas and nays were ordered.

Mr. DOLE. Mr. President, may we have order?

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 send to the desk a substitute 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 when everybody who wishes 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 with high unemployment problems 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 intends. 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 the very time we 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 they 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 most 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 rollcall 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 States in Michigan and in Ohio. That was a $2-billion program 6 weeks, 8 weeks, and 10 weeks, without any State costs; total Federal costs. It was worked out in the conference with members of organized labor, with the House conferees and the Senate conferees. 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 want to 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 estimates 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 State trust funds would be adversely affected.

We did take, as I have indicated, steps in the tax bill through increases in the tax rate and wage base to make the State and Federal programs solvent.

So it just seems to me that this amendment would simply undo those efforts and plunge many State programs back into a barring status. We have also made special efforts to alleviate the problem in the State of Michigan and we believe that we have accommodated some of the concerns as far as interest rates and some of the other concerns that the Governor and the legislative leaders in that State called to our attention.

So I just suggest, Mr. President, without belaboring the point that we did make an effort to help the unemployed. There is a program that every State will benefit from, every unemployed worker will benefit from. It is a Federal supplemental program. It will be 6 weeks, 8 weeks, or 10 weeks in the States depending on the circumstances. It is a $1.9 to $2 billion program. And in my view that was a very good provision. It was part of the tax bill and perhaps for other reasons Members could not support that provision.

But I just suggest that this comes a little late and I would hope that either we table the amendment or defeat it on an up or down vote. I have not yet determined on what the Senator from Ohio wishes on that score.

Mr. METZENBAUM. I hope we have an up and down vote. I am patiently waiting for everyone to come and have a chance. I tried to keep the remarks limited.

It is correct. Senator LEVIN is on the way over for brief remarks. But I would like to just respond.

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 of 1982. That bill contained a provision that establishes a supplemental unemployment benefits program to provide additional weeks of benefits for the unemployed who cannot find work. Under that measure, 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 a part of this year'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 change takes 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 majority of 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 tragically high national 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 109,000 people are unemployed and the unemployment rate is 13.7 percent. Mining and steel have record unemployment. Other 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-

ment will postpone the two changes in the determination of State eligibility for the extended benefits program until the national unemployment rate falls below 8.7 percent. The administration projects that this will occur before the end of the first calendar quarter of 1983. As a result, those States with continuing high unemployment will retain eligibility for participation in extended benefits.

In addition, the amendment will set expiration of the supplemental benefits program adopted as a part of the tax bill at the same time: When national unemployment drops to or below 8.7 percent.

As a result, supplemental benefits will remain available in all States for so long as record unemployment persists.

Mr. President, I do not believe this Congress can leave to go home at a time when more Americans are out of work than at any time since 1941 without assuring those Americans and their families that at least we will not cut off those benefits which have been available to them in the past. And I remind the Senate that we are not establishing any new unemployment benefit with this amendment, but only assuring that those that already are established will not be denied to the unemployed.

I have an abiding belief that the American people are caring, compassionate people—and that they want to help, and want their elected representatives in the Congress to help, those who have been buffetted by recessionary forces wholly beyond their control.

This amendment will do just that. I urge each Senator to support it.

Mr. METZENBAUM. I appreciate the support of the minority leader.

I wish to clarify a point with my good friend from Kansas and in doing so I wish to make it clear that I think he approached this problem with good faith and good intentions, but unfortunately, the problem has not been resolved. As a matter of fact, we attempted to remedy this problem several times but we have only been partly successful.

In July, during consideration of the tax bill, I introduced an amendment to prevent a new tax on employers from going into effect until Congress adopted a supplemental benefits program. That amendment failed by only one vote, 49 to 48.

On August 5, I, along with Senators ROBERT C. BYRD, DIXON, and others, offered a sense-of-the-Senate resolution instructing the tax conferees to establish a supplemental benefits program.

Significantly, that resolution also instructed the conferees to make changes in current law to prevent States from triggering off the extended benefits program after June 1, 1982.

The problem arises as follows:

The tax conferees 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 conferees 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 thery 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 consideration there was 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 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 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 conferees' 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 1983.

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 very 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 patiently 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 indicating 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 equally 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 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 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 are only going to 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, unless the amendment of the Senator from Ohio passes, either way we have been shorted. In other words, the unemployed workers in our States and the 29 States are coming out less well off, 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, it is my understanding that this amendment is very similar to this Senator's bill which has been referred to the Committee on Finance; very similar to Senator BYRD's bill on the same subject; is that correct?

Mr. METZENBAUM. Although the Senator from Ohio is not absolutely familiar with the details of the Senator from Pennsylvania's measure, it is my understanding the Senator from Pennsylvania's measure is either identical or seeks to solve the same prob-

lem, and certainly indicates the same concern for the unemployed.

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 not correct?

Mr. METZENBAUM. The Senator from Pennsylvania is correct. He has been an able helper, worker, coworker, cosponsor, 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 of 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 or my home State of Pennsylvania, are absolutely essential to tiding people over who, through no fault of their own, are unemployed, have no jobs.

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 problems we are talking about would be those of tens of thousands of previous hard-working Americans who, through no fault of their own, might wake up on Thanksgiving or on Christmas or on 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 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 could 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 offering it. I am glad he has persisted in it. 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 and 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 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 shorter period of time. It is for a period that will run out in March. Also, it is 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 rate goes below 8.7 percent, the illogical change which was made in last year's reconciliation bill with respect to the calculation of the insured unemployment rate, the IUR. The insured unemployment rate is the rate used in determining whether a State is eligible for the extended benefits program for weeks 27 through 39 of unemployment. As part of last year's reconciliation bill, the formula by which the IUR was determined was changed so that people who are receiving extended benefits are no longer included in the IUR.

Last year's changes should be at least suspended because it is illogical to have two individuals—one unemployed for 24 weeks and the other for 30 weeks—and to treat one as unemployed for the purpose of the IUR calculation and the other as if he or she were employed. Both are without jobs. Both should be included in the IUR. I have seen first hand the practical effect of this illogic because last year my State of Michigan was knocked off of extended benefits as a result of this new formula even though all during that time Michigan had the highest unemployment rate in the Nation.

Second, this amendment will suspend the change in the level at which a State triggers on to the extended benefits program, thereby keeping it at 5 percent. The change to 6 percent was also part of last year's reconciliation bill, but did not take effect until this week. Michigan has the highest unemployment rate in the Nation—now over 15 percent—but has fallen below the 6-percent IUR trigger in the first half of September and is on the verge of losing its eligibility for extended unemployment benefits. Although having the IUR calculation revert back to the way it was prior to last year's reconciliation bill would be sufficient for Michigan to qualify for extended benefits in October, other States, which are currently experiencing high levels of unemployment, would require keeping the IUR trigger at 5 percent as well in order to qualify for extended benefits.

Third, Mr. President, this amendment would link the duration of the recently passed Federal supplemental benefits program to a specified rate of 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 time to end the Federal supplemental benefits program because it was not only after the election, but far enough after to avoid the most obvious appearences 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 8.7 percent. 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 cosponsor the amendment of the Senator from Ohio.

ORDER CHANGING TERMINATION DATE TO DECEMBER 22, 1982

Mr. HATFIELD. Mr. President, in the printed copy of the continuing resolution as reported from the committee, the printed copy does not accurately reflect the House floor action.

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 by the Senator from Ohio and others until later in the day, perhaps around 1:30.

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

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

Mr. METZENBAUM. Could we make it at 1:30 p.m. or such time as the matter then pending on the floor has been dispensed with?

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 consideration.

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 report.

The legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE) proposes an unprinted amendment numbered 1311.

At an appropriate place in the Joint Resolution insert:

"SEC. . Notwithstanding any other provision of this joint resolution, there is appropriated $200,000, to remain available until expended, for necessary expenses to carry out Section 301 of the Native Hawaiians Study Commission Act, Public Law 96-565."

Mr. McCLURE. Mr. President, this amendment provides funds in the amount of $200,000 for the final year of operation of the Native Hawaiians Study Commission. As the Congress last fall was still several weeks away from resolving its 1982 appropriation matters, the Commission's fiscal year 1982 expenses were covered out of the "Unanticipated Needs of the President Fund." However, the White House has informed the committee that they will not be able to make funds available again this year for this congressionally mandated study. Moreover, because of the unique way this was funded last year, there is a question as to whether funds would in fact be available in the continuing resolution as presently drafted.

Mr. President, it is my intention to include funding for the Study Commission when we pass the fiscal year 1983 Interior Appropriation Act. My amendment today will merely allow the Commission to continue its work uninterrupted until the regular bill is passed. I emphasize that this is the second and final year of the Commission, and that the Commission will be submitting its final report to the Congress later this year.

It is my understanding this amendment has been cleared on both sides of the aisle and I urge its adoption.

Mr. MATSUNAGA. Mr. President, I rise in support of the amendment offered by the distinguished 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 Commission 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 contingent fund, which was to be reimbursed when the regular appropriations bill passed. However, the Commissioners were 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, it is expected 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 the McClure amendment would enable this process to continue, as authorized by the Congress. I commend the Senator from Idaho for exercising his responsibility as chairman of the Committee on Energy and Natural Resources by offering his amendment, and I urge that it be adopted.

Mr. INOUYE. Mr. President, I join my distinguished colleague from Idaho in supporting this measure. I hope that my colleagues will support it.

Mr. HATFIELD. Mr. President, this is one of those exceptions to the general policy the managers are attempting to follow in resisting each and all amendments to this continuing resolution. That is, this does comply with the exception because of the date of termination of this commission that the Senator from Idaho seeks to extend. Therefore, on behalf of the managers of the bill, I accept the amendment and ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (UP No. 1311) was agreed to.

TRANSFER OF LARAMIE ENERGY TECHNOLOGY CENTER TO THE UNIVERSITY OF WYOMING

Mr. WALLOP. Mr. President, Senator SIMPSON and myself intended to offer an amendment to the pending continuing resolution to provide the basis for a transfer 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.

COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C., September 21, 1982.

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 (LETC), 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 Point property, to the University of Wyoming upon 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 reasonable period after the cooperative agreement is signed.

The University is in the midst of negotiations with the Department of 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 the 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 cooperative agreement with the University or such nonprofit corporation, shall transfer in fee simple to the University or such nonprofit corporation all of the Government's right, title, and interest in and to the land, buildings, improvements, fixtures, equipment, and furnishings in the Secretary's custody of the Laramie Energy Technology Center at Laramie, Wyoming (including leasehold interests, buildings, improvements, fixtures, equipment, and furnishings in the Secretary's custody on land not owned by the Government but which is a part of the Center, where the Secretary determines that such transfer is integral to the future activities of the University). Pending transfer of the Center, the Secretary shall use funds appropriated by this and subsequent Acts for fossil energy research and development activities to maintain the Center at 1982 staffing and project levels.

Mr. WALLOP. The Laramie Energy Technology Center is one of several energy technology centers caught in the budget cuts of the Department of Energy. The administration, however, has made it clear that the center's value is not at question and has been very supportive of transferring both ownership and operation of the center to the University of Wyoming. My amendment would grant the necessary authority and moneys to do just that.

However, in light of the committee's support and assurance that the amendment will be included in either the Interior Appropriations Act for 1983, or a further continuing resolution, if one, heaven forbid, is necessary, the Wyoming delegation will not press to amend the pending resolution at this time.

On behalf of the Wyoming delegation, I wish to thank Senator MCCLURE and the Appropriations Committee for their cooperation and support on this matter. The Laramie Energy Technology Center will be a great addition to the University of Wyoming, to the State and the Nation as well.

Mr. MCCLURE. Mr. President, I thank the distinguished Senator from Wyoming and concur that I support transferring LETC to the university and intend to include this amendment in either the 1983 Interior Appropriations Act or a further continuing resolution for fiscal year 1983. Pending the transfer, the Appropriations' Subcommittee on Interior and Related Agencies will maintain the center at 1982 levels and will further provide for some assistance during a reasonable transition period after the transfer is consummated. I might mention that the same is true for the transfer of the Grand Forks and Bartlesville Energy Technology Centers from the control of the Department of Energy to other public or private entities.

UP AMENDMENT NO. 1312

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:

The Senator from Pennsylvania (Mr. HEINZ) for himself and Mr. ROBERT C. BYRD, proposes an unprinted amendment numbered 1312.

Mr. HEINZ. 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, add the following new section:

"SEC. —. Title IV of the Tariff Act of 1930 (19 U.S.C. 1401 *et seq*) is amended by adding after section 625 the following new section:

"SEC. 626. (a) In order to monitor and enforce export measures required by a foreign government or customs union, pursuant to an international arrangement with the United States, the Secretary of the Treasury may, 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 for 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 export 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, reserving 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 withhold, 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 monitor imports 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 has no 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:

THE SECRETARY OF COMMERCE,
Washington, D.C., September 29, 1982.

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 under limited circumstances permit the Secretary of the Treasury to require the presentation of a valid export license issued by a foreign government as a condition of entry into the United States of certain steel mill products (copy attached). I support this amendment.

This amendment would facilitate the implementation and enforcement of an arrangement on steel with the European Community in settlement of the pending antidumping and countervailing duty cases. The proposed provision, narrow as it is in prod-

uct coverage, duration and prerequisities for application, make it consistent with this Administration's policy and approach to our efforts to resolve the steel trade issue.

Sincerely,

MALCOLM BALDRIGE,
Secretary of Commerce.

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 cosponsorer 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, reeling 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 Europeans 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 steel industry and the many American families who depend on its health for their economic well-being.

In my own State of West Virginia, we know all 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 a 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.

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

Without objection, the amendment is agreed to.

The amendment (UP 1312) was agreed to.

Mr. HEINZ. I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I thank all Members for their cooperation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I was called away from the floor briefly, and I have not had an opportunity to inquire of Members as to the further course of this measure. May I inquire of the distinguished manager of the bill, the chairman of the Committee on Appropriations (Mr. HATFIELD), what he sees in prospect and what his ideas or suggestions may be as to how we should proceed?

Mr. HATFIELD. Mr. President, I am happy to respond by indicating that we have spent 40 minutes this morning, first of all, in quorum calls, waiting for Senators to come to the floor. We have wasted that much time because Senators have been very reluctant to call up amendments or have not found it important enough to be here to do so. As a consequence, we have about 17 amendments that we know of on our side that Senators have indicated some interest in handling.

We have set aside temporarily four committee amendments that will have to be acted on, that we excepted when we adopted the committee amendments en bloc. We have set aside temporarily an amendment by the Senator from Ohio that we shall take up at 1:30 or 2, when other Members return to vote on it. Consequently, we are waiting, as we have been in this quorum call for about 8 minutes, for some Senator to appear on the floor.

The majority leader, I understand, has put out on the hotline that if we have an inordinate delay, we shall move to complete the bill. I hope that Senators who do have amendments will understand that we cannot waste this time if they are serious about proposing their amendments.

Mr. BAKER. Mr. President, I thank the Senator. I have spoken frequently with the minority leader on how on Earth we are going to get this bill moved. I ask now with some hesitation, but I must ask, if the minority leader can give some idea about any amendments he sees on his side and how many, indeed, may be offered.

Mr. ROBERT C. BYRD. Mr. President, in response to the majority leader's question, I have been, throughout the morning, attempting to get some reading on my side of the remaining amendments. Some Senators have indicated that they are willing not to call up their amendments. Mr. DECONCINI has indicated that he has three amendments which he will not call up if a certain amendment is not called up on the other side of the aisle. I hope that Senators will come to the floor and call up their amendments so we can dispose of this measure by 4 p.m. or earlier.

Mr. BAKER. Mr. President, I thank the minority leader.

I have no desire whatever to be precipitate. I certainly have no desire to cut off any Senator from offering any amendment—I am not sure I can do that—or to take any step that would work to preclude the Senate's consideration of this measure. But I repeat that it is absolutely urgent that we finish this measure, do it today, and do it this afternoon.

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 on this measure 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 offer their amendments if they are 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. TOWER) 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. ABDNOR) appointed Mr. THURMOND, Mr. HATCH, Mr. SPECTER, Mrs. HAWKINS, Mr. BIDEN, Mr. DECONCINI, and Mr. HEFLIN conferees 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 read as follows:

The Senator 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 $685,000 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 has 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 and the Department of Commerce will manage to completion the Columbia River Estuary study.

The staff of 65 has been reduced down to 7, 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 repacement for the WRC. The Cabinet Council has elevated Federal decisionmaking 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, at 1982 levels. 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 ABDNOR, 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 this 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 possiblities.

I do not differ with the Senator's objective, but out of the general policy that we have set up, I am trying to resist as many amendments as possible to this continuing resolution because we will, very frankly, make very little effort in 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 keeping this Government going. I am being very honest. This may not be in the tradition, and I know that we are under some obligation to represent the body of the Senate when we go to conference. But, on the other hand, we are to represent the needs of the people of this Nation that transcend any institution of Government, and to keep this Government going. That is the only point I am making.

I do want to say very clearly that there will be a lot of slippage, maybe even before we get to the Rotunda when we go over to the conference with the House, on those amendments that are irrelevant to this continuing resolution and that can be handled on the bill during the lame-duck session.

With that in mind, I ask unanimous consent to temporarily lay aside the amendment of the Senator from Colorado in order that we may be able to move ahead with some other amendments that are pending.

Mr. ARMSTRONG. Mr. President, I have no objection to that if I may reserve my right to object momentarily just to make an observation.

First, I am sure the Senator was not suggesting that this amendment constitutes legislation on an appropriations bill. It is a classic limitation on spending and is from a procedural standpoint and spirit completely consistent with the purpose of the continuing legislation.

Mr. HATFIELD. I say to the Senator that this is the first time I have had an opportunity to express this thought that I have had welling up about Senators offering amendments that really are not at all necessary to offer.

Mr. ARMSTRONG. I understand.

Mr. HATFIELD. I am not suggesting that the Senator's amendment is not necessary at all. I am just saying that as chairman of this committee I am trying to get the continuing resolution through to keep the activities of Government running. I am just resisting generally the offering of amendments, and I do know that there are some exceptions to this; we have noted those exceptions, and we will continue to note them on a case-by-case basis.

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 says 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 proportionate to the task before us. 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 then, 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 the amendment.

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 resources 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 parceled 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, I urge that the Senate maintain the modest level of funding for the WRC, funding that will provide the Congress with the time it needs to work its will on the issue of coordinating more effectively our Federal water resources development 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 addressed 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. COHEN) 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-

ing after item 522.51 the following new item:

"522.53 Steam ..... Free ..... Free".

(b) The amendment made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date which is fifteen days after the date of enactment of this Act.

Mr. COHEN. Mr. President, I rise today to offer an amendment to House Joint Resolution 599, the continuing appropriations for fiscal year 1983 resolution. My proposal would amend the Tariff Schedules of the United States to permit imported steam to enter the United States duty free.

The need for this amendment has risen from the experience that Fraser, Inc., a pulp and paper manufacturer in the far northern reaches of the State of Maine, has encountered in meeting the demands of the energy crisis.

A short time ago, this country was caught in the midst of a serious energy crisis which imposed enormous costs on the American people—in higher inflation, reduced economic growth, and higher unemployment. We have learned a great deal since the oil embargo of 1973, and the United States is now some 15 percent more energy efficient than it was 10 years ago.

Each industry has responded to spiralling energy costs differently. Some have met the energy crisis most aggressively, by employing energy conservation tactics and tapping alternative sources to reduce costs. Others, however, have been reluctant to invest in energy conservation improvements and alternative energy sources, in part because of economic uncertainty associated with this past year's economic difficulties.

Fraser, Inc., has met the energy crisis head on and with great success. The firm operates a paper-producing plant in Madawaska, Maine, and a pulp-producing plant right across the St. John River in Edmunston, New Brunswick. Producing pulp and paper, as you know, requires enormous amounts of energy.

The increasing price of industrial fuel oil and the continued dependence on this energy source from a volatile part of the world has prompted Fraser to undertake a major oil reduction program. It has done so in an effort to cut production costs and increase the company's competitiveness in North American paper markets.

Fraser's ambitious and innovative oil reduction program has continued to bring real savings to the company as energy prices have continued to rise. As a result, last year Fraser generated approximately 25 percent of its total energy requirements through renewable resources, resulting in savings to the company of $13.8 million.

In the same year, Fraser reported using 32 percent less energy per unit of production than in 1972. This is one of the highest savings rates for the industry.

In addition, Fraser has undertaken a 2-year, $53 million program to reduce oil consumption by 400,000 barrels of oil annually. The residual steam from the pulp process in Edmundston will be tapped to supply electricity for the paper drying process at the Madawaska plant.

This fall, Fraser, Inc., will complete construction of a pipeline across the St. John River to transport the steam from the Edmundston plant to the Madawaska plant. A parallel pipeline will return the condensate to Edmundston to be reused in the steammaking process.

With steam production at capacity, Fraser expects to raise the Edmundston-Madawaska complex's self-sufficiency in thermal energy to 80 percent, up from the current 27 percent. This will result in a direct saving of approximately 400,000 barrels of industrial fuel oil annually.

Before proceeding with this project, Fraser received approval and construction permits from nine Canadian Federal and Provincial agencies and seven U.S. Federal and State agencies. Although this project is ahead of schedule and fuel savings are expected to be realized this fall, a recent development has cast doubt on the projected economic benefits for the company.

The U.S. Customs Service has notified Fraser that a duty of as much as $1 million per year could be levied on the steam. Although steam is not specifically provided for in the Tariff Schedules of the United States, Customs has held that steam is classified under the Tariff Schedules as a mineral substance. The item number is 523.91, which has a duty rate of 6.5 percent ad valorem. A Federal duty of up to $1 million levied on the steam essentially removes the economic incentive for Fraser to proceed with its alternative energy scheme. At the same time, it sends an improper message to the industrial sector. The Federal Government should encourage, rather than discourage, private investment in alternative energy development.

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 Department of Commerce and the Office of the U.S. Trade Representative have agreed that imported steam should not be subject to a duty and support my amendment.

Companion legislation has been introduced in the House of Representatives by my colleague from Maine, Congresswoman OLYMPIA SNOWE. Her bill is now being considering by the House Ways and Means Committee. The U.S. Trade Representative has sent a letter to the House Ways and Means Committee expressing his support of this legislation. Senator DOLE had agreed to accept this measure as an amendment to the debt ceiling bill but, as you know, that measure was stripped of all amendments.

The economy of Aroostock County, the largest county east of the Mississippi River, is wholly dependent on two base industries, potato farming and processing and forest products. In recent years, these two industries have suffered greatly from national economic conditions and increased foreign competition.

The unemployment rate in the county, as it is known by Maine residents, exceeds 15 percent. Yet, Fraser has continued to be a reliable employer and important contributor to the State's economy. In the Madawaska plant alone, 1,000 Maine residents are employed.

The substantial savings Fraser would realize by this amendment will encourage the company to make future investments on the U.S. side of the border. This savings will benefit the U.S. economy, as well; rather than sending U.S. money to Venezuela or the Middle East to pay for oil supplies, it can be used at home.

I see no purpose in depriving one of our Nation's pulp and paper producers of the savings it rightly deserves by levying a duty on an item that will cause no harm to another American firm, nor do I believe that we should penalize American firms for undertaking alternative energy investments.

Mr. HATFIELD. Mr. President, I understand the problem the Senator from Maine presents to us. It has a time factor involved, and on the basis that he has presented the amendment we will accept it.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

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 send an unprinted 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 North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 1315.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I hope Senators will listen 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 I am about to make 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. BAKER. Madam President, let me renew my request now. Am I correct that the Helms amendment is the pending question?

The PRESIDING OFFICER. That is correct.

UNANIMOUS-CONSENT AGREEMENT ON HELMS AMENDMENT

Mr. BAKER. I ask unanimous consent, Madam President, that on the Helms amendment there be a time limitation of 30 minutes to be equally divided with control of the time in the usual form.

I further ask unanimous consent, Madam President, that at the expiration or yielding back of the time allocated to the proponents of the amendment that the Senator from Oregon (Mr. HATFIELD) be recognized for the purpose of making a tabling motion.

I further ask unanimous consent, Madam President, that the vote, if any, that is ordered on the tabling motion and/or on the amendment be postponed and occur at 2 p.m. this afternoon.

I further ask unanimous consent, Madam President, that no other amendment dealing with this subject matter will be in order on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Madam President, reserving the right to object, I understand, too, that no amendment in the second degree would be offered.

Mr. BAKER. I do not believe we have discussed that. I add that to my request, Madam President.

Mr. ROBERT C. BYRD. Further reserving the right to object, Madam President——

Mr. METZENBAUM. Madam President, reserving the right to object—and I do not intend to object—may we have an understanding that the Metzenbaum amendment will be brought to a vote immediately prior to the Helms amendment?

Mr. HATFIELD. No, that is not part of the agreement.

Mr. BAKER. I am afraid I cannot do that. It is my understanding that shortly after this we will get a vote on Metzenbaum, perhaps before, and I assure the Senate I will try to expedite that if I can.

Mr. METZENBAUM. I want to indicate to the majority leader that he is always very fair in these matters, but some Members, I understand, will leave at about 3 p.m., and I would very much like to give them an opportunity to vote on my amendment.

Mr. BAKER. I would like to have final passage before 3 p.m.

I now put the request.

Mr. ROBERT C. BYRD. Madam President, will the majority leader indulge me by putting the request again.

Mr. BAKER. Madam President, I ask unanimous consent that on the pending Helms amendment there be a time limitation of 30 minutes to be equally divided, and control of the time be in the usual form which, I interpret to mean, that control for the amendment will be under the auspices of the Senator from North Carolina; the time in opposition controlled by the minority leader or his designee.

Madam President, I further ask unanimous consent that after the expiration of the time on the amendment for the proponents 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

without this order, but to make it clear that that is provided for.

I further ask unanimous consent that no second-degree amendment to this amendment will be in order.

I further ask unanimous consent that no other amendment on this subject matter will be offered to this bill.

Finally, that the vote on or in relation to this measure occur at 2 p.m. this afternoon.

Mr. ROBERT C. BYRD. Madam President, reserving the right to object, do we have the understanding that if the amendment is not tabled, which I hope it will be tabled, that that is the end of the agreement then, and that then second-degree amendments would be in order if it is not tabled?

What I am saying is that no second-degree amendment would be in order prior to the tabling motion.

Mr. BAKER. All right. Does the Senator from North Carolina have any objection to that?

Mr. HELMS. Madam President, I have a problem with a one-way street on that. I want to be as cooperative with the leadership as I possible can. So either we have a second-degree amendment or not.

Mr. ROBERT C. BYRD. Mr. President, I will not insist on that. I would simply say if this amendment is adopted this bill will not pass today, and I am as desirous as the majority leader in getting this matter disposed of as soon as possible.

Under the request that has been made by the distinguished majority leader, a tabling vote would be guaranteed at 2 p.m., am I correct?

Mr. BAKER. Yes.

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

The PRESIDING OFFICER. Hearing no objection to the unanimous-consent request of the majority leader, it is so ordered.

Mr. BAKER. Madam President, I thank the Senator from North Carolina for his characteristic and unfailing cooperation and I thank the minority leader for his efforts in arriving at this agreement. I am very hopeful it will expedite final passage.

I indicated earlier that at 12 o'clock I would make a unanimous-consent request for a 4 p.m. time for final passage. I will withhold that request for the time being, but I intend to make it shortly after the debate on the Helms amendment.

Mr. ROBERT C. BYRD. Madam President, do I understand that if the tabling motion fails a vote would not immediately occur on the Helms amendment up or down?

Mr. BAKER. I agree with the interpretation of the minority leader. If the tabling motion fails——

The PRESIDING OFFICER. Time will have expired and there would be no further time for debate.

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. Will the majority leader amend his request so that if the tabling motion fails then a vote up or down on the amendment would not immediately occur and that debate would be in order?

Mr. HELMS. Madam President, I have no dog in that fight. That would be 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 that additional 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 fail, 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 yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

Madam President, I will be as brief as possible. This amendment is as simple and as 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 still grants to organized labor 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 an illusion. 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 in silence on this issue. 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 and 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 to the union, 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.

Often, 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 dues dollars into 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 prepare and implement regulations 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 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 really stand.

This amendment, let me say in conclusion, will simply require the Federal Election Commission to establish constitutional protections such as those ordered just 2 days ago by the Federal court in New Jersey.

I thank the Chair and I reserve the remainder of my time.

Mr. HATFIELD. Madam President, according to my inquiries, there are no speakers on this side.

Are there other speakers, may I inquire, on the proponent's side?

Mr. HELMS. Madam President, I will say to my friend from Oregon I know of none.

Mr. HATFIELD. I wonder if the Senator will be willing to yield back his time.

Mr. GOLDWATER. I would like to ask a question of the Senator.

Mr. HELMS. I am delighted to entertain questions from the able Senator.

Mr. GOLDWATER. Madam President, this is not a new subject. I think I have introduced during my 30 years here about four different bills that would accomplish this. I need my memory refreshed.

It seems to me that a number of years ago, either through a court decision or a labor decision, a decision was reached that all political funds expended by a union would be voluntary. Am I right in that?

Mr. HELMS. The Senator will forgive me, but I wanted to check to be certain before responding. The Senator is correct. This applied to contributions by labor union PAC's to political candidates. By law, such contributions must be voluntary.

Mr. GOLDWATER. There was no decision made by either the courts or the labor unions that if a member of the union was a Democrat and his money went into a political fund, that money would not be used against the Democratic candidates?

Mr. HELMS. Again let me check to be certain to respond accurately to my friend.

I am unaware of such a decision. So far as I know there is no decision involving anything but PAC contributions to candidates.

Mr. GOLDWATER. I am rather confused on that. As I say, I tried to do this many, many times. It was always ruled unconstitutional after that decision was reached, by whoever reached it. I think it would be wise if the Senator and his staff had a clearer indication of just what did happen. I am sure there are some Members on this floor whose memories are better than mine, even though I served as vice chairman of the Labor Committee for 12 years. That still sticks in my craw, that they are prohibited from using money that goes into the dues funds for any political purposes.

Mr. HELMS. The Senator will bear in mind, I am sure, that all this amendment proposes is to require the

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 the amendment does. It affects only mandatory dues. It does not affect voluntary dues at all.

Mr. GOLDWATER. I thank the Senator.

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.

Mr. HATFIELD. 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. 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. METZENBAUM).

Mr. DANFORTH. Madam President, I ask unanimous consent that it may be in order to call up an amendment.

The PRESIDING OFFICER. Is there an objection? Hearing no objection, it is so ordered.

UP AMENDMENT NO. 1316

(Purpose: To express the sense of the Senate that the President of the United States should submit to Congress a clear and comprehensive report on the administration's policy for minimizing the risk of nuclear war)

Mr. DANFORTH. Madam President, I send an amendment to the desk and ask that it be immediately considered.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Missouri (Mr. DANFORTH) for himself, Mr. ANDREWS, Mr. BRADLEY, Mr. BUMPERS, Mr. CHAFEE, Mr. DIXON, Mr. DURENBERGER, Mr. GORTON, Mrs. KASSEBAUM, Mr. LEVIN, Mr. PROXMIRE, Mr. RANDOLPH, Mr. STAFFORD, Mr. LEAHY, Mr. SARBANES, Mr. PELL, Mr. HART, Mr. HATFIELD and Mr. CRANSTON, proposes an unprinted amendment numbered 1316.

At the end of the bill, add the following section: "Since the growing threat of nuclear annihilation poses the most important moral issue in human history;

"Since nearly half of President Reagan's term in office has expired, and considerable time has elapsed since the President proposed the prohibition of U.S. and Soviet theater nuclear forces in Europe and the 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 relaxation of export restrictions affecting nuclear fuel cycles and reprocessing technology;

"(2) The characterization of SALT I and II as 'fundamentally flawed' and the suggested development of ballistic missile defenses in violation of the ABM Treaty;

"(3) The proposal to renegotiate the Threshold Test Ban Teaty and the Peaceful Nuclear Explosion Treaty;

"(4) The indefinite suspension of negotiations on a comphrehensive 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; and

"(6) The reported intention of the Department of Defense to seek 'preclearance' for the use of tactical nuclear weapons; and

"Since the promulgation of 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 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, 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.

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—in a matter of hours—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. In April and May, 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 I and SALT II can play in contributing to the success of START. For the first 18 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 decisionmaking 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 with 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 endeavored 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 a 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 of the world. I come with 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 international use of force. Yet the tide of belligerence continues to rise. The charter's influence has weakened even in the 4 years since the first Special Session on Disarmament. We must not only condemn aggression, we must enforce the dictates of our charter and resume the struggle for peace.

The record of history is clear: citizens of the United States resort to force reluctantly and only when they must. Our foreign policy, as President Eisenhower once said, ". . . is not difficult to state. We are for peace, first, last and always, for very simple reasons. We know that it is only in a peaceful atmosphere, 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 industrial power in the world. Our military supremacy was unquestioned. We had harnessed the atom and had the ability to unleash its destructive force anywhere in the world. In short, we could have achieved world domination but that was contrary to the character of our people.

Instead, we wrote a new chapter in the history of mankind. We used our power and wealth to rebuild the war-ravaged economies of the world, both East and West, including those nations who had been our enemies. We took the initiative in creating such international institutions as this United Nations, where leaders of goodwill could come together to build bridges for peace and prosperity.

America has no territorial ambitions, we occupy no countries, and we have built no walls to lock our people in. Our commitment to self-determination, freedom, and peace is the very soul of America. That commitment is as strong today as it ever was.

The United States has fought four wars in my lifetime. In each we struggled to defend freedom and democracy. We were never the aggressors. America's strength and, yes, her military power have been a force for peace, not conquest; for democracy, not despotism; for freedom, not tyranny.

Watching, as I have, succeeding generations of American youth bleed their lives into far-flung battlefields to protect our ideals and secure the rule of law, I have known how important it is to deter conflict. But since coming to the Presidency, the enormity of the responsibility of this office has made my commitment even deeper. I believe that responsibility is shared by all of us here today.

On our recent trip to Europe, my wife Nancy told me of a bronze statue, 22 feet high, that she saw on a cliff on the coast of France. The beach at the base of that cliff is called Saint Laurent, but countless American families have it written in the flyleaf of their Bibles and know it as Omaha Beach. The pastoral quiet of that French countryside is in marked contrast to the bloody violence that took place there on a June day 38 years ago when the allies stormed the Continent. At the end of just 1 day of battle, 10,500 Americans were wounded, missing, or killed in what became known as the Normandy landing.

The statue atop that cliff is called "The Spirit of American Youth Rising From the Waves." Its image of sacrifice is almost too powerful to describe. The pain of war is still vivid in our national memory. It sends me to this special session of the United Nations eager to comply with the plea of Pope Paul VI when he spoke in this chamber nearly 17 years ago. "If you want to be brothers," His Holiness said, "let the arms fall from your hands."

We Americans yearn to let them go. But we need more than mere words, more than empty promises, before we can proceed. We look around the world and see rampant conflict and aggression. There are many sources of this conflict—expansionist ambitions, local rivalries, the striving to obtain justice and security. We must all work to resolve such discords by peaceful means and to prevent them from escalation.

THE SOVIET RECORD

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 record of tyranny has included 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 repression of the proud people of Poland. 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 unnerving the world with violence. Communist atrocities in Southeast Asia, Afghanistan, and elsewhere continue to shock 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 Soviet Union is trying to manipulate the peace movement in the West, it is stifling a budding peace movement at home. In Moscow, banners are scuttled, 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 an effort to renew our strength that had fallen dangerously low. We refuse to become weaker while potential adversaries remain committed to 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 can and 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 reinforce peace 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, to convince us of Soviet sincerity should they choose to join us on this path.

Since the end of World War II, the United States has been the leader in serious disarmament and arms control proposals.

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

In 1955, President Eisenhower made his "open skies" proposal, under which the United States and the Soviet Union would have exchanged blueprints of military establishments and provided for aerial reconnaissance. The Soviets rejected this plan.

In 1963, 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 prevent the spread of nuclear explosives and to provide for international safeguards on civil nuclear activities. My country remains deeply committed to those objectives today and to strengthening the nonproliferation framework. This is essential to international security.

In the early 1970s, again at U.S. urging, agreements were reached between the United States and the U.S.S.R. providing for ceilings on some categories of weapons. They could have been more meaningful if Soviet actions had shown restraint and commitment to stability at 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 included an unprecedented buildup 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:

Elimination of land-based intermediate-range missiles;

A one-third reduction in strategic ballistic missile warheads;

A substantial reduction in NATO and Warsaw Pact ground and air forces; and

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: They must be equitable and militarily significant, they must stabilize forces at lower levels, and they must be verifiable.

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 ground-launched cruise missiles in exchange for Soviet elimination of their SS-20, SS-4, and SS-5 missiles. This proposal would eliminate with one stroke those systems about which both sides have expressed the greatest concern.

The United States is also looking forward to begining negotiations on 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 would be on land-based 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 ballistic missile throw-weight below the current U.S. level. We are also prepared to discuss other elements of the strategic balance.

Before I returned from Europe last week, I met in Bonn with the leaders of the North Atlantic 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 NATO and the Warsaw Treaty 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 stress 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 examine these issues as they relate to restrictions on nuclear testing. We are also pressing the need for effective verification provisions in agreements banning chemical weapons.

The use of chemical and biological weapons has long been viewed with revulsion by civilized nations. No peacemaking institution can ignore the use of these dread 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 now to grant full and free access 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 to approach negotiation of any new agreements with care. The democracies of the West are open societies. Information on our defenses 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 about their intentions.

Today, the United States proposes an international conference on military expenditures to build on the work of this body in developing a common system for accounting and reporting. We urge the Soviet Union, in particular, to join this effort in good faith, to revise the universally discredited official figures it publishes, and to join with us in giving the world a true account of the resources we allocate to our armed forces.

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 confidence and lessen the likelihood of misinterpretation.

I have, therefore, directed the exploration of ways to increase understanding and communication between the United States and the Soviet Union in times of peace and of crisis. We will approach the Soviet Union with proposals for reciprocal exchanges in such areas as advance notification of 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 sharing information would represent a qualitative improvement in the strategic nuclear environment and would help reduce the chance of misunderstandings. I call upon the Soviet Union to join the United States in exploring these possibilities to build confidence, and I ask for your support of our efforts.

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 recommitment to the basic tenet of the U.N. 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 outlined today. We ask you to reinforce the bilateral and multilateral arms control negotiations between members of NATO and the Warsaw Pact and to rededicate yourselves to maintaining international peace and security and removing threats to peace.

We, who have signed the U.N. Charter, have pledged to refrain from the threat or use of force against the territory or independence of any state. In these times when more and more lawless acts are going unpunished—as some members of this very body show a growing disregard for the U.N. Charter—the peace-loving nations of the world must condemn aggression and pledge again to act in a way that is worthy of the ideals that we have endorsed. Let us finally make the charter live.

In late spring, 37 years ago, representatives of 50 nations gathered on the other side of this continent, in the San Francisco Opera House. The League of Nations had crumbled and World War II still raged, but those men and nations were determined to find peace. The result was this charter for peace that is the framework of the United Nations.

President Harry Truman spoke of the revival of an old faith—the everlasting moral force of justice prompting that U.N. conference. Such a force remains strong in America and in other countries where speech is free and citizens have the right to gather and make their opinions known.

President Truman said, "If we should pay merely lip service to inspiring ideals, and later do violence to simple justice, we would draw down upon us the bitter wrath of generations yet unborn." Those words of Harry Truman have special meaning for us today as we live with the potential to destroy civilizaton.

"We must learn to live together in peace," he said. "We must build a new world—a far better world."

What a better world it would be if the guns were silent; if neighbor no longer encroached on neighbor and all peoples were free to reap the rewards of their toil and determine their own destiny and system of government—whatever their choice.

During my recent audience with His Holiness Pope John Paul II, I gave him the pledge of the American people to do everything possible for peace and arms reduction. The American people believe forging real and lasting peace to be their sacred trust.

Let us never forget that such a peace would be a terrible hoax if the world were no longer blessed with freedom and respect for human rights. The United Nations, Hammarskjold said, was born out of the cataclysms of war. It should justify the sacrifices 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, so to serve both our nations and the world."

As both patriots of our nations and the hope of all the world, let those of us 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 or her own country—want him or her to do?

Isn't it time for us to really represent the deepest, most heartfelt yearnings of all of our people? Let no nation abuse this common longing to be free of fear. We must not manipulate our people by playing upon their nightmares; we must serve mankind through genuine disarmament. With God's help we can secure life and freedom for generations to come.

ANNUAL REPORT OF THE ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT—PM 158

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to you the 1981 Annual Report of the U.S. Arms Control and Disarmament Agency. I believe that this report, the first submitted by my administration and the 21st submitted since the creation of the Agency, marks a real coming of age and maturity in our approach to arms control and disarmament.

In 1981, we began the first in a series of negotiations with the Soviet Union to reduce the threat of nuclear war. The Intermediate-Range Nuclear Force (INF) talks, begun by Ambassador Paul H. Nitze's team in November, are a model for future negotiations with the Soviet Union.

It is our intention to deal with the most potentially destructive and politically destabilizing weapons first. In the INF talks, begun in Geneva, we are seeking to have the Soviet Union dismantle its intermediate-range nuclear weapons in exchange for our pledge not to deploy Pershing II and Cruise missiles as requested by the North Atlantic Treaty Organization in December 1979.

Subsequently, in the period to be included in next year's annual report, we have undertaken major new initiatives in the Strategic Arms Reductions Talks (START), and in seeking reductions in conventional arsenals in the negotiations on Mutual and Balanced Force Reductions (MBFR). These and other important arms control initiatives of my administration are reviewed in my address of June 17, 1982, to the United Nations' Special Session on Disarmament, provided for your further information in an annex to the attached annual report.

Rather than seeking upper limits in arms control treaties, we seek to bring about real arms control through negotiated reductions. We are dedicated to reducing the threat of nuclear war by gradually reducing nuclear arsenals so that only those weapons which can reasonably guarantee mutual deterrence remain.

I am firmly convinced that the road we are following is both rational and realistic. We have analyzed the Soviet approach to military strategy and the threat posed by Soviet forces. We have concluded that arms control must play a vital role in the conduct of our foreign policy and as a complement to our policy of deterrence.

We are committed to deterrence. We shall stand by our Allies and friends, and we shall consult with them regularly as we go about 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.

RONALD REAGAN.

THE WHITE HOUSE, *July 26, 1982.*

Mr. HATFIELD. Madam President, as a cosponsor of the sense-of-the-Senate resolution described by the Senator from Missouri, I think it is very timely and we are willing to accept that.

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

The amendment (UP No. 1316) was agreed to.

Mr. DANFORTH. Madam 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.

ORDER OF BUSINESS

Mr. HATFIELD. Madam President, we are just about ready to go to the amendment of the Senator from Ohio, which is pending. Let me say to the Senator from Ohio that the Senator from Kansas (Mr. DOLE) has studied his amendment. I believe there will be a very brief summarization by the Senator from Kansas. Then we may dispose of the amendment of the Senator from Ohio, on which the yeas and nays have been ordered.

Mr. METZENBAUM. The yeas and nays have been ordered, Madam President. I do not think I can convince anybody else who is not already convinced. I am ready to vote as soon as the Senator from Oregon is ready to put the question and as soon as the Senator from Kansas is ready to present his statement.

Mr. HATFIELD. 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. 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 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 or this joint resolution".

On page 36, line 23, strike out "Committee" and insert in lieu thereof: "Committees".

On page 7, line 16, strike all after "authority" through "1983" on line 17 and insert in lieu thereof "have been requested for Foreign Assistance and Related Programs for fiscal year 1983".

On page 26, 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 to temporarily set aside the Metzenbaum amendment so that we can handle an amendment by the Senator from Illinois.

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

UP AMENDMENT NO. 1318

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 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".

Mr. PERCY. Mr. President, this amendment involves the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, Senator KASTEN. 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 could 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 conferees 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. 1310.

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 the Metzenbaum amendment be temporarily laid aside for the purpose of calling up another amendment.

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

UP AMENDMENT NO. 1319

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 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 PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

That, for the purposes of the Immigration and Nationality Act, Tessie and Enrique Marfori shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such aliens as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the required number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, from the total number of such visas and entries which are made available to such natives under section 202(e) of such Act.

Mr. PROXMIRE. Mr. President, this amendment has already passed the Senate and is a noncontroversial matter.

I am attaching this amendment to House Joint Resolution 599 to help Mrs. Tessie Marfori and her young son, Ricky, of Madison, Wis. Mrs. Marfori and her son were paroled into the United States in 1973 to be with her husband who was undergoing treatment for cancer. As the brother of an American citizen, he was a prospective fifth preference immigrant but died in 1979 before a quota number became available for him. Had the Marforis been from any other country than the Philippines, a fifth preference number would have become available to him prior to his death and second preference numbers for his wife and child would have followed.

Mrs. Marfori and Ricky have remained here since her husband's death and they would very much like to stay here permanently. Mrs. Marfori has pursued her education at night while working full time and is now a certified public accountant. She is enrolled at the University of Wisconsin working toward a graduate degree in accounting. Ricky was a toddler when he came to the United States and has no recollection of his life in the Philippines. He speaks only English. They are both exceptional people and have the attributes which would make them exemplary American citizens.

Had Mrs. Marfori entered the United States by some other means, legal or illegal, she would now be eligible to apply for relief under section 244 of the Immigration and Nationality Act. Since, because of her parole, she is excludable and not deportable, this relief is denied her. She would not qualify for any amnesty proposal as yet presented to the Congress because she is not deportable and is not an illegal alien. I find myself in the position of considering legislation which would offer amnesty to perhaps millions of aliens who have entered the United States illegally, remained here illegally and worked here illegally while the Marforis who have never been out of legal status are prohibited from adjustment of status.

Because there was no way under existing or proposed law to resolve the Marfori immigration difficulties, I introduced S. 191 in January of 1981 and the bill was passed by the Senate on October 27, 1981. The bill was referred to the House Judiciary Committee which reported the bill favorably in May of this year. The bill has not passed the House because of the objection of a House Member to the bill which he felt was similar in nature to another bill to which he was objecting. It is my understanding that the House Member has agreed to withdraw his objections should I reintroduce the bill next year.

While I had planned to reintroduce the bill if reelected to the Senate, I have recently been advised that Ricky Marfori has been stricken with a severe skin disorder which his doctor has diagnosed as stress-related. His uncertainty as to whether he will be forced to give up the only country he has ever known has been more of a burden than this 11-year-old can handle. In view of Ricky's serious medical problems, I would hope that the Senate, which has already passed the identical bill during the last session, will also accept the bill as an amendment to House Joint Resolution 599.

Mr. President, this passed the Senate as a bill. It passed the Senate Judiciary Committee as a bill. It is for the relief of an immigrant, a very worthy person, who came here from the Philippines who on a technicality, strictly technical, would have been forced to leave the country otherwise.

It is my understanding that the House of Representatives will be happy to accept this. There is no objection now in the House of Representatives. They are fully aware of this.

I discussed this with the manager of the bill, and he has no objection.

As I say it has already passed the Senate without objection.

Mr. HATFIELD. Mr. President, I think this is an excellent amendment, and I support the efforts of the Senator from Wisconsin and commend him for his humanitarian concern. I agree to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (UP No. 1319) was agreed to.

Mr. PROXMIRE. 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.

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 SCHMITT, of 20 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 96-272 or section 1132 of the Social Security Act, no payment shall be made, in or with respect to any fiscal year, under this or any other Act, and no court shall award or enforce any payment from amounts appropriated by this or any other Act, to reimburse State or local expenditures 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 reimbursement had been officially transmitted to the Federal Government by the State within one year after 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 so 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 rise because I strongly oppose the committee amendment, section 133 of this bill, and I join with Senator BRADLEY, Senator MOYNIHAN, and my other colleagues to see to it that we strike this amendment from the bill.

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.

I must say to my good friend from Oregon, Senator HATFIELD, who has steadfastly been down in the well time after time saying we must not legislate on appropriations bills, that this is a great example, this committee amendment which he has offered, of legislation on an appropriations bill, and I do not think he would deny that.

But apart from the parliamentary situation, Mr. President, frankly this amendment, whether it is legislation on an appropriations bill or not, is bad legislation. What the committee amendment would do is to extinguish the right of States to be paid money that they are owed by the Federal Government.

I know that our credibility is sometimes called into question, especially after we pass a $1.1 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, medicare, social services.

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 Government is now trying to break, to welch on—that now is the time for us to face up to that and end it.

Mr. President, I oppose the committee amendment, section 133 of this bill, and join with my distinguished colleague from New York in an amendment to strike this provision.

This committee amendment would permanently extinguish the rights of States to be paid money they are owed by the Federal Government. The money, $382 million, represents the Federal share of matching funds for certain social security programs—AFDC, medicaid, social services.

Mr. President, in 1980, I was a conferee on a bill—child welfare and adoption assistance, Public Law 96-272—which established a deadline by which the States were to have filed for Federal matching claims from fiscal year 1978 and prior years. That deadline was later exended by HHS regulation.

The States complied with the deadline, filing a total of $382 million in claims.

But, the Department of HHS refused to pay those claims, asserting that appropriations language prevented them from doing so.

So the States took HHS to court. And the States won. In July 1982, the Federal appeals court unanimously ruled that the law requires the claims to be processed and paid by HHS from fiscal year 1981 appropriations. On September 22, 1982, the court refused HHS request for a rehearing.

The Federal courts were the arbiter on this controversy. The issue has been put to rest by the courts, and HHS must pay the claims.

But now, as a result of an amendment offered at the behest of HHS and OMB, the issue is reopened. This last-ditch effort by HHS, one that I consider to be an underhanded method, will override the bill we passed in 1980. It will override the Federal courts' decision. It will change the rules after the game is over—a change that will cost the States $382 million.

Mr. President, this unprecedented provision repudiates the basic Federal-State agreement at the heart of social security matching programs: The States right to reimbursement of their Federal share of funds States spent in reliance on congressional promise of Federal matching. This not only is outrageously unfair in this particular instance, but this sets a very dangerous precedent for future relations between the Federal Government and the States. And the real losers will be the beneficiaries.

Mr. President, the appropriations process, and particularly the stopgap continuing resolution, must not be abused as a vehicle to rush through a change in substantive law. Section 133 has had no consideration by any committees. Nonetheless, the committee report states that:

> 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, make 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 my 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.

I submit a table showing States with retroactive social security claims.

The table follows:

States with retroactive social security claims

California [1]	111,135,771
Connecticut [1]	4,194,415
Illinois [1]	14,481,468
Maryland	1,342,551
Michigan [1]	5,580,252
New Jersey [1]	53,910,956
New York [1]	127,603,194
Oklahoma [1]	2,056,102
Pennsylvania [1]	59,783,738
Wisconsin [1]	2,248,216
Florida	300,000
Georgia	110,000
Tennessee	2,000,000

Kansas	200,000
North Carolina	1,700,000
Kentucky	362,000
Ohio	500,000
Massachusetts [1]	25,000,000
Washington	440,000
Missouri	5,700,000

[1] Involved in court suit (10 States).

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.

Section 133 was added at OMB's request at the last minute in committee, and is not contained in the continuing resolution reported by the House. No notice of this move was given to 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 their 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 stake, including $128 million 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 DOLE and LONG, and the chairman of the Senate Appropriations Committee, Senator Magnuson.

Despite the passage of section 306, HHS nevertheless 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 for the District of Columbia Circuit—reaffirmed by that court only last Thursday—held that the claims are payable out of any unexpended balances of fiscal 1981 appropriated funds, to the extent 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 amount of 1981 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 process, and particularly of a continuing resolution. 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.

Accordingly, I favor removing section 133 from the resolution.

Mr. President, there is an elemental matter at issue here. The Federal Government owes these moneys to 20 States, much of it to 10 States only. They are moneys reimbursing outlays under the Social Security Act. I feel I have been dealing with this question from the time I came to the Senate.

What possibly is in the mind of 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 as 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 forty-four seconds.

Mr. BRADLEY. I yield myself 2 minutes, Mr. President.

Mr. President, this amendment is clearly legislating on an appropriations bill. It amends the Social Security Act in seven different titles. 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 on 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 Act 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 Senator 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, that are being referenced by the discussions of my colleagues just preceding, may or may not be valid claims. There is argument, obviously, 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 1950'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, handicapped 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, to say the least, 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 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 to 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 disallow payments for prior year claims before the October 1, 1978, date. The court of appeals disregarded that language in a July 27, 1982 decision. A reconsideration by the appeals court was requested and denied September 22, 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 am happy to 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 propound to the Senator from New Mexico is this: He has made the point that almost $500 million would have to come out of the discretionary pot this year. Now, I would like to know why it would not be possible, as I would urge, that a repayment schedule could be worked 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 come from the discretionary levels that the Appropriations Committee has allowed for labor, health, and education programs.

I am sympathetic where these claims may be 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 44 seconds remaining and the chairman has 4 minutes and 51 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 all 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 Committee 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 make the judgment. Do not try to rush it through on a continuing resolution that will forever change this act.

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

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, while the parties discuss this further and there may be an agreement possible, that we have a quorum called not to be charged against either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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 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. MATTINGLY). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—47

Baucus	Exon	Mitchell
Bentsen	Ford	Moynihan
Biden	Glenn	Nunn
Boren	Hart	Pell
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Hollings	Randolph
Byrd, Robert C.	Huddleston	Riegle
Cannon	Inouye	Sarbanes
Chafee	Jackson	Sasser
Cranston	Johnston	Specter
DeConcini	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Mathias	Tsongas
Durenberger	Matsunaga	Weicker
Eagleton	Melcher	

NAYS—51

Abdnor	Goldwater	Nickles
Andrews	Gorton	Packwood
Armstrong	Grassley	Percy
Baker	Hatch	Pressler
Boschwitz	Hatfield	Quayle
Brady	Hawkins	Roth
Byrd, Harry F., Jr.	Hayakawa	Rudman
Chiles	Helms	Schmitt
Cochran	Humphrey	Simpson
Cohen	Jepsen	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
Denton	Laxalt	Tower
Dole	Lugar	Wallop
Domenici	Mattingly	Warner
East	McClure	Zorinsky
Garn	Metzenbaum	
	Murkowski	

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?

There is 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) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that, if present and voting, 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:

[Rollcall Vote No. 367 Leg.]

YEAS—50

Abdnor	Garn	Murkowski
Andrews	Goldwater	Nickles
Armstrong	Gorton	Packwood
Baker	Grassley	Percy
Boschwitz	Hatch	Pressler
Brady	Hatfield	Quayle
Byrd, Harry F., Jr.	Hawkins	Roth
Chiles	Hayakawa	Rudman
Cochran	Helms	Schmitt
Cohen	Humphrey	Simpson
D'Amato	Jepsen	Stevens
Danforth	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Wallop
East	Mattingly	Warner
	McClure	Zorinsky

NAYS—48

Baucus	Exon	Metzenbaum
Bentsen	Ford	Mitchell
Biden	Glenn	Moynihan
Boren	Hart	Nunn
Bradley	Heflin	Pell
Bumpers	Heinz	Proxmire
Burdick	Hollings	Pryor
Byrd, Robert C.	Huddleston	Randolph
Cannon	Inouye	Riegle
Chafee	Jackson	Sarbanes
Cranston	Johnston	Sasser
DeConcini	Leahy	Specter
Dixon	Levin	Stafford
Dodd	Mathias	Stennis
Durenberger	Matsunaga	Tsongas
Eagleton	Melcher	Weicker

NOT VOTING—2

Kennedy Long

So the 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

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 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 Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 368 Leg.]

YEAS—62

Baucus	Ford	Moynihan
Bentsen	Glenn	Murkowski
Biden	Gorton	Nunn
Boren	Hart	Packwood
Bradley	Hatfield	Pell
Brady	Heflin	Percy
Bumpers	Heinz	Proxmire
Burdick	Hollings	Pryor
Byrd, Robert C.	Huddleston	Randolph
Cannon	Inouye	Riegle
Chafee	Jackson	Roth
Chiles	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Leahy	Specter
Danforth	Levin	Stafford
DeConcini	Long	Stennis
Dixon	Mathias	Stevens
Dodd	Matsunaga	Tsongas
Durenberger	Melcher	Weicker
Eagleton	Metzenbaum	Zorinsky
Exon	Mitchell	

NAYS—37

Abdnor	Garn	McClure
Andrews	Goldwater	Nickles
Armstrong	Grassley	Pressler
Baker	Hatch	Quayle
Boschwitz	Hawkins	Rudman
Byrd, Harry F., Jr.	Hayakawa	Schmitt
	Helms	Simpson
Cochran	Humphrey	Symms
Cohen	Jepsen	Thurmond
Denton	Kasten	Tower
Dole	Laxalt	Wallop
Domenici	Lugar	Warner
East	Mattingly	

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) may 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 senior 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, ROBERT 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 are cast as 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 decisionmaking as given to them through the Declaration 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 this country and its future and a belief in its inherent goodness and greatness.

Again, I refer to our legislative career. I am greatful for the dedicated members of our staff and for their 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, peopled by men 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.

(Applause, 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, Mr. President, that no regular Marti amentment be in order.

Mr. HOLLINGS. Mr. President, reserving 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 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 beyond 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 more important question.

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 adquate.

Mr. BAKER. Five minutes equally divided.

The Senator from Missouri?

Mr. DANFORTH. An amendment relating to ADAP, 10 minutes equally divided.

Mr. BAKER. The Senator from New York.

Mr. MOYNIHAN. I have an amendment on medicare. Ten minutes to a side would be more than sufficient.

Mr. BAKER. I thank the Senator.

The Senator from Vermont.

Mr. STAFFORD. Mr. Leader, an amendment extending the Federal Highway Act for 1 year. I believe a half hour equally divided would be adequate.

Mr. BAKER. Now the Senator from Nebraska?

Mr. EXON. I have an amendment on impacted aid.

Mr. ROBERT C. BYRD. Mr. President, we cannot hear Senators when they speak to the majority leader.

Mr. BAKER. I thank the minority leader. Could the Senator give a suggestion on a time limitation?

Mr. EXON. I would say a half hour equally divided.

Mr. ROBERT C. BYRD. I am advised that we already have that agreement. I thank the Senator.

The Senator from Georgia?

Mr. NUNN. I have an amendment which I hope will be agreed to but I would say no more than 10 minutes, equally divided.

Mr. BAKER. Can the Senator identify the subject matter?

Mr. NUNN. This amendment is on the Commission for Biomedical Behavioral Research, extending the time for 3 months. There is no money involved.

Mr. BAKER. The Senator from Arkansas?

Mr. BUMPERS. Senator MCCLURE and I have worked out our differences on an amendment which I am sure will be accepted. It will require no time. I have an amendment in the second degree to the amendment of the Senator from New York, which will take no more than 3 minutes.

Mr. BAKER. Is this the same amendment that we have an agreement of 15 minutes on?

Mr. BUMPERS. Yes.

Mr. BAKER. The Senator from Kentucky.

Mr. FORD. I have an amendment which applies to the procedure whereby we would bill the Sergeant-at-Arms for office expenses. It would require 10 minutes equally divided.

Mr. BAKER. The Senator from Colorado?

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 with 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 Public Works 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 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.

The PRESIDING OFFICER (Mr. NICKLES). The Senate will be in order.

Mr. BAKER. If Senators will take their seats, I will be able to see and hear them. It would facilitate matters.

The Senator from South Carolina.

Mr. HOLLINGS. I thank the majority leader.

Mr. President, we are willing to cut our time back to a half hour equally divided, 15 minutes to a side. I would withhold trying to get at least 5 minutes for myself and Senator DOMENICI, the chairman of the Budget Committee. I would like for him to have 10 minutes to speak on the budget, this being $2.9 billion over budget.

Mr. BAKER. May I then increase the Schmitt colloquy to 30 minutes equally divided, with the understanding that the Senator and the chairman would have that time?

Mr. HOLLINGS. Is he interested in the subject?

Mr. BAKER. I meant Mr. DOMENICI.

Mr. HOLLINGS. I want to be sure at least to have that 5 minutes, because the distinguished Senator said his section of the budget is one of the toughest.

Mr. BAKER. Mr. President, I ask unanimous consent that the time of the Senator from New Mexico (Mr. DOMENICI)—I include in the 20 minutes 5 minutes allocated to the Senator from South Carolina.

Mr. HOLLINGS. Very good, Mr. President.

Mr. STAFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I ask for myself and the distinguished Senator from North Dakota (Mr. ANDREWS) that we have one colloquy of 5 minutes which takes care of a problem in the Environment and Public Works Committee. We propose to do that immediately, if possible.

Mr. BAKER. Five minutes for a colloquy?

Mr. STAFFORD. Five minutes.

Mr. BUMPERS. Mr. President, will the majority leader yield?

Mr. BAKER. Yes.

Mr. BUMPERS. We have a colloquy between the Senator from Louisiana and the Senator from Alaska (Mr. STEVENS). It has been cleared with Senator JOHNSTON. We are awaiting Mr. STEVENS' agreement, which I hope we shall get. We can simply put it in the RECORD. But in case we do not get that colloquy worked out, it could possibly lead to an amendment.

Mr. BAKER. I understand a minute for a colloquy is what the distinguished Senator from Arkansas wishes?

Mr. BUMPERS. Yes.

Mr. BAKER. I am advised by a notation given me by our cloakroom that the Senator from Connecticut (Mr. WEICKER) will have an Outer Continental Shelf amendment on which he will take 15 minutes equally divided.

I am advised by the distinguished chairman of the committee that there are three remaining committee amendments that he estimates will take 5 minutes each. Is that correct?

Mr. HATFIELD. About 5 minutes each, that is correct.

Mr. BAKER. Mr. President, before that, I am advised now that the distinguished Senator from Alaska (Mr. STEVENS) has two amendments dealing with a reenlistment bonus from defense appropriations; the other he will have to identify. I shall put down 10 minutes on each of them.

Mr. ROBERT C. BYRD. Mr. President, we cannot hear what is going on.

Mr. BAKER. Mr. President, the Senator from Ohio (Mr. GLENN) indicates that he has an amendment on research funding, on which he will take 40 minutes equally divided. Could the Senator reduce that a little?

Mr. GLENN. We are trying to work it out right now.

Mr. BAKER. The Senator wishes 40. I sincerely hope he can take less than that.

Mr. ROBERT C. BYRD. Mr. President, I have an amendment on behalf of Mr. KENNEDY dealing with public service jobs. It was indicated yesterday that he would be willing to take 1 hour equally divided. I am advised that he would be willing to take 30 minutes equally divided.

Mr. BAKER. He will take 30 minutes?

Mr. ROBERT C. BYRD. Equally divided.

Mr. BAKER. I thank the Senator.

I am advised that the distinguished occupant of the chair wishes to reserve an amendment, perhaps in the second degree to the Kennedy amendment. Does the Senator have a time agreement on that?

The PRESIDING OFFICER. In my capacity as the Senator from Oklahoma, I ask 10 minutes equally divided.

Mr. ROBERT C. BYRD. What was the identification?

Mr. BAKER. I shall be glad to address that to the occupant of the chair.

The PRESIDING OFFICER. Further, in my capacity as Senator from Oklahoma, it will be a second-degree amendment to the Kennedy amendment which pertains to Davis-Bacon.

Mr. BAKER. I understood the Chair to say it would be a second-degree amendment he wishes to provide time for to the Kennedy amendment and deals with Davis-Bacon, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Mr. President, I had a second-degree amendment to the Kennedy amendment dealing with the unemployment rate that would become

effective. I am not sure what would happen to my amendment in view of the proposal of the Senator from 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. President, did the Senator from New York have something?

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 discussed 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. MOYNIHAN). 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. Is that an accurate reflection?

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 peso devalution, 20 minutes each.

A Percy amendment, 5 minutes equally divided; a Danforth amendment on ADAP, 10 minutes equally divided; a Moynihan amendment on medicare, 20 minutes equally divided; a staff amendment on highways, 30 minutes equally divided; an Exon 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; a McClure amendment, 5 minutes. I did not get that notation.

Another McClure amendment, 10 minutes; another amendment by Senator D'AMATO, 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 Weicker OCS amendment, 15 minutes equally divided; three committee amendments, 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 importqant for all the Senators to understand precisely where we are.

After the Senate concludes this continuing resolution, it will take in the neighborhood of 3 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 prepared to return 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 at midnight.

I put the Senate 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 one of them is the budget resolution, the other is the continuing resolution making appropriations.

Mr. President, we simply cannot do 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 that. 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 RUSSELL LONG 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 brief 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 be here 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 agreements on some of the amendments, 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.

UNANIMOUS CONSENT AGREEMENT ON CERTAIN AMENDMENTS

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 on the Hollings 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. TSONGAS 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. A Percy amendment dealing with what?

Mr. PERCY. 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 Exon 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 medical 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 Weicker 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.

A Stevens amendment dealing with reenlistment, 10 minutes, equally divided.

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

Mr. BAKER. A second Stevens amendment, 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 that one over for now?

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.

Would the distinguished majority leader be willing to try to get a consent order that the rollcall 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 SCHMITT 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 read as follows:

The pending committee amendment is page 33, lines 3 to 13. The remaining two after that are page 6, line 18, through page 27, line 7; and the final one is page 35, lines 14 through 24.

Mr. ROBERT C. BYRD. Do any of my colleagues want to talk to any of those committee amendments?

Mr. METZENBAUM. I would appreciate clarification as to when the McClure amendment——

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. Mr. President, 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. And that the second-degree amendment be germane to the first-degree amendment.

Mr. BUMPERS. Mr. President, will the majority leader yield?

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 no objection.

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. It is not germane. He and I have agreed to it. Might that be an exception to the request the majority is propounding?

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. METZENBAUM. I yield to the Senator. 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 nongermane 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 Nickles 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 second-degree amendments 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 that we provide 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.

If we could 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, I might have a very slight 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 submitted to the Senate or an appeal is taken that the time allocated to that be the same as in the case of second-degree amendments.

Mr. ZORINSKY. Mr. President, would the majority leader care to propound the preclusion of the Radio Marti amendment from being offered?

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 at 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 thereto would have to be germane and 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 agreement. 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 Jersey 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 one small problem. We do not have a copy of the amendment typed in the usual form, but I think if our colleagues will bear with me the group has met that is concerned about the back claims issue. We have 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 submit that agreement as an amendment 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 a unanimous-consent agreement that we can transfer that time at this point.

The PRESIDING OFFICER. The Chair is not aware of such an agreement.

Mr. SCHMITT. Mr. President, I ask unanimous consent that the time remaining 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. President, 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 manager's chair.

Mr. SCHMITT. I understand, and I sympathize with the minority leader.

The request is merely that the time remaining on the discussion of the committee amendment 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. Without objection, it is so ordered.

Mr. BRADLEY. Mr. President, the pending business is the substitute offered 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 amendment numbered 1320.

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:

SEC. . Notwithstanding the decision of the United States Court of Appeals for the District of Columbia Circuit in Connecticut v. Schweiker (No. 81-2090, July 27, 1982), section 306 of Public Law 96-272, or section 1132 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 or any other Act, and no court shall award or enforce any payment (whether or not pursuant to such decision) from amounts appropriated by this or any other Act, to reimburse State or local expenditures 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 reimbursement had been officially transmitted 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 under the Social Security Act, over fiscal year 1984 through 1986.

Mr. SCHMITT. Mr. President, this amendment merely makes it possible for the ongoing litigation involving back claims to proceed without prejudice 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 then further authorizes that if the decisions 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' decision 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 amendment, as I understand it, is with respect 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 already qualified by law.

Mr. BRADLEY. I thank the Senator very much for his cooperation in this matter. I think this is a workable solution 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 gracious.

Mr. SCHMITT. I thank the Senator from New York and also the Senator from Pennsylvania (Mr. HEINZ) 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 medicaid, AFDC, and other social security programs. This issue of reimbursing the States for their just and lawful claims 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 Federal 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 retrospectively sets such a strict limit on filing those claims that they will not be paid. This is so even though 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 previous congressional appropriation, extinguishing vested legal rights, and permanently denying reimbursement to States for entitlement funds already earned. Again, these matching fund claims involve moneys that States spent subject to the Federal Government's promise of reimbursement. My own State of Missouri has reimbursement claims totaling $7.3 million—in effect we have been extending a $7.3 million interest-free loan to the Federal 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 allowable, from unexpended 1981 funds, on their own merits. Following the court's ruling, I understand that HHS did, 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 their claims, and had begun to process the grant award to the State.

We have spoken of the effect of section 133 on pre-1978 claims. But I am concerned this section also effects the routine claims process in 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 Federal/State partnership at the heart of these social security programs. Reversal of such a carefully considered congressional policy should not be made in a last minute rider to a stop-gap funding 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 refuse to pay just debts owed to the States for reimbursement of expenses incurred under various titles of the Social Security Act. I consider 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 medicaid, AFDC, child welfare, SSI, and other Social Security Act programs. The States have already spent the money, and are now petitioning the Federal Government 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 limit on prior-period claims, but permitted 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 conflict between the need for 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 claims 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 deprive financially strapped States of funds to which 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 prejudice the pending 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 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.

COMPROMISE AMENDMENT FOR SEC. 133 OF CONTINUING RESOLUTION

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 exists 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 validity 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 payments from available fiscal year 1981 funds. Despite this decision, these claims have yet to be processed.

Adoption of the continung resolution, in its present form would effectively eliminate the ability of the States to recover these funds—payments which they are entitled to receive.

It is both inappropriate and unfair to adopt this language as part of an appropriations measure which has been designed to provide stop-gap funding for the Federal Government until regular appropriations bills can be approved.

Therefore, I urge you to delete the section from the pending legislation.●

Mr. SCHMITT. I yield back the remainder of my time.

Mr. BRADLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the second-degree amendment of the Senator from New Mexico.

The amendment (UP No. 1320) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

Mr. SCHMITT. Mr. President, I move to reconsider the vote by which the committee amendment, as amended, was agreed to.

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

The motion to lay on the table was agreed to.

EXCEPTED COMMITTEE AMENDMENTS ON PAGE 26, LINE 18 THROUGH PAGE 27, LINE 7

The PRESIDING OFFICER. The question recurs on the first excepted committee amendment on page 26, line 18.

Mr. SCHMITT. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the excepted committee amendment on page 26, beginning on line 18. The clerk will report.

The legislative clerk read as follows:

The excepted committee amendment beginning at page 26, line 18 through page 27, line 7 is as follows:

SEC. 125. Notwithstanding any other provision of law except section 209(g) of the Highway Revenue Act of 1956 or any other provision of this joint resolution, the authorizations, apportionments, and the obligation limitation for the Federal-aid highways program made available for obligation in fiscal year 1982 shall apply for fiscal year 1983 in the same manner and to the same extent as enacted for fiscal year 1982: *Provided*, That the interstate cost estimate and the authorization for the one-half of 1 per centum minimum apportionment in effect for fiscal year 1983 shall apply for fiscal year 1984 in the same manner and to the same extent as enacted for fiscal year 1983: *Provided further*, That the interstate system authorization enacted in section 108(b) of the Federal-aid Highway Act of 1956 as amended for fiscal year 1984 shall not be affected by this section.

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 that to the attention of my distinguished friend, the chairman of the subcommitttee 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. Thus, 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 best 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 simple 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. ANDREWS. Mr. President, 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 estimate of when 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. 2574, 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. The one-half of 1 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 I believe 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 highway program continue uninterrupted into 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 continuing 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 substitute to S. 2574. This amendment is a simple, 1-year bill with program authorizations. I am hopeful that these two efforts—the trust fund extension and the 1-year bill—will meet with acceptance by the full Senate as soon as possible.

Authorizations for the Federal-aid highway program are due to expire on October 1. Given the short time available, I understand Senator ANDREWS' concern that the program be continued. With passage of both the trust fund extension and the 1-year highway bill, I believe States will have available to them the authorizations they so much need to continue the highway program nationwide.●

Mr. RANDOLPH. Mr. President, I support fully the statement of Senator STAFFORD, chairman of the Committee on Environment and Public Works, with respect to section 125 of the Senate-reported version of the continuing resolution. This provision, if included in the final bill, would reauthorize the Federal-aid highway program for fiscal year 1983.

I appreciate the efforts of Senator ANDREWS, chairman of the Transportation Subcommittee of the Appropriations Committee, to continue the highway program; but this program, authorized by Federal-Aid Highway Acts and codified in title 23 of the United States Code, is under the jurisdiction of the Committee on Environment and Public Works as both the authorizing and spending committee. This program is unique in that it authorizes contract authority from the highway trust fund, thus requiring no appropriations prior to an obligation of the United States for highway projects.

The Committee on Environment and Public Works is moving as expeditiously as possible to consider legislation which will 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 has included would be impacted by the so-called Byrd amendment which prohibits deficit financing by the highway trust fund. Only $6.5 billion of new authorizations could be apportioned and available for obligation in fiscal year 1983 under the Byrd amendment. This is substantially lower than the authorizations extended by section 125.

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:

SEC. 142. None of the funds appropriated under this joint resolution may be used by the Federal Trade Commission for the purpose of investigating, issuing any order concerning, promulgating any rule or regulation with respect to, or taking any other action (other than one that is already the subject of litigation in the courts of the United States on or before the date of enactment of this Resolution) against any State licensed and regulated profession (as that term would apply under the definition in 29 U.S.C. 152(12)) of the local, State or national nonprofit membership associations thereof.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the committee amendment on page 35 beginning with line 14 amending the functions of the Federal Trade Commission.

Mr. SCHMITT. Mr. President, I ask unanimous consent that we lay that amendment temporarily aside, and I yield to the Senator from Illinois.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Illinois.

UP AMENDMENT NO. 1321

Mr. PERCY. I thank my distinguished colleague. I send to the desk an amendment on behalf of myself and my colleague, Senator DIXON.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. PERCY) for himself and Mr. DIXON proposes 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 $365 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 $142 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 controversial, unbuilt segments of 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 northeastern Illinois made the 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 $865 million for the interstate transfer program, earmarking $150 million for Illinois highway projects of the total $500 million in highway funding and

earmarking $51 million for Illinois transit projects of the total $365 million provided by the committee for all transit projects.

Mr. President, the Senate Appropriations Committee, however, provided Illinois with considerably less funding. The Senate appropriates a total of $600 million for the program, earmarking $15 million for Illinois transit projects and $51 million for Illinois highway projects. The committee appropriated totals of $225 million and $375 million for transit and highway projects respectively. To some extent, this reduction in Illinois funding is a reflection of the total reduction in interstate transfer funding by the Senate. But, in my judgment, Illinois has borne more than its fair share of the $265 million reduction from the House figures by the Senate. Of the total $265 million reduction by the Senate in the interstate transfer funds recommended by the House, Illinois received more than half of the reduction by the Senate. We received 23.8 percent of the funds earmarked by the House, but in the Senate we only received 11 percent of the funding.

Mr. ANDREWS. Mr. President, we can have no objection to accepting the amendment. We are put in the position of having to accept the amendment because the administration put a hold on the regular transportation appropriations bill, and not being able to move that bill, an injustice would be done to the State of Illinois and several other States if this amendment were not adopted, so we must accept the amendment.

Mr. PERCY. I thank my distinguished colleague very much indeed on behalf of all of those States affected by this amendment, particularly Massachusetts, New Jersey, Ohio, and Colorado.

Senator DIXON, who cosponsored the amendment, was instrumental in pressing for its adoption and certainly appreciates the accomodation by the Senator from North Dakota. Indeed, the Governor of Illinois and the entire congressional delegation deserve praise for their support, and appreciate your accepting the amendment.

Mr. ANDREWS. I might point out that not only has the senior Senator from Illinois approached us on this but the junior Senator from Illinois (Mr. DIXON) has been very instrumental in this fight as has the Governor of Illinois in repeated contacts with myself and our staff. We understand the problem. We could have achieved it in conference on the appropriations bill, but I understand we are not going to have a conference on the regular bill and the solution which is now being offered by Senator PERCY, along with Senator DIXON, is one that meets the need.

Mr. PERCY. I thank my distinguished colleague.

Mr. DIXON. 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 Senator 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 Senator PERCY and I are offering 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 fairer share of interstate transfer funds while not affecting allocations to other areas entitled to interstate transfer money.

I again thank my distinguished colleagues Senator 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.

UP AMENDMENT NO. 1322

(Purpose: To oppose institution of a means test in the medicare program)

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

The PRESIDING OFFICER. Is there objection to laying aside the remaining committee amendment?

Mr. SCHMITT. Mr. President, I ask unanimous consent that we temporarily set aside the pending committee amendment so the amendment of the Senator from New York can be considered. I believe it is also under a time agreement.

Mr. MOYNIHAN. The Senator is correct.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. HART, Mr. BAUCUS, Mr. KENNEDY, Mr. LONG, Mr. FORD, Mr. HEINZ, Mr. BIDEN, Mr. METZENBAUM, Mr. RANDOLPH, Mr. BRADLEY, Mr. PRESSLER, Mr. CANNON, Mr. SARBANES, Mr. PERCY, Mr. BUMPERS, Mr. RIEGLE, Mr. BENTSEN, and Mr. ROBERT C. BYRD, proposes an unprinted amendment numbered 1322.

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

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

The amendment is as follows:

At the appropriate place insert the following new section:

Since the United States Congress established the Social Security system in 1935 to provide for the general welfare by establishing a system of Federal old-age benefits; and

Since Medicare was made part of the Social Security system by Act of Congress in 1965 to provide for the general welfare through a system of health benefits for the aged; and

Since Medicare is an insurance program in which working Americans contribute their Social Security payroll taxes and in which the elderly and disabled pay health insurance premiums in order to receive health benefits promised under this insurance plan; and

Since proposals to limit eligibility for Medicare health benefits to lower-income persons would profoundly alter the character of health insurance for the aged and disabled by removing the insurance principle from the Medicare program;

It is the Sense of the Senate that the Congress should reject any proposal to impose a "means test" on eligibility for the Medicare program or benefits provided by the Medicare program.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays on this matter.

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

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, if the managers of the bill would be willing to accept the amendment, which

has 18 Senators as cosponsors, I would be happy to vitiate the call for the yeas and nays.

Mr. SCHMITT. I understand that, but we have not had a chance to review the amendment.

Mr. MOYNIHAN. Of course.

Mr. President, 1 week ago or 2 weeks ago, more exactly, the Washington Post reported that a measure to impose a means test on the medicare program is under consideration in the White House. The next day the New York Times reported the same thing. "U.S. officials study a means test for medicare benefits for elderly."

Mr. President, this would be an extraordinary departure from our social security policy and program.

I have received letters from unions and senior citizen groups asking that this not be done. The Save Our Security Coalition and the National Council of Senior Citizens wrote, as did the AFL-CIO, ASFCME, the Communication Workers of America, the ILGWU, the UAW and the Service Employees Union. The Secretary of Health and Human Services, our former colleague, Secretary Schweiker, in testimony before the House Energy and Commerce Committee's Subcommittee on Oversight and Intelligence acknowledged that in the White House and in the Office of Management and Budget they are considering establishing a means test to be eligible for medicare, a requirement to prove wealth or absence thereof. He was asked his position, said he is opposed, and he told Representative GORE, "I would feel pretty confident I can win this argument." I think, Mr. President, we ought to help him do so by resolving here in the Senate that he ought.

Mr. President, I ask unanimous consent that the exchange between Representative GORE and Secretary Schweiker, the two articles from the New York Times and the Washington Post, and other relevant documents be printed to the RECORD.

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

Mr. GORE. The gentleman's time has expired. The Chair recognizes himself for five minutes.

Mr. Secretary, we have a long list of topics to discuss with you, but I would like to discuss a matter that is on the minds of an awful lot of people after yesterday's reports. It has been reported that this administration and the Office of Management and Budget in particular is considering a means test for Medicare. Do you support a means test for Medicare?

Chairman SCHWEIKER. Mr. Chairman, first let me say that, as you quite correctly said, the story that you saw in the paper did not originate in our department. Our department has not had such a means test under consideration. I would personally be opposed to a means test for Medicare.

Mr. GORE. Do you think this is something—well, you referred earlier to another point at which you disagreed with OMB, but on that occasion OMB won the argument. Is this an argument that we ought to anticipate will continue and bubble up in a form that the Congress will have to prevent the administration from doing?

Chairman SCHWEIKER. Mr. Chairman, no doubt at some point it certainly will bubble up in some way. I would feel pretty confident that I can win this argument.

[From the New York Times, Sept. 19, 1982]

U.S. OFFICIALS STUDY A MEANS TEST FOR MEDICARE BENEFITS FOR ELDERLY

(By Robert Pear)

WASHINGTON.—Federal officials said today that the Office of Management and Budget was studying proposals to trim the cost of the Medicare program by requiring elderly people to demonstrate financial need as a condition of receiving benefits.

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 means test for Medicare."

Senior White House officials have said they were deliberately keeping themselves uninformed about details of the proposals for Medicare, Social Security and other benefit programs because they did not want to move toward decisions on such controversial issues before the Nov. 2 elections.

About 26 million elderly and three million disabled Americans are enrolled in Medicare. Its cost, about $50 billion this year, is expected to reach almost $100 billion in 1987 if the law continues unchanged.

Government data indicate that the average Medicare benefit for a recipient this year is about $2,500. Medicare pays for most in-patient hospital care, skilled care in nursing homes, home health care and other medical costs after certain deductions. For the optional insurance that covers physician services, and elderly person must pay a premium of $12.20 a month.

The idea of a means test for Medicare arose in planning for the 1984 budget that President Reagan must submit to Congress in January. He is looking for Medicare savings of $4 billion to $6 billion for the 1984 fiscal year, according to officials of the budget office. That would be in addition to the $2.8 billion in savings achieved by Congress through changes in hospital reimbursement and other Medicare cuts that take effect in fiscal year 1983, which starts Oct. 1.

Donald W. Moran, executive associate director of the budget office, and Randy Teach, a senior official of the Federal Health Care Financing Administration, which supervises Medicare and Medicaid, confirmed that there had been discussions of a means tests for Medicare.

"Obviously, it's politically horrific, but we ought to think about the possibilities," 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 tests was a way of directing benefits to people who needed them most. He noted the large savings being sought in 1984 and said: "When one starts making those kinds of reductions, I think it is necessary to start thinking about means testing. Otherwise you really do wind up hurting the poor very badly."

Mr. Etheredge, an expert on the financing of health care, resigned last week after more than 10 years on the staff of the budget office. He said he wanted to seek an academic position and had "a lack of enthusiasm" for the next round of budget reductions.

Eugene Eidenberg, director of the Democratic National Committee, said that if 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 similar metaphor, said he did not want to discuss the proposal because "any further discussion is just going to pour gasoline on a match."

Since a means test would make Medicare more similar to Medicaid, the medical assistance program for the poor, some Administration officials have suggested that the proposal might be described as an expansion of Medicaid to include more of the elderly, rather than a cutback in Medicare. As part of his "new federalism" initiative, President Reagan has proposed that the Federal Government pay Medicaid costs now borne by the states.

Michael D. Bromberg, executive director of the Federation of American Hospitals, a trade association, said Reagan Administration officials had discussed with him the idea of a means test for Medicare. He said it might be difficult for the Administration to propose such a test because it would affect "the same population group" as would changes in Social Security.

PANEL STUDYING SOCIAL SECURITY

President Reagan has established a 15-member commission under 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 Office said the Office of Management and Budget "has been talking about a means-tested system" for Medicare as one of several options. Edwin L. Dale Jr., a spokesman for the budget office, said he would not call it a "means test" but preferred to describe it as a "layering of benefits according to your income."

WOULD STILL PAY HIGH EXPENSES

Under one proposal, Mr. Etheredge said, the Government would still protect the elderly by paying the cost of hospital and

physician services above a specified amount, perhaps $3,000 or $4,000. 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 higher income elderly persons are under study by the Reagan administration.

Sources stressed that consideration of a means test, never before 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 said yesterday that they would go all-out against the plan.

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 funding and to hold down government 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 his own 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 than $30,000. In that case, large numbers of people of rather moderate income (instead of just a handful of wealthy) would be subjected to a means test 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 must pay out-of-pocket for days in the hospital, but allowing low-income people to escape the extra charges. At present, a Medicare beneficiary pays $260 for his first day in the hospital, then gets free hospital care through the 60th day.

When Congress created Social Security in 1935, it decided against making it a charity program, said former secretary of health, education, and welfare Wilbur J. Cohen, who served as research aide in 1934 to one of the chief planners of the act.

"The idea was to forestall poverty and dependency, not to take care of people by welfare after they became poor," Cohen said yesterday.

By giving people benefits to which they contribute by paying payroll taxes, and then making them automatically entitled to benefits, Social Security provides real security; having to ask for welfare and prove you need it isn't the same kind of security at all, he said.

SOS COALITION OPPOSES MEANS TEST FOR MEDICARE

The Save Our Security coalition today threw its full weight behind a sense-of-the-Senate resolution, introduced by 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 whether or not 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 workers to continue 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 as 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 in general, and Medicare in particular, so that this system will continue to serve all elderly or disabled Americans and their dependents.

"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 critically important benefits."

NATIONAL COUNCIL OF SENIOR CITIZENS,
Washington, D.C., September 24, 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 beneficiaries, 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 even more out of their own limited incomes, or worse, to 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 by supporting S. Res. 472, and to 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 24, 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 deny 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 as 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 alter 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 policy.

From a different viewpoint, CWA firmly believes that the "means test" proposal is a backdoor attack on the Federal social security system. Adoption of such an idea 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 Moynihan 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 more than 650,000 members in 45 states, we are convinced that adoption of this legislation will not only maintain the well-being of our nation's senior citizens but will also assist in preserving the historic compact that binds the social security system to the American people.

Sincerely,

JAMES B. BOOE,
Executive Vice President.

ILGWU,
New York, N.Y., September 24, 1982.

Hon. DANIEL PATRICK MOYNIHAN,
442 Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR MOYNIHAN: As President of the International Ladies' Garment Workers' Union I would like to express our strong support for S. Res. 472 opposing 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 their 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 costs not paid for by Medicare have also grown as a percentage of the elderly's income over the past decade, from 16.8% of total income in 1970 to 19.1% in 1980, to the point where such expenses now approach pre-Medicare levels." (Senate Special Committee on Aging—Information Paper. April, 1982) Private insurance to supplement Medicare pays only 6.6% of the elderly's health care expenditures, and the premium rates for these policies have seen staggering increases, some more than doubling over the last decade.

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 certain 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 have seen the effects of the requirements for "demonstration of financial need" all too often amongst our retired garment workers. Living on fixed incomes, they rely on their life savings as a source of independence 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 person. Yet they will apply for Medicaid, for SSI, only to be subject to their means tests, to long application procedures and interviews, and in the end to "fall through the cracks" being told they have "too much money" to qualify. As a 92 year old, widowed retiree, with no family said: "My savings are gone. I want to stay in my home and take care of myself but I need a little help."

This proposal, in short, would further reduce the already decreased scope of Medicare benefits by limiting access to the program. It is an attempt to render the elderly a "class divided" by the use of categorical eligibility restrictions.

President Reagan is reported to be looking for an additional 4 billion dollars in savings in the Medicare program for 1984. This is in addition to the billions already "saved" over the last two years. The OMB would have us believe that this proposal would not be a cutback in Medicare but an expansion of Medicaid because Medicaid eligibility is already determined by a means test.

The ILGWU and the labor movement are outraged at this calculated attempt to once again balance the budget on the backs of America's elderly. We hope the Senate of the United States, as an important part of Congress, will completely repudiate such a heartless attack on our aged.

Respectfully yours,

SOL C. CHAIKIN,
President, and as Chairman, AFL–CIO Committee on Social Security.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., September 23, 1982.

Hon. PATRICK MOYNIHAN,
442 Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR MOYNIHAN: The AFL–CIO strongly supports the resolution opposing Medicare means testing 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 that would involve complicated forms and arbitrary eligibility determinations that would put senior citizens in the same category as welfare recipients and force many to purchase private health insurance out of their meager monthly benefits. 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 beneficiary services rather than look for legitimate ways of reducing medical care costs. Means testing ignores the basic defects in our medical care system and would provide no incentive for the real decision makers, namely the providers and suppliers of health services, to control soaring doctor fees and hospital charges.

Sincerely,

RAY DENISON,
Director Department of Legislation.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES,
Washington, D.C., September 24, 1982.

Hon. DANIEL P. MOYNIHAN,
442 Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR MOYNIHAN: 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 Kennedy, expresses our strong opposition to 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.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, D.C., September 24, 1982.

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 Senate firmly on record against a "means test" to determine eligibility for participation in the Medicare program or for the benefits of that program.

The UAW urges that the Senate adopt the Moynihan resolution to send the Administration an unmistakable message that any proposal to establish a "means test" for Medicare is absolutely unacceptable.

We understand that Senator MOYHIHAN will offer his resolution as an amendment on the Senate floor next week. We hope you will support the Moynihan amendment.

Your consideration of the UAW position on this issue will be appreciated.

Sincerely,

DICK WARDEN,
Legislative Director.

SERVICE EMPLOYEES INTERNATIONAL UNION, AFL–CIO/CLC, LEGISLATIVE DEPARTMENT,
Washington, D.C., September 28, 1982.

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 resolution opposing institution 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 should they fall disabled.

We believe that something must be done to control the spiraling costs of health care. We are, however, firm in our opposition to doing so through imposing a means text 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, we strongly support your efforts.

Sincerely,

JOHN J. SWEENEY,
International President.

Mr. MOYNIHAN. I yield to the Senator from Colorado, who joins me as an original cosponsor in this matter.

The PRESIDING OFFICER. 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 PEYSER and I introduced a joint resolution in opposition to such a proposal. Hopefully both resolutions will result in Congress heading off this unwise 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 of a need for Federal assistance.

That is not what the Congress intended. That is not what the law contemplates. That would completely revolutionize the system. It would embarrass 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.

So I strongly support 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 PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. SCHMITT. I yield 4 minutes to the Senator from Kansas.

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 social security and the disability fund. So it is easy to stand up and say we are never going to do anything except keep draining 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 discused 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 on an appropriations bill. 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.

The PRESIDING OFFICER. The Senator from New Mexico.

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 testing 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 at one point 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.

MEDICARE 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 their payroll taxes so that 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 favor hospital cost containment to hold down spiraling health costs. This administration does not favor putting real restraints on the rate of increase in physicians' fees.

To see what action the Reagan administration favors instead, we need only look at what the administration has sent to the Congress for the past 2 years—proposal after proposal to increase beneficiary cost sharing; proposal after proposal to dilute medicare benefits; proposal after proposal ostensibly affecting doctors and hospitals, but constituting instead cost shifting to America's senior citizens.

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 "vouchers" 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 us to turn back the clock on the access to quality health care that medicare provides; and turn our backs on the

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 persists in its course, no senior citizen 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 unconscionable to subject 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 President 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 Senator RIEGLE and me to bring the proposal to a Senate vote.

The administration's record on medicare has been just as appalling. In its budget for fiscal year 1983, the administration proposed to slash an incredible $15 billion from medicare over 3 years—most of which would have come directly out of the pockets of the elderly and disabled. Some of the proposed reductions were rejected by Congress—but the bill recently enacted still contains billions of dollars in cuts which will mean substantial new out-of-pocket costs for the elderly, the disabled and for the working people of America.

Now we learn that the administration is considering proposals to means test medicare.

These proposals are completely contrary to the basic premise of 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 this country.

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. Our 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 directly—by reforming our outmoded 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 29 million elderly and disabled Americans who rely on medicare.

Social security and medicare are the twin pillars of our national commitment to assure the quality of life for 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 proposals to dismantle the protection of social security and now through its unconscionable attempts to destroy medicare.

I urge my colleagues to join with 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:

[From the Washington Post, Sept. 22, 1982]

MEDICARE'S FOR EVERYONE

As the administration casts 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 services. Since 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 up almost all of their savings on 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 its citizens in return for the taxes they pay. True, many people could save up to buy health insurance for their old age—though they'd pay more for it than Medicare does because of the high overhead on privately marketed plans. But many others—no matter what their prior earnings—would fall between the cracks.

There are numerous hazards that can't be planned for—unemployment, divorce, desertion, competing 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 our 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.

SEPTEMBER 23, 1982.

Hon. PATRICK MOYNIHAN,
Russell Senate Office Building, U.S. Senate, Washington, D.C.

DEAR SENATOR MOYNIHAN: The AFL-CIO strongly supports the resolution opposing Medicare means testing 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 that would involve complicated forms an arbitrary eligibility determinations that would put senior citizens in the same category as welfare recipients and force many to purchase private health insurance out of their meager monthy benefits. 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 beneficiary services rather than look for legitimate ways of reducing medical care costs. Means testing ignores the basic defects in our medical care system and would provide no incentive for the real decision makers, namely the providers and suppliers of health services, to control soaring doctor fees and hospital charges.

Sincerely,

RAY DENISON,
Director, Department of Legislation.

Mr. GLENN. Mr. President, I am pleased to join Senator MOYNIHAN in cosponsoring a sense-of-the-Senate resolution expressing Congress opposition to any attempt by the administration to impose a means test for medicare beneficiaries.

The medicare program is important in providing for the health care needs of 26 million elderly Americans and 3 million disabled Americans, but it only covers about 45 percent of their health care expenses. Even with medicare, in 1980 the elderly spent an average of $1,435, or 19.1 percent of their income, for health care.

Recently, Congress passed legislation which makes changes in the medicare program that will increase out-of-pocket health care costs for medicare beneficiaries. I opposed these cuts in medicare, and I oppose the administration's latest proposal to require beneficiaries to demonstrate financial need as a condition of receiving medicare benefits.

Rising health care costs—particularly hospital costs and physicians' fees—must be addressed by Congress, and I am hopeful that the Finance Committee will hold hearings on this important issue in the near future. In the meantime, I will continue to oppose cuts in medicare which will increase out-of-pocket health care payments that are already a great burden for many of our Nation's older Americans.

We must not break faith with those who have paid into the social security system and are now entitled to health and retirement benefits, and we must not break faith with workers who are paying into the system for their future benefits.

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 Senator from Arkansas (Mr. BUMPERS), for himself and others, proposes an unprinted amendment numbered 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. . 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. TSONGAS, Mr. BRADLEY, Mr. GORTON, Mr. DECONCINI, Mr. SPECTER, Mr. GLENN, Mr. PRESSLER, Mr. SASSER, Mr. HATFIELD, Mr. INOUYE, Mr. STAFFORD, Mr. NUNN, Mr. CHAFEE, Mr. RIEGLE, Mr. WEICKER, Mr. PRYOR, Mr. DANFORTH, Mr. CRANSTON, Mr. MOYNIHAN, Mr. DODD, Mr. HUDDLESTON, Mr. HART, Mr. DIXON, Mr. EXON, Mr. BURDICK, Mr. BAUCUS, Mr. FORD, Mr. HOLLINGS, Mr. JACKSON, Mr. SARBANES, Mr. BIDEN, Mrs. KASSEBAUM, Mr. MATHIAS, Mr. BOSCHWITZ, Mr. RUDMAN, Mr. HAYAKAWA, and Mr. MATSUNAGA.

This amendment calls on the President to proclaim October 10, 1982, as "National Peace Day," 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. I hope the amendment is acceptable.

Mr. SCHMITT. Mr. President, it is an amendment in the second degree.

Mr. BUMPERS. Mr. President, I move adoption of the amendment.

Mr. SCHMITT. If the Senator would withhold, it is an amendment to the amendment of the Senator from New York.

Mr. BUMPERS. He has no objection.

Mr. SCHMITT. With that assurance, I have no objection.

Mr. BUMPERS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. SCHMITT. I yield back the remainder of my time.

Mr. BUMPERS. 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 offered by the Senator from Arkansas.

The amendment (UP No. 1323) was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from New York, as amended.

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 Michigan (Mr. RIEGLE) is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea".

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

The result was announced—yeas 70, nays 29, as follows:

[Rollcall Vote No. 369 Leg.]

YEAS—70

Andrews	Boren	Burdick
Baucus	Boschwitz	Byrd, Harry F., Jr.
Bentsen	Bradley	Byrd, Robert C.
Biden	Bumpers	

Cannon	Hayakawa	Packwood
Chafee	Heflin	Pell
Chiles	Heinz	Percy
Cochran	Hollings	Pressler
Cohen	Huddleston	Proxmire
Cranston	Inouye	Pryor
D'Amato	Jackson	Randolph
Danforth	Johnston	Roth
DeConcini	Kassebaum	Sarbanes
Dixon	Kennedy	Sasser
Dodd	Leahy	Schmitt
Dole	Levin	Specter
Durenberger	Long	Stafford
Eagleton	Mathias	Stennis
Exon	Matsunaga	Tsongas
Ford	Melcher	Wallop
Glenn	Metzenbaum	Warner
Hart	Mitchell	Weicker
Hatch	Moynihan	Zorinsky
Hawkins	Nunn	

NAYS—29

Abdnor	Grassley	Murkowski
Armstrong	Hatfield	Nickles
Baker	Helms	Quayle
Brady	Humphrey	Rudman
Denton	Jepsen	Simpson
Domenici	Kasten	Stevens
East	Laxalt	Symms
Garn	Lugar	Thurmond
Goldwater	Mattingly	Tower
Gorton	McClure	

NOT VOTING—1

Riegle

So Mr. MOYNIHAN's amendment (UP No. 1322), as amended, was agreed to.

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

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

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, on the motion to reconsider.

Mr. President, I yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. I ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER. Is there a sufficient second?

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

Mr. BUMPERS. I move to lay that motion on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MOYNIHAN. Parliamentary inquiry, Mr. Chairman.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. METZENBAUM. Mr. President, parliamentary inquiry. Was the maker of the motion on the prevailing side?

Mr. FORD. Mr. President, only a few can hear.

Mr. BAKER. No, he was not. I voted no.

Mr. FORD. Mr. President, would Senators get a microphone so the rest of us know what is going on?

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I made the motion to reconsider. I voted no, and I believe that qualifies.

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 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 may be recognized for 2 minutes on the question of the motion to reconsider.

Mr. MOYNIHAN. Reserving the right to object, and I will not object, may I say I hope the Senate will agree to this. It is perfectly in order and altogether agreeable to me as the author of the proposal.

Mr. BAKER. I add to the request——

The PRESIDING OFFICER. Is the motion to table withdrawn?

Mr. BAKER. I am sorry?

The PRESIDING OFFICER. Is the motion to table withdrawn?

Mr. METZENBAUM. I made the motion to table, and I will withdraw it.

Mr. BAKER. I thank the Senator.

Mr. BUMPERS. Reserving the right to object, I think it is only appropriate that there be 2 minutes reserved for anybody who might want to comment on that.

Mr. BAKER. Yes, I agree with that.

Mr. President, I make these requests: First, that it be in order for me to make the motion to reconsider; second, that the Senator from Alabama be recognized for 2 minutes to debate the motion and that the distinguished Senator from Arkansas may have 2 minutes to debate the motion.

The PRESIDING OFFICER. Is there objection to the first quarter?

The Chair hears none, and it is so ordered.

Is there objection to the second request?

The Chair hears none, and it is so ordered.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, yesterday, I entered a written objection to a proposition for which there was unanimous agreement sustained today by mistake. I am told that the majority leader, in ignorance of the identity of the amendment offered by my friend from Arkansas, ignored my objection as I entered it yesterday, so unanimous consent should not have been granted.

I do not wish to debate the merits of the proposal of the Senator from Arkansas. I respect his motives; I respect his good will, and I understand the efficacy of peace. I do not know a good bit about this particular occasion 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 were we 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 point is I did object to this yesterday, and unknown to the majority leader, when Senator BUMPERS introduced the second-degree amendment, he did not identify it. Therefore, my objection was ignored and unanimous consent was, in my opinion, falsely arrived at.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. DENTON. I yield.

Mr. BAKER. Mr. President, I accept full responsibility for this mixup. I should have asked for an identification of the second-degree amendment. I did not do that. It is my responsibility.

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 substance of Senate Joint Resolution 251, in the form of a second-degree amendment to a Moynihan first-degree amendment to the continuing resolution, has just passed by unanimous consent of this body. Both Senator EAST and I registered written objections to the resolution and also requested in writing that we

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 the evening of 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 front 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 dealing with some 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:

SEPTEMBER 28, 1982.

Hon. HOWARD BAKER,
Majority Leader,
U.S. Senate, Washington, D.C.

DEAR HOWARD: Per our conversation, this will confirm the objection to any time agreement to the consideration of the National Peace Day amendment during Senate floor action on H.J. Res. 599, the Continuing Resolution. If any further time agreement is proposed, please notify the undersigned.

Sincerely,

JOHN EAST,
JEREMIAH DENTON.

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 caretaking before missiles, 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 President, Peace Links.

WHAT IS PEACE LINKS?

Through their own informal networks and organizations, women have begun expressing to one another the unthinkable dangers confronting our world and the necessity of promoting fundamental human values in the formulation of national security policies.

New voices are raising questions about nuclear weapons and the arms race. Women are measuring values rooted in nurturing and the protection of life against statistics of death and destruction unparalled in the history of the world, and they find that these values grow dim under the shadow of nuclear war.

People concerned about these issues reside in small towns, in the rural south, in the farmbelt and the sunbelt, as well as the cities. They come from traditions where patriotism runs deep and the idea that citizenship brings responsibility is strong. These very traditions are causing them to question the basic assumptions which have led us to the brink of the most horrible cataclysm ever imaginable. While their questions and concerns vary, a common thread runs through them all: "We don't have the answers to such complicated questions about national security and nuclear war, but something is terribly, terribly wrong. Together with our leaders we must find another way."

WHY PEACE LINKS?

Peace Links—Woman Against Nuclear War arose out of the growing concern of middle American women about the danger of nuclear war. Its goal is to foster awareness and increase participation among women and families at the community, state, national, and international levels on the critical issues of nuclear war, the arms race, and the alternative proposals for a world at peace.

Civic and church groups, social and professional associations, schools, garden clubs, Junior Leagues, Jaycettes, and other community groups became the forums for discussing nuclear war concerns. Peace Links became the means for linking these women with organizations from which they could learn about the issues, and for organizing and exercising leadership within their own communities.

Peace Links continues to work through traditional community groups and state chapters to help women learn more about these issues, express their concerns, organize for action, affiliate with other groups, support leaders committed to ending the threat of nuclear war and human destruction, and educate their children toward involvement in the democratic process.

HOW DID PEACE LINKS BEGIN?

Mrs. Betty Bumpers, wife of Senator Dale Bumpers of Arkansas, and a former school teacher and leader of a national immunization campaign, is the founder of Peace Links—Women Against Nuclear War. Betty's personal interest was ignited through conversations with her family and their friends who expressed deep anxiety and concern about nuclear war. Alarmed, Mrs. Bumpers began talking with other mothers and discovered identical experiences. Children six years old and older believed there would be a nuclear war in their lifetimes and that their families would not survive.

On a trip to Arkansas in January, 1982, Betty Bumpers invited 35 women representatives of a wide range of political, social, and religious groups to a meeting in Little Rock, Arkansas. The response was stunning. The women decided to form a statewide coordinating council called "Peace Links". An office was donated by the State Nursing Association, and the Winthrop Rockefeller Foundation granted seed money.

Mrs. Bumpers hosted a statewide meeting on March 2, 1982 for women who wanted to organize their counties. This gathering drew 150 women representing 11 of Arkansas' 75 counties. Since that day, Mrs. Bumpers has spoken to meetings of concerned women in approximately 65 Arkansas counties, as well as to numerous groups in other states.

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 throughout the state. They may 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 women's fear 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 times for grassroots women's groups to announce their own alternatives to war.

WHO ARE THE PEACE LINKS WOMEN?

Since Peace Links has become a national effort, plans based upon the Arkansas 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, Missouri, Wisconsin, New Mexico, 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. Plans at the national level have benefited from the experience and advice of a working National Advisory Council whose members are affiliated with the organizations listed below:

American Association of University Women, Committee for National Security, Educators for Social Responsibility, Forum Institute, General Federation of Women's Clubs, Ground Zero, Women Strike for Peace, National Peace Academy Campaign, Peace Corps Institute, Rural American Women, United States Student Association, Women's Economic Roundtable, Women's International League for Peace & Freedom, Federation of American Scientists.

The Advisory Council assists in the organizational development of Peace Links, assists in the selection of target states, explores opportunities for international activities, and provides support to the state Peace Links campaigns.

YOUR ROLE IN PEACE LINKS

Learn as much as you can about nuclear weapons and the arms build-up, including how public funds are 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.

Affiliate 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 understand that nuclear war affects all people in all countries.

Vote. The United States led the way into the nuclear age with the atom bomb. With the unique access to political decisionmaking which democracy affords, U.S. citizens are empowered to help lead the world out of the nuclear age.

MEDIA REPORTS ON THE PEACE LINKS PROCESS

"The disarmament campaign is directed toward women, Mrs. Bumpers said, because it is the ultimate parenting issue."—New York Times, May 26, 1982.

"Now the considerable talents of Mrs. Betty Bumpers have been turned toward what is surely the number one concern today: the threat of nuclear war and the pressing need for disarmament negotiations. She is spearheading a new movement known as 'Peace Links' . . . not just another big bureau with a hierarchy of authority and command . . . Instead, this is a grassroots network for women committed to the disarmament point of view and wanting to know how they might take part in it."—Senator David Pryor, Congressional Record, May 27, 1982.

"She said that because of their responsibilities as wives and mothers, women have assumed a nurturing role and are more willing to admit that war in today's world is 'obsolete.' And, it is obsolete because any outbreak—however small, in whatever corner of the world—carries the double-edge threat of escalating into a worldwide nuclear catastrophe."—Northwest Arkansas Morning News, May 19, 1982.

ISSUES WOMEN ARE RAISING

How we spend our public money.—This country and others are rapidly converting precious resources needed to meet human problems and develop our civilian economies into arms that we dare not use. People in responsible decision-making roles must be asked how and why the money is being spent.

The risks of getting into nuclear war.—Since our government and others are using public money to fuel the arms race, we are creating a climate in which nuclear war can occur. The possibilities of such a war starting by accident alone are staggering. Hard questions must be asked about contributing further to a propulsion toward extinction.

The Soviet threat.—Both the U.S. and the Soviet Union responses to the highly complex arena of world politics have contributed to nuclear war threats.

How do Russian women feel?—We hope that the women of the Soviet Union, just as all women of the world, share our concern for the future of our children.

Bringing our values to bear upon political leaders.—As mothers and teachers, can we not work together to influence politicians and technical experts to find alternatives to nuclear war?

PEACE LINKS—WOMEN AGAINST NUCLEAR WAR

HOW TO CELEBRATE PEACEDAY 1982

Individuals.—Read a book on the subject of nuclear weaponry or peace.

Have a Peace party and invite your friends over to talk about current issues and what can be done.

Write a letter to the editor, or to your governmental representatives expressing your opinions.

Organize a study group to discuss disarmanent issues.

Propose that your club or church put nuclear war on its agenda.

Encourage your family to become involved in this issue.

Clubs and Churches.—Invite community, religious and government leaders to speak about disarmament issues and proposals.

Sponsor speech, writing, art or music competitions for young people, with peace as the theme.

Encourage other organizations to band together to celebrate Peaceday.

Sponsor out-of-town speakers' or celebrities' travel to your town for Peaceday.

Publish facts and figures about national security for community-wide dissemination.

Communities.—Designate a gathering place for a Peaceday picnic and parade.

Request that all church bells be rung at a specific time.

Have County or City Council proclaim October 10th Peaceday.

Have local, state and national flags presented at the beginning of the celebration.

Involve school and college bands and choruses in providing patriotic music.

WHAT IS PEACE LINKS?

Founded in early 1982 by Betty Bumpers, Peace Links is an organizing effort aimed at stimulating interest in national security issues among traditional women's organizations. Peaceday is an opportunity for families and communities to come together to celebrate peace and security.

PEACEDAY FESTIVAL

Join Us—You could make all the difference!—Oct. 10, 1982. This is the day selected in S.J. Res. 251.

Activities include: Clowns and mimes, strolling musicians, folk singers, dancers, puppet show, bands, jousting tournament. 11 a.m. to 4 p.m. in the Constitution Gardens. 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 25.—When Betty Bumpers sat down with friends to put together an organization that would encourage women to get involved in the nuclear arms debate, they puzzled over what to call themselves.

"One woman said, 'We can't use the word peace because it has a bad connotation,'" Mrs. Bumpers recalled. "And I sort of dumbly agreed, 'Yeah, that's right.' And then it hit me, to think that we had reached the point of thinking in this country that the word peace was unacceptable. What the heck, we said, we'll use it anyway."

Mrs. Bumpers, whose husband, Dale, used to be Governor of Arkansas and is now a Democratic Senator from that state, has been on the stump in behalf of disarmament and is an organizer of "Peace Links," a fledgling Washington-based operation that hopes to act as a grass-roots clearinghouse for women, putting them in touch with organizations already working on disarmament.

NUMBERS AREN'T IMPORTANT

"What we want to do is to tap into every woman's organization across the country, from garden clubs to church groups, and have them put nuclear awareness on their agenda," said Mrs. Bumpers, a 57-year-old mother of three. "We want women to know that they shouldn't be put off by the technical vocabulary."

"I don't try to be an expert and remember all the facts and figures myself," she said. "I don't play the numbers game, because the numbers aren't important. All you really have to know is that we already have more than enough nuclear weapons to annihilate each other, that the scientists who developed this weapon say it is a war in which no one wins and that the chance of it happening by accident is increased by every additional warhead that is built."

Mrs. 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; 32 of the state's 75 counties have coordinators and there is a state headquarters in Little Rock.

The disarmament campaign is directed toward women, Mrs. Bumpers said, because it is the ultimate parenting issue. "Women have been socialized to think about the nurturing aspect. Their young are at jeopardy,

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 Peace Corps, as national coordinator and some seed money from the Rockefeller Family Fund. There are grant proposals before other foundations, and a number of prominent volunteers: Rosalynn 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: "I say to women: Let your political leaders 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) 546-8644.

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 increased voting power, candidates running for office will have to respond.

Polls and census surveys taken in the last year have shown that for the first time since winning the right to vote 61 years ago, women are voting in a markedly different way than men. Pollsters attribute this difference to women's greater support for women's issues and with a greater support for peace. According to the New York Times, "many public opinion experts believe that the partisan shift in the political views of women originated with distrust of President Reagan and a fear that he was ready to risk a war." (6/30/82)

The statistics also show that women are voting at roughly the same level as men for the first time, and that by 1984 the percentage of women voting would exceed the percentage of men. When these facts are linked to recent results of a poll conducted by Louis Harris showing that 56% of voters say that they would vote against a candidate for Congress this fall, if that candidate wanted to escalate the arms race, it is clear that women's greater commitment to peace can make a significant impact on public policy in the area of disarmament.

According to Yvonne Logan, President of the U.S. Section of the Women's International League for Peace and Freedom, "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 renewed commitment to peace will determine the outcome of many elections this fall."

The Women's International League is collecting one million signatures from American women in our Stop the Arms Race campaign (STAR). Our members in 90 branches and hundreds of other women are collecting these signatures across the country. This week our members in Missouri, Illinois, Connecticut, Pennsylvania, California, Ohio, Washington, New York, and Massachusetts will be meeting with candidates for election and reelection to get on record their views on peace issues.

We join together with other women leaders to insure that the impact of the women's vote will demonstrate the collective power of women in November and in the future.

THE WOMEN'S VOTE: A NEW POLITICAL FORCE IN AMERICA

(By Louis Harris)

Irrespective of the fate of the Equal Rights Amendment, there is now every indication that one of the major developments of the 1980s will be the full-blown emergence of a powerful new 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. At the moment, women are inclined to vote Democratic in this fall's race for Congress by a 53-35 percent margin, whereas men are leaning Democratic by a much narrower 47-44 percent. If these percentages hold until the election, it will mean that the Democrats in Congress will owe 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 over the past few years, 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 communities in which 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 about human life than have men. During the Vietnam War, women as a group became disenchanted with the fighting and loss of American lives in Southeast Asia two full years before men did.

In the current economic recession, women are far more worried than men about what the next 12 months will bring:

By 60-37 percent, most women worry that in the next year "more people will be going hungry" in America, compared with a 52-45 percent majority of men.

By 69-27 percent, a majority of women thinks the next year wil find that "more factories will be shutting down," compared with a lower 56-42 percent majority of men.

A 73-23 percent majority of women is convinced that "more people will be losing houses and farms because they can't meet the mortgage payments." A 58-39 percent majority of men share that same apprehension; and

By 63-33 percent, a majority of women is worried that in the next 12 months "there will be even less new housing construction" in the country, while a 52-46 percent majority of men say this will not happen.

Women's opinions differ from men's on a variety of other 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 72-20 percent, compared with a 64-28 percent majority among men. On strict enforcement of air and water pollution controls as now required by the Clean Air and Clean Water Acts, women favor tight controls by 87-10 percent, compared with 79-18 percent among men.

Women are now much more inclined to think that they are discriminated against in the financial and work marketplace. By 50-38 percent, a plurality of women thinks 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 disagrees.

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/APC ENDORSES SECOND WAVE OF CANDIDATES WHO SUPPORT NUCLEAR WEAPONS FREEZE

Boston, Mass.—In an effort to extend the margin of victory for a bilateral verifiable nuclear weapons freeze in the next session of Congress, Women's Action for Nuclear Disarmament has endorsed a second group of congressional candidates opposed to the escalating nuclear arms race.

The political action committee will support the campaigns of Tom Daschle (1st CD, SD), John Kerry (1st CD, ME), 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 from whom WAND/PAC will raise funds and provide campaign 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

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 affiliate groups, and lobbies members of Congress when nuclear weapons bills are debated.

WAND/PAC had previouly 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 (23d CD, NY primary), Claudine Schneider (2d CD, RI), and Frances Farley (2d CD, UT).

WAND/PAC, founded by Dr. Helen Caldicott, has an active network of both women and men working in more than 70 affiliate groups across the country.

"The response to organize in local communities or by congressional district has been overwhelmingly 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 pursuit of peace has been in the hearts of women for centuries. It's that pursuit that makes us what we are. The right to vote has been with women for years. By our numbers, we've turned that right into a 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 publicly asking the questions about our nuclear policy both 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 it or fights a nuclear war to prove it.

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 woman 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 equanimity.

The Caucus, for its part, is determined to translate this "people" power into the higher voltage "political" power. We're 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 on the state 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 unprecedented strength of a unified bloc of women voters, women who are infuriated that they've been denied the Equal Rights Amendment and afraid that the current administration intends to deny them a lot more. Women have become galvanized by the present assault on their personal and economic lives, and are ready to take their disenchantment 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 fact-finding 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 be WILPF members. The first women recipients of the Nobel Peace Prize were 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 leading 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 secretary 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 DEMONSTRATE IN BRUSSELS NEXT MARCH

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 at 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 ward off a whole generation of weapons designed only to destroy human life, We want the NATO deployment plans cancelled as the first step to arms control and disarmament", 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 united effort to build a women's voting block.

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 Disarmanent 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 (R-RI) and Patricia Schroeder (D-CO), both spoke of the "new political force" of the women's vote and commended the Women's International League Stop the Arms Race (STAR) 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

(This report describes Soviet "active measures" which have come to light since the publication of Special Report No. 88, "Soviet Active Measures: Forgery, Disinformation, Political Operations," in October 1981.)

The Soviet Union uses the term "active measures" (aktivnyye 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 front groups, and operations to expand 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 opinions in favor of Soviet policies and against those of the United States and its allies. It is our 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

Forgeries are a frequently used active measures technique. Several have come to light in recent months. Their appearance has been timed to influence Western opinion on current sensitive issues. As far as we are aware, only one of these recent forgeries achieved uncritical publication.

Forgeries are usually sent through the mail to journalists, officials, or other persons who might make them available to the media. Forgeries normally do not carry a return address, nor is the sender identified in a way that can be checked. How the document was acquired invariably is vague.

The NATO Information Service Documents. In late October 1981, Spanish journalists living in Brussels received form letters purporting to come from the NATO Information Service. The letters enclosed a publicity packet that had been updated to include Spain as a new member of the alliance. As the Spanish Parliament was still debating Spain's application to join NATO, the letter could impress Spaniards as showing contempt for Spain's democratic institutions. The journalists checked with NATO, and stories in the Spanish press spoke of a forgery designed to influence Spain's domestic debate on NATO.

The President Reagan Letter to the King of Spain. In November 1981, an attempt was made in Madrid to surface a forged letter from President Reagan to the King of Spain. In terms likely to offend Spanish sensitivities, the letter urged the King to join NATO and to crack down on groups such as the "Opus Dei pacifists" and the "left-wing opposition."

After an initial mailing to Spanish journalists failed to obtain publication, the forgery was circulated on November 11 to all delegations (except the U.S. and Spanish) to the Conference of Security and Cooperation in Europe (CSCE), then meeting in Madrid. This time several Madrid newspapers ran stories that exposed the letter as a fabrication probably of Soviet origin.

The Clark-Stearns Letter. In January 1982, a forged letter and an accompanying research analysis dated September 23, 1981, from Judge William Clark, then Deputy Secretary of State, to the U.S. Ambassador to Greece, Monteagle Stearns, circulated in Athens. This forgery indicated U.S. support for the conservatives in the October Greek elections and alluded to a possible military coup if Socialist leader Andreas Papandreou won at the polls. On the basis of Embassy assurances that the letter was a fake, it was not initially published. Several weeks later, after copies had been circulated at the CSCE in Madrid, the Athens daily Vrathini published a story describing the letter as of doubtful authenticity and probably attributable to a "third-country" intelligence service.

The Swedish Mailgrams. During the week of November 8, 1981, at least 10 mailgrams—initiated by telephone calls to Western Union—were circulated to journalists in the Washington, D.C. area. Supposedly sent by U.S. Government officials, the mailgrams offered to make available the text of an alleged secret agreement for U.S. use of the Swedish base at Karlskrona for intelligence purposes.

The mailgrams were sent immediately after the furor caused by the grounding of a Soviet submarine in restricted waters off the Karlskrona naval base. Their timing supports the conclusion that the effort was an attempt to offset the bad publicity the Soviets received from the incident.

The Haig-Luns Letter. The April 22, 1982 edition of the Belgian leftist weekly De Nieuwe published a letter supposedly sent in June 1979 by retiring NATO Commander Alexander Haig to NATO Secretary General Joseph Luns. Both NATO and U.S. officials branded the letter a fabrication.

The forged letter discussed a possible nuclear first strike and called for "action of a sensitive nature" to "jolt the faint hearted in Europe" opposed to intermediate-range nuclear force modernization. The timing of the false letter was related to the many antinuclear demonstrations which took place in Europe in the spring of 1982. The letter appeared again in the Luxembourg Communist Party newspaper, Zeitung, on May 10.

The Department of Commerce Document. In late May 1982, just before the Versailles economic summit, an alleged U.S. Government document dated February 18, 1982 circulated in Brussels. Purporting to be the recommendations of a working group on strategic economic policy chaired by the Secretary of Commerce, the document twisted U.S. policy on sensitive trade issues in a way likely to stimulate friction between the United States and its European allies. Several journalists brought the matter to the attention of U.S. officials, who promptly branded it a forgery. As far as we are aware, the media have not reported the fabricated document.

MEDIA MANIPULATION DISINFORMATION

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 publication of false news in reputable non-Communist media. Soviet media, such as TASS or Radio Moscow, are then able to cite credible sources in replaying a story in the hope that it will be picked up by other non-Communist media. Disinformation also is frequently placed in pro-Soviet news outlets outside the Eastern bloc in the hope that it will be replayed by independent media or simply gain acceptance through repetition.

Angola/Zaire/South Africa. One Soviet campaign has been to discredit U.S. policy in southern Africa—in particular, the credibility of U.S. efforts to solve the Namibia problem—by media stories that the United States is trying to oust the Government of Angola. A number of recent examples illustrate this effort.

On September 15 and 23-24, 1981, the Portugal Hoje of Lisbon, a paper close to the Socialist Party, published reports that U.S., Zairian, and South African representatives had met secretly to conspire against the Angolan regime. The source for the story, an Angolan traveling to Lisbon, claimed he had stolen Zairian documents as proof, but he never made the documents available. Both Zaire and the United States denied the allegations. TASS promptly picked up the Hoje story, and in turn it was replayed in a number of African papers, including the Jornal de Angola.

On December 22, 1981, Diario de Lisboa, a pro-Communist paper, reported that the United States was supporting "2,000 specially trained gunmen" based in Zaire to attack Angola. The State Department denied the story December 24, but TASS nonetheless picked it up. In turn, a number of African papers and radio stations and the Flemish Socialist daily De Morgen replayed the allegations on the basis of the TASS account.

A similar story was carried in the April 17, 1982 Congolese newspaper *Etumba*, which alleged a meeting in 1981 between the United States, South Africa, and others to plot against Angola. The U.S. Embassy in Brazzaville promptly denied the report.

The Seychelles Coup Attempt. A day after the November 25, 1981 attempt by a group of mercenaries to overthrow the Government of the Seychelles, Soviet news reports were implying that the CIA was responsible. In keeping with frequent Soviet practice, these accusations were attributed to unnamed, and therefore unverifiable, "African radio commentaries." Despite a statement by Seychelles President France Albert René on December 2 that his government had no indication of any foreign involvement other than South African, Soviet media continued to accuse the United States. In December, several African newspapers (among them the *Nairobi Nation and Lagos Daily Times*, the leading dailies in Kenya and Nigeria, respectively) repeated the story. Soviet media then replayed the allegations, citing the African papers as sources.

The Pakistani Mosquitoes. In the wake of compelling evidence that the Soviets are using chemical weapons in Afghanistan and supplying mycotoxins for use in Laos and Kampuchea, Moscow has launched a disinformation effort focused on Pakistan. The February 2, 1982 *Literaturnaya Gazeta* alleged that the antimalaria program of Pakistan Malaria Research Center in Lahore was a CIA-financed effort to breed special mosquitoes "which infect their victims with deadly viruses as part of U.S plans to introduce biological warfare into Afghanistan." In fact, the Pakistan Malaria Research Center has been conducting antimalaria research for 20 years. Much of the funding comes from the U.S. National Institutes of Health and AID through a contract with the Unversity of Maryland. The State Department promptly labeled the Soviet charges "utterly baseless."

The American Center Director Dr. David Nalin told the Baltimore Sun on February 9, 1982 that the allegations were a Soviet disinformation effort to counter U.S. "yellow rain" charges. Nonetheless, TASS continued to carry the false stories, which were replayed not only by regular disinformation outlets, such as Bombay's Blitz and the New Delhi Patriot, but also by independent

newspapers not usually associated with Soviet propaganda, such as the influential Times of India and Pakistani daily Jang, and the Muslim News of Capetown, South Africa.

A Moscow-funded Greek Newspaper? Another way to exert media influence is by secretly subsidizing a newspaper. This may have occurred recently in Greece. In May 1982, the Athens daily Messimvrini charged that a new large circulation daily, To Ethnos, had begun publication in September 1981 thanks to a secret Soviet subsidy of $1.8 million; Messimvrini alleged that covert payments were continuing. The Greek Government has ordered an investigation.

Military Base Hoaxes. A disinformation staple is to float false stories about U.S. military cooperation. Recent examples from Soviet and Communist media have included false stories that the United States has or intends to establish bases on the Honduran island of Amapala, the Colombian island of San Andres, and in the Comoros Islands off the east coast of Africa. Although these have not gained credence, one relating to Pakistan attracted more attention. As a result, the Pakistan Foreign Ministry on December 10, 1981 found it necessary to deny Radio Moscow's assertion that the United States would seek military bases in Pakistan during a visit by Secretary of State Haig. Among other things, the Radio Moscow account falsely asserted that Indian Foreign Minister Rao had claimed in the Indian Parliament that Pakistan had agreed to provide bases for the U.S. Rapid Deployment Force.

FRONT GROUPS/PRO-MOSCOW COMMUNIST PARTIES

Front groups are nominally independent organizations that are controlled by the Soviets, usually through the International Department of the Central Committee of the CPSU.[1] These organizations have long sought to build support for Soviet foreign policy goals. In recent months the main thrust of front activity has been to try to see that the peace movement in Western Europe and the United States is directed solely against U.S. policy and that it avoids any criticism of the Soviet nuclear threat. The 1982 program of the World Peace Council, for example, calls for:

"Further intensification of actions against the dangers of nuclear war and the deployment of new U.S. weapons of mass destruction in Western Europe. . . ."

"National events (demonstrations, seminars, colloquia, etc.) with international participation 'against nuclear arms build-up and the deployment of U.S. missiles in Europe; for peace and detente in Europe.'"

"International meeting of mayors and elected representatives (city councilors, municipalities, etc.) and of peace forces from European towns and regions where new U.S. nuclear missiles are to be deployed. . . ."[2]

Communist parties linked with Moscow have pursued the same path. The impact of the fronts and local Communist groups varies markedly from country to country and is difficult to evaluate. Nevertheless, awareness is increasing that the Communists and their supporters are attempting to channel the peace and antinuclear movements to serve Moscow's purpose. This has led to friction within the movement in some countries.

In West Germany, after efforts by the German Communist Party (DKP) in early April 1982 produced anti-U.S. slogans without mentioning the Soviet nuclear arsenal as a threat to peace, Petra Kelly, a prominent leader of the Environment Party (the "Greens") publicly criticized the Communists. She repeated this criticism when interviewed on CBS Television during President Reagan's visit to Bonn. Similarly, in Austria, the original platform adopted by the organizers of a peace march on May 15 under pressure from pro-Moscow Communists avoided criticism of Soviet atomic weapons. The non-Communists later regrouped; as a result, the Austrian Youth Council issued a less one-sided platform.

POLITICAL INFLUENCE OPERATIONS

Political influence operations, especially those using agents of influence, are harder to detect than other active measures. In these operations, individuals disguise their KGB connection while taking an active role in public affairs. Exposure, when it occurs, is frequently the result of an espionage investigation. The scale of improper Soviet activities is reflected in the publicized expulsion of 19 Soviet officials involved in espionage and active measures cases from 10 countries during the first 5 months of 1982. Among these were the expulsion of the Soviet military attache from Washington and the uncovering of spy nets in Indonesia and Singapore.

Denmark. In October 1981, the Danish Government expelled Vladimir Merkulov, a KGB officer serving as a second secretary of the Soviet Embassy, for improper conduct, including directing the activities of Danish agent-of-influence Arne Herloev Petersen. An April 17, 1982 Danish Ministry of Justice statement detailed Petersen's work with the KGB.

In the summer of 1981, the Soviets arranged to cover Petersen's expenses for a series of advertisements in which Danish artists expressed support for a Nordic nuclear-weapons-free zone.

Petersen brought foreign policy documents provided by the Soviet Embassy to the North Korean Embassy; on Soviet instructions he misrepresented the documents as coming from an American journalist.

Petersen provided information several times to the Soviet Embassy on the Danish "left wing" and on "progressive" journalists who were not Communist Party members.

Petersen arranged for the printing of a pamphlet attacking British Prime Minister Thatcher. The text was supplied by the Soviet Embassy.

The Ministry of Justice noted that clandestine meetings between Petersen and a succession of three Soviet "diplomats" (of whom Merkulov was the latest) had extended over several years. Petersen specifically was requested by his KGB handlers not to join the Danish Communist Party.

The Danish Government decided not to prosecute Petersen, although it declared that he violated Danish law. In a television interview 2 days after the official statement, the Danish Foreign Minister challenged Petersen to sue for slander so that the full extent of the government's evidence could be made public.

Sweden. Soviet Third Secretary Albert Liepa was expelled in April 1982. According to a Swedish Foreign Ministry spokesman, Liepa had made systematic efforts to collect information on and exert influence over the Latvian exile community in Sweden. Before his assignment to Stockholm, Liepa had been chairman of a committee based in Riga concerned with maintaining "cultural ties" with Latvians living outside the Soviet Union.

SOVIET "ACTIVE MEASURES"—FORGERY, DISINFORMATION, POLITICAL OPERATIONS

(The following paper was prepared by the Department of State in response to requests for information from a number of individuals, private groups, and foreign governments.)

In late 1979, agents of the Soviet Union spread a false rumor that the United States was responsible for the seizure of the Grand Mosque of Mecca.

In 1980, a French journalist was convicted by a French court of law for acting as a Soviet agent of influence since 1959.

In August 1981, the Soviet news agency TASS alleged that the United States was behind the death of Panamanian leader Omar Torrijos.

These are three examples of a stream of Soviet "active measures" that seek to discredit and weaken the United States and other nations. The Soviets use the bland term "active measures" (aktivnyye meropriyatiya) to refer to operations intended to affect other nations' policies, as distinct from espionage and counterintelligence. Soviet "active measures" include:

Written or spoken disinformation;

Efforts to control media in foreign countries;

Use of Communist parties and front organizations;

Clandestine radio broadcasting;

Blackmail, personal and economic; and

Political influence operations.

None of this is to be mistaken for the open accepted public diplomacy in which virtually all nations engage extensively. Public diplomacy includes providing press releases and other information to journalists, open public broadcasting, and a wide variety of official, academic, and cultural exchange programs. By contrast, Soviet "active measures" are frequently undertaken secretly, sometimes violate the laws of other nations, and often involve threats, blackmail, bribes, and exploitation of individuals and groups.

Soviet "active measures" do not always achieve Moscow's objectives. In some cases, Soviet operations have failed because of ineptitude or because targeted individuals or governments have responded effectively. However, Soviet "active measures" have had some success, and they remain a major, if little understood, element of Soviet foreign policy.

The approaches used by Moscow include control of the press in foreign countries; outright and partial forgery of documents; use of rumors, insinuation, altered facts,

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[1] See Foreign Affairs Note, "The World Peace Council, Instrument of Soviet Foreign Policy," Department of State, April 1982. Other well-known international fronts are the International Institute for Peace (IIP), The World Federation of Trade Unions (WFTU), the World Federation of Democratic Youth (WFDY), the International Union of Students (IUS), the Women's International Democratic Federation (WIDF), the International Association of Democratic Lawyers (IADL), the World Federation of Scientific Workers (WFSW), the International Organization of Journalists (IOJ), the Christian Peace Conference (CPC), the International Federation of Resistance Fighters (FIR), and the Women's International League for Peace and Freedom (WILPF).

[2] "World Peace Council: Programme of Action 1982" published by the Information Center of the WPC, Helsinki.

and lies; use of international and local front organizations; clandestine operation of radio stations; exploitation of a nation's academic, political, economic, and media figures as collaborators to influence policies of the nation.

Specific cases of Soviet "active measures" included here are: the Soviet anti-theater nuclear force (TNF) campaign in Europe; the Soviet anti- "neutron bomb" campaign; Soviet activites in support of the liftists in El Salvador; the Soviet campaign against the U.S.-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.—in the Politburo of the Communist Party Central Committee—as are all other important decisions of Soviet foreign policy.

The activities are designed and executed by a large and complex bureaucracy in which the KGB and the International Department of the Communist Party of the Soviet Union (CPSU) Central Committee are major elements. The International Information Department of the CPSU Central Committee is also deeply engaged in such activities. 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 highly centralized structure of the Soviet state and the state's pervasive control and direction of all elements of society give Soviet leaders impressive free use of party, government, and private citizens in orchestrating "active measures"

The open societies of the industrial democracies and many developng nations, and the ease of access to their news media, often give Soviets 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 Soviets are adept at making their policies appear to be compatible or parallel with the interests of peace, environmental, and other groups active in Western and developing societies.

By contrast, the Soviet Union denies access to its mass media for foreigners who might criticize Soviet society or the foreign policies of the U.S.S.R.

While the United States remains the primary target, Moscow is devoting increasing resources to "active measures" against the governments of other industrialized countries and countries 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" change to meet changed 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 not completely abandoned. At the same time, some religious themes—notably the Soviet assertion that the Islamic religion occupies a favorable position in the U.S.S.R.—have assumed greater significance, as Moscow courts 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 base of support 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 the media of foreign countries. In one developing country, Soviets used more than two dozen local journalists to plant media items favorable to the U.S.S.R. Soviets have also 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 contents of two major daily newspapers.

Forgeries. Soviet forgeries—completely fabricated or altered versions of actual documents—are produced and circulated to mislead foreign governments, media, and public opinion. Recent Soviet forgeries are better and appear more frequently 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 create tensions between the United States and other countries. In some cases, the Soviets used actual documents passed to the KGB by U.S. Army Sergeant Robert Lee Johnson (who was eventually arrested and convicted as a Soviet agent) as models for style and format in Soviet forgeries. In one case, Soviet agents, seeking to disrupt NATO theater nuclear force modernization, circulated a forged "top secret" letter from Secretary of State Cyrus Vance to another Western foreign minister.

Disinformation. Soviet agents use rumor, insinuation, and distortion of facts to discredit foreign governments and leaders. In late 1979, Soviets 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 of a West European country that the CIA had increased its activities in the country and that a coup was being planned. Sometimes these disinformation campaigns appear in foreign media suborned by the Soviets, 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. Moscow controls 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 oppose policies and leaders whose activities do not serve Soviet interests.

To complement organizations known for pro-Soviet bias, the Soviets sometimes help establish and fund ad hoc front groups that do not have histories of close association with the Soviet Union and can attract members from a wide political spectrum.

Clandestine 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 sponsors the stations, which represent themselves as organs of authentic local "progressive" forces. The broadcasts of both of these Soviet stations illustrate the use of "active measures" in support of Soviet foreign policy goals. For instance, NVOI broadcasts to Iran in 1979–80 consistently urged that the American diplomatic hostages not be released, while Soviet official statements supported the hostages' claim to diplomatic immunity.

Economic Manipulation. The Soviet Union also uses a variety of covert economic maneuvers in "active measures" operations. For example, a Soviet ambassador in a West European country warned a local businessman that his sales to the U.S.S.R. would suffer if he went ahead with plans to provide technical assistance to China. In another industrialized country, Soviet agents sought to increase local concern over the stability of the dollar by driving up the price of gold. This was to be 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 carry it out did not fully understand the financial aspects of the operation.

Political Influence Operations. Political influence operations are the most important but least understood aspects of Soviet "active measures" activities. 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, Soviet officials offer inducements tailored to the specific requirements or vulnerabilities of the individual involved. In 1980, Pierre-Charles Pathe, a French journalist, was convicted for acting as a Soviet agent of influence since 1959. His articles—all subtly pushing the Soviet line on a wide range of international issues—were published in a number of important newspapers and journals, sometimes under the pseudonym of Charles Morand. The journalist also published a private newsletter which was regularly sent to many newspapers, members of parliament, and a number of foreign embassies. The Soviets used Pathe over a number of years to try to influence the attitudes of the prominent subscribers to his newsletter and to exploit his broad personal contacts.

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 official's ambition, his Soviet contact claims to be a private channel to the Soviet leadership. To play upon his sense of self-importance and to enhance his credibility within his own government, the host government official

may be invited to meetings with high-level Soviet leaders. The Soviets then exploit the local official to pass a mixture of true, distorted, and false information—all calculated to serve Soviet objectives—to the host government.

Use of Academicians and Journalists. Soviet academicians, who often are accepted abroad as legitimate counterparts of their non-Soviet colleagues, frequently engage in "active measures." Unlike their free world counterparts, they must play two roles—their legitimate academic pursuit of knowledge for its own sake and their political activities on behalf of the Kremlin. Soviet academicians are obliged to obey instructions from bodies which plan and control Soviet "active measures" activities. Similarly, Soviet journalists often engage in "active measures" operations in addition to serving as representatives of Soviet news agencies. One KGB officer in an industrialized country used his journalistic cover to pass forgeries, as well as to publish numerous propaganda articles aimed at influencing the media of the host country.

CASE STUDIES

The Soviet Anti-TNF Modernization Campaign in Europe. The Soviet campaign in Europe against NATO TNF modernization is a good illustration of Soviet use of "active measures." After a long and unprecedented buildup of Soviet military strength in Europe, including the deployment of new SS-20 nuclear missiles targeted on Western Europe, the NATO ministers in December 1979 decided to modernize NATO's TNF capabilities. The Soviets immediately began an ongoing, intensive campaign to develop an environment of public opinion opposed to the NATO decision. (Of course, not all opposition to the TNF modernization decision is inspired by the Soviet Union or its "active measures" activities.)

In this campaign, Soviet diplomats in European countries pressured their host governments in many ways. In one European country, the Soviet ambassador met privately with the Minister of Commerce to discuss the supply and price of oil sold by the Soviet Union to that country. During the discussion, the ambassador gave the minister a copy of Leonid Brezhnev's Berlin speech dealing with TNF. He suggested that if the host government would oppose TNF modernization, the Soviet Ministry of Foreign Affairs might persuade the Soviet Ministry of Foreign Trade to grant more favorable oil prices.

Moscow has spurred many front groups to oppose the TNF decision through well-publicized conferences and public demonstrations. To broaden the base of the anti-TNF campaign, front groups have lobbied non-Communist participants, including antinulcear groups, pacifists, environmentalists, and others. In some cases, the activities of these broad front groups have been directed by local Communist parties. Soviets have predictably devoted the greatest resources to these activities in NATO countries where opposition to the TNF modernization decision is strongest.

In the Netherlands, for example, the Communist Party of the Netherlands (CPN) has set up its own front group—Dutch Christians for Socialism. In November 1980, the Dutch "Joint Committee—Stop the Neutron Bomb—Stop the Nuclear Armament Race," which has ties to the CPN, sponsored an international forum against nuclear arms in Amsterdam. The forum succeeded in attracting support from a variety of quarters, which the CPN is exploiting in its campaign to prevent final parliamentary approval of the TNF decision.

The Soviet Campaign Against Enhanced Radiation Weapons (ERW). The Soviets, throughout 1977 and early 1978, carried out one of their largest, most expensive, and best orchestrated "active measures" campaigns against enhanced radiation (neutron) weapons. (Again, not all opposition to the U.S. decision to produce the enhanced radiation weapon is Soviet inspired.)

This Soviet campaign has had two objectives: first, to halt deployment of ERW by NATO; second, to divide NATO, encourage criticism of the United States, and divert Western attention from the growing Soviet military buildup and its threat to Western Europe and the world.

Phase one occurred throughout the summer of 1977. The Soviets staged an intense propaganda blitz against ERW and the United States, involving numerous demonstrations and protests by various "peace councils" and other groups. This phase culminated in a Soviet-proclaimed international "Week of Action."

Phase two began in January 1978 with Soviet propaganda exploitation of a letter from Leonid Brezhnev to Western heads of government warning that production and deployment of ERW constituted a serious threat to detente. A barrage of similar letters from members of the Supreme Soviet went to Western parliamentarians. Soviet trade union officials forwarded parallel messages to Western labor counterparts.

Phase three came in early 1978 with a series of Soviet-planned conferences, under different names and covers, designed to build up the momentum of anti-ERW pressure for the U.N. Special Session on Disarmament of May-June 1978. These meetings and conferences, held throughout February and March, were organized either by the World Peace Council or jointly sponsored with established and recognized independent international groups.

The Soviet campaign succeeded in complicating allied defense planning and focusing criticism on the United States. A top Hungarian Communist Party official wrote that "the political campaign against the neutron bomb was one of the most significant and successful since World War Two." The propaganda campaign did not end in 1978; it was incorporated into the anti-TNF effort. With the recent U.S. decision to proceed with ERW production, the Soviets have begun a new barrage of propaganda and related "active measures."

Soviet "Active Measures" Toward El Salvador. Complementing their overt public support for the leftist insurgency in El Salvador, the Soviets have also engaged in a global "active measures" campaign to sway public opinion. These activities include a broad range of standard techniques, including forgeries, disinformation, attempted manipulation of the press, and use of front groups. The obvious dual purpose has been to increase support for the insurgency while trying to discredit U.S. efforts to assist the Government of El Salvador.

In 1980, Salvadoran leftists met in Havana and formed the United Revolutionary Directorate (DRU), the central political and military planning organization for the insurgents. During the same period, the Salvadoran Revolutionary Democratic Front (FDR) was established with Soviet and Cuban support, to represent the leftist insurgency abroad. The FDR and DRU work closely with Cubans and Soviets, but their collaboration is often covert.

The FDR also supported the establishment of Salvadoran solidarity committees in Western Europe, Latin America, Canada, Australia, and New Zealand. These solidarity committees have disseminated propaganda and organized meetings and demonstrations in support of the insurgents. Such committees, in cooperation with local Communist parties and leftist groups, organized some 70 demonstrations and protests between mid-January and mid-March 1981 in Western Europe, Latin America, Australia, 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, indegenous Salvadoran movement. These organizations have had some success in influencing public opinion throughout Latin America and in Western Europe. The effort of the insurgents to gain legitimacy has been buttressed by intense diplomatic activity on their behalf. For example, at the February 1981 nonalignment movement meeting in New Delhi, a 30-man Cuban contingent, cooperating closely with six Soviet diplomats, pressed the conference to condemn U.S. policy in El Salvador.

At another level, the Soviet media have published numerous distortions to erode support for U.S. policy. For example, an article in the December 30, 1980 Pravda falsely stated that U.S. military advisers in El Salvador were involved in punitive actions against noncombatants, including use of napalm and herbicides. In another particularly outrageous distortion, a January 1, 1981 article in the Soviet weekly Literaturnaya Gazeta falsely stated that the United States was preparing to implement the so-called centaur plan for "elimination" of thousands of Salvadorans.

Campaign Against the U.S.-Egyptian Relationship 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. A special feature of Middle East "active measures" activities has been the use of forgeries, including:

A purported speech by a member of the U.S. Administration which insulted Egyptians and called for "a total change of the government and the governmental system in Egypt." This forgery, which surfaced in 1976, was the first of a series of bogus documents produced by the Soviets to complicate U.S.-Egyptian relations.

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 President 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. Government documents, which criticized Sadat's "lack of leadership" and called for a "change of government" in Egypt. These forgeries surfaced in various locations during 1977.

A forged dispatch, allegedly prepared by the U.S. Embassy in Tehran, which suggested that the United States had acquiesced in plans by Iran and Saudi Arabia to overthrow Sadat. This forgery was sent by mail to the Egyptian Embassy in Belgrade in August 1977.

A forged CIA report which criticized Islamic groups as a barrier to U.S. goals in the

Middle East and suggested tactics to suppress, divide, and eliminate these groups. This forgery surfaced in the January 1979 issue of the Cairo-based magazine Al-Dawa.

A forged letter from U.S. Ambassador to Egypt Herman F. Eilts, which declared that, because Sadat was not prepared to serve U.S. interests, "we must repudiate him and get rid of him without hesitation." This forgery surfaced in the October 1, 1979 issue of the Syrian newspaper Al-Ba'th.

CONCLUSION

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 Soviet 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 sophiticated, especially in forgeries and political influence operations. Unless the targets of Soviet "active measrues" take effective action to counter to trouble both industrialized and developing countries.

THE KGB'S—MAGICAL 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 joined in the nuclear-freeze movement. It is a movement largely made up of patriotic, sensible people who earnestly 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. Here, in an exclusive report, Reader's Digest Senior Editor John Barron, author of the bestseller "KGB: The Secret Work of Soviet Secret Agents," authenticates in detail how the Kremlin, through secrecy, forgery, terrorism and fear, has played upon mankind's longing for peace to further its own strategic objectives.

In the old Lubyanka Prison on Dzerzhinsky Square in Moscow, the screams of the tortured and the pleas of the doomed are heard no more. Drunken executioners no longer ram pistols into backs of heads and blow out the faces of "enemies of the people." No longer must cleaning crews come every few hours to wash blood from the stone walls, swab gore off the oak floors and cart away former comrades' remains.

Today the Communist Party torturers and executioners perform their duties elsewhere, and Lubyanka, whose name still kindles fear in Russians, has undergone a reincarnation. Unknown to the general public, its cells, torture chambers and execution cellars have been remodeled into offices and made part of the "Center"—the headquarters of the Committee for State Security, or KGB.

Sitting in a mahogany-paneled office on the third floor for Lubyanka is the new KGB chairman, Vitaly Fedorchuk. He must still concern himself, first of all, with the continuing subjugation of the Soviet people on behalf of the Party. He and his deputies must still supervise some 5000 KGB officers abroad who daily endeavor to steal the scientific, military and state secrets of other nations. But today, as never before, the KGB leadership is preoccupied with prosecution of what the Russians call Active Measures.

As a result of a disastrous DGB loss, the West has gained encyclopedic, inside knowledge of how the Soviet Union conceives and conducts Active Measures. In Late 1979 Maj. Stanislav Aleksandrovich Levchenko escaped from Japan to the United States, and he turned out to be one of the most important officers ever to flee the KGB. Levchenko had worked at the Center as well as in front organizations in Moscow. At the time of his escape he was Active Measures Officer at the KGB's Tokyo Residency. From his unique background, he disclosed strategy, tactics and myriad examples of Active Measures, while unmasking Soviet fronts and key KGB operatives.

"Few people who understand the reality of the Soviet Union will knowingly support it or its policies," Levchenko states. "So by Active Measures, the KGB distorts or inverts reality. The trick is to make people support Soviet policy unwittingly by convincing them they are supporting something else. Almost everybody wants peace and fears war. Therefore, by every conceivable means, the KGB plans and coordinates campaigns to persuade the public that whatever America does endangers peace and that whatever the Soviet Union proposes furthers peace. To be for America is to be for war; to be for the Soviets is to be for peace. That's the art of Active Measures, a sort of made-in-Moscow black magic. 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 by persuanding the United States to abandon new weapons systems that both American political parties and numerous strategists judge essential to Western military security. The name of the campaign is "nuclear freeze."

This worldwide campaign thus far has been remarkably successful, for the KGB has induced millions upon millions of honorable, patriotic and sensible people who detest communist tyranny to make common cause with the Soviet Union. Most of these millions earnestly believe they are doing what they must to spare mankind the calamity of nuclear war. In appealing to their admirable motivations, the Soviet Active Measures apparatus follows a strategy not unlike that of cigarette advertisers. Tobacco companies do not ask people to consider thoughtfully the fundamental issue of whether the pleasures of cigarette addiction offset indisputable perils to health. Rather, by simple slogans and alluring illustrations, they evade the issue. Similarly Active Measures, by holding out the allure of peace through simple slogans and simplistic proposals, try to evade the fundamental and extremely complex issue of arms limitation. And, as Levchenko suggests, they try to persuade everybody that the way to peace lies down the path the Russians are pointing to.

FABRICATIONS AND FRONTS

IN THE SOVIET LEXICON. Active Measures include both overt and covert propaganda, manipulation of international front organizations, forgeries, fabrications and deceptions, acts of sabotage or terrorism committed for psychological effect, and the use of Agents of Influence.[1]

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 unreliable, warmongering nation. One of the most damaging was a fabrication titled U.S. Army Field Manual FM30-31B and classified, by the KGB, top secret. Field manuals FM30-31 and FM30-31A did exist; FM 30-31B was entirely a Soviet creation. Over the forged signature of Gen. William Westmoreland, the manual detailed procedures to be followed by U.S. military personnel in friendly foreign countries. These fictitious instructions told U.S. military forces or advisers how to interfere in internal political affairs and, in certain circumstances, how to incite ultra-leftist groups to violence so as to provoke the host government into militant anti-communist actions.

The KGB forgery proved invaluable after terrorists from the radical leftist Red Brigades murdered Aldo Moro, president of the Italian Christian Democratic Party, in March 1978. Although Moro's murder constituted a grievous loss to the United States, Radio Moscow began broadcasting charges that he had been assassinated by the CIA. Initially, few people paid any attention to the totally undocumented allegation. Then, according to Congressional testimony, Cuban intelligence officer Luis Gonzalez Verdecia offered a Spanish newspaper the forged Army manual along with an analysis by Fernando Gonzalez, a Spanish communist who dealt with the KGB. In his article Gonzalez cited the manual to support claims that the United States was involved with various Western European terrorist groups, including the Red Brigades.

The leftist Spanish magazine El Triunfo published both Gonzalez's article and parts of the forgery on September 23, 1978. Immediately, Italian and other European newspapers replayed the Spanish story. Soviet propagandists now set up a new hue and cry, citing the articles in the non-communist European press as "evidence" that the CIA had assassinated Moro and that the United States was the actual sponsor of left-wing terrorists all around the world.

Soon, the press in 20 countries published the allegations against the CIA along with the forged manual or excerpts from it. In the minds of millions, the KGB had succeeded in inverting reality.

In all nations the KGB attempts to recruit agents—within the political system, press, religion, labor, the academic world—who can help shape public attitudes and policies to Soviet interests. Pierre-Charles Pathé, a French journalist, was an archetypical Agent of Influence until his arrest in 1979. KGB officers, working in Paris under diplomatic cover, regularly supplied him with data that he transformed into articles or passed along to other journalists as his own research and thought. For nearly 20 years Pathé initiated more than 100 articles on Latin America, China, NATO, the CIA and other topics, all in tune with KGB goals. With KGB funds, he published a newsletter read by leaders in government and industry. A French court judged Pathé's actions so potentially damaging to France's military, political and essential economic interests that it sentenced him to five years' imprisonment.

[1] The classic Soviet espionage agent steals secrets. An Agent of Influence strives to affect the public opinion and policies of other nations in the interests of the Soviet Union. His or her advocacy may be open or concealed, direct or subtle. Always, though, the Agent of Influence pretends that he or she is acting out of personal conviction rather than under Soviet guidance.

The Soviets also discreetly encourage terrorism as a form of Active Measures. At a school where KGB personnel formerly trained, near the village of Balashikha, east of Moscow, officers of Department V, responsible for sabotage and assassination, bring in contingents of 100 or so young people each year from the Middle East, Africa and Latin America to be taught terrorism. The majority of trainees return to their homelands without specific missions, the KGB calculating 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 movements 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.

FACADE OF PEACE

The World Peace Council emerged in Paris in 1950 to foment "Ban the Bomb" propaganda at a time when the Soviets had not succeeded in arming themselves with nuclear weapons. Expelled from France for subversion in 1951, the WPC took refuge in Prague until 1954, when it moved to Vienna. The Austrians also evicted the ground because of subversive activities in 1957, but the WPC retained a European outpost in Vienna through a branch titled the International Institute for Peace. In 1968 the WPC established headquarters in Helsinki to orchestrate the global propaganda campaign to compel withdrawal of Amercian forces from Vietnam.

The president of the council is Indian communist Romesh Chandra, who long has been a controlled and witting Soviet agent. Intelligent, vain and arrogant, Chandra is almost embarrassing in his slavish adherence to Soviet dictates and his paeans to all things Soviet. "The Soviet Union invariably supports the peace movement," Chandra said a few years ago. "The World Peace Council in its turn positively reacts to all Soviet initiatives in international affairs."

Nevertheless, the Russians supervise Chandra closely by assigning both International Department and KGB representatives to the permanent secretariat of the WPC in Helsinki. The public record amply demonstrates the totality of Soviet control. In its 32 years of existence, the WPC has not deviated from the Kremlin's line of the moment. It did not raise its voice against Soviet suppression of Polish and East German workers in 1953, Soviet slaughter of Hungarians in 1956, Soviet abrogation of the nuclear-test moratorium in 1961, the clandestine emplacement of nuclear missiles in Cuba in 1962, the invasion of Czechoslovakia in 1968, the projection of Soviet military power in Angola, Ethiopia and Yemen. The WPC has failed to criticize a single Soviet armament program; only those of the West. And it endorsed the Soviet invasion of Afghanistan.

WPC finances further reflect Soviet control. Huge sums are necessary to maintain the offices and staff in Helsinki, Vienna and, since 1977, Geneva; to pay for continual global travel by WPC officials; to publish and distribute around the world monthly periodicals in English, French, German and Spanish; to finance international assemblies for which hundreds of delegates are provided transportation, food and lodging. 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, scientists 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 it in discussions of issues such as disarmament and colonialism. 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 KBG and International Department specialists in Active Measures and propaganda, given virtually limitless funds, the World Peace Council frequently rallies millions of non-communists to communist causes.

COORDINATED EFFORT

Another front, the Institute for the U.S.A. and Canada, affords disguised Soviet operatives entrée into much higher 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 on national television.

Fully a third of the Institute's staff are regular officers of the KBG; one of its deputy directors is Radomir Georgovich Bogdanov, a senior KGB colonel, who has been subverting foreigners for a quarter century. He labored more than a decade to recruit English-speaking leaders in India and did so well that the KGB promoted him to Resident in New Delhi. As such, he helped develop Romesh Chandra into an Agent of Influence in the 1960s and has worked with him intermittently ever since.

In the mid-1970s the KGB assigned Bogdanov to the Institute and to American targets. His pose as a scholar and disarmament specialist questing for peace and understanding earns him access to U.S. politicans and academicians who genuinely do desire peace and understanding. Bogdanov has turned up at disarmament conferences—in Washington, New York and Europe—peddling the Soviet line and hunting for Americans who can be seduced into following it.

The KGB also assists the International Department in sustaining foreign communist 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 parties because, even if bedraggled and numerically small, they still contribute significantly to Active Measures. Their members can be counted upon to circulate pamphlets and promulgate 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 parties constitute a ready reservoir of disciplined demonstrators who can take to the streets simultaneously in cities throughout the world to foster an illusion of spontaneous concern. They provide the indefatigable cadre of planners, organizers and agitators who help stage mass demonstrations that attract non-communists.

The vast Soviet Active Measures apparatus—the overt propaganda organs, foreign communist parties, international fronts, KGB Residencies around the world, the factories of forgery and disinformation, the Agents of Influence—is well coordinated and disciplined and can respond to commands rapidly and flexibly. When the KGB or International Department senses opportunity, a detailed operational plan is submitted to the Politburo. Once the Politburo approves, everybody from Brezhnev on down pitches in. The basic themes and subthemes of the campaign then are massively and thunderously propagated, like some primitive chant, to drown out reasoned debate or dissent.

NEUTRON BOMB, MOSCOW BOMBAST

The Soviets' current peace campaign began five years ago in reaction to the enhanced-radiation warhead (ERW), which soon was mislabeled the neutron bomb. The ERW was born of the most realistic considerations. By 1976 the Soviet Union and its satellites had deployed some 20,000 battle tanks against West Germany.

NATO, with only some 7000 tanks and numerically inferior ground forces, could be sure of repelling an onslaught by Soviet armor only through the use of tactical nuclear weapons. However, the smallest of the nuclear weapons then stored in Europe had a destructive force roughly equivalent to that of the bomb dropped on Hiroshima. The blast and heat from such a weapon would wipe out not only Soviet invaders but everybody and everything within a four-mile radius of the detonation point. Radiation would kill men, women and children within an even wider area.

Through their hydra-headed propaganda apparatus, the Russians were able to say, and in effect continue to say, to the West Germans: If there is war, that is, if we attack you, the Americans will lay waste to your country and people. Since defense is impossible without annihilation, you should quit NATO, cease being pawns of the Americans and come to peaceful and profitable terms with us.

The Russians' most imminent objective in arraying armor on West German borders in such profligate numbers was to reinforce this argument; not to attack, but to intimidate and fragment by threat.

The United States developed the ERW solely to neutralize this threat. Fired from a howitzer or short-range missile, the ERW obliterates everything within a radius of about 120 yards, inflicting no physical damage beyond. It releases neutrons, which flash through the thickest armor with the ease of light passing through a window. The neutrons instantly kill tank crews, soldiers and anybody else in a radius of 500 yards, and cause death within hours or days to all inside a radius of one mile. The radiation effects dissipate quickly, though, and the area affected may safely be entered only hours later.

After technological breakthroughs in the mid-1970s made production of an ERW feasible, military strategies advanced the following arguments: The ERW would render the 20,000 communist tanks menacing NATO by and large useless, militarily and politically. The ERW could wipe out the

crews of entire communist armored divisions, while causing minimal civilian casualties and physical devastation. In other words, NATO could defend Western Europe without destroying much of the area and its population.

Accordingly, President Gerald Ford in April 1976 approved the enhanced-radiation warhead. But in June 1977 President Jimmy Carter announced that he would delay final decision until November.

Now the Russians had time and opportunity to initiate a worldwide campaign to pressure President Carter to do as they wished. In little more than a month, the Politburo, the International Department of the Central Committee, the KGB, their worldwide web of agents and front groups, and the Soviet press were ready. They began July 9, 1977, with a cry from TASS aimed at Carter himself: "How can one pose as a champion of human rights and at the same time brandish the neutron bomb, which threatens the lives of millions of people?" The Kremlin then warned the world that the neutron bomb can "only bring the world closer to nuclear holocaust."

Throughout July the Soviet press and radio, in an ever-rising chorus, sounded variations of this refrain: The ghastly new American weapon, the neutron bomb, threatens mankind with nuclear extinction. To be for the neutron bomb is to be for war. To oppose the neutron bomb is to be for peace.

Faithfully, the state-controlled media of Eastern Europe and the newspapers of communist parties in Western Europe echoed the bombast emanating from Moscow.

ORCHESTRATED PROTEST

Initially, the Active Measures against the ERW were mostly overt and the propaganda was traceable to communist sources. But in August the campaign advanced into semicovert and clandestine phases. The World Peace Council proclaimed August 6–13, 1977, a Week of Action, and its front groups, abetted by the KGB and local communist parties, promoted public demonstrations whose Soviet sponsorship was less perceptible. That week crowds, pleading in the name of humanity against the "killer neutron bomb," demonstrated before U.S. consulates or embassies in Bonn, Stuttgart, Frankfurt and Istanbul. Though subtly directed by Soviet agents, the demonstrators—in Germany and the Netherlands at least—were mostly non-communists attracted by intensive advertising, and motivated by a variety of impulses: anti-Americanism, pacifism, abhorrence of all nuclear weapons and a sincere longing for peace.

Elsewhere, in lands where the ERW never would be used, KGB Residencies did their job by planting disinformation in the local press. One prestigious Latin American newspaper published an antineutron-bomb article attributed to the International Institute for Peace in Vienna, which was not identified as the Soviet front that it is. A small communist claque in Lima dispatched a formal protest to the United Nations. A spate of Soviet-inspired articles appeared in India, Pakistan, Mauritius, Ghana, Ethiopia and Libya.

Concurrently, within its own empire, the Soviet Union beat the propaganda drums in a new crescendo. From East Berlin, Reuters on August 8 reported: "Twenty-eight European and North American Communist parties today joined in an unusual display of public unity to call on the United States to ban production of the neutron bomb." A sturdy worker in Moscow recalled the suffering of World War II; by coincidence, another man 1500 miles away in Uzbekistan spoke almost exactly the same words.

In October, Secretary of Defense Harold Brown announced President Carter would approve production of the ERW only if NATO allies agreed in advance to its deployment on their territories. Western European leaders recognized the ERW as a much safer, more credible deterrent than the nuclear warheads already on their soil, 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.

Accurately assessing Carter as a devoted Baptist, the Russians played upon his deep religious faith. In a dispatch quoted by the American press, TASS reported: "Soviet Baptist leaders today condemned production of the neutron bomb as 'contrary to the teachings of Christ' and urged fellow Baptists in the United States to raise their voices in defense of peace." As President and Mrs. Carter worshiped at the First Baptist Church in Washington on Sunday, October 16, 1977, six outsiders disrupted the service with shouts against the neutron bomb. And on two more occasions, protesters harassed the Carters at church.

In January 1978 Brezhnev sent letters to the heads of all Western governments asserting that the neutron bomb would "pose a grave threat to détente." Western members of parliament received similar letters from members of the Supreme Soviet and Soviet trade union leaders.

Emboldened by the initial furor the Active Measures campaign had incited, the KGB and International Department moved on the U.S. Congress. American communists, joined by non-communists, formed a National Committee to welcome Romesh Chandra and the World Peace Council presidential bureau to a "Dialogue for Disarmament and Détente" 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 KGB provided the star of this show at the Capitol. Reporting the proceedings, which included a luncheon in the House of Representatives, the communist Daily World said: "Every now and then one of the speakers would strike an emotional chord that was both personal and political, a human plea that sank deeply into the listeners. One such speaker was Radomir Bogdanov of the Soviet Academy of Sciences." The Daily World neglected to mention that Bogdanov is a KGB officer.

Having given "courage and inspiration" to U.S. Congressmen, agent Chandra and Colonel Bogdanov proceeded to New York where the WPC group had "long and fruitful discussions" with U.N. Secretary-General Kurt Waldheim.

In late February, 126 representatives of peace groups from 50 nations gathered in Geneva to denounce the neutron bomb. They attracted attention from an uncritical press that did not ask who was paying for this extravaganza allegedly sponsored by a heretofore unknown outfit calling itself the Special Nongovernmental Organizations Committee on Disarmament. The actual organizers and sponsors were the World Peace Council, its Swiss allies and Eastern European "diplomats" accredited to the United Nations in Geneva. The presiding officer was the ubiquitous agent Chandra.

On March 19, in a rally organized primarily by the Dutch Communist Party, some 40,000 demonstrators, drawn from throughout Europe at considerable expense to the rally's sponsors, marched through Amsterdam inveighing against the horrors of the neutron bomb and the nuclear holocaust it surely would precipitate. The protest, part of the International Forum Against the Neutron Bomb, doubtless constituted evidence to many that the neutron bomb must be very bad indeed.

AMERICAN RETREAT

Despite the illusion of a worldwide tide of sentiment welling up against the ERW, President Carter's three principal foreign-policy advisers—Secretary of State Cyrus Vance, Secretary of Defense Harold Brown and National Security Adviser Zbigniew Brzezinski—all urged production. So did the Washington Post and the New York Times. Declared the Times: "Ever since the Carter Administration asked Congress last summer for funds to produce enhanced-radiation nuclear warheads, critics ranging from Soviet propagandists to Western cartoonists have had a field day attacking the so-called 'neutron bomb.' The archetypical capitalist weapon, Moscow has called it, a destroyer of people but not property. Grim forecasts of lingering radiation deaths have filled newspaper columns worldwide. Rarely have the relevant questions been asked: Is the neutron weapon really more terrible than other nuclear weapons? And more important, would its deployment make nuclear war more likely?

"The answer to both these questions is almost certainly 'No.'. . . Neutron weapons in Western hands would significantly complicate Soviet tactical planning: If its tanks were to attack in mass, they would be highly vulnerable. If they were to disperse, they would be easier targets for conventional precision-guided anti-tank weapons. . . ."

Such logic was unavailing. On April 7, 1978, President Carter announced the ERW's cancellation. The communists gloated. "The political campaign against the neutron bomb was one of the most significant and successful since World War II," boasted Janos Berecz, chief of the Hungarian Communist Party's International Department. And Leonid Brezhnev himself decorated Soviet Ambassador Aleksandr Yosipovich Romanov for his services in inciting the Dutch demonstrations.

In unilaterally abandoning plans to produce the enhanced-radiation warhead, the United States secured no reciprocal or compensatory concessions from the Soviet Union. Abandonment gained no good will from those people endemically hostile to the plan or those convinced that it had pushed the world to the precipice of nuclear war by developing a ghastly new weapon.

By arming NATO with the enhanced-radiation warhead, the United States had intended to demonstrate to friends that it possessed the will and capacity to participate effectively in their defense. By vacillating, then capitulating before the pressures of Soviet Active Measures, the United States showed itself to be irresolute and, in the eyes of many friends, witless.

The retreat especially frightened Europeans threatened by the Soviets' newest weapon of mass destruction, the SS-20 missile. The SS-20 is an accurate, mobile weapon that can be concealed from detection by space satellites and reconnaissance aircraft. In 1977 the Russians had begun deploying the first of 315 of these missiles,

each with three nuclear warheads that can be directed at separate targets. Thus the Soviet Union now had an intimidating new force, which within 15 minutes from launch could obliterate 945 European targets—including every sizable city from Oslo to Lisbon, from Glasgow to Istanbul.

At the insistence of the Western Europeans and particularly West German Chancellor Schmidt, the Carter Administration finally agreed to emplace, under joint U.S.-NATO control, 572 Pershing II and cruise missiles as a counterpoise 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 572 warheads would suffice to void the threat of the SS-20 by convincing the Russians that attack upon Western Europe automatically would bring a catastrophic counterattack. The balance of nuclear terror, which has kept peace in Europe for more than three decades, would be restored; neither side could credibly threaten the other with nuclear assault. NATO ministers in December 1979 overwhelmingly approved deployment of the modern missiles, and the United States promised to put them in place by late 1983.

Throughout the 1980 Presidential campaign, candidate Ronald Reagan declared that, if elected, he would restore American military power to the degree necessary to deter Soviet intimidation or attack. A few days after Reagan won, the Soviet Union instigated the great new Active Measures campaign to prevent NATO from countering the SS-20s and to reverse the American election results by nullifying the rearmament program implicitly mandated by the voters. After the success of the anti-neutron-bomb campaign, their expectations were high.

NUCLEAR FREEZE

On February 23, 1981, Leonid Brezhnev, addressing the 26th Communist Party Congress, issued an official call for a nuclear freeze—an immediate cessation of development of any new weapons system.

Such a moratorium would achieve the fundamental Soviet objective of aborting American production and deployment of the enhanced-radiation warhead (re-initiated by Reagan), the mobile MX, Pershing II and cruise missiles, and a new manned bomber, the B-1. It would leave Western Europe vulnerable to the relentlessly expanding communist forces—now including an astonishing 42,500 tanks and 315 deadly SS-20 missiles. It would leave the United States with a fleet of old, obsolete strategic bombers unlikely to penetrate Soviet air defenses and with an aging force of fixed land-based missiles vulnerable to a first strike by gigantic new Soviet missiles.

Instantly the KGB, the International Department and the immense Active Measures apparatus heeded Brezhnev's call. With the World Peace Council, its foreign affiliates and local communist parties again the principal organizers, a new series of mass demonstrations occurred in Europe. An estimated 250,000 people marched in Bonn, protesting against any new missiles or nuclear weapons. Soviet fronts helped assemble a throng estimated at 350,000 in Amsterdam, a reported 400,000 in Madrid and 200,000 in Athens.

The KGB all along played its traditional part. Dutch authorities in April 1981 expelled KGB officer Vadim Leonov who, in the guise of a TASS correspondent, associated closely with leaders of the Dutch peace movement. Leonov made a number of professional mistakes, including a drunken boast to a Dutch counterintelligence source. "If Moscow decides that 50,000 demonstrators must take to the streets in the Netherlands, then they take to the streets. Do you know how you can get 50,000 demonstrators at a certain place within a week? A message through my channels is sufficient," Leonov bragged. In November Norway expelled KGB officer Stanislav Chebotek for offering bribes to those Norwegians who would write letters to newspapers denouncing NATO and the proposed missiles for Europe.

In January 1982 Portugal ousted two KGB officers, Yuri Babaints and Mikhail Morozov, for attempting to incite riots against NATO. That same month the Portuguese also denied visas to Soviet Peace Committee representatives who wanted to join a communist-sponsored demonstration against NATO and the missiles on grounds that they were Soviet subversives. The Portuguese Socialist Party boycotted the Lisbon march, deriding it as a "reflection of the diplomatic and military logic of the Soviet bloc."

However, the march of about 50,000 people proceeded—with U.S. Congressman Gus Savage as one of its leaders. In a newsletter to constituents, Savage boasted of his participation in activities of the World Peace Council, which he described as "the largest non-governmental peace organization in the world."

All the while the KGB was manufacturing a spate of forged documents intended 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 Documents . . . on U.S. Forces Headquarters in Europe . . . Holocaust Again for Europe." The contents consisted of alterations and fabrications based upon authentic military-contingency plans stolen by a KGB agent, Sgt. Robert Lee Johnson, from the Armed Forces Courier Center vault at Orly Field in 1962. The fabrications purported to show that the United States planned to blow up much of Europe with nuclear weapons to save itself.

Reproducing a standard, unclassified U.S. government map of Austria, the KGB labeled it top secret and marked targets on it. Both the Austrian communist newspaper Volksstimme and Komsomolskaya Pravda in Moscow published stories alleging that the map proved the United States planned to destroy Austrian cities and installations with nuclear bombs.

In Denmark, writer Arne Herlov Petersen, a KGB agent since 1970, helped organize a propaganda drive advocating a Nordic Nuclear Weapon Free Zone, i.e., stripping the northern flank of NATO of all nuclear defenses. As part of this effort, he composed an advertisement signed by 150 Danish artists and intellectuals and bought newspaper space with KGB money. In the summer of 1981 Petersen sponsored a peace march from Oslo to Paris, and he also published under his own name propaganda tracts written by the KGB.

Danish counterintelligence officers witnessed 23 clandestine meetings between Petersen and Maj. Vladimir Dmitriyevich Merkulov, Active Measures officer at the KGB Residency in Copenhagen. Finally, in October 1981, they arrested Petersen as a Soviet agent. Merkulov, who had been active in the Danish Cooperation Committee for Peace and Security, a communist-dominated subsidiary of the World Peace Council, was expelled.

THE U.S. MOVEMENT

While the Soviet-inspired demonstrations against NATO and the new missiles raged across Europe, protests in America initially were scant and inconsequential. But on March 20, 1981, less than one month after Brezhnev called for a nuclear freeze, the first national strategy conference of the American Nuclear Freeze Campaign convened for three days in a meeting hall at Georgetown University in Washington. The topics of the skills-sharing workshops suggest just how farsighted and well considered the planning was. Working sessions were conducted to teach activists about: "Congressional District/Petitions Approach; Referendum/State Legislator Approach; Organizing Around Nuclear Weapon Facilities; How to Approach Middle-America—Small Group and One-to-One Techniques; Media; Reaching and Activating National Organizations (Including Your Own); Working with the Religious Community; Working with the Medical and Scientic Community; Working with Groups with a Human Needs Agenda."

Virtually the entire blueprint for the nuclear-freeze campaign that followed was drawn in comprehensive detail. Speakers stressed that the beauty of the nuclear freeze derives from its simplicity. It would enable all people sincerely concerned about the danger of nuclear war to answer for themselves the question, "What can I do?"

According to a "peace" movement newspaper, the organizers at Georgetown comprised "between 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 Bogdanov, 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 disarmament proponents, urging them on in their efforts to abort new American weapons. He was an official member of the discussion panel, and, as one listener put it, his statements were "very impressive."

But Yuri Kapralov did not speak just for himself. Kapralov is a KGB officer who, ever since arriving in the United States in 1978, has dedicated himself to penetrating the peace movement. Thus, little more than two miles from the White House, the KGB helped organize and inaugurate the American "nuclear freeze" campaign. While many civic and church groups of unassailable repute were to join in advocating the "freeze," in terms of the strategy and organization of the drive, this little-noted conference at Georgetown was a seminal meeting.

KGB officer Kapralov subsequently showed up at other American forums advocating peace and disarmament. According to press accounts he received some of the loudest applause given speakers by about 800 Harvard students and faculty members, and the Boston Globe termed him "one of the most effective speakers." Blaming the arms race on the United States, Kapralov said,

"It's funny that when our leaders talk very clearly about their desire for peace, some of your people just discredit it as transparent propaganda. We would prefer that you leaders would talk as clearly and as forcefully for peace and arms control as ours." More applause.

When Brezhnev called for a nuclear freeze, he adjured scientists to join in warning the public of the horrors of nuclear war. On March 20, the same day the Nuclear Freeze Campaign strategy conference began at Georgetown University, a new outfit, titled International Physicians for the Prevention of Nuclear War, held its first annual conference. The Soviet delegation to the meeting in Virginia included Brezhnev's personal physician, Evgenny Chazov. But the head of the delegation was not a physician at all. He was none other than Georgi Arbatov, the International Department operative, one of the masterminds of the Active Measures campaign.

The cold war was entirely the fault of the United States, according to Arbatov. America started it by dropping an atomic bomb on Hiroshima. The Russians have always believed, declared Arbatov, that the first atomic bomb was aimed as much at them as at the Japanese. New weapons will not enhance the security of anyone, Arbatov argued. America should spend its money on the needy, the underfed, the starving; not on arms. According to the Toronto Star, the assembly rewarded Arbatov with "thunderous applause."

Following the Georgetown and Virginia conferences, the U.S. Peace Council arranged for a World Peace Council delegation, with Romesh Chandra at the forefront, to tour American cities. The appearance most beneficial to them was on Capitol Hill where, in May, Representatives John Conyers, Jr., Don Edwards, Mervyn Dymally, George Crockett, Jr., Ted Weiss and Mickey Leland invited colleagues to meet and listen to the WPC delegates. Whether or not the delegation's lobbying in behalf of Soviet interests affected any of the Congressmen, the codial welcome Chandra and his colleagues received at the Capitol lent them a useful measure of respectability as bona-fide seekers of peace.

Continuing organizational efforts orchestrated from Moscow resulted in a series of conferences at which assorted peace and allied special-interest groups planned specific actions. The strategy that emerged envisioned a rising furor of demonstrations, agitation and propaganda against the European missiles and new U.S. weapons and in favor of the nuclear freeze proposed by Brezhnev. Various leaders repeatedly emphasized the necessity of rounding up "newly aroused individuals and constituencies" so, as one put it, "the demonstrations would not appear to be a primarily 'peace movement' event."

OTHER GOALS OF "PEACE"

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 or so organizations, including the U.S. Communist Party, the U.S. Peace Council, and Women Strike for Peace. One energetic leader of the Mobilization for Survival is Terry Provance, a World Peace Council activist who in 1979 participated in the founding meeting of its American 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 strategy conference attended by representatives of some 46 peace and disarmament factions and held in Nyack, N.Y., the weekend of October 23 to 25. Provance, who had spoken at a disarmament rally in West Germany earlier in the year, discussed plans for high-profile Europeans 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," demanding a "suspension of all U.S. plans to deploy Pershing II and cruise missiles."

The action agenda adopted called for support of the nuclear freeze, solidarity with the European peace movement, "creative, dramatic actions" against large corporations, propaganda against both nuclear arms and nuclear power, and attempts to attract more followers by blaming social ills on "the military budget."

Two weeks later agent Chandra flew to New York to confer with American communist leaders and attend a conference of the U.S. Peace Council, which attracted representatives from a mélange of peace, religious and radical organizations. Chandra and Achim Maske of the West German peace movement both implored the Americans to redouble agitation to block the Pershing II and cruise missiles. As a pattern for their lobbying, Chandra commended recent pronouncements of Brezhnev's.

Congressman Savage spoke about how to induct blacks and other minorities into the disarmament drive. Congressman Conyers exhorted the activists to rally behind efforts to transfer funds from the defense budget to welfare programs. The executive director of the U.S. Peace Council, Michael Myerson, a longtime communist functionary, asserted that the U.S.Peace Council had a unique responsibility to fuse the cause of disarmament with that of the Palestine Liberation Organization and guerrillas 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 hostess were the Rev. William Sloan Coffin and Cora Weiss, whom he engaged as the Riverside Church disarmament-program director.

During the Vietnam war Weiss was a leader of Women Strike for Peace. A Congressional study characterized Women Strike for Peace as "a pro-Hanoi organization" 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 Friendshipment, established to funnel American aid to Vietnam after the communist victory. In 1976, she joined a coalition formed to stage anti-government demonstrations during the bicentennial celebrations. Weiss also has helped sponsor the Center for Cuban Studies, a group to which Fidel Castro personally expressed his appreciation on its tenth anniversary.

About 500 disarmament proponents from around the nation attended the conference Weiss organized. A prominent new performer on the disarmament scene, Australian-born pediatrician Helen Caldicott, did her best to instill fear and loathing. "We are on the brink of extinction," she warned. While Caldicott had no criticism of Soviet weapons, she likened the christening of a U.S. Trident submarine to christening "Auschwitz," to "a gas oven full of Jews burning up."

Caldicott, who now devotes herself fully to running another peace lobby, Physicians for Social Responsibility, did sound one positive note. She had just toured Europe, whipping up support for the freeze. "It was a wonderful feeling to be over there," she said, because "the fear was palpable but realistic." By contrast, she lamented, "the Americans seem to have no panic. Why?" Caldicott concluded by quoting an ecclesiastical appeal for unilateral American disarmament.

Surely her words heartened KGB officer Kapralov, who came up from the Washington Residency to participate in the start of the Riverside Church Disarmament Program.

Mobilization for Survival convened its climatic strategy session early last December on the campus of the University of Wisconsin in Milwaukee. Some of the MFS leaders were frank in their statements of tactics, strategy and goals. A staff organizer from Boston, Leslie Cagan, said that current expediency necessitates a coalition that "makes it easier to call up more people to demonstrate." Construction of a coalition with "diversity of composition," she explained, requires "a common enemy as well as a common vision." As useful enemies, Cagan cited President Reagan, "our military-industrial complex, racism and sexism."

Mel King, a Massachusetts state legislator active in both the World Peace 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, allies 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. Lauded as "genuine people's leaders" were two convicts: Puerto Rican Rafael Cancel 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.

The business of the conference included the practical planning of 1982 demonstrations at air bases, missile sites and defense plants; the formation of task forces to write letters to newspapers and importune elected officials in behalf of the nuclear freeze and against major American weapons systems. The Rev. Robert Moore, an MFS 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.N. 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 the nuclear freeze, promoting a California referendum on the freeze, and advertising the Jobs for Peace Campaign, another plan to divert money from defense to welfare.

The World Peace Council, its parent, the International Department, the KGB and

the Politburo all had ample grounds to be pleased. Like the simple slogans of past Soviet Active Measures, nuclear freeze appealed to many Americans who honestly desired to do something about the transcendent issue of war and peace. From the East Coast to the West Coast, town councils and county boards of supervisors paused in their deliberations about zoning, sewage systems and school budgets to pass resolutions favoring the nuclear freeze. Nearly 600,000 Californians petitioned for a referendum to accord their state in favor of the freeze. Prominent religious leaders, educators, scientists, artists, entertainers and other public figures endorsed the nuclear freeze. Helen Caldicott's Physicians for Social responsibility toiled tirelessly to scare people by pointing to the obvious—wherever detonated, a nuclear bomb would wreak horrendous havoc.

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 the Soviet campaign to prevent the United States from producing the weapons that would ensure a balance of strategic power.

Meanwhile, on orders from the Center at Lubyanka, the KGB Residency in New York concentrated much of its manpower upon the freeze campaign. U.S. counterintelligence identified more than 20 Soviet agents endeavoring to influence elements of the peace movement, particularly leaders in religion, labor and science.

Typical of them are KGB officers Sergei Paramonov, Vladimir Shustov and Sergei Divilkovsky, all of whom masquerade as diplomats at the U.N. Paramonov, who participated in the inaugural meeting of the Riverside Church disarmament program, courts wives of clergymen and other women in the peace movement. A charming professional, he entices the naïve with free trips to Moscow, suggesting they can "reduce misunderstandings" between America and Russia. Shustov and Divilkovsky have made numerous visits to Riverside Church. And they have shown up at other churches and meetings of prestigious organizations concerned with peace.

The Soviets supplemented the labors of their New York and Washington residencies by sending people from the Center into the United States on temporary assignments. Even before the freeze movement materialized, a Soviet delegation including KGB officer Andrei Afanasyevich Kokoshin toured the United States, visiting Americans who were to be prominent in the campaign. Another delegation led by Nikolai Mostovets, who heads the North American section of the International Department, plotted strategy with the U.S. Peace Council.

Of the Soviets who applied for visas to attend a disarmament conference sponsored by the National Academy of Sciences in Washington in January 1982, roughly half were known intelligence officers. The State Department refused entry to most of them. Nevertheless, of those who came, almost half were co-opted KGB agents or International Department operatives. One of the Soviet "scientists" was Vitaly Zhurkin who, back in the 1960s, when agent Chandra was being groomed in New Delhi, used to give money and orders to the Indian Communist Party.

In anticipation of a massive nuclear-freeze rally on June 12, 1982, emissaries from 13 Soviet international fronts flooded into New York City. They joined more than 700,000 Americans who paraded and spoke out for peace.

The following week the Soviet Union staged a terrifying rehearsal of a surprise nuclear attack on the United States and Western Europe. In a span of seven hours, they fired land and sea-based missiles designed to kill American satellites, destroy U.S. retaliatory power, obliterate American cities and wipe out Europe. The firings, over Soviet territory and waters, exactly duplicated wartime distances and trajectories, and produced shock among those monitoring them in Washington. Never before had there been such a realistic and comprehensive practice for starting a nuclear war.

There has been no great outcry against these ominous Soviet preparations. Neither has there been any outcry against, the relentless Soviet buildup of offensive nuclear weapons.

In Europe demonstrators did not protest against the 315 new Russian missiles that can incinerate all European cities in 20 minutes. Instead, they protested against the 572 weapons that NATO *plans* to emplace to defend Western Europe. In America the demonstrators did not protest against the 1400 intercontinental missiles aimed at America, many of which are designed to annihilate U.S. missiles in a first strike. Instead, they demonstrated against *projected* American missiles, bombers and submarines whose deployment would more than anything else ensure that the Soviets never will dare launch the kind of surprise attack for which they practiced last June.

While the demonstrations proceeded in Europe and the United States, seven young European tourists—a Belgian, two Spaniards, two Frenchmen and two Italians—attempted a tiny demonstration in Moscow. On April 19, 1982, in Red Square, they unfurled a banner saying in Russian, "Bread, Life and Disarmament." Instantly, the KGB seized them and carted them to jail before they could pass out a single leaflet in behalf of peace. On August 8, 1982, the Associated Press reported from Moscow: "A cofounder of Moscow's only independent disarmament group is being administered depressant drugs against his will in the psychiatric hospital where he is being held, his wife said today." And at Harvard, students and faculty reserved some of their loudest applause for a spokesman from the KGB, a man from the Lubyanka Center.

Once again, the KGB had succeeded in inverting reality.

U.S. Disarmament Organizations

The disarmament campaign against the U.S. and NATO alliance continues to escalate its activities in the U.S. and Europe targeted on 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 deployment 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. strategic 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 since 1977; and that many European 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 compliance, a European "nuclear freeze" would leave the USSR with both a decisive edge in conventional forces in Europe and with 300 mobile SS–20 missiles carrying 900 warheads whose range, even if based on the Asiatic 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 Forsbert, director of the Institute for Defense and Disarmament Studies (IDDS), the disarmament organizations which have links to the WPC and other Soviet covert action fronts commenced the major National Campaign for a Nuclear Weapons Freeze at a meeting in Washington, D.C., in March 1981, not long after an expression of support for a nuclear weapons "moratorium" by Soviet President Leonid Brezhnev in his address to the 26th Congress of Communist Party of the Soviet Union (CPSU).

In the context of the local demonstrations against nuclear weapons-related facilities; the "nuclear freeze" initiatives being brought before town meetings, city councils, state legislatures and Congress; and organizing for the June 12 demonstration in New York, the following directory has been compiled of some of the key organizations and groups involved in disarmament, together with characterizations.

American Committee on East-West Accord (ACEWA)—227 Massachusetts Avenue, NE, Washington, DC 20002 [202/546–1700] is incorporated as a tax-exempt "independent educational organization" and says it is "aimed at improving East-West relations, with special focus on U.S.-Soviet relations." ACEWA and its leaders have consistently urged U.S. trade, foreign policy and arms control concessions to the USSR in order to promote "detente."

ACEWA's co-chairmen are Seymour Melman, 74, also co-chairman of SANE and who provided a strident attack on the concept of U.S. defense at a March 28, 1982, citizen conference sponsored by Rep. Ted Weiss [D–NY]; and George F. Kennan, architect of the strategy of "containment" (the corollary of which meant that the U.S. would refrain from contesting Soviet control of Eastern Europe) and who is presently organizing a campaign for a U.S. policy to never be the first to use nuclear weapons in any conflict. Another Kennan proposal being currently promoted by ACEWA is for the U.S. to immediately reduce its number of nuclear weapons by 50%.

ACEWA's co-directors are Jeanne Mattison and Carl M. Marcy, for 20 years chief of staff of the Senate Foreign Relations Committee and then a Ford Administration member of the General Advisory Committee on Arms Control. In 1976, Marcy was editor-in-chief of the Center for International Policy (CIP), and a member of the CIP board of advisers.

ACEWA's newsletter, East-West Outlook, edited by Marcy, carries articles promoting the extreme view standard among radical disarmament groups that any use of nuclear

weapons will bring total extinction of all life on earth and that it is therefore the responsibility of Americans to take the initiative in getting rid of nuclear weapons.

ACEWA's influence in the business and academic community is shown in a report on U.S. peace organizations prepared for potential donors dated February 22, 1982, by Ann B. Zill of the Stewart Mott Foundation. Zill wrote:

"In the late April to early May period, the committee will have its annual meeting at some point when George Kennan, [John] Kenneth Galbraith, Don Kendall (Pepsi Cola) and Bob Schmidt (Control Data) can all attend. They will again discuss the * * * Kennan proposal and will hear from some high ranking government official, possibly off the record. The Committee does have to be careful about taking positions that would cause its conservative members to resign."

The Zill report noted that ACEWA had received two years' funding from the Ford Foundation for a series of meetings with all the former ambassadors to the Soviet Union, but curiously "these probably won't be publicized."

Another current ACEWA project is the production of 60-second radio spots for broadcast during morning and evening "drive-time" periods. Zill reported these will vary in approach "from a soft sell approach (we all have common interests, don't we) to hard sell (do you know the Soviets have two aircrafts to [our] 14)." Mark Lewis, formerly with the U.S. Information Agency (USIA), Zill reported was working on the radio spots and "monies have been received to date from the Rockefeller Brothers and the Ruth Mott Fund."

In its newsletter, East-West Outlook, [March-April 1982, Vol. 5, No. 2], ACEWA boasts that among the 350 endorsers of the Kennedy-Hatfield 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; Hodding Carter, III, Public Broadcasting System, and former Assistant Secretary of State; Bernard T. Feld, chairman of the executive committee of the Pugwash Conferences, Professor of Physics, M.I.T. and editor, The Bulletin of the Atomic Scientists; Joseph Filner, Noblenet International; Roger Fisher, Professor of Law, Harvard Law School, and former consultant to the Assistant Secretary of Defense for National Security; J. William Fullbright, former chairman, Senate Committee on Foreign Relations; Marshall Goldman, associate director, Russian Research Center and Professor of Economics, Wellesley College; Jerome Grossman, president, Council for a Liveable World; W. Averell Harriman, former U.S. Ambassador to the Soviet Union; Rev. Theodore Hesburgh, S.J., president, University of Notre Dame; Stanley Hoffman, Professor of Government and chairman, Center for European Studies, Harvard University; Townsend Hoopes, former Under Secretary of the Air Force; George F. Kennan, professor emeritus, Institute for Advance Studies, Princeton, and former U.S. Ambassador to the Soviet Union and Yugoslavia; George Kistiakowsky, professor emeritus of chemistry, Harvard University, and former Science Advisor to Presidents Eisenhower, Kennedy and Johnson; Philip Klutznick, Former Secretary of Commerce; Wassily Leontief, Professor of Economics, New York University and Nobel Laureate; David Linebaugh, Foreign Service Officer (ret.), and former Deputy Assistant Director of the U.S. Arms Control and Disarmament Agency; Dr. Bernard Lown, Professor of Cardiology, Harvard School of Public Health and co-president, International Physicians for the Prevention of Nuclear War (IPPNW); Carl Marcy, co-director, ACEWA; George McGovern, former U.S. Senator; Donald McHenry, professor, School of Foreign Service, Georgetown University, and former U.S. Ambassador to the United Nations; Dr. Avery Post, president, United Church of Christ; George Rathjens, Professor of Political Science, M.I.T., and former director of Weapons Systems Evaluation Division, Institute for Defense Analyses (IDA); Harrison Salisbury, Soviet Scholar and Author; Erwin A. Salk, attorney; Herbert Scoville, Jr., former Deputy Director for Research and Assistant Director of Scientific Intelligence, Central Intelligence Agency, and Assistant Director, U.S. Arms Control and Disarmament Agency; J. David Singer, Professor of National Security Studies, The Brookings Institution; Jeremy J. Stone, director, Federation of American Scientists; William P. Thompson, Stated Clerk, General Assembly, United Presbyterian Church in the U.S.A.; Jerome B. Wiesner, past president, M.I.T., and Science Adviser to President Kennedy; Adam Yarmolinsky, former counselor to the U.S. Arms Control and Disarmament Agency; Herbert F. York, former U.S. negotiator for the Comprehensive Test Ban.

American Friends Service Committee (AFSC)—1501 Cherry Street, Philadelphia, PA 19102 [215/242-7000] was formed in 1917 by a group of fourteen socialist Quakers to aid draft resisters. AFSC has been penetrated and used by Communists since the early 1920s when it sent Jessica Smith, later married to Harold Ware and John Abt (since the 1950s CPUSA general counsel and a member of the CPUSA Political Committee) to the Soviet Union to determine famine relief needs in Russia exacerbated by Civil war and the collectivization of farmland.

Since the 1960's, the AFSC has supported revolutionary terrorist groups such as the Vietcong, Palestine Liberation Organization (PLO), and the Central American Castroite groups. The theory behind AFSC's support of terrorist "national liberation movements" was outlined by Jim Bristol in a pamphlet published by AFSC in 1972 and continuously reprinted entitled "Non-violence: Not First for Export." Because of AFSC's leadership role in organizing not only support for terrorist revolutionary groups, but in the present disarmament campaign initiated through the USSR's covert action apparatus for political warfare, a closer look at AFSC's apology for terrorist violence is appropriate.

In the AFSC pamphlet, Bristol presents the totalitarian revolutionary goal in the most glowing terms as a utopia:

"a human society where the worth of the individual will be recognized and each person treated with respect. * * * Land reform measures will be enacted * * *. Education will be provided for every member of the society; * * *. There will be employment for all. Discrimination because of race, colour or creed will end. Universal medical care will be provided."

AFSC's pamphlet asserts that the U.S. and other Free World countries are guilty of a bizarre "terrorism" which it calls the "violence of the status quo" and irrationally defines this in the broadest possible terms not only as every possible social ill, but also personal or social discomfort. In the words of the pamphlet, this "violence of the status quo" is:

"the agony of millions who in varying degrees suffer hunger, poverty, ill-health, lack of education, non-acceptance by their fellow men. It is compounded of slights and insults, of rampant injustice, of exploitation, of police brutality, of a thousand indignities from dawn to dusk and through the night.

While most would define terrorism as "a violent attack on a non-combatant segment of the community for the purpose of intimidation, to achieve a political or military objective," AFSC's pamphlet excuses terrorism in the following terms:

"terrorism * * * repeatedly * * * is used to signify violent action on the part of oppressed peoples in Asia, Africa, Latin America or within the black ghettos of America, as they take up the weapons of violence in a desperate effort to wrest for themselves the freedom and justice denied them by the systems that presently control their lives. What is so easily (one suspects, often deliberately) overlooked is the fact that the regimes rebelled against are the incarnation of a greater violence than any used in the struggle against them.

* * * before we deplore terrorism, it is essential for us to recognize whose 'terrorism' came first * * *. It is easy to recognize the violence of the revolutionary when he strikes out against the inequities and cruelties of the established order. What millions of middle-class and other non-poor fail to realize is that they are themselves accomplices each day in meting out inhuman, all-pervading violence upon their fellows."

After this apology for the concept of class warfare, which makes "permissible" terrorist attacks on civilians since they are part of the "oppressive class," the AFSC pamphlet says that U.S. activists should not concern themselves with what sort of violent tactics revolutionaries utilize to achieve their ends. Instead, they should work to disarm the U.S. and for economic warfare against the U.S.'s "oppressive" allies. In its words:

"Instead of trying to devise nonviolent strategy and tactics for revolutionaries in other lands, we will bend every effort to defuse militarism in our own land and to secure the withdrawal of American economic investment in oppressive regimes in other parts of the world."

Following these justifications of terrorist violence by Third World "national liberation movements" in the U.S. and in foreign countries, the AFSC pamphlet concludes with a call for revolution in the U.S., saying:

"Revolution then is needed first and foremost in the United States, thoroughgoing revolution, not a mild pallative."

Similar sentiments were expressed in an article in the March 1982 issue of Fellowship by Russell Johnson, Senior Program Associate of the N.E. Regional Office of the AFSC, and for many years its Peace Secretary. Describing his visits to Poland (1959), North Vietnam (1967), and Cuba (1969), he determined the North Vietnamese were "heroic people, small in stature, but magnificent in spirit * * * united * * * in a struggle to free their country from foreign domination;" and wrote that the fear of communism by "the dominant interests in the United States * * * has little to do with issues of democracy and human rights, but much to do with private property and with access to mineral and petroleum resources and to cheap land and labor. Any nationalization of a country's wealth threatens these private, privileged interests."

Johnson also cited a Cuban telling 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 activity, then maybe we wouldn't have to carry weapons here in Cuba."

As a result of AFSC support for the Vietcong, the Philadelphia Meeting of the Society of Friends withdrew financial support from the AFSC.

The AFSC worked in collaboration with the World Peace Council against U.S. aid to South Vietnam, sending "observers" to participate in WPC meetings. AFSC's six key program areas are disarmament, headed by WPC activist Terry Provance and human rights; global justice (targeting South Korea and Central America); the Middle East (where AFSC supports the cause of the terrorist Palestine Liberation Organization (PLO); southern Africa (where AFSC supports the pro-Soviet terrorist movements in Namibia and South Africa); Indochina (supporting the pro-Soviet Hanoi government in Vietnam and its puppet regime in Cambodia); and opposing registration for a military draft.

The director of the AFSC's Disarmament Program since the revival of the international disarmament campaign in the mid-1970s has been Terry Provance, a WPC activist and founding member of the U.S. Peace Council (USPC) who is also a leader of the Mobilization for Survival (MFS) and is active with the World Information Service on Energy (WISE). Accompanied by two foreign communist WPC activists, Nico Schouten, leader of the Netherlands "Ban the Neutron Bomb" organization, and East German Peace Council head Walter Rumpel, Provance addressed a MFS rally at the U.S. Capitol on October 29, 1979. A civil disobedience demonstration at the Department of Energy followed. On April 4, 1981, Provance spoke at a WPC-initiated anti-NATO rally in Bonn, FRG.

AFSC operates a lobbying arm, the Friends Committee on National Legislation (FCNL) headed by Ed Snyder, who has played a key role in developing strategy for pressure on Congress against the U.S. defense budget, and particularly against development or deployment of new weapons systems.

Another AFSC project, the National Action/Research on the Military/Industrial Complex (NARMIC), serves as the AFSC's "intelligence-gathering arm." NARMIC works closely with the Institute for Policy Studies (IPS), the North American Congress on Latin America (NACLA), a pro-Cuba research group, and other anti-defense and disarmament research organizations.

Arms Control Association (ACA)—operating from 11 Dupont Circle, 9th Floor, Washington, DC 20036 [202-797-6450], with a 1982 budget of some $200,000, wields considerable influence through its "educational" programs that include 25 or more briefings annually. According to a report dated 2/22/82 by Ann Zill of the Stewart Mott Foundation, ACA briefings are attended yearly by between 700 and 1,000 "academic and diplomatic people, government personnel and afficiandos [sic]."

ACA's leaders include William Kincaid and former CIA official Herbert "Pete" Scoville. Scoville served as the CIA's Assistant Director of Scientific Intelligence and as Deputy Director for Research, and later was Assistant Director of the U.S. Arms Control and Disarmament Agency. He has been active with the Institute for Policy Studies (IPS) since the 1960s in anti-NATO and disarmament projects, and is an advisor to the Center for Defense Information (CDI). In January 1978, Scoville participated in the Washington, D.C., meetings of the WPC Bureau.

For 1982, ACA is sending "editorial advisories" to 1,000 U.S. newspapers on three issues: "How can a nuclear war start? What would the effects be? And how can one be prevented?" Prevention according to ACA means arms control agreements such as the rejected SALT-II treaty in which the U.S. sends "signals" of peaceful intent to the USSR through major concessions.

Business Executives Move For New National Priorities (Bem)—was founded in 1967 as Business Executives Move for Peace in Vietnam by Henry Niles, then chairman of the of board of Baltimore Life Insurance Company and father-in-law of New Left theoretician Staughton Lynd. BEM's most active West Coast figure is Harold Willens of Los Angeles who is chairman of the Citizens for a Bilateral Nuclear Weapons Freeze effort to put the "nuclear freeze" proposal on the 1982 California ballot. BEM's name and targeting was changed in 1975, following the Communist conquest of South Vietnam, Laos and Cambodia.

BEM attempts to mobilize businessmen who have commercial dealings with the Soviet Union and Warsaw Pact states for political action in favor of "detente," against U.S. defense modernization, and for a foreign policy of "non-intervention" against Soviet aggression.

Campaign for Nuclear Disarmament (CND)—is the largest "ban the bomb" movement in Great Britain formed as part of the drive for a nuclear test ban treaty in the late 1950s and early 1960s. As of 1982, seven members of the CND national committee were publicly known members of the British Communist Party. With strong backing from the left wing of the British Labour Party, the CND has revived as a key element in the present anti-NATO and anti-U.S. disarmament drive.

Center for Defense Information (CDI)—operating from Capitol Gallery, West Wing #303, 600 Maryland Avenue, SW, Washington, DC [202/484-0490] was formed in 1973 as a spin-off project from the Institute for Policy Studies (IPS), a Washington-based, internationally active revolutionary think-tank. CDI operates under the tax-exemption of the Fund for Peace (FFP). CDI's continuing relationship with IPS includes not only collaboration between LaRocque and IPS cofounder Richard Barnet and the CDI retention among its advisers of long-time IPS fellow Earl C. Ravenal but also former CDI staffer William Arkin's move to head IPS's Arms Race and Nuclear Weapons Project.

CDI members include former military officers, intelligence officers and academics who share attitudes of harsh antagonism towards the U.S. national defense, the NATO alliance and American foreign policy.

CDI's former military officers are frequently quoted by the Soviet propaganda organs to legitimize their attacks on NATO and U.S. defense forces as trigger-happy dangers to peace.

Although CDI states it "supports a strong defense but opposes excessive expenditures or forces," it has opposed every major U.S. weapons system developed during the past decade—from the B-1 bomber and Trident submarine to cruise missiles and neutron warheads—as upsetting the U.S.-Soviet strategic balance while at the same time offering apologies and minimizing the Soviet military build up.

In 1979, in cooperation with the Members of Congress for Peace Through Law Education Fund, CDI financed a 27-minute film, "War Without Winners," to promote the disarmament lobby's claim that "there is no defense against nuclear war," on which basis they also oppose civil defense programs, anti-ballistic missile defenses and development of satellite-based beam weapons. The film was produced by Harold Willens, chairman of the board of the Factory Equipment Corporation, CDI advisor, and a leader of Businessmen Move for New National Priorities (BEM); and its director was Haskell Wexler, the revolutionary film director who in 1975 produced a propaganda film for the terrorist Weather Underground Organization consisting of interviews with five fugitive leaders including Kathy Boudin.

The CDI film project director was its senior staff member Arthur L. Kanegis, now CDI's media director. Late in March 1982, Kanegis, of the Georgetown Center for Strategic and International Studies, was interviewed for National Public Radio's "All Things Considered" news show disputing evidence of Soviet use of nerve gas and biological toxins in Afghanistan and Cambodia.

CDI's newsletter, Defense Monitor, publishes carefully selected data that consistently presents the USSR as a weak opponent. For example, a recent issue (Vol. XI Number 1, 1982) asserts "there is no evidence to support the notion of growing Soviet 'geopolitical momentum'" and points to setbacks (some since reversed) in Egypt, Somalia, Guinea, Bangladesh and India without noting gains in Angola, Mozambique, Ethiopia, South Yemen, Vietnam, Cambodia, Laos, Nicaragua, Grenada, Syria, Eraq, Libya, etc. CDI also has ignored the implications of the unprecedented joint visit to India of Soviet Defense Minister Marshal Dimitri Ustinov (who had never before traveled outside the USSR or Warsaw Pact countries) and Admiral Gorsakov, the chief of the Soviet fleet.

According to the Zill report (2/22/82), CDI's current plans include "hosting, along with the Washington Interreligious Staff Council, a two-day conference for 100 religious leaders" to be presented with CDI's view of the military balance by 1990; Soviet military capacity and limitation; and the future of arms control. The speakers were to include "a representative of Eugene Rostow, Senator Warner and Representatives Les Aspin and Ron Dellums."

Indications that CDI, in its consistent pattern of attacking the U.S. military while offering excuses for the Soviet build-up, may be serving as a "center for defense disinformation" include not only Gene LaRocque's 1975 claims of U.S. violations with nuclear weapons off-loading agreements with Japan and his stay at the Institute of the U.S.A. and Canada in Moscow, but his more recent overt collaboration with the World Peace Council's "generals and admirals for peace" grouping including Nino Pasti and Gert Bastian. In this light, the Zill report stated:

"On June 15 and 16, 1982, during the UN Special Session on Disarmament, CDI will host a conference of retired military officers from NATO and Warsaw Pact countries to discuss how a nuclear war would be fought/avoided, a first-time ever event. Hyman Rickover will be approached about participating.".

Center for Development Policy (CDP)—418 10th Street, SW, Washington, DC 20003 [202/547-6406] is directed by Lindsay Mattison, who formerly served on the staff of

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 staff, advisers and consultants) included Susan Weber, then editor of an IPS publication who had previously spent five years working for Soviet Life, an official Soviet 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.

CDP attacks U.S. investment and development in Third World countries as exploitation. CDP 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 the disarmament field, it links nuclear power to nuclear weapons.

According to the Zill report, CDP works with U.S. groups including the Washington Office on Latin America (WOLA), Americans for Democratic Action (ADA), World Information Service on Energy (WISE), Nuclear Information and Resource Service (NIRS), and Ralph Nader's Critical Mass. In its anti-Taiwan efforts, Zill reported CDP "deals with the expatriot community and Members of Congress like [Senator Edward] Kennedy and [Representative Steve] Solarz."

Center for International Policy (CIP)—based at 120 Maryland Avenue, NE, Washington, DC 20002 [202/544-4666] is one of the projects spun-off from the Institute for Policy Studies in the mid 1970's and operating under the tax-exempt aegis of the Fund for Peace (FFP). CIP's bias was shown in its 1976 statement showing its opposition to all U.S.-supported opposition to Soviet aggression. Said CIP:

"Intervention in the domestic affairs of Chile, military and economic support of dictatorships in Greece, Korea, Brazil and elsewhere, and an effort to involve the U.S. in Angola—these are but a few of the actions undertaken or proposed by the American government in the name of U.S. national interests. . . .

"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 articipation in the formulation of public policy;" and said it works toward this goal through "a network of journalists, former diplomats, and international officials in the United States and abroad" who report to the CIP—a most unusual apparatus 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 staffers included Donald L. Ranard, a 30-year career State Department official who had been director of the Office of Korean Affairs at the time of his retirement and is an opponent of South Korea; Lindsay Mattison, 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 Foreign Relations Committee and then a legislative counsel at the State Department; William Goodfellow, then director of research of the pro-Hanoi 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 staffer 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 manager of the Institute for Policy Studies (IPS) publication, *The Elements*.

CIP's 1976 consultants included David Aaron, aide to Senator Walter Mondale and staffer of the Senate Intelligence Committee, Carter Transition Team liaison to the National Security Council and Carter Assistant National Security Advisor; IPS cofounder Richard Barnet; Tom Dine, Senior Analyst for Defense and International Affairs of the Senate Budget Committee; Richard Falk, IADL activist, participant in the WPC's 1969 Stockholm Conference on Vietnam, and a leader of the Lawyers Committee on U.S. Policy towards Vietnam; Anthony Lake, later a top Carter State Department official; William G. Miller, Senate Intelligence Committee staff director; Joseph Nye, later the Carter State Department official responsible for policy on exports of nuclear power technology to the Third World; and Murray Woldman, staff consultant of Members of Congress for Peace through Law (MCPL).

Among CIP's board of advisers were many former officials who subsequently supported the SALT-II treaty and the Nuclear Freeze. The CIP advisers included Tom Asher (husband of Carter ACTION/VISTA assistant director Marge Tabankin); William Attwood, president and publisher, Newsday, former U.S. ambassador; Joel I. Brooke, retired partner, Elmo Roper & Associates; Harlan Cleveland, former Assistant Secretary of State for International Affairs, former U.S. ambassador; Benjamin V. Cohen, former adviser to President Franklin Roosevelt; Adrian W. DeWind, former legislative counsel, U.S. Treasury; Arthur J. Goldberg, former U.S. Supreme Court Justice and U.N. Ambassador; Phillip C. Jessup, former U.S. member of the International Court of Justice; Leon H. Keyserling, former chairman of the Economic Advisory Council, more recently active with IPS and its offshoots and with the Democratic Socialist Organizing Committee (DSOC); Wassily Leontief, Nobel laureate in economics; Orlando Letelier, then director of the IPS Transnational Institute, former Allende government U.S. Ambassador and Defense Minister, Soviet agent and source for the Senate Intelligence Committee; Carl M. Marcy; Edwin M. Martin, former U.S. ambassador and U.S. representative to the World Food Conference; Malcolm C. Moos, president emeritus, University of Minnesota; Stewart R. Mott; Joseph Palmer, II, former Director General of the Foreign Service; Stephen R. Paschke, treasurer, Fund for Peace; Chester Ronning, former Canadian ambassador; Terry Sanford, president, Duke University and former governor of North Carolina; Edward Snyder, executive secretary, Friends Committee on National Legislation (FCNL); Harrison M. Symmes, president, Wyndham College, former U.S. ambassador; Barbara Watson, former administrator, Bureau of Security and Consular Affairs, U.S. Department of State (who headed that bureau in the Carter Administration); William Watts, president, Potomac Associates, former staff secretary, National Security Council; Susan Weyerhauser, trustee, FFP; Abraham Wilson, partner, Kadel, Wilson and Potts; Charles W. Yost, senior fellow, Brookings Institution, former U.S. deputy representative to the U.N.

At present, one half of CIP's 1982 $220,000 budget is derived from a $100,000 grant from the Reynolds Foundation and targeted to its Indochina Project, a successor to the former Indochina Resource Center which dissolved at the time Vietnamese spy David Truong was arrested. The project is completing a study of "yellow rain"—Soviet nerve gas supplied to Vietnamese forces and used in Cambodia. But CIP's goal, according to the Zill report, is "to heal the wounds of war and to develop greater understanding between the U.S. and Southeast Asia; to promote an end to the economic embargo; and to work toward diplomatic recognition." CIP argues that a lack of U.S. recognition and aid to Vietnam, Laos and Vietnam-occupied Cambodia is "pushing . . . these countries into the arms of the Soviet Union."

Christian Peace Conference (CPC)—is one of the more influential Soviet-controlled international fronts. The CPC is headquartered in Prague, where its leading body, the All-Christian Peace Assembly (ACPA) meets, but also has a center in East Berlin. The Yearbook on International Communist Affairs (Hoover Institution Press) describes the CPC as "under Soviet domination since 1968" and as operating "in tandem with the WPC." Its role is to bring naive clergymen to the Soviet and WPC propaganda line.

The 1978 CIA report on Soviet propaganda operations to the House Intelligence Committee noted that "Metropolitan Nikodim (USSR) . . . has been President of the CPC since 1969," and that a Hungarian, Dr. Karoly Toth, had replaced another East Bloc member as CPC Secretary-General. The CIA report stated:

"The CPC operates as a surrogate of the World Peace Council and is represented on the WPC's presidential committee and on its council. . . . The CPC strives to maintain close cooperation with such bodies as the World Council of Churches, the Conference of European Churches, the All-African Church Conference, the Berlin Conference of Catholic Christians (East Germany) and Pax Christi International."

The CPC's top official at the United Nations is Philip Oke, who takes a leading role in U.N. Non-Governmental Organization (NGO) activities for disarmament and in support of Soviet-backed terrorist "liberation movements" such as the Palestine Liberation Organization (PLO) and African National Congress (ANC). In the early 1970s, Oke was a leader of a U.S.-East German friendship society. Oke is a member of the U.S. Ad Hoc Committee on USA-USSR Dialogue, Inc. which held a meeting in the U.S. Congress featuring some of 25 "Soviet citizens and several of their U.S. hosts from the cities of Austin, Pasadena and Toledo . . . for questioning on the seven days spent together while visiting in private homes."

The members of the Committee were listed as including: Carol Pendell, president,

International President, WILPF; Rev. Dwain C. Epps, vice-president, executive secretary of the U.N. Headquarters Liaison Office of the World Council of Churches (WCC); Rev. John Moyer, secretary, United Presbyterian Church; Rev. Robert McClean, treasurer, director, Department of Peace and World Order of the Board of Church and Society of the United Methodist Church; Michael Brainerd, Citizen Exchange Corps; Richard Deats, Fellowship of Reconciliation (FOR); Howard Frazier, Promoting Enduring Peace (PEP); Edna McCallion, Church Women United (CWU); Katherine Camp, WILPF; Philip Oke, CPC; Laurama Pixton, AFSC; Joe Byrne Sills, formerly of the United Nations Association; Stephen Thiermann, Friends World Committee for Consultation (FWCC); Delmar Wedel, formerly of the YMCA National Council; Herman Will, FOR; and James Will, Christians Associated for Relations with Eastern Europe.

Christic Institute—operating from 1324 N. Capitol Street, Wastington, DC 20002 [202/797-8106] was formed in 1981 as a public interest litigation group by attorneys and activists, a number of them formerly with the Quixhote Center, who had worked on the Silkwood lawsuit. Its staff includes Daniel Sheehan, a counsel in the Silkwood and Harrisburg 8 cases now handling an anti-MX lawsuit filed in Salt Lake City; Lewis Pitts, a Regional Vice-President of the National Lawyers Guild (NLG) representing Communist Workers Party members in a Greensboro NC, lawsuit; Bill Davis and Wally Kafuboski who went to El Salvador prior to filing an amicus brief in support of a suit by Rep. George Crockett and other Congressmen handled by the Center for Constitutional Rights (CCR). The suit seeks to have U.S. military aid to El Salvador declared an unconstitutional violation of the War Power Act.

Clergy and Laity Concerned (CALC)—with national headquarters at 198 Broadway, Suite 302, New York, NY 10038 [212/964-6730] was formed in 1965 by the National Council of Churches, but first became widely known in 1967 when it co-sponsored a White House demonstration in conjunction with the Mobilization Committee to End the War in Vietnam, a coalition strongly-influenced by communists and found by the House Committee on Internal Security in 1970 to have "operated from its inception with significant international communist support" through the World Peace Council. CALC's former leader, Rev. Richard Fernandez, served on the New Mobe Steering Committee.

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 men in every corner of the world, but more importantly, to help liberate our own nation from its reactionary and exploitative policies."

CALC's present co-director, John Collins, was an endorser of the U.S. Peace Council's November 1981 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. With the AFSC, CALC sponsored a U.S. speaking tour by nine European disarmament leaders. According to the Zill report:

"[CALC] has been most active in the formation and nurturing of the Nuclear Weapons Freeze Campaign, participating on the steering committee and involving a number of the 42 CALC chapters in the Freeze Conferences. . . . There is a new CALC chapter in Amarillo, Texas, (home of Bishop Matthiesen and the Amarillo Pantex Plant, DOE's assembly plant for all war-heads), and it is serving as a center for job references, [and] counseling of the former atomic workers who have left their jobs on principle, and for a conversion study and vigils."

The Zill report noted that CALC's present mailing list had dwindled to 2,000 names from 50,000 during the anti-Vietnam protests until four years ago when CALC hired Liz Broder's direct mail firm to rebuild the list now at 20,000 names.

Other CALC program areas include South Africa and the "politics of food" (CALC provided the initial U.S. coordination for the campaign against the Nestle Corporation's infant formula).

Coalition for a new Foreign and Military Policy (CNFMP)—Based at 120 Maryland Avenue, NE, Washington, DC 20002 [202/546-8400] is a lobbying group and information clearinghouse formed to lobby Congess for termination of U.S. military aid to South Vietnam. Following its success and the conquest of South Vietnam in May 1975, CNFMP underwent a name change and redirection into the new disarmament campaign.

CNFMP states that by a "new" policy, it means one "based on . . . the need to cooperate with nations of highly different political systems." CNFMP's programs call for U.S. recognition and economic aid to communist and pro-Soviet regimes in Vietnam, Cambodia, Laos, Angola. Other programs call for aid to revolutionary and anti-U.S. terrorist movements by a cut off of U.S. aid and economic relations with the Philippines, Thailand, Indonesia, South Africa, El Salvador, Chile, etc. This indicates that CNFMP's phrase "nations of highly different political systems" is code for "communist totalitarian regimes."

CNFMP is a major distributor of propaganda originating from the Institute for Policy Studies (IPS) and Center for Defense Information (CDI), and works closely with the two groups. Steve Daggett, on the IPS staff for three years, in 1981 became CNFMP's Budget Priorities Coordinator.

CNFMP's slogans and projects closely paralled those of the World Peace Council (WPC) and WPC delegations to Washington hold meetings with CNFMP. A number of CNFMP activists participated in the 1979 founding of the U.S. Peace Council.

On 2/26/82, CNFMP sponsored an all-day conference, Nuclear Arms and National Security, on issues for the U.N. Second Special Session on Disarmanment (SSD-II). CNFMP is supporting the "nuclear freeze" campaign, is working with the AFSC's NARMIC on a "Guns versus Butter" slide show, and has hired Liz Broder to build its 12,000-name mailing list to 500,000.

Among the members of the CNFMP's Disarmament Working Group (DWG) are the IPS Militarism and Disarmament Project, NARMIC, Physicians for Social Responsibility (PSR), War Resisters League (WRL) and U.S. Peace Council (USPC). Prior to the formation of the USPC, another CPUSA front, the National Center to Slash Military Spending, participated in the CNFMP/DWG. After formation of the USPC, that front dissolved and recommended its members and supporters become active in both CNFMP and the USPC.

Members of the coalition include the American Friends Service Committee (AFSC), Business Executives Move (BEM), Center for International Policy (CIP), Clergy and Laity Concerned (CALC), SANE, War Resisters League (WRL), Women Strike for Peace (WSP) and the Women's International League for Peace and Freedom (WILPF), as well as several church-related groups.

Committee for National Security (CNS)—1742 N Street, NW, Washington, DC 20036 [202/833-3140], according to IPS, its co-founder and senior fellow, Richard Barnet "Played a major role in organizing" NS "to mobilize broad support for detente to counter the voices calling for a return to confrontation and intervention." Other CNS leaders include Paul Warnke, and IPS trustee and SALT-II negotiator for the Carter Administration; and former CIA Director William Colby.

The Zill report noted Warnke was working with ACEWA on a task force to implement the Kennan proposals on nuclear weapons cuts. CNS has a Global Task Force with Dick Ullman and Gus Speth on population and development issues; and has received funding from the Cos Cob Foundation "for work on the Comprehensive Test Ban Treaty [and] . . . a speakers' bureau to stress that this treaty is a part of the [nuclear] Freeze Campaign."

Zill reported that Nancy Ramsey, former legislative director for WILPF and then coordinator of Americans for SALT before joining CNS, had resigned now that "CNS is off to a good start," has considerable media attention, and is raising a sustaining budget of $300,000 a year.

Council for a liveable world (CLW)— with headquarters at 100 Maryland Avenue, NE, Washington, DC 20002 [202/543-4100], was formed in 1962 by the late Leo Szilard *"to combat the menace of nuclear war."* CLW's major method is to promote U.S. disarmament concessions to the USSR and "non-intervention" against Soviet agression. Szilard, who died in 1964, at a 1961 Pugwash meeting in Vermont, called for establishment of a "U.N. Peace Court" which would have the power to pass a death sentence on any U.S. citizen or official it deemed guilty of violating "peace" and urged it have power to deputize any and all Americans to execute its sentences. CLW's present stance is much lower in profile.

CLW's February 1982 fundraising appeal commences, *"The Reagan Administration is launching a massive escalation of the nuclear arms race."* The letter, signed by George Kistiakowsky, Chief Science Adviser to President Eisenhower, says CLW's chief targets are the MX missile and B-1 bomber, and states, *"We're on Capitol Hill every day, working to re-establish arms control talks, fighting the proliferation of nuclear weapons, lobbying for nuclear arms control agreements."* CLW is also targeting U.S. chemical weapons funding and campaigning for across-the-board defense cuts, with a "media blitz" slated for late May when the Senate will be considering the chemical weapons issue.

Lobbying tactics will include meetings with newspaper editorial boards and Congressional District Office meetings in key states including New York, Illinois and Florida.

On May 11, 1982, CLW and Physicians for Social Responsibility are co-sponsoring a conference on the medical effects of nuclear war in Washington, D.C. The group is in the midst of a 700,000 piece direct mail member-

ship drive to build its list of 15,000. The CLW Education Fund's tax-exempt status is being used for contributions for the National Nuclear Weapons Freeze Clearinghouse in St. Louis pending its own IRS tax-exemption.

The CLW board of directors includes Jerome Grossman, president; Ruth Adams, *Bulletin of the Atomic Scientists;* Michael Allen, attorney; Bernard Feld, MIT; Roger Fisher, 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, Univ. of Pennsylvania; Edward Purcell, Harvard; George Rathjens, MIT; Eli Sagan, writer; Herbert Scoville, Jr., ACA; Jane Sharp, Cornell; William E. Tarlow, business executive; Steven Thomas, management consultant; Kosta Tsipis, MIT; Paul C. Warnke, attorney; Jerome B. Wiesner, MIT; John Isaacs, legislative director; Catherine Clark, assist. executive director.

Council on Economic Priorities (CEP)—84 Fifth Avenue, New York, NY 10011 [212/691-8550] is a research group that investigates U.S. defense industries, national defense hardware and planning, and various defense advisory boards. A major 1981 CEP study by Gordon Adams, a member of the SANE Educational Fund board of directors, and 1978 co-editor and co-author with Michael Locker for the Cuba Resource Center (CRC) focused on the access of defense groups to classified information on research and development programs for new weapons. Institute for Policy Studies (IPS) leaders play key roles in CEP funding and direction.

In addition to its in-depth investigations into U.S. defense and its tracking of Defense Department and defense industry personnel, CEP produces materials urging cuts in the defense budget and redirection of defense funds to social programs.

CEP's Military Research Staff is directed by David Gold, who is working on an anti-MX missile book. When that is concluded, his next project will target "the whole nuclear weapons field."

Other CEP projects for 1982 focus on arms sales (directed by Bill Hartung); waste in the defense budget and cost overruns (Gordon Adams); and completion of a study commissioned by the International Association of Machinists (IAM) and CNFMP on the "economic implications of the Reagan build-up" (Robert DeGrasse) recently released. A longer book-length study of the FY 1983 defense budget and "Reagan build-up" is scheduled for release in September 1982, which will attack defense spending as the cause of U.S. economic problems.

European Nuclear Disarmament (END)—with offices on Endsleigh Street in central London, was initiated in 1980 with strong input from the Institute for Policy Studies (IPS), its international arm, the Transnational Institute (TNI), and the Bertrand Russell Peace Foundation, END serves as a primary link between the Western European peace movements including the British CND and Dutch Interchurch Peace Council, the "independent" Yugoslav League for Peace, Independence and Equality of Peoples, and the Easten European movements END leaders admit are "officially supported, state controlled" and "reflect Soviet foreign policy."

END has not formed a separate disarmament organization in competition with existing groups. Instead, according to one of its leaders, Peter D. Jones, a CND activist who started a 4-month U.S. tour in January 1982, END "limits itself to individual and group contacts. Contacts with Eastern Europe vary, but East European signatories have urged Western Europeans to visit eastern countries and talk to people in a mutual exchange of views and ideas." [*WIN,* 1/1/82].

END calls for a "nuclear-free Europe," and supports a "Nordic nuclear free zone" which are also goals of the WPC and USSR.

William Arkin, coordinator of the IPS Arms Race and Nuclear Weapons Project, served as coordinator for the END bi-annual "researchers" conference held in the Netherlands in March. END leaders who have visited the U.S. for speaking and organizing include Mary Kaldor, TNI fellow and former researcher at the Stockholm International Peace Research Institute (SIPRI), who is also on the British Labour Party's Defense Committee; and Dan Smith. END's intellectual guru is British Marxist historian E. P. Thompson.

Federation of American Scientists (FAS)—307 Massachusetts Avenue, NE, Washington, DC 20002 [202/546-3300], was founded in 1945 as the Federation of Atomic Scientists. FAS calls itself "a conscience of the scientific community." FAS membership is overwhelmingly not composed of nuclear specialists, and admits its 5,000 members are "natural and social scientists and engineers concerned with problems of science and society."

Terming itself a "public interest lobby," FAS's long-time director is Jeremy J. Stone, son of I. F. Stone. FAS concern for the "public interest" includes opposing U.S. civil defense while asserting "nuclear war is national suicide." FAS defined its "primary goal" early in 1981 as "making sure that the body politic and the [Reagan] Administration in particular, are under no illusions on this score." FAS has a mailing list of 5,000 and publishes a monthly newsletter, "In the Public Interest."

In October 1981, FAS began promoting a petition drive complimentary to the "nuclear freeze" campaign which within four months had obtained 10,000 signatures; now FAS is seeking donors to underwrite a campaign to obtain one million signatures.

FAS has a 24-member national council which selects nine candidates of which members elect six for annual council openings. Officers include Frank von Hippel, chairman; John Holdren, vice-chairman; George A. Silver, secretary; Robert M. Solow, treasurer; Jeremy J. Stone, director.

Fellowship of Reconciliation (for)—523 North Broadway, Nyack, NY 10960 [914/358-4601] terms itself an association of individuals "who recognize the essential unity of all humanity and have joined together to explore the power of love and truth for resolving human conflict." Contrary to those utopian sentiments, in practice, FOR works in close collaboration with the American Friends Service Committee (AFSC), War Resisters League (WRL) and other allegedly "pacifist" groups which collaborate with the Soviet-controlled WPC, support Soviet-backed Third World terrorist movements, and support unilateral disarmament by the U.S. and the Free World.

FOR's officers include William Walker, chairperson; Daniel Berrigan, Edwin T. Dahlberg, Thich Nhat Hanh, Kay Johnson, Charles L. Lawrence, Robert W. Moon, and Michael Robinson, vice chairpersons; Herman Will, treasurer.

FOR staff include Richard Baggett Deats, executive secretary; Sue Hadley, youth action; Mike Jendrzejcyzk, disarmament; and area development/special projects, Dan B. Ebner. Ebner wrote recently to WIN magazine: "As a Catholic, a pacifist, a feminist and a socialist, I am committed to working for the 'anti-imperialist, anti-racist, anti-sexist, and anti-interventionist movement."

FOR is affiliated with the International Fellowship of Reconciliation (IFOR), based in the Netherlands. Coordinator of the IFOR secretariat is James H. Forest. FOR is taking a leading role in planning demonstrations and support activities targeted on the U.N. SDD-II; and will sponsor a coffee house at 777 U.N. Plaza (Church Center for the U.N.) throughout the SSD-II to serve as a meeting place and literature distribution center.

Ground Zero (GZ)—806 15th Street, Suite 421, Washington, DC 20005 [202/638-7402], was organized early in 1981 by "a small . . . group of individuals concerned with the lack of a national consensus and direction on nuclear war." The group agreed that "a program of public education . . . was a matter of the utmost priority." GZ's endorsers include Physicians for Social Responsibility (PSR), Business Executives Move for New National Priorities (BEM), National Council of Churches (NCC), Arms Control Association (ACA), and Council for a Liveable World (CLW). GZ lists among its individual endorsers former CIA Director William Colby.

With a staff of 13 including 5 regional coordinators, GZ's director is Roger Molander, a 7-year member of the National Security Council under the Nixon, Ford and Carter Administrations; his brother, Earl Molander, is GZ's deputy director. GZ is receiving national media publicity for its April 18-25 "Ground Zero Week" publicizing the damage at the center of a nuclear explosion as an incentive for U.S. return to SALT-II negotiations. Roger Molander has indicated GZ feels the question of Soviet arms essentially is irrelevant and says "the question is how do we get ourselves out?"

GZ spokesmen say they stick to "educational" work [featuring dramatic red and black graphics of mushroom clouds and "run for your life" displays in cooperation with Physicians for Social Responsibility (PSR)] in order to protect their tax-exemption and moderate "middle-ground" image, but admit that "If you understand what nuclear war is about, you're peace oriented."

Institute for Defense and Disarmament Studies (IDDS)—251 Harvard Street, Brookline, MA 02146 [617/734-4216] was formed in January 1980 by Randall Forsberg, 38, a former Harvard Ph.D. candidate and SIPRI peace researcher. IDDS recently received tax-exempt status, and has a staff of 8 full-time and 3 part-time employees. Mrs. Forsberg, IDDS executive director, in 1980 circulated a draft call for a "nuclear freeze." It received minimal support from the major disarmament groups until March 1981, following the Brezhnev speech to the CPSU 26th Congress.

In cooperation with CDI leaders Gene LaRocque and John Kenneth Galbraith, Forsberg was active in disarmament lobbying of delegates to the 1980 Democratic National Convention, taking 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."

IDDS officers include Patrick Hughes, secretary, and George Sommaripa, treasurer.

The Board of Directors includes individuals from the academic and activist wings of the anti-defense lobby including several individuals and organizations active with the WPC. Board members include Betty Lall, chairperson, U.N. Committee on Disarmament and International Security; Hayward Alker, MIT; Richard Barnet, IPS; Elise Boulding, Dartmouth; Kay Camp, WILPF; Harvey Cox, Harvard; Richard Falk, Princeton; Sanford Gottlieb, New Directions; Robert Johansen, Institute for World Order (IWO), Cheryl Keen; Ann Lakhdhir; Everett Mendelsohn, Harvard; Philip 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) or support for Soviet-backed revolutionary terrorist groups.

To put its policy recommendations into action, IPS has built networks of contacts among Congressional legislators and their staffs, academics, government officials, and the national media.

In 1978, in an article in National Review, Brian Crozier, director of the London-based Institute for the Study of Conflict, described IPS as the "perfect intellectual front for Soviet activities which would be resisted if they were to originate openly from the KGB."

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 who worked with the Center for National Security Studies (CNSS), an IPS off-shoot affiliated with the Fund for Peace. Klare has made frequent trips to Havana to "lecture" on U.S. arms policies to "graduate students" at the University of Havana, and has participated in disarmament conferences sponsored by WPC groups.

IPS's Arms Race and Nuclear Weapons Project is directed by William "Bill" Arkin, who is compiling a book of [U.S.] nuclear weapons data with "everything from where the bombs are stored to where weapons delivery systems are cooked up." This is to be kept up-to-date with revisions bi-annually.

Arkin, who formerly worked for 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 and general counsel of the Joint Economic Committee of Congress.

According to the Zill report, Arkin was coordinator of the March 1982 END researchers conference in Holland; briefed END leaders on U.S. weapons developments "which affect Europe, . . . [and] works closely with Stan Norris of CDI and with press people from the Wall Street Journal, The New York Times, The Washington Post and CBS where, at the end of February, 60 Minutes will feature a story of his on Nuclear Weapons in Europe."

In addition to taking a leadership role in the National Nuclear Weapons Freeze Conference, February 19-20, in Denver, and conducting a workshop attacking the impact of military spending on local areas, and writing a pamphlet on nuclear weapons to be distributed by the time of SSD-II, Zill reported that Arkin "is also teaching a course at the Defense Intelligence School called 'Research and Methodology: Effects of Limited Nuclear War in Europe.' "

IPS played a seminal role in the formation, funding and development of networks linking Western ecological and anti-nuclear activists with key disarmament organizers and armaments researchers, including some in Eastern Europe. These groups include the Nuclear Research and Infromation Service (NIRS), the World Information Service on Energy (WISE), and European 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 at SSD-II.

The IPS group, led by its principal spokesman, Marcus Raskin, IPS co-founder and senior fellow, included Robert Borosage, IPS director, National Lawyers Guild (NLG) activist and former director of the Center for National Security Studies (CNSS); Minneapolis Mayor Donald M. Fraser; Rt. Rev. Paul Moore, Jr., Episcopal Bishop of New York; New York lawyer Robert S. Potter; and Roger Wilkins, journalist 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 the U.S.A. and Canada, a "think-tank" that provides research and analysis and also cultivates and develops contacts with Americans at the direction of the KGB and the International Department of the CPSU Central Committee; and Vadim V. Zagladin, first deputy chief of the International Department.

In various U.S. interviews, Borosage has floated such standard Soviet themes as that the USSR is satisfied by "rough parity" with the U.S., that the U.S. is restarting the arms race, that the Soviets want to go back to SALT-II and get U.S. ratification; that if the U.S. starts another round in the arms race, it will seriously hurt the Soviet economy and ordinary Soviet citizen—but they'll still go ahead, so competition is futile; and the threat that the modern U.S. weapons proposed for deployment are "very dangerous . . . and would lead to much more dangerous stages that would 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 World Order (IWO)—World Disarmament Campaign (IWO/WDC)—777 U.N. Plaza, 5th Floor, New York, NY 10017 [212/490-0010] is playing a key role in training disarmament campaign organizers. Eighteen disarmament briefings to which the IWO/WDC invites United Nations correspondents and another 275 New York-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, PSR. On 2/25/82, the IWO/WDC initiated a two-session "problem-solving theater" in cooperation with all the other leftist and disarmament groups at 777 U.N. Plaza. IWO/WDC coordinator Carolyn Krebs has an information packet distributed free to editors, writers, and media people. Its 35 items have been carefully selected "to avoid a diatribe tone."

IWO plays a role in a number of ways parallel to IPS, but without IPS's emphasis on cultivating activists and supervising the formation of new organizations to serve shifting left campaigns.

The IWO subsidizes a network of 28 scholars both in the U.S. and Europe and has "a network of over 75 to 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)—was described in a CIA Report on Soviet Propaganda Operations prepared at the request of the House Intelligence Committee and published by the committe in 1978, as "one of the most useful Communist front organizations at the service of the Soviet Communist Party."

The report noted that at its 1975 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 struggle against imperialism, colonialism, neo-colonialism, racism and apartheid. Under the banner of anti-imperialism, the IADL's thrust * * * was to do battle with the large international companies 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 1936 with the assistance of the Comintern as a Communist Party, U.S.A. (CPUSA) front. The NLG is still controlled by an alliance of "Old Left" CUPUSA members and supporters and other revolutionaries aligned with Cuba and Vietnam. The NLG and the closely related National Conference of Black Lawyers (NCBL) are affiliated with both the IADL and AAJ.

IADL activities parallel the other international Soviet fronts. During the anti-Vietnam 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 on U.S. Policy towards Vietnam, in which Richard Falk, Richard Barnet and others were active. A parallel can be drawn with the recent formation of the Lawyers Committee on Policy (LCNP).

International physicians for the Prevention of Nuclear War (IPPNW)—635 Huntington Avenue, 2nd Floor, Boston, MA 02115 was formed in 1980 and held its first congress near Washington, DC, in March 1981. Soviet government involvement with IPPNW is overt. Not only do large high-level Soviet delegations attend IPPNW's conferences, but a Soviet government official serves as a co-chairman.

The IPPNW's co-chairmen are Yevgeny Chazov, Soviet Deputy Minister of Health; Sir Douglas Black, president, Royal College

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 equipment" to Cuba. IPPNW membership overlaps Physicians for Social Responsibility (PSR).

A Soviet delegation of 11 attended IPPNW's first conference and was accompanied by Georgi Arbatov, director of the Institute of the U.S.A. and Canada, an analysis and research apparatus whose staff, according to one recent Soviet defector, is one-third composed of KGB officers assigned to cultivate visiting Americans, feed them disinformation, and scout for individuals who could be used as witting or unwitting Soviet assets.

IPPNW's role was described by Ann Zill of the Stewart Mott Foundation as "to coordinate all the (anti-nuclear) Physicians groups that have sprung up in countries such as Canada, Sweden, Finland, Germany, England, Switzerland, Norway and Australia."

IPPNW's second conference was held 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 N. N. Blokhin and Mikhail Milstein. Other participants included H. Jack Geiger, professor of community medicine at City College of New York (NNCY); Bernard Lown; and Horst-Eberhard Richter of West Germany.

Milstein's address reported in Pravda (4/5/82) repeated the standard Soviet threat and propaganda line that "Soviet military doctrine * * * totally rejects the concept of so-called 'limited' nuclear war now put forward by certain Western strategists. * * * any thermonuclear war, whether it begins in Europe or elsewhere * * * would inevitably * * * become a world conflagration."

A Pravda report on the IPPNW meeting (4/4/82) stated:

"The representatives of the USSR and other socialist countries and many Western colleagues note that people can and must remove the threat which hangs over them today. To this end, it is necessary to develop publicity work still more widely among the broad masses of the population and prompt them to wage active struggle to end the arms race."

Pravda mentioned among IPPNW's most active chapters 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 invariably directed against the U.S. and Western European countries.

June 12 disarmament coalition (J-12 DC)—853 Broadway, Room 2109, New York, NY 10003, the group first appeared in October 1981 as the Campaign for the Special Session on Disarmament (CSSD) and operated from the New York offices of the Mobilization for Survival (MFS).

The purpose of the group is to organize a mass 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; Communist Party, U.S.A. (CPUSA); U.S Peace Council (USPC); Women's International League for Peace and Freedom (WILPF); Women Strike for Peace (WSP); American Friends Service Committee (AFSC); Fellowship of Reconciliation (FOR); Paul Mayer, MFS Religious Task Force; and Norma Becker, War Resisters League (WRL).

Lawyers Committee on Nuclear Policy (LCNP)—777 U.N Plaza, 5th Floor, New York, NY 10017 (212/887-8962), appeared late in 1981 circulating a "statement on the Illegality of Nuclear Weapons" which has no condemnation or even mention of Soviet nuclear weapons and targeting policy, but which is aimed specifically at the United States.

LCNP's positions closely parallel those of the Soviet "peace" fronts. LCNP's officers and initial members of its consultative council include a number of activists from the National Lawyers Guild (NLG), the U.S. section of the Soviet-controlled International Association of Democratic Lawyers (IADL).

On June 4-5, 1982, LCNP and the Geneva-based International Peace Bureau (IPB) headed by Lenin Peace Prize winner Sean MacBride, a vice-president of the WPC-related Continuing Liaison Committee of the World Congress of Peace Forces, will co-sponsor in New York an "International Symposium on Morality and Legality of Nuclear Weapons."

LCNP's co-chairpersons are Martin Popper, an identified CPUSA member who was the NLG's executive secretary during the 1940s and remains active in the New York City NLG chapter and in IADL activities; and Peter Weiss, NLG member, vice-president of the Center for Constitutional Rights (CCR) and president of the board of the Institute for Policy Studies (IPS).

Secretary and executive director is Elliott L. Meyrowitz and LCNP's treasurer is Robert L. Boehm, CCR's chairperson. The consultative council is listed as including Richard Barnet, IPS and formerly active with the Lawyers Committee on U.S. Policy towards Vietnam (LCUSPV) which was founded by activists with the IADL, NLG, and National Emergency Civil Liberties Committee (NECLC), a CPUSA legal action and propaganda front; Ian Brownlie, Oxford University; Francis A. Boyle, University of Illinois; Anthony A. D'Amato, Northwestern University; Robert F. Drinan, Georgetown University and 1968 NLG national vice-president; IADL and LCUSPV activist Richard A. Falk, Princeton University and Institute for World Order (IWO); C. Clyde Ferguson, Jr., Harvard University; Roger Fisher, Harvard University; Ellen Frey-Wouters, City University of New York (CUNY); John H.E. Fried, CUNY emeritus; Ann Fagan Ginger, University of Puget Sound, a veteran NLG "old leftist" and president of the IADL's Havana-based Western Hemisphere affiliate, the Association of American Jurists (AAJ); Bert B. Lockwood, Jr., University of Cincinnati; Sean MacBride, International Peace Bureau; Saul H. Mendlovitz, Rutgers University (Newark), IWO; Arthur S. Miller, George Washington University (emeritus); Lord Philip Noel-Baker; Bert V. A. Roling, Groningen University (Netherlands); John Quigley, Ohio State University, former NLG vice-president; Yoshikazu Sakamoto, University of Tokyo; Sherle R. Schwenninger, IWO; and Burns H. Weston, University of Iowa.

LCNP's rhetoric is the shrill, tired dogma found routinely in proclamations of the Soviet-controlled front organizations. For example:

"Humanity has entered a critical period in its history as a species. Today's nuclear arsenals have the potential for annihilating a large segment of the world's populations, for devastating an contaminating vast areas of the earth's surface, * * * In short, nuclear weapons threaten human survival itself.

LCNP violently attacks U.S. policy-makers as "increasingly contemplating" the use of nuclear weapons and asserts its role is to combat "the Reagan administration's position that the United States must be prepared to intervene, using nuclear capabilities if necessary, to protect U.S. interests wherever threatened [and in] * * * U.S. official policy a dangerous acceptance of the legitimacy and efficacy of using nuclear weapons to reverse international situations considered adverse to U.S. national interests."

Members of Congress for Peace Through Law (MCPL) and Education Fund (MCPL-EF)—201 Massachusetts Avenue, NE, Room 318, Washington, DC 20002 (202/544-4250) describes its general goals as strengthening the power of the U.N., disarmament and "developing a global economy in which every person enjoys the material necessities of life."

MCPL commenced informally in 1959, the brain-child of Marcus Raskin, then on the staff of Rep. Robert Kastenmeier, as a mini-caucus of 12 liberal-left Congressmen to promote some radically utopian changes in U.S. policies, starting with abolition of NATO and disarmament, and including vastly increased social welfare programs. IPS's seminars for Congressmen and staff aides which commenced in 1963 contributed to the expansion and formalization of MCPL as a structured, staffed caucus.

MCPL has been formally staffed since 1966, with Congressmen contributing staff positions and funds. Staff and consultants include Edith B. Wilkie, executive director; June Campagna, executive assistant; and consultants Murray Woldman, Frank Record and Richard Creecy.

In the last Congress, MCPL had 74 members. In 1982, MCPL is concentrating on developing strategies for budget cuts in specific weapons systems, particularly the MX missile and B-1 bomber; and on stopping U.S. aid to El Salvador. MCPL was highly active in drafting one of the nuclear freeze resolutions.

The MCPL-EF was established in 1975 to receive outside contributions. Officers include Rep. John Seiberling, president; and C. Maxwell Stanley, vice-president, whose foundation funds the U.N. Non-Governmental Organization (NGO) apparatus in which Soviet-controlled fronts play key and dominant roles.

Mobilization for Survival (MFS)—with national offices until the close of the U.N. SSD-II in the Church of All Nations, 48 St. Marks Place, New York NY 10003 [212/460-8545] was organized in the fall of 1976 by a handful of U.S. and European WPC activists. MFS made its first formal appearance on April 23, 1977, at a conference in Philadelphia led by individuals active with the WPC, Chicago Peace Council, WILPF, WSP, AFSC, CALC and related groups. These incuded British disarmament activist Peggy Duff of the International Confederation for Disarmament and Peace (ICDP); Sid Peck; Sid Lens; Ron Young, AFSC; Michael Klare; Terry Provance; David McReynolds and Norma Becker.

Sid Peck, a former CPUSA functionary, explained MFS's origins by noting that the WPC, in cooperation with the ICDP and Japan Council Against Atomic and Hydrogen Bombs [the Japanese Communist Party-controlled Gensuikyo] were "working closely with non-governmental organizations the world over to create the maximum impact on the United Nations Special Session on Disarmament in late May 1978."

MFS has been to a considerable extent superceded by the June 12 Disarmament Coalition partly to protect MFS's tax-exempt status and for legal considerations since the J 12 DC is involved in civil disobedience planning. MFS's "educational" role allows it to serve as a communications network for local environmental and anti-nuicear power groups promoting their participation in disarmament activities; and to prepare disarmament information packets for outreach to churches, hospitals and trade unions.

National Lawyers Guild (NLG)—853 Broadway, 17th Floor, New York, NY 10003 (212/260-1360), is the largest U.S. affiliate of the International Association of Democratic Lawyers (IADL), the Soviet-controlled front for lawyers. The NLG was organized with the assistance of the Comintern in 1936 as a legal action front operated by the CPUSA. The NLG remains the principal legal bulwark of the CPUSA, its fronts and controlled unions.

While there are small numbers of Maoists, Trotskyites and independent Marxist "New Leftists" in the organization, the NLG's international positions and real domestic control lies with the supporters of the Soviet and Cuban communist regimes. During the 1970s, the NLG's cooperation with Cuba has escalated markedly.

Major NLG activities include defense of revolutionaries and militant extremists charged with violent crimes, litigation against law enforcement intelligence units, and providing legal advice in advance of demonstrations with civil disobedience—in effect acting as co-conspirators in violating the law.

The NLG has produced a handbook for NLG lawyers involved in mass defense of anti-nuclear demonstrators; and NLG chapters nationwide have been active in providing aid to anti-nuclear power and disarmament demonstrators. The NLG is a member of the J 12 DC.

National Nuclear Weapons Freeze Campaign Clearinghouse (NNWFCC)—4144 Lindell Street, Room 201, St. Louis, MO 63108 [314/533-1169] was set up late in 1981 as the National Nuclear Weapons Freeze Campaign moved into high gear. Pending its own tax exemption, NNWFCC is being funded via the Council for a Liveable World Education Fund.

Coordinator of the Clearinghouse is Randy Kehler, a veteran WRL organizer who went to prison in 1970 for two years as a draft resister, and afterwards led the successful "nuclear freeze" campaign in western Massachusetts prior to his selection to head the coordination center.

The Nuclear Weapons Freeze Campaign (NWFC) was launched at a "National Strategy Conference for a Nuclear Freeze" held in Washington, DC, March 20-22, 1981. Among the key initiators were Cora Weiss, Riverside Church Disarmament Project (RCDP); Women's International League for Peace and Freedom (WILFF) which at that time was still sponsoring presentations and reports to its chapters from those who had attended the WPC's September 1980 World Parliament of the Peoples for Peace in Sofia, Bulgaria; Clergy and Laity concerned (CALC); CNFMP; SANE; the Fellowship of Reconciliation (FOR); War Resisters League (WRL); and MFS Religious Task Force.

The conference followed a call for a nuclear weapons "moratorium" in a speech by Soviet president Brezhnev at the February 1981 26th Congress of the Communist Party of the Soviet Union. Endorsers of the "nuclear freeze" include Mike Myerson, a CPUSA functionary serving as executive secretary of the U.S. Peace Council (USPC). Major organizational support for the campaign is being provided by the AFSC, CALC, WRL and WILPF.

NWFC national executive committee member Currie Burris, national coordinator of the Clergy and Laity Concerned (CALC) "Human Security: Peace and Jobs" program who last year participated in a tour of Europe by leaders of U.S. disarmament groups, is urging the NFC "to develop enough clout to stop the deployment of the Pershing and cruise missiles in Europe. They're scheduled to go on line in 1983 and this would be disastrous for the Freeze Campaign."

Burris also has recommended that U.S. activists take lessons from the Dutch "Stop the Neutron Bomb" organization, which is led by Dutch Communist Party functionary Nico Schouten and is a spin-off from the World Peace Council (WPC).

A more obvious radicalization in orientation of the "nuclear freeze" campaign was in evidence at its February 19-20, 1982, national conference where influential WRL activist David McReynolds, urged opposition to U.S. aid to El Salvador be included in "freeze" campaigning and criticized the NWFC for not challenging "the whole structure of anti-Soviet prejudices. This is something the left should do."

NNWFCC 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)—1536 16th Street, NW, Washington, DC 20036 (202/483-0045) was established by anti-nuclear activists closely associated with the Institute for Policy Studies in the summer 1978. NIRS was to serve as an information and communications center for environmentalists and anti-nuclear power activists.

In 1980, NIRS described its main project as "building detailed, up-to-date files on skilled people helpful to the anti-nuclear and safe energy movement." NIRS has played a central role in generating support for "nuclear free Pacific" groups and in facilitating contacts between anti-nuclear and disarmament groups in the U.S., Australia, New Zealand, Japan, and Pacific island nations. NIRS has served as the U.S. center for WISE.

NIRS activities have included co-sponsoring a public speech by IPS "senior fellow" Richard Barnet in March 1980, in which he denounced U.S. reaction to the Soviet invasion of Afghanistan as an effort to start a "new Cold War," attacked the U.S. for developing "destabilizing weapons systems * * * not only the Trident, but the MX" and Pershing II and cruise missiles for Europe.

With funding from sources including the Youth Project and Cora and Peter Weiss, via the Fund for Tomorrow, the NIRS budget is some $200,000. Coordinator of the group is Betsy Taylor; and staff includes Mark Hertsgaard of IPS.

Physicians for Social Responsibility (PSR)—P.O. Box 144, Watertown, MA 02172 (617/924-3468) states that in 1961, PSR "acted as a united medical voice in warning of the hazards of atmospheric nuclear testing, significantly contributing to the momentum that led to the Partial Test Ban Treaty of 1963." 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 weaponry."

PSR works with a variety of groups backing U.S. and Western unilateral disarmament including IPPNW, the Union of Concerned Scientists (UCS), FAS, CDI and IPS in promulgating the most extreme "end of the world" propaganda as the inevitable result unless the U.S. heeds its appeal to reduce tensions with the USSR and ban "all use of nuclear weapons."

Claiming a membership of 10,000 and 101 chapters, PSR president is Helen Caldicott, 43, an Australian pediatrican and disarmament zealot whose shrill hysterical voice had frequently been heard at MFS anti-nuclear rallies. She claims to have been instrumental in persuading Australian trade unions to oppose mining of uranium ore, and reportedly has attempted to persuade top AFL-CIO officials to adopt anti-nuclear policies. In 1981 Caldicott and other "peace activists" visited the USSR. She has given up her position at Harvard Medical School to devote full time to disarmament organizing.

PSR's presentations on the horrors of nuclear war are heavily 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, Planetarium Station, New York, NY 10024 (212/477-3416) (salaried staff coordinator is Joanne Pomerantz) featured Richard J. Barnet, IPS; Jerome Frank, board member of SANE and CLW and a past president of FAS; Robert J. Lifton, IPPNW activist and US-CHE sponsor; Studs Terkel and Victor W. Sidel, M.D., Professor and Chairman of the Department of Social Medicines Montefiore Hospital and Medical Center of the Albert Einstein College of Medicine, and US-CHE sponsor.

Speaker at other NYC PSR meetings from August 1981 to January 1982 include Michio Kaku, physics department, City College of New York (CCNY), a frequent MFS rally speaker who links his anti-nuclear sentiments to the Hiroshima atomic bombing in which members of his family died; H. Jack Geiger, MD, a founding PSR member and president of IPPNW; Barry Commoner, Citizens Party; and Joe Fahey of Pax Christi and the Manhattan College Peace Studies section on the European Nuclear Disarmament movement.

Among the featured speakers in national PSR presentations have been Kosta Tsipsis, MIT; Gene La Rocque, CDI; John Constable, MD, Harvard; H. Jack Geiger, MD; Howard H. Hiatt, Dean, Harvard School of Public Health.

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 seminar successes. PSR has targeted some 15 cities for its grisly presentations.

Riverside Church Disarmament Program (RCDP)—490 Riverside Drive, New York, NY 10027 [212/222-5900] and its director, Cora Weiss, are playing leading roles in the June 12 Disarmament Coalition organizing of a mass demonstration during SSD-II. The Zill report cited Weiss as saying $250,000 will be needed to organize a large, effective protest.

Cora Weiss, formerly active with the Emma Lazarus Clubs and Women Strike for Peace (WSP), played a leadership role in the CPUSA-controlled anti-Vietnam coalitions [New Mobilization Committee, People's Coalition for Peace and Justice (PSPJ)] which collaborated closely with the WPC. She received considerable media attention for her numerous meetings with Vietnamese communist officials in Paris and Hanoi and for her controversial role in the Committee of Liaison and in a project to provide material aid to Hanoi, the Friendshipment/Bach Mai Hospital Fund.

She and her husband, Peter Weiss, president of the IPS board, are officers of the Samuel Rubin Foundation, which provides the major financial support to IPS/TNI, and of the Fund for Tomorrow, a smaller foundation which supports many activist groups spun-off by IPS including WISE.

The RCDP was formed in 1978; its current budget is $137,000. In addition to its major disarmament conference each November. Among the most noted Soviet participant has been Yuri Kapralov, nominally a counsellor at the Soviet Embassy and expert on military and disarmament affairs, who has been serving as Moscow's unofficial "ambassador" to the U.S. disarmament movement. It is noted that the Attorney General's guidelines on FBI security investigations prohibits monitoring of "religious" activities.

During Lent, RCDP sponsored weekly Wednesday night gatherings of disarmament activists who were taught "resistance, dangers of radiation, the European Nuclear Disarmament Movement." In cooperation with the MFS Religious Taskforce led by Paul Mayer, RCDP is co-sponsoring "Peace Sabbath" events (May 28-31) with CALC, FOR, Pax Christi and Sojourners.

SANE—A Citizens Committee for a Sane World—514 C Street, NE, Washington, DC 20002 (202/546-7100) cooperates directly with the WPC, co-sponsoring two Capitol Hill appearances by WPC activists in 1981. SANE and the CNFMP are cooperating in compiling a joint computerized mailing list by Congressional districts, and in a media task force against the Reagan defense budget.

SANE's major 1982 project, co-sponsored with Congress Watch and FRAC is the Fair Budget Action program which will apply pressure in Congressional districts for diverting the defense budget to social programs. The Zill report noted that SANE's 30,000 name mailing list, FRAC's big budget and Congress Watch's 100,000 members should ensure major attention.

SANE played a leading role in a 1975 Chicago National Conference to Slash Military Spending organized by the CPUSA's then head of WPC U.S. activities, Pauline Royce Rosen. (The organization formed from that conference, the National Center to Slash Military Spending, joined CNFMP; but dissolved in 1980 and was superseded by the U.S. Peace Council (USPC)).

SANE executive director is David Cortright, a founder of the U.S. Peace Council, former GI organizer at Fort Bliss, IPS protege of Marcus Raskin, and staffer of the Center for National Security Studies. Cortright has hired Chad Dobson of the Campaign to Stop the MX and moved him from Salt Lake City to the East Coast to help organize the June 12 demonstration.

SANE's board of directors is headed by co-chairman Seymour Melman and William Winpisinger, president of the International Association of Machinists and Aerospace Workers (IAM). Board members include Ramsey Clark, William Davidson, Jerome Frank, Rep. Tom Harkin, Homer Jack, David Livingston, Robert Maslow, Joseph Miller, Michael Moffitt (IPS), Robert Musil, Leon Quat, Marcus Raskin, Rep. Fred Richmond, Alex Rosenberg, Morton Stavis, Edith Tiger, Sr. Mary Luke Tobin, Kosta Tsipis, and Rep. Ted Weiss.

SANE is raising money for a TV spot in favor of the "nuclear freeze" and is in the midst of a one million piece direct mail campaign.

Stanley Foundation, 420 E. Third Street, Muscatine, IA 52761 (319/264-1500) since 1969 has been financing "educational meetings" among U.N. NGO groups and foreign policy conferences in support of detente with Soviet participation. Its meetings, once or twice yearly, have been held generally in the Church Center for the U.N., 777 U.N. Plaza, or in the offices of the Arms Control Association (ACA) in Washington, DC. This NGO Consultation Group established a Steering Committee of 12 to 15 people for which the Zill report was compiled.

Stanley Foundation media programs include a radio program, "Common Ground," 39 30-minute programs broadcast over 50 National Public Radio stations. The foundation also sponsors regional news media conferences for 50 to 60 reporters in the print and electronic media based in cities with a population of 500,000 to one million.

The Zill report noted the Stanley Foundation was planning some 10 conferences this year for up to 50 people—U.N. diplomats, businessman, labor leaders, U.S. government officials and academics—to work on recommendations for changes in U.S. foreign policy. One of these, scheduled for March 26-27, in New York was to bring 50 "Congress people and staffs to learn about * * * the role of the U.N. in arms control."

Union of Concerned Scientists (UCS)—1384 Massachusetts Avenue, Cambridge, MA 02238 (617/547-5552) was established at the Massachusetts Institute of Technology in 1969 in support of the Strategic Arms Limitations Treaty (SALT). The group claims more than 100,000 sponsors nationwide.

The UCS board of directors is chaired by Henry M. Kendall of MIT. Among the board members are Dr. James A. Fay; Dr. Kurt Gottfried; Leonard Meeher; Herbert "Pete" Scoville, former CIA deputy director; and Richard Wright. UCS executive director is Eric E. Van Loon.

In cooperation with PSR and related groups, UCS sponsored 150 campus teach-ins on November 11, 1981. UCS programs were weighted with speakers against U.S. defense and foreign policies and favoring unilateral disarmament, with a token opponent invited to lend credibility to the event. UCS organizer Peter Stein has built a campus network with an "arms project steering committee" that will attempt to expand campus outreach in November.

The Zill report noted UCS intends to become more involved "outside the U.S. with teach-ins in European centers too."

UCS is planning an international meeting of 40 disarmament scientists 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 portion of the expenses for others.

U.S. Peace Council (USPC)—7 E. 15th Street, Room 408, New York, NY 10003 [212/989-1194] was launched as the official U.S. national section of the WPC at a November 1979 conference in Philadelphia.

The CPUSA newspaper Daily World [11/1/79] credited three veteran CPUSA organizers for laying the organizational basis for the WPC by "working for years to establish local committees, organize delegations from the U.S. to international meetings of the WPC, and distribute information about the Peace Council to activists in the United States." Those named include Pauline Royce Rosen, "who coordinated all WPC activities in the U.S. for many years" and led what in effect was a CPUSA front serving as a cover for the WPC, the National Center to Slash Military Spending (NCSMS), which dissolved in 1980 and recommended to its supporters they join the USPC and CNFMP; Sylvia Kushner of the Chicago Peace Council (CPC); and Elsie Monjar of the Los Angeles Peace Council (LAPC).

Among those taking active roles in the USPC founding, speaking or listed as workshop leaders, were Mark Shanahand, CNFMP; Sarah Staggs, CPC; Connecticut Rep. Irving Stolberg; David Cortright, SANE; Rev. William Hogan, CALC; Terry Provance, AFSC; Erica Foldy, CNFMP; Frank Chapman, AFSC; Archie Singham, Nation editorial board; Betsy Sweet, WILPF; Massachusetts Rep. Saundra Graham; New York City Council members Miriam Friedlander and Gilberto Gerena-Valentin; and Ed Vargas, vice-president, Connecticut Federation of Teachers, Hartford, CT.

The published list of USPC sponsors included Canon Frederick B. Williams, president, Council of Churches of Manhattan; Alden Whitman; Edith Villastrigo, director, Washington Office, WSP; Michigan State Senator Jackie Vaughn, III; Fred Stover, U.S. Farmers Association; Rev. Anthony M. Stevens Arroyo, director, CEMI, Pax Christi; Dr. Robert J. Schwartz, chairman, New York SANE; Jack Sangster, Fund for New Priorities in America (FNPA); Ruth Messinger, New York City Council; Maryann Mahaffey, Erma Henderson and Clyde Cleveland, Detroit City Council members; Dr. L. Charles Gray, vice president, Christian Peace Conference; Donna Cooper, Washington, D.C. Peace Center; Illinois Representative Carol Mosely Braun; and Marjorie Boehm, president, U.S. section, WILPF.

In a brochure distributed at its second convention in November 1981, the USPC explained its support for disarmament and Third World revolutionary organizations: "The campaign to stop weapons of mass destruction cannot be separated from support for the peoples of Southern Africa, Asia and the Middle East * * *. The movement to defend and consolidate detente is at the same time a movement to halt the forces that seek to crush struggles for liberation. The demand for jobs and rebuilding the cities of our country is simultaneously a demand to reduce the military budget, from which we must get the billions of dollars needed for that task."

USPC 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 [212/228-0450] was founded in 1923 "to support conscientious objectors whose pacifism was secular or political in nature," which primarily meant supporting anarchists, Marxists and communists who object to participating in "imperialist" war, 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 lifesupporting methods."

WRL's dual revolutionary slant is indicated in its selection of articles supporting Marxism and "social anarchism * * * socialism without centralism, without a party, and without a government," as its primer on alternative political structures.

A major WRL project since 1967 is WIN magazine, whose synthesis of radical culture and new life styles has included support for revolutionary terrorist groups including the Palestine Liberation Organization (PLO), Irish Republican Army (IRA), Weather Underground, West German Baader-Meinhof gang, etc.

Although WRL claims its relations with the WPC have been strained, David McReynolds and other WRL activists continue to collaborate with the Moscow-line communists in coalitions, including the June 12 Disarmament Coalition.

It is noted that West German news reports, citing annual government internal security surveys of totalitarian organizations, term the German Peace Society/United Military Service Resisters [Deutsche Friedens Gesellschaft/Vereinigte Kriegsdienstgegner] (DFG/VK) (an affiliate of the War Resister League International (WRLI)) a front of the German Communist Party (DKP). The 14-member DFG/VK board, cochaired by Gerd Greune and Klaus Mannhardt, a member of the WPC, also has four DKP members.

Women for Racial and Economic Equality (WREE)—130 E. 16th Street, New York, NY 10003 (212/473-6111), is a CPUSA front which is the U.S. affiliate of the Soviet-controlled Women's International Democratic Federation (WIDF).

Women's International Democratic Federation (WIDF)—based in East Berlin, is so heavily communist in its character that it has nearly lost its former character as a front involving noncommunists. That role, more and more, is being taken by the WILPF which has been so heavily penetrated by communists that last year it was made an affiliate of the World Peace Council, as is the WIDF. During the 1960s, the U.S. WIDF affiliate was Women Strike for Peace (WSP); however in the mid-1970s, the CPUSA established a new women's front, Women for Racial and Economic Equality (WREE), now the official WIDF section.

Women's International League for Peace and Freedom (WILPF)—headquartered at 1213 Race Street, Philadelphia, PA 19107 (215/563-7110) and a Washington legislative office formerly shared with WSP, has been cooperating in WPC and WIDF projects to such an extent that WILPF last year was made a WPC affiliate. WILPF has a tax-exempt "educational" arm, the Jane Adams Peace Association (JAPA). WILPF leaders include Yvonne Logan, president; Liggy Frank, executive director; Betsy Sweet, program director.

The heavy-handed pro-Soviet stance of many WILPF activists includes participation in the WPC and USPC by Disarmament Coordinator Katherine "Kay" Camp; frequent sponsorship of exchange visits with the Soviet Women's Committee; and a call for a campaign against "anti-Sovietism" in the media—defined as any suggestion that the USSR may be responsible for the arms race or pose a threat to the U.S. WILPF's "STAR" petition campaign utilizes an old WPC slogan, "Stop the Arms Race."

Women Strike for Peace (WSP)—145 S. 13th Street, Philadelphia, PA 19107 (215/923-0861), 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 WIDF.

WSP's national coordinator is Ethel Taylor, and its national legislative coordinator is Edith Villastrigo. 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 PSR events, and carrying out effective "lobbys by proxy."

The Zill report notes that 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 as well as arms control efforts. The three-day hearings by the House Foreign Affairs Committee commenced on 2/27/82.

World Federation of Democratic Youth (WFDY)—based in Budapest, is a Soviet-controlled front that works closely with the IUS and other fronts in promoting Soviet foreign policy goals—whether detente 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 [202/387-0818] was formed by anti-nuclear activists and researches in 1978 "to function as an international switchboard for local and national groups around the world who want to exchange information and support one another." In the U.S., WISE has received distribution and other support from Terry Provance, active with the AFSC, USPC and coconvenor of the Mobilization for Survival (MFS) International Task Force.

In June 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 with ties to IPS/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 Central Committee of the Communist Party of the Soviet Union (CPUSU) and the KGB, the WPC has two main functions: to influence public opinion and government policies in non-communist countries along lines favorable to Soviet policy goals, and to provide logistical support to Soviet-supported terrorist groups.

THE SOVIET PEACE OFFENSIVE

(Final Draft of a Western Goals Report in Brief, March 1, 1982)

INTRODUCTION

In a recent television interview, President Reagan commented on the anti-U.S. and anti-NATO disarmament demonstrations that have had thousands of people marching in the capitals of Western Europe this fall in coordination with similar anti-NATO demonstrations organized by the communist regimes in East Germany and other Warsaw Pact countries. Said President Reagan, "Oh, those demonstrations; you could have used newsreels from the Sixties in America. These are all sponsored by a thing called the World Peace Council, which is bought and paid for by the Soviet Union."

In the U.S., disarmament groups related to the World Peace Council (WPC) both directly and through its national affiliate, the U.S. Peace Council (USPC), have commenced on all-out drive against U.S. defense modernization targeted on the United Nations Second Special Session on Disarmament (SSD), to be held in New York, June 9 to July 7, 1982.

The use of internationally active front organizations, cover groups and peace slogans has been a standard tactic of the Communist Party of the Soviet Union (CPSU) since 1921 when Lenin developed the idea of using trade unions, youth groups, social and cooperative organizations as "transmission belts" to spread communism. The development of "popular front" organizations to attract support from non-communists for Soviet goals began in 1934. After the Soviets dissolved the Comintern in 1943, as a sop to Stalin's Western allies, responsibility for control of fronts and foreign communist parties was transferred to the International Department of the Central Committee of the Communist Party of the Soviet Union.

Front groups attempt to conceal the USSR's role in their programs. They are vehicles for Soviet covert action and have become key in developing among both the industrialized West and emerging Third World nations support for the USSR, its interests and policies much greater than could have been achieved by the local communist parties campaigning openly for the same issues.

A Soviet Politburo directive issued in 1949 by Mikhail Suslov, the director of the Kremlin's ideological warfare and propaganda campaigns from the Stalin period until his death from a stroke on January 25, 1982, established the prime targets for recruitment into the "fronts" which appears to still obtain in 1981:

"Particular attention should be devoted to drawing into the peace movement trade unions, women's, youth, cooperative, sport, cultural, education, religious, and other organizations, and also scientists, writers, journalists, cultural workers, parliamentary, and other political and public leaders."

Among the fronts established by the Soviet Union after World War II are the Afro-Asia People's Solidarity Organization (AAPSO); International Association of Democratic Lawyers (IADL); International Federation of Resistance Fighters (FIR); International Organization of Journalists (IOJ); International Union of Students (IUS); Women's International Democratic Federation (WIDF); World Federation of Democratic Youth (WFDY); World Federation of Scientific Workers (WFSW); World Federation of Trade Unions (WFTU); and the World Peace Council (WPC). Another

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 Goals report, prepared in association with the *Informaton Digest*, 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 appeasing the Soviet Union.

World Peace Council

Since 1950, when it launched the Stockholm Peace Appeal, the World Peace Council (WPC) has been the Soviet Union's single most important international front 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 first government to use the atomic weapon against any country whatsoever would be committing a crime against humanity and should be dealt with 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 present disarmament drive can be traced to 1973, when it became clear that the U.S. withdrawal from South Vietnam would ensure North Vietnamese, Pathet Lao and Khmer Rouge success.

Meeting in Sofia, Bulgaria, in February 1974, the World Peace 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 Romesh Chandra, discussed implementation of the WPC's 1975 "program of action" that included "special efforts * * * to draw new forces into their ranks." [Peace Courier, January 1975, p. 2.]

The Prague WPC meeting issued an appeal entitled "Make Detente Irreversible" which considered disarmament and U.S.-Soviet arms control agreements the key to "reducing tensions." But the WPC's Prague appeal also demonstrated that their goal was to reduce American and NATO military strength which was "provoking tension," and that in its view detente would not be "irreversible" until the West got rid of its nuclear and conventional forces. The WPC appeal explained that detente was necessary because "detente creates more favorable conditions for the waging of the people's struggles * * * The context of detente loosens the grip of imperialism on oppressed nations and on newly independent states dominated by multinational corporations."

Omitting the rhetoric, it means that if the democratic countries of the Free World can be persuaded to give up the weapons that comprise their means of resistance to armed aggression, the Communist aggressors will have won. The tactics of deception, subversion and covert action via agents of influence are certainly not new. They were set out in the 6th Century B.C. by Chinese military strategist Sun Tsu, whose Art of War is a basic text for both the Soviet military and the KGB. Among Sun Tsu's precepts are:

"All warfare is based on deception. Therefore, when capable, feign incapacity; when active, inactivity. Offer the enemy a bait to lure him; * * * When he concentrates, prepare against him; where he is strong, avoid him.

"Anger his general and confuse him. Pretend inferiority and encourage his arrogance. * * * When he is united, divide him.

* * * *

"Generally in war the best policy is to take a state intact; * * * To subdue the enemy without fighting is the acme of skill. Thus, what is of supreme importance in war is to attack the enemy's strategy." [The Art of War, trans. S. B. Griffith, Oxford University Press, 1973]

1975 New Stockholm Campaign.

Disarmament was the subject of four "commissions" of the May 30 to June 2, 1975 WPC Presidential Committee meeting in Stockholm. The topics were:

"1-Ending the arms race and international detente; 2-Disarmament and development (social and economic consequences of the arms race); 3-Dangers of development of new types of weapons (imperialist methods of warfare); 4-Peace and nuclear weaponfree zones as a contribution to ending the arms race." [Peace Courier, June/July, 1975]

Among the signers of the main working paper on disarmament were Howard Parsons (USA), Nobel Peace Prize winner Philip Noel-Baker (UK), Yuri Shvedkov (USSR) and Roger Mayer (France). In addition to representatives of the WPC's national affiliates, international organizations sending representatives to this WPC meeting included the Women's International League for Peace and Freedom (WILPF), the Stockholm International Peace Research Institute (SIPRI), UNESCO and the World Federation of United Nations Associations (WFUNA). According to the WPC, all participants in the Presidential Committee meeting signed the WPC's New Stockholm Appeal petition initiated at the meeting.

The WPC's dual emphasis on supporting revolutionary terrorist movements while promoting Western disarmament was shown in the decision of the WPC Presidential Committee to award its Joliot/Curie Gold Medal simultaneously to the chief of the Palestine Liberation Organization (PLO), Yasir Arafat, and to Bram Fischer, a white Afrikaner member of the South African Communist Party who led the terrorist arm of the African National Congress (ANC) in a sabotage and terrorism campaign in the early 1960s. Fischer died of cancer while serving a life imprisonment term for this terrorist crimes.

The 1975 Stockholm Appeal referred to the victories of North Vietnamese, Pathet Lao and Khmer Rouge in Southeast Asia as "victories for peace and detente" that "have created a new international climate, new hopes, new confidence, new optimism among the peoples." The WPC appeal continued:

"The unity of peace forces has the power to overcome the obstacles which still remain along the road to a new world, from which aggression, exploitation, hunger and poverty will be banished for all time.

"The principal obstacle to making the process of detente irreversible is the arms race.

* * * * *

"The arms race weighs heavily on the shoulders of vast masses of peoples in many countries of the world—who are faced with an ever soaring cost of living, inflation and economic crisis. It robs the peoples of a great part of their wealth and resources.

"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 plunder by 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, colonialism and racism; detente is a vital factor for strengthening the efforts in all lands for national independence, justice and social progress.

* * * * *

"World public opinion has greater responsibility and greater power than ever before. It can turn the tide against the armaments profiteers, the cold warriors, the enemies of mankind."

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 mankind's advance, to join hands in a great new worldwide offensive against the arms race."

Of course it was tremendously convenient for the WPC that the Communist governments, the Soviet Union's Third World client states, national peace committees, Communist parties, and a network of WPC-allied international communist front organizations already were in place through which outreach to trade union, women's and youth, religious, social and cultural groups could be made.

The 1975 "New Stockholm" campaign placed special emphasis on utilizing scientists for disarmament. The initial meeting to coordinate outreach to scientists was held in Moscow in July 1975, entitled "The Role of Scientists and their Organizations in the Struggle for Disarmament." The meeting was sponsored by the WPC's sister front, the World Federation of Scientific 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 to Scientists of the World" that said in part:

"Scientific workers cannot remain indifferent to the use being made of their work. * * * the moral duty of scientific workers, their responsibility before mankind, demands the prevention of the further use of their 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 Party, U.S.A.-controlled World Peace Council affiliates then operating in the United States moved to harness the organizational structures built during the anti-Vietnam agitation to the new disarmament campaign.

Before reviewing the WPC's activities in the United States since 1975, 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 ostensible support for "peace" shows that its efforts coincide without deviation from support of Soviet international policies and goals,

through backing revolutionary terrorist "national liberation movements" to supporting sweeping Soviet disarmament initiatives that provide neither for international controls nor inspections. Thus the WPC defends Soviet and Warsaw Pact military maneuvers as "peace-keeping" exercises, but denounces U.S. military exercises, such as the summer 1981 U.S. naval exercises in Mediterranean waters near Libya, as "criminal actions."

When two Libyan aircraft that opened fire on U.S. Navy jets were shot down, the WPC declared September 1, 1981, "International 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 another blatant crime using its war machinery and tremendous military build-up thousands of miles away from the U.S.A. in an attempt to intimidate and force into submission those who defend their independence and sovereignity."

Operating under the direction of the CPSU International Department headed by Boris Ponomarev, a secretary of the CPSU Central Committee and candidate member (non-voting) of the Politburo who worked under Suslov's direction for more than thirty years, the WPC increasingly has taken an expanding role in Soviet agitational and propaganda operations.

Since its last major congress, the "World Parliament of Peoples for Peace" held in Sofia, Bulgaria, in September 1980, the WPC's leadership role in mobilizing disarmament protests has expanded both in the U.S. and in other NATO countries.

The WPC's stated goal is to mobilize public pressure to block U.S. plans to modernize NATO's Theater Nuclear Forces (TNF) with medium-range Pershing II and cruise missiles, and to upgrade NATO's antitank capability with enhanced radiation warheads (neutron bombs). Also targeted are U.S. plans to upgrade strategic nuclear forces with MX mobile missiles and the B-1 bomber, the shelving of the unratified SALT-II arms treaty, and U.S. Rapid Deployment Force and naval forces in the Indian Ocean and Persian Gulf area.

WPC "peace" campaigns carried out during 1981 and which are continuing into 1982 include promotion and organization of anti-NATO protests in Western Europe, support for making Europe, the Indian Ocean and other areas "nuclear free zones," and the generation of propaganda against U.S. foreign policies and in favor of Soviet initiatives towards Central America, Indochina, southern Africa, and the Middle East.

Organizationally, 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, 65, who in the 1960s was a member of the Central Committee of the Communist Party of India. In 1978, at the request of Representative John Ashbrook [R-OH], during hearings of the House Intelligence Committee, the Central Intelligence Agency (CIA) prepared a non-classified study of Soviet propaganda operations which the House Intelligence Committee published as part of its hearing, "The CIA and the Media." That report said in part:

"Yet the Kremlin does not rely on Chandra alone to carry out its policies in the WPC. A representative of the Soviet Communist Party has for years sat at Chandra's side, in a background WPC role, but holding ultimate control. 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 Secretariat, but they were recognized within the oranization as the final authority, including the power of veto. Berkov, for example, was known to have overruled Chandra on certain decisions involving meetings or other activities and relayed the party line concerning WPC causes and operations."

The study continues:

"Two other Russians playing key roles in the WPC are Vitally Shaposhnikov, who is listed as a Soviet member of the WPC Presidential Committee, and Oleg Kharkharkin who is executive of the Moscow-based Continuing Liaison Committee (CLC) of the World Council of Peace Forces and also vice-chairman of the WPC-affiliated Soviet Peace Committee. Both are officials of the International Department of the Soviet CP Central Committee."

The study said that the International Department "is responsible for major clandestine political activities abroad including the front organizations, foreign Communist parties and activities such as strikes and demonstrations designed to destabilize foreign governments."

In terms of power in Moscow, the report stated that the International Department "stands firmly over the KGB for clandestine political activities," and that in these matters, the KGB may act only on the direction 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 affiliate. These WPC "national peace committees" in turn are run as fronts of the local Moscow-line communist parties which, like the WPC, are directed by the International Department of the CPSU. This provides two mechanisms for ensuring that the resolutions and statements of the local WPC affiliates do not deviate from the line set by the Soviet Communist Party.

WPC coordination of U.S. anti-Vietnam movement

The WPC coordinated international demonstrations against United States military aid to South Vietnam. These demonstrations were held in coordination with major demonstrations in the United States. 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 publications in a series of hearings published by the House Committee on Internal Security between 1970 and 1971 on the New Mobilization Committee to End the War in Vietnam (New Mobe) and its successor, the People's Coalition for Peace and Justice (PCPJ).

For example, the nearly 50 members of the U.S. delegation to the June 1969 "World Assembly for Peace" in East Berlin included members of the Clergy and Laity Concerned (CALC), Women Strike for Peace (WSP), Women's International League for Peace and Freedom (WILPF), various quasi-religious groups including the Methodist Federation for Social Action (MFSA), one of the Communist Party, U.S.A.'s oldest fronts; and local U.S. affiliates 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 substantial number of veteran leaders of the Communist Party and its major fronts. These included the two U.S. members of the WPC Presidential Committee, Herbert Aptheker, then the CPUSA's leading theoretician, and Dr. Carlton Goodlett, West Coast treasurer of the New Mobilization Committee; Angie Dickerson, a New York social worker identified in sworn testimony as a CPUSA member, and who was a member of the Organizing Committee for the World Peace Assembly; Rev. Richard Morford, an identified CPUSA member also serving on the Organizing Committee; identified CPUSA veteran Barbara Bick of Women Strike for Peace (WSP) (which immediately on formation affiliated with the Soviet-Controlled WIDF) and who was a highly active leader of New Mobe and the People's Coalition for Peace and Justice (PCPJ); Irving Sarnoff, a leading CPUSA functionary in Los Angeles; Stanley Faulkner, a WPC member active in the International Association of Democratic Lawyers (IADL) and its U.S. affiliate, the National Lawyers Guild (NLG) who later was the attorney for jailed Chilean Communist Party leader Luis Corvalna; and several functionaries of the CPUSA's youth arm, at the time called the W.E.B. DuBois Clubs, Jarvis Tyner, Susan Borenstein and Karen Ackerman.

The WPC-initiated Stockholm Conference on Vietnam Emergency Action Conference, May 16-18, 1969, held to discuss "the problem of immediate material aid for Vietnam as aid to the country in the frontline against U.S. imperialism," as the final statement of the conference's Group on Material and Medical Aid noted, called for a series of demonstrations, boycotts, formation of "research groups" on U.S. companies with defense contracts, encouragement of desertion and draft resistance and a petition drive in support of North Vietnamese (DRV) proposals to the Paris peace talks.

The Emergency Action Conference documents said that in response to "medical and other material requests from the [communist] Vietnamese * * * we urge the formation of new groups everywhere to work continually for medical and material aid, not only to supply immediate needs but to enlist the sympathy and support of countless individuals and to involve new groups of people in support of the Vietnamese people." Shortly afterwards, U.S. activists formed the Medical Aid to Indochina/Bach Mai Hospital Fund which, with leadership provided by Cora Weiss of Women Strike for Peace, provided just such material aid to Hanoi.

The conference documents listed participants 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 Duff (Britain) of the International Confederation for Disarmament and Peace; the Women's International League for Peace and Freedom (WILPF); and some three dozen American anti-Vietnam leaders including: Sherman Adams, Student Non-Violent Coordinating Committee (SNCC); Mrs. Frances Adler; Mrs. Althea Alexander, Women Strike for Peace (WSP); Mrs. Clara J. Brown, Black American Civil Rights Activists; George Carrano, American Deserters' Committee (ADC); Prof. Noam Chomsky, Resist; Bronson Clark, American Friends Service Committee (AFSC); Mrs. Eleanor Clark; Joseph Crown, Richard Falk and Stanley Swerdlow of the Lawyers Committee on American

Policy Towards Vietnam, set up by lawyers from the National Emergency Civil Liberties Committee (NECLC) and National Lawyers Guide (NLG), the U.S. Section of the Soviet-controlled International Association of Democratic Lawyers (IADL); Mrs. Sarita Fuentes Crown, WSP; Westchester, NY; Prof. William C. Davidon; Bob Eaton, AFSC; Josef Elder; Miss Marion H. Fay; Dr. Carlton B. Goodlett, Committee for International Peace Action; Rev. Thomas Lee Hayes, War Resisters' League (WRL), Clergy and Laymen Concerned about Vietnam (CALC); Mrs. Maria Joles and Miss Shirley Keith, Movement for Disarmament, Peace and Liberty, Paris; Bernhard Knobler; Prof. Gabriel Kolko; Donald McDonough, ADC; Prof. David Marr; Miss Deedee Morse, SANE (National Committee for a Sane Nuclear Policy), observer; Prof. John D. Neilands, chairman, Scientists' Committee on Chemical and Biological Warfare; Prof. Anatol Rapaport; Doris Brin Walker (Roberson), vice-president, NLG, identified CPUSA organizer; Mrs. Beulah Sanders, chairman, Citywide Coordinating Committee of Welfare Groups, New York; Mrs. Amy Sverdlow, WSP; Prof. Franz Schurmann; Nelson Theodore and John Wilson, SNCC.

The Stockholm Conference became one of the WPC's most active subsidiaries. The 31 members of its ruling International Liaison Committee including Romesh Chandra; Alexander Berkov of the Soviet Peace Committee; Peggy Duff; Hans Goren Franck of the Swedish Vietnam Committee; Karoly Toth, the Hungarian head of the Christian Peace Conference; Shirley Keith, American Committee of the French Movement for Disarmament, Peace and Liberty; and CPUSA functionary Irving Sarnoff and Ronald Young, both officially representing the U.S. New Mobilization Committee, met in October 1969 to endorse New Mobe's "Fall Offensive" which culminated with three-days of riots in Washington, D.C. (November 13-15, 1969) in which mobs of club-wielding militants from Students for a Democratic Society (SDS), the SDS Weatherman faction and other revolutionary groups battled police in running street battles along Embassy Row and outside the Department of Justice. The International Liaison Committee named November 15th "International Mobilization Day" and ordered that "all actions on this day of International Mobilization should be centered on the demand of the Vietnam Appeal calling for the immediate, total and unconditional withdrawal of US and allied troops from South Vietnam."

Yet another example of WPC guidance of the U.S. anti-Vietnam movement was provided in the New Mobilization Committee's West Coast newsletter dated February 13, 1970, which reported a meeting in Vancouver, Canada, as follows:

"About 100 Americans from the West Coast, representing about 70 organizations, and a delegation of Canadian peace people met at a conference Feb. 7 and 8 in Vancouver, B.C., called by the World Peace Council to discuss international cooperation to end the war in Vietnam. New Mobe arranged the United States participation. In fact, the meeting was initiated by Carlton Goodlett and Irving Sarnoff at a WPC meeting in Africa last month.

"WPC delegates were Tran Cong Tuong, one of the chief DRV (Democratic Republic of Vietnam) negotiators at the Paris sessions; Ha Huy Oanh, DRV negotiating team; Krishna Menon, India; Pastor Martin Niemoeller, Germany; Romesh Chandra, Secretary-General of the WPC; and A. Ratsifehera, Madagascar.

"The conference endorsed and called for international support to the work stoppage being called on April 15 to protest the war.

"A statement unanimously adopted by the Conference declared that the most urgent need of all people is immediate withdrawal from Vietnam, * * *.

"The Conference * * * endorsed selection of Montreal as site for a Commission of Inquiry into war crimes in Vietnam, projected for summer 1970."

Virtually the same cast of organizations and activists now involved in the World Peace Council-directed disarmament campaign turned up yet again at another in the series of significant WPC meetings involving U.S. anti-Vietnam activists, the "5th Stockholm Conference on Vietnam," March 28-30, 1970. The list of participants published by the WPC's International Liaison Committee included Mrs. Peggy Duff (Britain) and Prof. William C. Davidon (USA), both delegates from the International Confederation for Disarmament and Peace, with Mrs. Duff (in 1977 an initiator of the U.S. Mobilization for Survival) also serving as the official delegate from the War Resisters International and Davidon also representing the American Friends Service Committee as part of the U.S. delegation; Dr. Carlton B. Goodlett (USA), Pastor D. Martin Niemoller (FRG) and Romesh Chandra of the WPC Presidential Committee; representatives of the major Soviet fronts; and "observers" from the World Council of Churches [Mrs. Jane L. Frank (USA)] and the World Student Christian Federation [Mr. Jim Walch (USA)]. [Reprinted in Hearings, House Committee on Internal Security, "National Peace Action Coalition (NPAC) and Peoples Coalition for Peace and Justice (PCPJ)," Part 2, June 15-17, 1971, Committee Exhibit 63, pp. 2199-2211].[1]

As a result of their compilation of evidence, the investigators for the House Committee on Internal Security found that the National Mobilization Committee and its successors, the New Mobilization Committee (New Mobe) and the People's Coalition for Peace and Justice (PCPJ) worked in "a very significant degree of cooperation" with the World Peace Council." [House Committee on Internal Security, Hearings, "National Peace Action Council (NPAC) and People's Coalition for Peace and Justice (PCPJ)," Part 2, June 15-17, 1971, p. 1861].

The participation of U.S. radicals and disarmament activists in the WPC continued throughout the 1970s even though the U.S. pull-out from South Vietnam caused a sharp drop in campus demonstrations. Some 150 Americans attended the October 1973 World Congress of Peace Forces in Moscow.

In more recent years, the U.S. delegations to the WPC's meetings have included a greater proportion of disarmament activists from anti-nuclear, religious and quasi-religious activist organizations.

WPC and pacifism

Genuine pacifists admit that the World Peace Council is merely the creature of Soviet policy; but few of these are willing to expose WPC activists when they appear in disguise as members of other organizations. A recent letter to the editor of the New York Times [January 30, 1982] by Homer A. Jack, head of the World Conference on Religion and Peace, correctly admitted that the WPC was an "instigator" of the anti-missile demonstrations in Western Europe, he wrote:

"The World Peace Council has for more than 30 years faithfully transmitted Soviet foreign policy. Its leaders have regularly been awarded the Lenin Peace Prize (never the Nobel Peace Prize)."

He continued:

"Within the past year, the W.P.C. requested higher status as a 'nongovernmental organization' with the United Nations Economic and Social Council. The latter's committe discovered such close programmatic and financial ties between the World Peace Council and Moscow that the WPC itself, in embarrassment, withdrew its request."

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[1] The U.S. participants in the 5th Stockholm conference on Vietnam included Sherman Adams, Scan-SNCC; Mrs. Althea Alexander, U.S. Soul; Carol Andreas, Detroit New Mobilization Committee; Steve Bloom, Student Mobilization Committee to End the War in Vietnam; John Braxton, Quaker Action Group; Miss Jane Campbell, Youth Caucus, Disciples of Christ Peace Fellowship; Mrs. Joan Campbell, New Mobilization Committee, Detroit Peace Action Council; Miss Nancy Clark, People Against Racism; Miss Judy Clavir, Youth International Party, Berkeley Tribe, New Mobilization; Victor Coleman, White Panther Party (Canada); Prof. William C. Davidon, American Friends Service Committee; Mrs. Angie Dickerson, identified CPUSA member and national chairman of the Committee to Defend the Right of the Black Panther Party to Exist; Prof. Douglas Dowd, New Mobilization; James Forest, then a U.S. member of the WPC Secretariat (in 1954, Forest was chairman of the Communist Party of Missouri and was sentenced to a 5-year federal prison term for violation of the Smith Act); Dr. Carlton B. Goodlett, publisher of the San Francisco Sun Reporter, a CPUSA veteran and leader of the Peace Action Council of Southern California; Lou Gothard, U.S. Soul; Robert Greenblatt, official representative of New Mobe; William Hartzog, American Deserters Committee (Montreal); Bob Haskell, Episcopal Peace Fellowship; Rod Huth, American Deserters Committee (Sweden); Mrs. Marie Jolas, English-speaking committee of the Mouvement pour la Desarmement, la Paix et la Liberte (MDPL); Mrs. Shirley Neith, English-speaking committee of the MDPL; Mrs. Sylvia Kushner, Chicago Peace Council (a veteran CPUSA activist who coordinated deserters in Sweden); Rev. Ray L. Micklethun, University Christian Movement in Cleveland and Clergy and Laity Concerned about Vietnam and listed by the WPC in 1970 as a member of the organization; Mr. Ira Morris, English-speaking committee of the MDPL; Professor J. P. Nielands, Scientists Committee to End Chemical Warfare; Genie Plamondon, White Panther Party; Dean Reed, a U.S. folksinger who has lived in the USSR since the 1960s; Tom Reeves, National Council to Repeal the Draft; Mrs. Pauline Rosen, Women Strike for Peace and the Vietnam Peace Parade Committee (a prominent CPUSA activist who coordinated WPC activities in the New York area for many years); Nancy Kurshan, now a leader of the terrorist Weather Underground Organization's Prairie Fire Organizing Committee (PFOC) then an organizer of the defense committee for the Chicago 8, charged with riot conspiracy at the 1968 Democratic National Convention; Irving Sarnoff, official representative of the New Mobilization Committee to End the War in Vietnam, a leader of the Peace Action Council of Southern California, and a well-known CPUSA member assigned to the "peace movement;" Steve Schmidt, Vietnam Moratorium Committee; Rudy A. Sparinkle, Clergy and Laity Concerned About Vietnam; John Sullivan, New Party; Charles Tryon, "observer, member of the Fellowship of Reconciliation, U.N. Association);" Mrs. Mildred Tryon, "observer, (member of the Fellowship of Reconciliation, U.N. Association and Another Mother for Peace)" which was a section of Women Strike for Peace; Eric Wiel, English-speaking committee of the MDPL; Angela Vinther, Young Socialist Alliance (youth arm of the Trotskyite communist Socialist Workers Party (SWP), U.S. section of the Fourth International); Rolf Von Dorp, American Deserters Committee; and Richard Ward, foreign editor of the "independent" Marxist-Leninist newspaper, The Guardian.

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 falseness of this idea is seen easily in the exposures in Europe that the "Eurocommunist" parties that have offered criticisms of Soviet policy in Afghanistan and 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 unchanged from the disarmament campaigns of earlier years. 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's various affiliates have public records showing involvement in communist fronts and in support of communist-approved causes.

WPC disarmament offensive

At this time, to the WPC and its U.S. domestic supporters, the interests of the USSR 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 CPSU Party Congress in the spring of 1981. A "nuclear freeze" would benefit the USSR's interests for it would preserve the Soviet strategic advantage.

Disarmament activists had their instructions confirmed on December 12, 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 calls 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 many of the planning meetings held by U.S. disarmament groups during 1981, which, as Boris Ponomarev said, were on "an unprecedented scale," but also outlines that activities of the WPC with U.S. groups since the commencement of the "peace offensive" that coincided with Soviet gains in Southeast Asia and Africa.

Additionally, from the matters discussed at these meetings which often were held in association with WPC activists from Europe, plans being developed for the Soviet Union's 1982 "peace offensive" in the U.S. are detailed.

WPC's 1975 U.S. Tour

The WPC and its sister front groups serve as vehicles for what the Soviet intelligence agencies term "active measures." The term "active measures" involves more than what the U.S. and Western intelligence agencies call "covert action." The Soviet "active measures" include all the possible strategies and tactics of political warfare—efforts to secretly influence events in the non-Communist world along lines favorable to Soviet foreign policy goals.

"Active measures" tactics may range from propaganda and cultivation of journalists, legislators, religious figures and other public opinion makers in the West to the provision of direct and indirect logistical support to terrorist movements for the purpose of destabilizing a government. The Soviet-supported terrorist movements in Italy, West Germany and Turkey, all NATO members, provide such examples, as do the African National Congress (ANC) in South Africa and the Palestine Liberation Organization (PLO) in the Middle East.

The WPC and its sister fronts are particularly active in the U.N. among the nongovernmental organizations (NGOs), and most hold consultative status with various U.N. committees, agencies and organizations.

The WPC often sponsors conferences of "Parliamentarians for Peace" to bring pro-Soviet activists in contact with Western elected officials. In the U.S., the WPC is active both in its own name, through its national affiliate, the USPC, some 40 USPC chapters, and through WPC and USPC activists in other organizations in lobbying Congress.

In September 1975, an eight-member World Peace Council delegation made a speaking tour to New York, Washington, D.C., San Francisco, Los Angeles, Seattle, Detroit, Cleveland, Chicago, South Bend, and Milwaukee. The WPC delegation was headed by Romesh Chandra and included Joseph Cyrankiewicz, from 1947 to 1972 the dictator of Poland; British Labour Party Member of Parliament James Lamond, former mayor of Aberdeen and a leader of the British WPC section; Harald Edelstam, Sweden's Ambassador to the Marxist Allende regime in Chile when it was overthrown in 1973; and Jacov Lomko, editor of *Moscow News*.

The Communist Party, U.S.A. (CPUSA) newspaper *Daily World* [September 30, 1975] reported that during their two-day Washington, D.C. visit, the WPC delegation "will meet with Rep. Paul Findley (R–Ill) and other members of the House International Relations Committee, Members of the Congressional Black Caucus and Senators Charles McC. Mathias (R–Md), Walter Mondale (D–Minn), Thomas McIntyre (D–NH) and others."

On September 30, 1975, the WPC group were guests of honor at a Capitol Hill luncheon hosted by Rep. Phillip Burton [D–CA] and Rep. John Conyers [D–MI] given in the Capitol restaurant. According to a report by Tim Wheeler in the Communist Party, U.S.A. newspaper [*Daily World*, October 1, 1975, p. 3]:

"Senator Charles McC. Mathias (R–Md) welcomed a delegation of the World Peace Council to his office today and proposed that the U.S. take the initiative in efforts to curb the arms race. He suggested that the U.S. halt production of the new Trident nuclear submarine as a gesture of good will.

"Mathias is a member of the Senate Foreign Relations Committee.

"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 'detente is a procedure' which lays the basis 'for new agreements.'

"He told the delegation about a resolution he had introduced in the Senate calling for ratification of the Vladivostok agreement coupled with a proposal that the U.S. seek 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."

The WPC newsletter Peace Courier [November 1975] reported:

"In Washington, the delegation met with approximately twenty members of the House of Representatives and of the Senate, all of whom were receptive to exploring ways to stop the arms race and strengthen detente. Senator Mathias (Republican of Maryland) for example, suggested that the US halt production of the new Trident nuclear submarine, or eliminate at least one other weapon system as a gesture of goodwill to begin to de-escalate the arms race. (Mathias is a member of the Senate Foreign Relations Committee). He * * * told the delegation about a resolution he had introduced in the Senate along with Senator Edward Kennedy (Democrat of Massachusetts) and Senator Mondale (Democrat of Minnesota), calling for ratification of the Vladivostok Agreement coupled with a proposal that the US seek further negotiations with the Soviet Union for ceilings on strategic weapons even lower than those established under the Vladivostok Agreement.

* * * * *

"The WPC delegates were guests of several members of Congress at a luncheon in the House of Representatives dining room, and at a reception. Among those present were several members of the Congressional Black Caucus including Congressman John Conyers (Democrat, Michigan), Congressman Ronald Dellums (Democrat, California), Congressman Ralph Metcalf (Democrat, Illinois) and others. Congressman Phillip Burton (Democrat, California), House majority leader, joined the luncheon expressing interest in the work of the WPC and in the New Stockholm Movement. The delegation was able to speak with several members of the Senate and House Foreign Relations Committees and the Armed Services Committees."

In Detroit, Chandra and his WPC delegation spoke at a meeting on October 6, 1975, in the Cathedral Church of St. Paul. The list of sponsors of the meeting included Bishop Thomas J. Gumbleton; Recorders Court Judge George W. Crockett, Jr.; Dave Miller, chairman, International Retirees Advisory Committee, United Auto Workers (UAW); Congressman John Conyers, Jr.; Detroit City Council members Maryann Mahaffey, Clyde Cleveland and Erma Henderson; Michigan States Representatives Jackie Vaughn, III, and Perry Bullard; Rev. Richard Devor; Rev. Frederick G. Sampson; and local labor leaders Jordan Sims, president, UAW Local 9611, Joel Block, president, American Federation of State, County and

Municipal Employees (AFSCME) Local 1583; Harry Syverson, president, UAW Local 329; Milton Tamber, president, AFSCME Local 1640; Louis Carreiro, president, UAW Local 935; and Leonard Green, president, UAW Local 78.

Working with the 1975 WPC delegation at various parts of its U.S. tour were Karen Talbot, a former staffer on the CPUSA's West Coast newspaper, *People's World*, who replaced James Forest as the U.S. member of the WPC Secretariat in Helsinki during the 1970s, and currently, although a suburban Washington resident, is the WPC's chief representative at the United Nations in New York; Luther Evans, president of the World Federalist Association who praised the WPC for "helping to make detente irreversible;" Pauline Royce Rosen, a veteran CPUSA activist who coordinated WPC activities in New York; Sylvia Kushner, a CPUSA activist who led the Chicago Peace Council for nearly twenty years; Edith Villastrigo, Washington representative of Women Strike for Peace (WSP); Carlton Goodlett, publisher of the *San Francisco Sun Reporter* and member of the WPC Presidential Committee; the Seattle chapter of the People's Coalition for Peace and Justice (PCPJ) and Rev. Ralph Abernathy, then president of the Southern Christian Leadership Conference (SCLC) and one of the WPC's "Presidents of Honor."

The WPC's courtship of local government officials and religious activists which continues was demonstrated in the delegation's meetings in Washington, D.C., with a "group of church people" including Bishop James T. Matthews of the United Methodist Church, a member of the board of the World Council of Churches (WCC), and Rev. Nelson H. Smith, president of the Progressive Baptist Convention.

That the WPC was targeting U.S. religious leaders and activists was evident from the inclusion in the 1975 delegation of Rev. Richard Andriamanjato, the president of the All-Africa Council of Churches and mayor of Tannanarive, the capital of the Malagasy Republic. As evidence of the WPC's success, the CPUSA press with evident satisfaction quoted Bishop Matthews as describing the U.S. defense budget as "just madness personified."

The WPC's involvement with the Soviet-controlled Communist Party, U.S.A. and disarmament activists from religious groups was also visible in its Cleveland visit whose sponsors were listed [*Daily World*, September 30, 1975, p.11] as "the Greater Cleveland Interchurch Council; the Presbyterian Church of Greater Cleveland; the Cleveland chapter of the WPC; Women Speak Out for Peace and Justice [a Women Strike for Peace affiliate]; Lutheran Metropolitan Ministry; Global Justice Task Force of the Lutheran Church; Student Government, Cleveland State University; Community Advocates Collective and the Communist Party of Ohio."

WPC 1978 Bureau Meeting, Washington, D.C.

The first official meeting of the WPC Bureau in the United States was held January 25–27, 1978, in Washington, D.C., in conjunction with a public conference on Capitol Hill entitled "Dialogue on Disarmament and Detente." The meeting was intended to increase pressure on Congress for ending development of the neutron bomb and other U.S. weapons systems, for major new U.S. concessions in the second round of Strategic Arms Limitations Talks (SALT-II), and to promote maximum U.S. participation in the U.N. Special Session on Disarmament (SSD-I).

The conference was sponsored by a small ad hoc committee whose members and endorsers were listed as including Abraham Feinglass, a member of the WPC Presidium, identified member of the Communist Party, U.S.A., and secretary-treasurer of the Amalgamated Meatcutters and Butcher Workmen's Union (now merged to become the United Food and Commercial Workers Union (UFCW)); Josephine Butler, chairperson of the D.C. Statehood Party, who coordinated arrangements and presided over some sessions and is the head of the local Paul Robeson Friendship Society which supports East Germany; Katherine Camp, International President of the Women's International League for Peace and Freedom (WILPF); David Chaney, vice-president of the Central States Joint Board of the Amalgamated Clothing and Textile Workers Union (ACTWU); Rep. Ronald V. Dellums [D-CA]; Patrick Gorman, chairman, Amalgamated Meatcutters; Charles Hayes, vice-president, Amalgamated Meatcutters and an identified member of the CPUSA; James R. Herman, the new president of Harry Bridges' old International Association of Longshoremen's and Warehousemen's Union (ILWU); Jack O'Dell, also known as Hunter Pitts O'Dell, identified as a secret member of the CPUSA National Committee in the early 1960s who for some thirteen years has been an aide to Rev. Jesse Jackson and is Operation PUSH's International Affairs Director; Sandra "Sandy" Pollack, who began her career as a member of the CPUSA youth group, the Young Workers Liberation League (YWLL) on the first Venceremos Brigade and is now the coordinator of the WPC's U.S. section, the U.S. Peace Council; Irving Stolberg, Connecticut State Legislature; Leon Sverdlove, general president, International Jewelry Workers Union; Edith Villastrigo, legislative director, Women Strike for Peace (WSP); Peggy Martin Smith, Illinois State Legislature and a veteran of the WPC's World Congress of Peace Forces; and William Winpisinger, president, International Association of Machinists and Aerospace Workers (IAM).

Karen Talbot, the WPC's United Nations representative and a veteran member of the WPC Secretariat in Helsinki, said the purpose of the Washington meeting in these terms:

"This is a very crucial moment in the Strategic Arms Limitation Talks. The neutron bomb is in limbo and the U.S. participants in the meeting will raise the question of how to build stronger opposition to this weapon and other weapons of mass destruction."

A luncheon was held for Members of Congress which was attended by Congressmen Philip Burton [D-CA], John Conyers [D-MI], since 1959 a member of the National Lawyers Guild (NLG), the U.S. section of the Soviet-controlled International Association of Democratic Lawyers (IADL) and who is chairman of the House Judiciary Committee's Subcommittee on Crime; Ron Dellums [D-CA], a member of the House Armed Services Committee and its Subcommittee on Research and Development; Don Edwards [D-CA], chairman of the House Judiciary Committee's Subcommittee on Civil and Constitutional Rights and a sharp critic of the U.S. intelligence agencies who in 1980 pressured the Justice Department into dropping espionage indictments against Alfred Stern and Martha Dodd Stern, who fled to Czechoslovakia in the late 1950s to avoid standing trial; and Charles Rangel [D-NY]. The CPUSA press reported that members of the staff of Rep. Abner Mikva [D-IL] attended.

In his remarks to the Congressional luncheon, WPC leader Romesh Chandra boasted that the provisions of the U.S. Code banning the granting of visas to communists and members of communist fronts had been ended by the McGovern Amendment because "the peace movement is strong. Our visit here is an indication of the power of detente. It proves that we can win."

Chandra also said that the WPC Bureau meeting in Washington and their U.S. tour came "a moment of crucial significance for the future, when we can turn the tide, reach out, achieve disarmament and consolidate detente."

Among the estimated 150 U.S. participants in the WPC meeting in Washington was Herbert Scoville of the Center for Defense Information (CDI) and the Arms Control Association (ACA), a former high-level CIA official who has been associated with the disarmament and anti-NATO projects of Washington's Marxist think-tank, the Institute for Policy Studies, since the 1960s.

Also participating was James Zogby, an organizer of the Palestine Human Rights Campaign (PHRC), a support group for the terrorist Palestine Liberation Organization (PLO) whose leader, Yasir Arafat, was awarded the WPC's gold medal; Dorothy Steffens, Women's International League for Peace and Freedom (WILPF); District of Columbia City Council members Hilda Mason and Willy Hardy, members of the D.C. Statehood Party; Saundra Graham, Massachusetts State Assembly; and Roxanne Ortiz of the International Indian Treaty Council (IITC) of the militant, violence-oriented American Indian Movement (AIM), who joined with Jack O'Dell in presenting a report on World Peace Council support for claims by militant Native American groups to total sovereignty over Indian reservation territory.

Many activists attending this WPC conference were well known functionaries of the Communist Party, U.S.A., its youth arm, the Young Workers Liberation League (YMLL), and CPUSA fronts, These included Grace Mora, Charlene Mitchell, Maxine Orris, Susanna Cepeda of Women for Racial and Economic Equality (WREE), a CPUSA front which is affiliated with the Soviet-controlled Women's International Democratic Federation (WIDF), and Carol Pittman of the National Coalition for Economic Justice (NCEJ), a CPUSA front.

Other than "detente" 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 Castroite 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 American Peace Conference, held February 2–4, 1978, in Mexico City. However, a small group including Alex Laguma of the terrorist African National Congress (ANC); Aldo Tessio of Argentina; Farouk Massarami of Lebanon; and Australian trade unionist Ernie Botswain toured the U.S. West Coast. And East German representative Manfred Feist went to Detroit to

participate in a meeting of the People's Utility Fight.

Other members of the WPC delegation were Vladimir Bogdanov, deputy director of the Institute of the U.S.A. and Canada, a Moscow "research" center closely linked to the KGB; USSR Supreme Soviet member E. K. Feodorev; British Labour Party MP's James Lamond and Andrew Bennett, Francisco Astray, secretary of the Cuban Committee for Peace and Sovereignty; Elena Gil, 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 Eliseo de Figueiredo.

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 Thi Binh, 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 Zedhi Terzi, the chief of the Palestine Liberation Organization's U.N. observer 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 to prepare for an "International Forum to End the Arms Race and for Detente." The Forum was held in York, England, in December. The WPC stated the Forum was "an initiative of the Continuing Liaison Council of the World Congress of Peace Forces, decided upon at the last Steering Committee meeting in Moscow last October [1974]." [*Peace Courier*, March 1975]. A number of preparatory committee meetings for the Forum were held, including meetings in Warsaw (September 20-21, 1975) and Paris (October 10-12, 1975).

The Paris working group concentrated on the "economic and social consequences of the arms race and of disarmament" and issued a working paper asserting that "political forces and groups which draw their power from the arms race or profit from it, are making efforts to sow doubt and scepticism about the chances for disarmament." The document supported "peace conversion"—"reconverting industries concerned with arms production and diverting the labour employed in them." [*Peace Courier*, November 1975].

The WPC listed the participating organizations as including the WPC, the WPC's Continuing Liaison Council of the World Congress of Peace Forces; the International Peace Bureau (IPB) [Sean MacBride, winner of both the Lenin and Nobel Peace Prizes, is president of the IPB and a vice president of the Continuing Liaison Council of the World Congress of Peace Forces]; Women's International League for Peace Freedom (WILPF); World Association of World Federalists; International Union of Socialist Youth; Council of European National Youth Committees; and the usual international fronts such as the WIDF, WFDY and IUS.

According to the Institute for Policy Studies, among the activists participating in the activities of the York disarmament conference was Michael Klare, director of the IPS Militarism and Disarmament Project.

Following the York Forum, the Moscow-based Continuing Liaison Council of the World Congress of Peace Forces held a "World Conference to End the Arms Race, for Disarmament and Detente" in Helsinki, September 23-26, 1976. The "Declaration" issued by the conference made a number of statements and called for actions that foreshadowed the slogans and demands that later would be made by the U.S. Mobilization for Survival. In part the "Declaration" read:

"The arms race is a grave danger to present and future generations, * * * Having reached gigantic proportions, it devours man's mind and energy, the fruits of creative labour, and the wealth of nature.

"Vast human and material resources are being concentrated in the field of armaments; new expenditure is added to military budgets; armed forces are reaching levels unjustified in peacetime; the accumulation and development of conventional and nuclear weapons continues; scientific and technological progress is applied to the development and creation of new weapons; opposing military blocs and alliances continue, and numerous military bases and troops are maintained in the territories of other states.

"While in vast geographical areas millions of people die each year from starvation, and while illiteracy, disease, and other consequences of underdevelopment continue to have a mass character, sums now amounting to 300 billion dollars are being spent each year on armaments.

"The arms race is a major cause of inflation; it creates artificial barriers to international cooperation between countries, and contributes to the imbalance of ecology."

The "Declaration" continued by maintaining that for all countries, "the struggle for a better life, for national independence and sovereignty, non-interference in internal affairs, full equality of rights, non-resort to force or threat of force, the right of each people to decide its own destiny, for development, for democracy, for justice, for social progress is inextricably linked with the struggle to end the arms race."

Those familiar with Marxist-Leninist use of language recognize that this statement is larded with the current favorite Communist circumlocution for revolution—the "struggle for social progress." The catalog of "struggles" is typical of the Aesopian "coded" language consistent with Marxist theory that history is "progressing" inexorably towards the communist utopia which will come about when the United States succumbs.

The "Declaration" is quite selective in denouncing as the originators of the "threat to peace" only the "military-industrial complexes, striving for profit" that "instigate the build-up of deadly weapons, produce and provoke the manufacture of ever new weapons of mass destruction and encourage the sale of arms." The USSR's state-owned weapons plants are exempted from criticism.

But what is most significant is the adoption of rhetoric that reaches out to bring the environmental and ecological movements into the disarmament movement.

The conference "declaration" produced a list of demands "as the highest priorities" that included:

That all states and countries should conclude agreements for the creation of nuclear weapon free zones; for the renunciation of the use of nuclear weapons; for the withdrawal of nuclear weapons from the territories of other states; for a comprehensive nuclear weapon test ban; for the reduction and eventual elimination of stockpiles of nuclear armaments and their further production; and for the prohibition of the research, development and manufacture of new types and systems of mass destruction weapons and of new means of delivery of such weapons.

The gradual reconversion of the arms industry for peaceful purposes * * *.

The reduction of military budgets and the use of resources thereby released to solve urgent social problems and render assistance to the people of the developing countries.

* * * * * *

The dismantling of foreign military bases, the withdrawal of foreign troops * * *; the transformation of various regions of the world into zones of peace; * * *.

Orwellian "thought control" was among the WPC's demands that called for "cessation and banning of all forms of propaganda which favors aggression and war and the use of force in the settlement of international disputes."

The "Declaration" closed with a call to the United Nations to convene a General Assembly "special session on disarmament," stating:

"This World Conference emphasizes the urgent need for the convening of a World Disarmament Conference under the auspices of the United Nations. The earliest possible convocation of a special session of the General assembly of the UN devoted to Disarmament would be a step in this direction."

The proceedings of the 1976 Helsinki disarmament conference listed the steering committee responsible for running the meeting as headed by Romesh Chandra, president of the Continuing Liaison Council (CLC) of the World Congress of Peace Forces and Secretary-General of the World Peace Council. The thirteen conference vice-presidents included Arthur Booth (United Kingdom), CLC vice-president and chairman of the International Peace Bureau (IPB); San MacBride (Ireland), CLC vice-president and president of the IPB; Knud Nielsen (Denmark), CLC vice-president and chairman of the Council of the World Association of World Federalists; Y. K. Feodorov (USSR) (substituting for Mikhail Zimyanin, CLC vice-president and president of the Soviet Committee of Support of the World Peace Congress); Pierre Vermylen (Belgium), member of the Bureau of the Socialist Party and Minister of State; Ahti Karjalainen (Finland), MP Centre Party; Mme. Jeanne Martin Cisse (Guinea), Minister of Social Affairs, 1975 recipient of the Lenin Peace Prize; Australian Senator Ruth Coleman; Vilma Espin (Cuba), Cuban Communist Party Central Committee and president of the Cuban Women's Federation; Vasant P. Sathe (India), Congress Party M.P. and chairman of the Lower House of Parliament; Josef Cyrankiewicz (Poland), president of the Polish Peace Committee; Aziz Sherif (Iraq), general secretary, National Council for Peace and Solidarity; and Erma Henderson (USA), member of the Detroit City Council. But the individual primarily responsible for coordinating the conference was its executive secretary, Oleg Kharkhardin (USSR), who is an official of the International Department of the CPSU.

The 29-member Soviet delegation to the conference included both Alexander Berkov and his successor, Igor Belayev, who exercise authority over Romesh Chandra; leaders of the controlling Soviet sections of the major fronts such as AAPSO; Archbishop Vladimir Kotlyarov of the Russian Orthodox Church; and specialists in military affairs such as Vitali Zhurkin, Vasili Emelyanov, Oleg Bykov, Grigori Morozov, Michael Milshtein, Alexander Kalyadin and

Leo Demeyko, all from either the Institute of World Economics and International Relations or the Institute of the U.S.A. and Canada, two Soviet research institutes which have intimate ties to the International Department and the KGB.

The published listing of members of the U.S. delegation included Abe Feinglass, vice-president, Amalgamated Meat Cutters; Donald Ray Hopkins, representative of Congressman Ronald Dellums; Rev. Charles Luther Evans, executive secretary, Baptist General Convention; John H. E. Fried, professor of international law, City University of New York; E. W. Pfeiffer, professor of zoology; Howard Parsons; Nicholas Nyary, president, Fund for Peace (FFP); Terry Provance, American Friends Service Committee (AFSC); Mrs. Erma Henderson, Detroit City Council; Herbert Schiller, professor of communications, University of California, La Lolla; Dr. Archie Singham, professor of political science; Mrs. Loretta Pauker, journalist; Joseph North, a CPUSA Central Committee member; and Mrs. Karen Talbot. Attending as a representative of the official Soviet-bloc Communist theoretical journal, Problems of Peace and Socialism/World Marxist Review, was John Pittman, the CPUSA's official representative to its editorial board.

WPC Anti-Neutron Bomb Campaign

One feature of Soviet propaganda operations is tight coordination combined with media saturation. The WPC's anti-neutron bomb campaign commenced in 1977 after the Washington Post leaked the fact that an enhanced radiation 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 neutronen 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 maintained by the Soviets and Warsaw Pact countries, and the Soviet deployment of SS-20 missiles were not part of the disarmament agitation.

When President Carter decided not to proceed with U.S. production of neutron warheads, instead of disbanding, the WPC-controlled disarmament groups expanded their focus to NATO and the U.S. generally. The organizational name and slogan retained the "neutron" name as an example of a "winnable" 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 are indications that the United States hopes to fight a nuclear war in Europe.

U.S. disarmament activists who have been in contact with European organizers look on 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) "Human Security, Peace and Jobs" campaign, Currie Burris, after participating in meetings with disarmament leaders in West Germany, the Netherlands and Great Britain that were sponsored by the American Friends Service Committee (AFSC), wrote [CALC Report, January 1982]:

"Perhaps the most important carry-over from the European experience is this: When the movement in the U.S. is able to address 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 'Stop the Neutron Bomb' and the B-1 and 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 is the connection to the ongoing Freeze Campaign in the United States. * * * as long as the Freeze proposal remains validated as a possible first step to reverse the nuclear arms race, and as popular support grows and broadens to reflect all sectors of the society, the Freeze campaign will have the potential of winning the debate."

A lengthy article in the Rotterdam, Holland, publication *Ons Leger* [October and November, 1981] by J.A.E. Vermaat traced the control of the Dutch Interchurch Peace Council and Christians for Socialism organization to the WPC and the Christian Peace Conference (CPC). Mr. Vermaat wrote that "The contacts are made primarily through the GDR [East Germany] and organizations that are active there, with the CPC being an important intermediary."

The article reported that the whole anti-neutron bomb campaign was initiated at a WPC meeting in East Berlin "in the presence of Nico Schouten, the Netherlands cadre member of the Communist Party of the Netherlands (CPN)."

The "Ban the neutron bomb" organization was set up with consideable organizational assistance of the CPN, and the group began publishing a newsletter, the *N-Bulletin*, involving leaders of the CPC, leftist trade union officials, and political figures. The major anti-neutron conferences and meetings during 1977 and 1978, Vermaat reported, were "partially financed from East European sources."

Citing statements in the *N-Bulletin*, the article revealed that the March 1978 "International Forum" for Disarmament and against the neutron bomb in Amsterdam "was entirely organized by the CPN in close collaboration with East European officials, communist sister parties and the World Peace Council." Furthermore, in May 1978, the Soviet Peace Committee paid for the week-long trip to New York for the first U.N. Special Session on Disarmanent (SSD) of CPN "peace activist" Nico Schouten and two of his collaborators. They returned to Holland by way of East Berlin where they met with East German Peace Council officials for a "debriefing" on their New York sojourn.

Following the May 1978 Special Session on Disarmament and the East Berlin "debriefing," the name of the Dutch organization was expanded to the "Cooperative Association to Stop the Neutron Bomb—Stop the Arms Race."

Vermaat continued:

"It is a little-known fact that although the Communist Party of the Soviet Union (CPSU) is hostile to religion and the campaign against it is unabated * * *, it has long been a central objective of the party to manipulate religious organizations and influence them in such a way that they will support elements of Russian foreign policy.

"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 Feodosia in the Crimea and at Lvov in the Ukraine.

"Religious workers are trained there who are placed in Switzerland, France, Belgium, Spain, Italy, Portugal and Latin America (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 Anglo-Saxon world, the Federal Republic of Germany, Austria, the Netherlands and Scandanavia (mostly Protestant countries). And from a training center in Constantsa, Romania, workers are sent out to the Middle East.

"This is a matter of training agents by whom priests and preachers can be influenced. The impression must also be created that the Communist peril is quite nonexistent. The East European ecclesiastical functionaries who are willing to exert themselves to that end get full support from their governments in connection with their trips.

"Furthermore, as might be assumed, persons of Netherlands, Belgian, German and English nationality, among others, are trained in the aforementioned institutes, just as is the case with the training of terrorists and cadre workers in various camps."

The article notes the close association between leaders of the Dutch "peace movement" and TASS correspondent Vadim Leonov, who was ordered expelled by the Netherlands government last year; but closes with the warning that the real danger lies in the "leftist parlor intellectuals who draft theories that veil the realities."

"People like Hylke Tromp [director of the Polemological Institute at Groningen], Ben ter Veer, Mienst Jan Faber [Interchurch Peace Council] or Philip Everts," wrote Vermaat, are much more important than the open members of the discredited Communist Party. He closed his articles with the warning, "If we do not understand that, we shall never be able to understand how free countries can fall prey to totalitarian forces."

The WPC-directed anti-neutron bomb campaign, since its infra-structure has remained in place, was able to move again into high gear in August 1981, following President Reagan's announcement that the U.S. would proceed with neutron warhead production.

The WPC's set slogans, "No to neutron bombs and all neutron weapons; No to U.S. Cruise and Pershing II Missiles; Start negotiations;" were immediately pushed to the forefront by the European disarmament coalitions.

In a statement issued after the American announcement that neutron production would proceed, the WPC issued a anti-neutron statement that took direct credit for having forced the Carter Administration to kill plans for neutron warhead production and proclaimed the commencement of a similar campaign, saying in part:

"The WPC condemns in the strongest possible terms the decision by U.S. President Reagan to produce neutron weapons. This action defies overwhelming world public opinion which compelled the former U.S. administration to suspend production of

this inhuman weapon. It is the latest step in the U.S. drive for military superiority and thrust the world even closer to a nuclear catastrophe."

WPC president Romesh Chandra 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 committees in 137 countries embracing hundreds of millions of people is deeply shocked * * *. The overwhelming majority of humanity has already expressed itself as one voice in condemning these illegal inhuman weapons. * * *

We urge * * * that you respond to the hopes and will of public opinion and rescind your decision to go ahead with production of neutron weapons, enter into immediate Summit negotiations regarding Eurostrategic missiles and return to the SALT 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 customary hysterical rhetoric. It attacked the neutron warhead as "the brainchild of the horrifying 'limited' nuclear war concept and the 'first strike' doctrine openly espoused by the White House and the U.S. military brass."

It is noted that outside the United States, the World Peace Council customarily uses extreme rhetoric, saving its "moderate" mask for Americans. An example was its claim in the anti-neutron statement:

"It is the weapon par excellence of the aggressor, designed to enable him to take over the intact 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 religious community has been made a major target for disarmament recruitment. As this report already noted, the WPC's 1975 U.S. delegation met with 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 disarmament organizing by religious groups targeted at the June U.N. Special Session on Disarmament.

WPC coordination of North American/ European disarmament

There is ample evidence of Soviet coordination of the European and North American disarmament campaigns through the WPC, its national affiliates, 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-convenor of the Mobilization for Survival's International Task Force—addressed a demonstration on Capitol Hill sponsored by the Mobilization for Survival (MFS) on October 29, 1979.

Rumpel, introduced by Provance as "my friend," denounced U.S. and NATO plans to deploy the Pershing II and cruise missiles. 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 Hague and coincided 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:

Continental Meeting of North American Youth for Peace, Detente and Disarmanent, October 23-25, 1981.

Held in Montreal, Canada, October 23-25, 1981, the "Continental Meeting of North American Youth for Peace, Detente and Disarmament" was organized from 671 Danforth Avenue, Suite 301, 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 fronts including the World 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 groups.

The "appeal" issued by the Continental Meeting showed that the U.S. and NATO were the real targets. In part it stated:

"In the last years, numerous protests have been staged in Canada and in the United States by different 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 US government support for Apartheid and intervention in Angola; and against the reimposition of the draft in the US.

"In January 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 industry into civilian industry to meet human needs.

"The arms race and war preparations, but above all the policies of confrontation of the new U.S. Administration best 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 closely 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, education, a meaningful culture, full democracy, racial 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 bomb; to halt U.S. intervention in other countries and reinstitution of the draft and to cut military spending in our countries and transfer these funds to meet human needs."

The workshop on "Detente And Disarmament" addressed by guest speaker Igor Sagyrian of the USSR Committee of Youth Organizations produced five major resolutions, all adopted unanimously, which were incorporated into the action program quoted above.

The workshop entitled "Disarmament in Europe" was addressed by Rainer Butt of the Socialist German Workers' Youth (SDAJ), the youth affiliate of the West German Moscow-line Communist Party (KPD). Not unexpectedly, the resolutions it produced were blatantly pro-Soviet. For example:

"Whereas the militarist forces in Western Europe and North America are pointing to the Warsaw Pact's deployment of SS-20 missiles as justification for their own dangerous plans for medium-range missiles in Western Europe; and

"Whereas these same forces in the United States argue in a similar fashion that the '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 number of Warsaw Pact medium-range warheads has not increased in ten years; and

"Whereas Warsaw 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; therefore

"This meeting make known to American military strategists its opinion that the SS-20 missiles and Warsaw Pact tank forces

offer absolutely no justification for their plans to deploy Pershing and Cruise medium range missiles in Europe and to manufacture the neutron bomb."

This resolution passed by 21 in favor to 20 abstentions. The 20 delegates from "pacifist" and other disarmament groups who attended this workshop clearly understood the one-sided nature of the resolution and were reluctant to compromise their "credibility" by voting for it publicly. However, even more significant was the fact that none of these disarmament activists was willing to stand up and vote in opposition to the pro-Soviet resolution. Rather than go on record in opposition to the communists, the 20 delegates abstained.

There were a number of additional resolutions passed unanimously from this workshop. They attacked only the U.S. and NATO for agreeing to deploy cruise and Pershing II missiles, but declined to criticize the USSR and Warsaw Pact for their SS-20s. The neutron bomb was termed "an insane and impossible figment of the Western militarists' imaginations."

Passed unanimously was a declaration that the Continental Meeting was "in solidarity with the European peace movement," and a commitment was made that all groups that participated in the Continental meeting would collaborate more closely with European disarmament organizations. The declaration read:

"In recognition of the importance of this conference, this Continental Meeting [p]resumes that organizations participating in this meeting will in the future cooperate more closely with the peace movement in Europe so that activities are better coordinated."

A proposal for setting up a "central office of North American Youth for Peace movement to enable future coordination between Canadian and international peace movements" was referred to the Continental Meeting continuations committee, as was another resolution that would have committed the meeting to "seek to achieve its aims and goals in a peaceful, non-violent method." Those who follow Lenin's precepts do not rule out the use of "armed struggle" including terrorism, and since the Continental meeting was under communist control, its leaders declined to allow the organization to be limited to non-violent methods.

It is noted that the workshop entitled "Solidarity with the People and Youth of El Salvador" was addressed by Raul Alberto Beneda of the Central Association of Salvadorean University Students (AGEUS) who demanded "pressure on both the Canadian and US governments to stop military and political intervention in El Salvador;" and that they recognize and support the Soviet and Cuban-backed Farabundo Marti National Liberation Front (FMLN) and the Democratic Revolutionary Front (FDR).

Unanimous resolutions passed by the workshop on "Solidarity with the People and Youth of Chile" addressed by Patricio Mason, chairperson of the Canadian Coordinating Committee for Chilean Youth, called for "human rights" organizing in support of a report by an Ad Hoc Committee on Human Rights Violations in Chile prepared for presentation to the U.N. in December 1981. The fourth resolution clearly demonstrated that the so-called Soviet-directed "peace" and disarmament movement in no way is pacifist or opposed to armed violence and terrorism. It read:

"Whereas international solidarity work is crucial to the struggle to overthrow fascism in Chile; and

"Whereas the resistance in Chile has recently come to the conclusion that an armed struggle will eventually be necessary to overthrow the Chilean junta;

"Be it resolved that

"The Chilean solidarity work on the North American continent to increased and that it focus on creating awareness of and support for 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 Regier, a YWLL official who officially represented the Soviet-controlled World Federation of Democratic Youth (WFDY); Larry Moskowitz, YWLL Central Committee; Kris Buxenbaum; Luz Rodriguez; Michael Scheinberg; Curtis Lee Pittman; Lourdes Rodriguez of the CPUSA-controlled publication, New World Review; Kevin A. Tyson; and Andrea Hibhman.

WPC's generals and admirals for peace

In the disarmament drive, the World Peace Council and the Soviet media are making heavy use of statements by several former NATO military officers who, following their retirements which ended their ability to influence policy and their access to secret information, have become highly useful "assets" for the Soviet disarmament propaganda machine.

Particularly active have been Gen. Nino Pasti, a former NATO Vice-commander elected in 1976 to the Italian Senate as an "independent" on the Communist Party ticket; Major Gen. Gert Bastian, formerly commander of the 12th Armored Division of the West German Army; and two retired U.S. Rear Admirals who play leading roles at an anti-defense organization, the Center for Defense Information (CDI), CDI director General LaRocque, and his deputy, Eugene Carroll.

Several of these retired military officers including Bastian, Pasti, Johan Kristi of Norway, Francisco da Costa Gomes of Portugal (a WPC vice-president), Georgios Kumanakos of Greece, Von Meyenfeld of the Netherlands and French Admiral Antoine Sanguinetti, signed a memorandum in November addressed to the NATO foreign and defense ministers, the commanders of NATO forces and staff officers attacking the military upgrading agreements, calling for arms negotiations with the USSR and asking European NATO members to break away from alliance with the U.S. and develop better relations with the Warsaw Pact countries.

At a November 1981 press conference in The Hague, Pasti charged that the idea of a "strategic superiority of the Soviet Union and its military build-up" was, as the Soviet press agency TASS reported, a "lie fabricated by the CIA and spread by NATO propaganda."

Pasti said, "I can give the assurance that the most convinced opponent of war is the Soviet Union, who in the last war suffered the gravest trials. This cannot be said of the United States where the idea of war is linked with the profits of certain circles."

Both Nino Pasti and Gert Bastian have made trips to the U.S. during 1981 which have included Capitol Hill speeches to Congressional audiences sponsored by the SANE Educational Fund—Pasti on May 2nd and Bastian on December 2nd.

WPC and Pasti on Capitol Hill

The World Peace Council's May delegation to Washington was not held in isolation with other activities in the Western Hemisphere. Prior to the visit to the U.S. Congress, the WPC Presidential Committee met in Havana. Immediately afterwards, a "Continential Meeting of the National Committees for Peace in Latin America and the Caribbean" was held. After these policy coordination meetings, a WPC delegation went to Washington, D.C., and other U.S. cities to promote Soviet disarmament themes.

WPC-related activities in Washington commenced on Tuesday, May 5, when Representatives John Conyers [D-MI], Ronald Dellums [D-CA] and Patricia Schroeder [D-CO], a member of the House Armed Services Committee Subcommittee on Research and Development and Subcommittee on Readiness, invited their Congressional colleagues and staff to attend a two-hour afternoon "Briefing on European Opposition to the New Generation of Theater Nuclear Weapons," sponsored by SANE and coordinated by SANE staffers Sally Dinsmore and Ed Glennon.

SANE's featured speakers were Italian Senator Nino Pasti and Richard Barnet, cofounder and senior fellow of the Institute for Policy Studies (IPS).

The circular distributed by SANE to Congressional offices announcing the Schroeder-Conyers-Dellums invitation to the "briefing" described Pasti as "formerly NATO's Allied Supreme Vice-Commander for Nuclear Affairs in Europe," and as "an Independent Left member of the Italian Senate" who "has detailed knowledge of NATO strategic and political policies." SANE did not mention that Pasti ran on the Communist Party ticket (which was widely reported in the major American newspapers) or that he was prominent in the World Peace Council (information also readily available in the major news indices of any library). On January 9, 1981, the official East German press agency reported that Pasti was touring the German Democratic Republic (GDR) at the invitation of the GDR Peace Council as a representative of the Italian National Coordinating Committee for Peace.

It is noted that among Pasti's recent activities was participation in the November 1978 "Alternatives to Arms Production" seminar in London held by the WPC and its British section, the All-Britain Peace Liaison Group, where Pasti said, "the Warsaw powers are not aggressive forces; they are purely defensive." During the WPC's February 1979 meeting in East Berlin, Pasti told the Soviet news agency TASS that "the Soviet Union had lately submitted enough constructive proposals on these matters [nuclear disarmament]; it is now up to the West to decide." Also participating in this WPC East Berlin meeting was Nico Schouten, a key leader of the Dutch disarmament movement.

At the Congressional "briefing," the topic assigned to Pasti and Barnet was "the NATO decision to deploy Cruise and Pershing II missiles in Europe, the implications for arms control negotiations, and growing European opposition."

However, SANE Education Fund staffer Bob Musil was able to introduce an additional speaker, British actress Susannah York, who has described her personal feelings about nuclear weapons which led to her becoming an activist with the Campaign for Nuclear Disarmament (CND) in England. She attributed the existence of poverty and hunger to military expenditures and asked whether one should "accept a society in which nice young men come out of universi-

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 night 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 Asiatic side of the Ural mountains was avoided.

Musil and Barnet supported Pasti's claims and credibility by emphasizing Pasti's NATO background (although he retired in 1969) 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 military targets, as well as civilian targets, there is increasing pressure on the Soviets in a crisis to use their own missiles preemptively." This was merely another version of the old line that the Soviets are merely reacting to American "militarism," and completely ignores the fact demonstrated in Eastern Europe, Korea, Cuba, Southeast Asia, Angola, Ethiopia, Nicaragua, South Yemen and Afghanistan that the Soviet Union is an expansionist, imperial dictatorship that has seized every opportunity given it by American military and policy weakness 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 were reversed—the SALT-II treaty ratified and the "nuclear freeze" put into effect, it "is going to preclude possibilities in the future for 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 Eric L. Metzner. 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 Dinsmore at her home in northwest Washington.

Members of Congress and staff were invited by Congressmen John Conyers [D-MI], Don Edwards [D-CA], Mervyn Dymally [D-CA], George Crockett [D-MI], Ted Weiss [D-NY] and Mickey Leland [D-TX] "to meet members of an international delegation • • • led by Romesh Chandra of India and President of the World Peace Council." According to the invitation, the purpose of the meeting with the WPC leader was to discuss the "global impact of arms spending," the world-wide campaign against South Africa and Namibia (Southwest Africa), and "developments in Central and Latin America" obviously meaning U.S. support for the government of El Salvador against Soviet-backed and armed revolutionary terrorists and pressures applied to the pro-Soviet Sandinista regime in Nicaragua.

Other members of the delegation included Gordon Schaffer, a British Peace Assembly member of the WPC Presidential Committee and a former announcer; Eulia Ipsilanti, president, Greek Actors Union; Ellen Hamerskklag, WPC interpreter, Austria; Guinean Social Development Minister Jeanne-Martine Cisse; and Juan Madero Prietta, Deputy Secretary-General of Mexico's ruling PRI party. A U.S. tour followed.

Groningen Conference

In April 1981, Gert Bastian was a featured participant in a conference in Groningen, The Netherlands, designed to promote further public opposition to the U.S. and NATO by focusing on the maximum possible damage from a full-scale nuclear war on West European territory. The Groningen conference also served to introduce U.S. disarmament activists to leaders of the European demonstrations who described for the 40-member American delegation tactics and strategies successful in building the European demonstrations.

The Groningen meeting was co-sponsored by Admiral LaRocque's Center for Defense Information of Washington, D.C., and the Polemological Institute in Groningen, led by Hylke Tromp.

In the summer of 1981, the WPC published Bastian's Groningen address and his speech to the May 23-24, 1981, WPC-sponsored Nordic Peace Conference in a pamphlet entitled "Nuclear War in Europe?"

Center for Defense Information

The Center for Defense Information (CDI), a project under the tax-exempt sponsorship of the Fund for Peace (FFP) whose president, Nicholas Nyary, participated in the WPC's 1976 disarmament conference, is one of three sister projects which are spin-offs from the Institute for Policy Studies.

These other projects are the Center for National Security Studies (CNSS) which has taken the leading role in lobbying for the total destruction of the capacity of the Central Intelligence Agency for covert action and covert intelligence collection; and the Center for International Policy (CIP) which promotes U.S. policies of "non-intervention" against Soviet-backed aggression. CNSS's founding director, Robert Borosage, has returned to the Institute for Policy Studies, which has been described as the "perfect intellectual front for Soviet activities which would be resisted if they were to originate openly from the KGB." IPS fellow Orlando Letelier, director of the IPS Transnational Institute (TNI) which has offices in Amsterdam, London and Washington, D.C., who also was a leader of the Center for International Policy, was revealed after his death in September 1976 to have been an "agent of influence" for the Soviet KGB working under a Cuban "case officer."

CDI is directed by Rear Adm. (Ret.) Gene R. LaRocque. It recently moved from the townhouse it shared with CNSS and CIP to larger offices near Capitol Hill.

CDI's staff is reported as currently including Rear Adm. (Ret.) Eugene Carroll, deputy director; Major Gen. William T. Fairbourn, USMC (Ret.), associate director; David T. Johnson, research director; Arthur K. Kanegis, media director; Lt. Col. John H. Buchanan, USMC (Ret.); Dr. Robert S. Norris; Stephen D. Goose; Evelyn S. Labriola; Pamela G. Anderson; Richard Fieldhouse; Thomas K. Longstreth; Charlotte Goodwin; Goldia Shaw and Gary Mummert, senior staff; James K. Treires and Sidney R. Katz, consultants; and research interns Thomas Greenberg, Steven Hirsch (Kentucky), Joshua Hornick (UCSC) and Sandy Scott (Yale).

The publications of the CDI and statements of its leaders consistently have opposed each major upgrading in U.S. defense forces, and have opposed U.S. overseas bases and defense treaties with non-communist allies. CDI leaders and publications have been praised and quoted by the Soviet media on those and related issues since CDI's inauguration in 1973.

In the fall of 1975, after causing a crisis in U.S.-Japan relations by telling a subcommittee of the Congressional Joint Committee on Atomic Energy that the U.S. did not honor agreements to off-load atomic weapons from U.S. warships before they entered Japanese harbors, LaRocque went to Moscow as a guest of the Institute of the U.S.A. and Canada, a think-tank with close ties to the KGB. LaRocque later altered his statements on U.S. nuclear weapons and admitted he had no knowledge that the U.S. had ever violated its agreements with Japan in a Moscow interview with the correspondent for the Japanese Communist Party (JCP) newspaper Akahata [10/26/75].

Currently, LaRocque's statement, "If you dummies let us, we'll fight World War III in Europe," is being widely used by the organiziers of demonstrations against "Euromissiles" in the NATO countries. [WIN magazine, 1/1/82].

LaRocque's deputy at CDI, Eugene J. Carroll, another retired U.S. rear admiral, recently was praised on the Moscow Radio Domestic Service program, "International Observers Roundtable" [15 November 81]. Gennady Gerasimov commented:

"When I was in Washington quite recently, I happened to be at the Center for Defense Information where I talked with Rear Adm. Eugene Carroll, retired, codirector of this center. He confirmed again, he stressed that all their calculations show that a nuclear war would inevitably and ineluctably become universal and that a limited nuclear war is impossible and unrealistic. For this reason, incidentally, the rear admiral expressed his support for Leonid Ilich Brezhnev's appeal to the U.S. Administration to give up dreams of attaining military superiority over the Soviet Union. Each of the sides today possesses sufficient potential to destroy each other, even several times over. Thus attempts to secure military advantages are senseless. This was the opinion of this retired rear admiral."

It is noted that according to an article in the journal Kommunist [October 1981] the theoretical organ of the CPSU Central Committee, other disarmanment enthusiasts from the ranks of the West German defense and military structure include Dr. D. Lutz of Hamburg University, retired minister E. Eppler, and retired generals F. Birnstiehl and W. von Baudissin, currently director of the Hamburg University Institute for Peace Research and Security Policy. Their views recently were published in the FRG in 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

U.S. Army in 1951, and was highly vocal with disarmament and anti-Vietnam groups during the 1960s and 1970s. In September 1981, Gen. Hester circulated to Members of Congress a copy of Leonid Brezhnev's "Peace Program for the 80s" with a letter terming Reagan Administration defense policies "sinister." Hester's effort was sponsored by Promoting Enduring Peace (PEP).

"NATO Missiles: A European Perspective"

Approximately 75 Congressional staff members and disarmament activists attended a 2-hour "conference" in the Dirksen Senate Office Building on December 2, 1981, entitled "NATO Missiles: A European Perspective." The meeting was sponsored by SANE (A Citizens' Organization for a SANE World).

Moderator David Cortright, SANE executive director, said the Capitol Hill conference and subsequent meetings in the U.S. would give Americans the opportunity to hear first-hand reports by "authoritative European experts" and would aid in ending the "myopia in regarding the European peace movement as a creation of the Kremlin."

Cortright introduced the four panelists:

Gen. Gert Bastian, characterized as "a retired West German Commander with first-hand knowledge of the strategic implications involved in NATO's plans;"

Josephine "Jo" Richardson, a British Member of Parliament, co-chairperson of the Campaign for Nuclear Disarmament (CND) and member of the Labour Party's National Executive Committee;

Petra Kelly, "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." Cortright told the audience that Hansen recently had been expelled from the FRG's ruling Social Democratic Party (SDP) on account of his opposition to NATO plans to deploy Pershing II missiles in West Germany.

Richardson claimed the British peace movement had arisen completely spontaneously as "a movement of people" and announced with satisfaction that the British Labour Party leadership had gone firmly on record as favoring unilateral disarmament and committed to implementation of unilateral disarmament when they are returned to power. Richardson said the Labour Party would implement unilateral disarmament by dismantling Britain's own nuclear weapons, and closing and dismantling U.S. bases. She attacked President Reagan's "zero option" arms proposal to the USSR as a "a cynical proposal * * * calculated to be unacceptable."

Gen. Bastian told the audience that it is "a fundamental mistake" to view the peace movement as speaking for or serving the interests of the Soviet union. He attacked U.S. Pershing II missiles as "designed [and] intended for nuclear war, not for deterrence"; and said that NATO's nuclear forces did not need upgrading because the total number of Western nuclear warheads was greater than those of the East.

Likewise, Bastian conceded that Warsaw Pact conventional ground forces were larger than those of NATO, but emphasized that NATO troops were better trained. He quoted another West German general as stating NATO could defend Europe without using nuclear weapons.

To illustrate his assertion, Bastian admitted that the USSR had a marked superiority in the number of tanks, but then said these tanks were of World War II vintage [apparently he had never heard of T-64 or T-72 tanks deployed since the late 1960s or the new T-80s being developed], and claimed that the real issue was not the number of tanks the East had, but the number of anti-tank rockets available to each side. Bastian avoided specifying which 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 weapons as "offensive" weapons, and depicting the large Soviet and Warsaw Pact armored divisions as "defensive."

Petra Kelly, who attended college in the U.S. from 1966 to 1970 and was active in the anti-Vietnam movement was the most effective of the West German speakers on account of her idiomatic command of English. She served as Bastian's translator during the question and answer period. Kelly attempted to appear "evenhanded" by critizing the Soviet occupation of Afghanistan, demanding total nuclear and conventional disarmament and calling for dissolution of NATO and the Warsaw Pact.

At a disarmament rally in London on October 24, 1981, Kelly revealed her bias by stating, "the Soviets * * * have a part to play obviously, but it is NATO—not the Warsaw Pact—that is going to introduce a whole new kind of killer technology and quick strike capability. There is no missile gap. NATO is trying to create one."

At various U.S. appearances, she supported the Krefeld Appeal, a petition to ban deployment of Pershing-II and cruise missiles in the FRG that was initiated in November 1980 by the German Peace Union (DFU), the WPC's West German section which is controlled by the Communist Party (DKP).

Kelly described the Green Party's tactic of linking the antinuclear power movement to the disarmament campaign through claims that nuclear power plants turn the possibility of conventional war into a nuclear war. She dismissed as "propaganda of the Reagan Administration" the concept of a "window of vulnerability" due to outmoded U.S. retaliatory strategic weapons that could be destroyed in a Soviet first strike. U.S. criticism of the European disarmament movement, she said, was based on "fear of anti-militarism."

Karl-Heinz Hansen stated that the Soviets have missiles like the SS-20 aimed at the FRG simply because the U.S. and NATO have nuclear weapons stationed on West German soil.

"The Soviet Union is no more expansionist, no more imperialistic in our eyes than the United States," he said; and asserted that Westerners had to discard the concept that military strength enhances national security on the ground that there is "no defense possible" against nuclear weapons. He called FRG agreement making West Germany dependent on Soviet natural gas supplies for much of its home heating needs a "positive" step.

In a brief question and answer period, panelist Ivo J. Spalatin, staff director of the House Foreign Affairs Committee's Subcommittee on International Security and Scientific Affairs, asked whether nuclear parity existed. Bastian reiterated that NATO was superior to the Warsaw Pact in nuclear, naval and air systems; Hansen asserted (despite the historical precedent of the Ardennes strategy in World War II) that tanks were irrelevant and could only be used in 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 was forced to defend a 25 million kilometer border while the U.S., Europe and People's Republic of China together had a mere 2 million kilometers of border.

Bob Sherman, military staff assistant to Rep. Thomas Downey [D-NY], asked why the four European panelists were concerned with the neutron, Pershing II and cruise theater nuclear forces 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 Scandanavian countries, the direct role of Soviet KGB officials with WPC-related disarmament groups has been exposed. In September 1981, Vladimir Merkoulov, Second Secretary of the Soviet Embassy in Copenhagen, described in the Danish press as having "KGB connections," was declared persona non grata and expelled for his activities with disarmament groups.

Merkoulov worked with the Danish Committee for Cooperation and Peace, a coalition of 50 disarmament groups linked with the WPC; and provided, through Danish author Herlov Petersen, $2,000 to buy newspaper ads promoting a "Nordic nuclear free zone."

Merkoulov and Petersen attempted to influence Danish public opinion-makers with lunches and gifts. Petersen has been charged with violating the Danish Espionage Act.

The Swedish newspaper Verdens Gang [11/27/81] reported that two Soviet diplomats were being expelled from Norway. One of them, Soviet First Secretary Stanislaw Chebotok, offered money to several Norwegians 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. Department of State said that a Norwegian newspaper story that under "certain circumstances" the U.S. would attack Norway with nuclear weapons was "disinformation" based on KGB forgeries.

Commenting on the Soviet efforts to manipulate public opinion via the Nordic press, Berlingske Tidende [11/6/81] editorialized:

"The Soviet Embassy's interference in the public debate on Danish security policy is so gross a provocation that it is almost a caricature of reality. The financing 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 disguised offer of a Soviet contribution to such a zone was superpower trickery to be used to blind the simple-minded."

Chronology of disarmament organizing

Having outlined the leaderhip role in the international disarmament campaign that the Soviet Union is playing covertly through the KGB and front organizatons lead by the World Peace Council, and having provided examples of the collaboration of leaders of U.S. disarmament groups such as SANE, WILPF, MFS and the CDI 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 examine meetings of the U.N. Non-Governmental Organizations (NGOs), U.S. Peace Council (USPC), Mobilization for Survival (MFS) and campaigns associated with the MFS, and the Women's International Democratic Federation (WIDF). In addition, recent organizing activities by U.S. disarmament groups will be reviewed.

WPC/NGO Conference on Disarmament, August 5–6, 1981

The WPC and other Soviet-controlled international fronts play a very strong role at the United Nations in coordinating the activities of Non-Governmental Organizations (NGOs), particularly on the issues of disarmament, public information and support for Soviet-backed terrorist "national liberation" movements.

WPC planning targeting the second U.N. Special Session on Disarmament moved into high gear with the NGO Urgent Action Conference for Disarmament, August 5–6, 1981, 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 World Veterans Association, 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 them. It also discussed NGO activities in connection with preparations from the Second Special Session on Disarmament of the UN General Assembly- * * *, the establishment of cooperative relations with concerned organizations outside the NGO community and campaigns for nuclear disarmament * * *."

The WPC report noted that the U.N. NGOs could be used to influence U.S. and European government leaders. A panel of disarmament activists "insisted that urgent measures be taken to stop the drive toward a nuclear catastrophe and emphasized the importance of NGOs in influencing decisionmakers to curb the race." The members of the panel were identified as Nino Pasti; Mrs. Randall Forsberg, executive director of the Institute for Defense and Disarmament Studies (IDDS), formed in January 1980 and based in Brookline, MA; Leopoldo Nilus, 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, cosponsor of the Groningen nuclear war conference.

The Information Digest [9/19/80] reported that in cooperation with leaders of the Center for Defense Information, the IDDS was active lobbying among delegates to 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 president and executive director of the ISSD 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 Betty Lall, chairperson, U.N. Committee on Disarmament and International Security, Political Science, Cornell; Hayward Alker, International Relations, MIT; Richard Barnet, Institute for Policy Studies (IPS); Elise Boulding, Sociology, Dartmouth; Kay Camp, international president, Women's International League for Peace and Freedom (WILPF); Harvey Cox, Divinity, Harvard; Richard Falk, International Law, Princeton; Randall Forsberg, ex officio; Sanford Gottlieb, New Directions; Robert Johansen, Institute for World Order (IWO); Cheryl Keen, executive board, COPRED, Coordinator, International Studies, Harvard; Ann Lakhdhir, Westport, CT; Everett Mendelsohn, History of Science, Harvard; Philip Morrison, physics, MIT; George Rathjens, political science, MIT; Judith Reppy, economics, Peace Studies Program, Cornell; and Brewster Rhoads, director, Coalition for a new Foreign and Military Policy (CNFMP)."

Prime among the WPC-led United Nations NGO concerns were "the danger of the deployment of new nuclear medium range missiles in Europe and * * * immediate negotiations on this subject." The NGO disarmament group agreed that their main activity would be to contribute to "the preparations and work of the SSD–2."

Special Session on Disarmament Working Group, October 6, 1981

On October 6, 1981, some 40 representatives of disarmament groups who constituted themselves the ad hoc 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 UN 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 (USPC); Christian Peace Conference (CPC); Women for Racial and Economic Equality (WREE), a CPUSA front affiliated with the WIDF; Women's International League for Peace and Freedom (WILPF); Women Strike for Peace (WSP); Promoting Enduring Peace (PEP); Riverside Church Disarmament Program; Clergy 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 (AFSC) 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 Socialist Organizing Committee (DSOC); National Association of Social Workers (NASW); the SHAD Alliance (New York City & Long Island chapters); SEA Alliance (New Jersey); Unitarian Universalist Association; World Conference on Religion & Peace; and the Mobilization for Survival (MFS) New York and Boston offices and the MFS International and Religious task forces.

A Staff Search Committee was established; an office set up in the New York MFS offices at the Church of All Nations on St. Marks Place; and Ken Caldeira was hired as staff coordinator. A larger "outreach" meeting was planned for Halloween, the last day of "International Disarmament Week."

World Congress of Women, October 8–13, 1981

Coordination of women's groups in campaigns to generate public pressure against U.S. arms modernization and deployment of the Pershing II and cruise missiles in Western Europe—or at least a facsimile of general public opposition—was the theme of the World Congress of Women, held in Prague, Czechoslovakia, October 8–13, 1981, organized by the Women's International Democratic Federation (WIDF), a Soviet-controlled front which acts as a virtual "women's auxiliary" to the World Peace Council.

Among those addressing the WIDF meeting were Czechoslovakian president Gustav Husak; Romesh Chandra, WPC president who is also vice-president of the U.N.'s Non-Governmental Organizations structure; Soviet Women's Committee president Valentina N. Tereshkova; U.N. Assistant Secretary-General Leticia Shahani; and Venache Soranger of Norway, one of the initiators of the Peace March '81 with the slogan, "Europe Free of Nuclear Weapons."

The WIDF Congress was opened by the WIDF's long-term president, Freda Brown of Australia, who emphasized the WIDF's propaganda function, reminding the delegates that women "represent an important part of this world public opinion, and we are here to search for ways to consolidate our activities and all our actions."

The U.S. delegation was organized by the CPUSA's women's front, Women for Racial Equality (WREE). The U.S. delegation met with Olga Chechetkina, a vice-president of the Soviet Women's Committee, who urged U.S. women to "fight to prevent war, to return to detente." She said, "Every time the U.S. President opens his mouth it is to pronounce a new escalation of the arms race."

The WIDF World Congress of Women issued its customary "appeal" addressed to "the women of the world" couched in language clearly aimed at the West, not at the USSR. The "appeal" asserted that the "arms race" has been "instigated by governments aspiring to military supremacy [and] by those who make fantastic profits from the deadly arms race;" and continued:

"The deployment of new missiles in Western Europe and the production of the neutron bomb will lead to a qualitatively new and more dangerous round in the arms race. Time is running out.

"* * * As a first step, it is necessary to ban the neutron weapon, to stop the buildup of nuclear weapons in Europe and start serious negotiations * * *.

* * * * *

"We alert and call upon the women of the world to use all possible means—letters, resolutions of meetings and demonstrations, petitions, marches, appeals—to demand that leaders of states and governments take practical measures. * * *"

The WIDF, for all its strident rhetoric depicting imminent nuclear war unless the U.S. and NATO allies immediately proceed to disarm, in the same manner as did the Continental Youth Meeting emphasized that it was not a pacifist organization, and that it supports armed revolutionary "national liberation struggles."

The "appeal" denounced "acts of aggression * * * perpetrated against * * * people who struggle for their inalienable rights to self-determination, national independence and social progress." It went on to say that "all forms of injustice, racial and colonial oppression and suppression of peoples must be wiped from the face of the earth." There was no suggestion in the WIDF appeal that that should take place without violence.

It also is noted that in a report on the WIDF Women's Congress by WREE activist Margo Nikitas in the World Magazine supplement to the CPUSA newspaper Daily World, [11/12/81], Soviet Women's Committee vice-president Chechetkina was quoted as having drawn "an important distinction between the Soviet people's revolutionary struggle to liberate themselves and the experience of war. 'We made a revolution and it caused sacrifices, but we knew what it was for.'"

MFS Nuclear Weapons Facilities Task Force Conference, October 23-25, 1981

Some 46 national and local disarmament organizers representing U.S. and Canadian groups participated in the national conference of the Mobilization for Survival (MFS) Nuclear Weapons Facilities Task Force, October 23-25, 1981, in Nyack, NY, the headquarters of the Fellowship of Reconciliation (FOR).

Among the "breakthroughs and opportunities in local organizing efforts around weapons facilities and disarmament issues" enumerated were the "challenge of keeping new constituencies involved" in disarmament following the U.S. decision to cancel planned land-basing of the MX missile in Utah and Nevada; expansion of support for the AFSC's "Nuclear Freeze" moratorium campaign; a Public Broadcasting System documentary expose of nuclear weapons storage sites at U.S. Navy facilities in the San Francisco Bay area that resulted in "escalating local concern;" the commencement of a program of "disarmament/peace education" classes in every Catholic high school in Washington, DC; a Boston conference to link the existence of urban decay, tightening of welfare programs, cuts in government housing programs, and so forth with the "military budget;" and local media exposures of neutron bomb storage at Seneca, NY, and Pantex's weapons production facilities in Amarillo, Texas.

Additional local organizing opportunities were viewed as including the Administration's announcement that it would build the very low frequency ELF Trident communications system in Wisconsin, the expanding 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 Airlie, Virginia, in March 1981, and was attended by a Soviet delegation headed by Georgy Arbatov, head of the Institute of the U.S.A. and Canada. The Information Digest [4/10/81], in an article entitled "Soviets Participate in U.S. Anti-Nuke Conference," reported:

"The first congress of International Physicians for the Prevention of Nuclear War (IPPNW) closed at Airlie, VA, on March 21, 1981, after five days of speeches emphasizing the horrors of nuclear war, the "destabilizing" dangers of U.S. development of new weapons and the desirability of cooperation with the Soviets.

"IPPNW president Barnard Lown, a Harvard cardiologist, stated the IPPNW physicians were not politicians; but the meetings closed with the presentation of its lengthy conclusions to the Soviet Embassy in Washington and to the U.S. Department of State.

"At a Washington press conference following the meetings, Jack Geiger, City University of New York, summarized IPPNW's argument as that in the event of a nuclear conflict, "The survivors will get no medical care. * * * the survivors will become the dead." Perhaps in a gesture to the large Soviet contingent and to its head and conference cochairman, Deputy Minister of Health Yevgeny Chazov, Geiger commented, "Russian flesh burns at precisely the same rate as American flesh."

"The Soviet delegation clearly saw the IPPNW conference as the occasion for continuing Moscow's campaign of direct appeals via television to the U.S. public against Administration plans for rebuilding U.S. military strength. And Chazov flatly said he wanted one hour on a major commercial network news program since his IPPNW speech had been broadcast over Soviet television.

"These efforts by high-level Soviet officials to gain access to U.S. television were also carried out by another IPPNW participant, Georgy A. Arbatov, just promoted to full membership on the Central Committee of the Communist Party of the Soviet Union (CPSU) and director of the Institute of the U.S.A. and Canada, a Moscow political and economic research entity closely linked to the KGB. Arbatov's speech was a concise summation of the major Soviet propaganda lines, starting with a claim that the United States started the Cold War "with the explosion of the first nuclear bomb in Hiroshima." He warned:

"'The arms race is a major source of bad relations. This has killed the dictum, 'If you want peace, prepare for war.' If you follow that, it will make war inevitable.'"

"Arbatov also attacked U.S. defensive weapons as unable to provide security and called for the U.S. to continue arms control and trust in the Soviet Union, saying:

"'Another dictum was killed—that you can buy security with dollars spent on weapons, offensive or defensive. * * * There exists also a belief that to have arms control you need mutual trust, mutual confidence first; but you can't have trust and confidence nowadays without arms control.'"

"The Soviet official's second thesis was that the cost of modern weapons prevents governments from carrying out social welfare programs. With reference to The Lean Years by Richard Barnet, Arbatov said:

"'The arms race itself has cost a lot * * * in terms of human life of those who died earlier because they were underfed and undertreated. What I want to stress is that this problem will be worse. As an economist I can assure you that all of us, the whole world, are entering not fat, but lean years. * * * The arms race more and more becomes a luxury which in reality we cannot afford.'"

The article quoted Arbatov's third key point as the fact that no nuclear war had taken place was "not due to wise statesmanship as much as to sheer luck. We cannot stretch this luck." The Information Digest report continued:

"Arbatov concluded with a summary of 'lessons of history' that the Soviets would like Americans to accept and a rationale for preventing U.S. development and deployment of "destabilizing" new weapons like cruise and MX missiles, with, of course, no mention of the multiplicity of new generations of Soviet missiles, 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 and MX. 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 warhead for each. It means that we shall have to put into motion thousands of warheads. What is the difference between this decision 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 sea targets reduce 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 (USPC), 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 mortal threat to mankind. * * * One cannot hope for luck any longer * * * the arms race has assumed unprecedented scope and the situation is becoming ever more dangerous. * * * This is 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."

According to the confidential in-house minutes of the Nyack conference circulated to participants, under the general topic, "strategy," the Nuclear Weapons Facilities (NWF) Task Force conference focused on:

"Second UN Special Session on Disarmament, Congressional Campaigns, Economic Priorities and Budget Shifts, Weapons Storage and Development, Weapons Systems, Links with International Movements, Department of Energy, Civil Defense, Anti-Corporate, World Council of Churches Hearing, American Association for the Advancement of Science."

An agenda for 1981-82 was adopted which included the following points:

Support European Disarmament Effort.—Conference participants agreed to generate local press interest in the World Council of Churches (WCC) International Public Hearing on Nuclear Weapons and Disarmament, held November 23-27, 1981, in Amsterdam.

Materials on the Amsterdam meeting were distributed by the Nuclear Weapons Facilities Task Force co-convenors, Pam Solo and Mike Jendrzejczyk. Solo was an organizer of the American Friends Service Committee (AFSC) project against the Rocky Flats, CO, nuclear weapons plant from which the MFS's Nuclear Weapons Facilities Task Force developed. Jendrzejczyk is on FOR's staff. The AFSC and FOR jointly sponsor their own Nuclear Weapons Facilities Project which Solo and Jendrezejczyk coordinated and which forms the core of the MFS 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, despite its claimed "pacifist" orientation, has offered strong condemnations of armed revolutionary movements that utilize terrorism.

The NWF Task Force 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 and join with you today in demanding that the U.S. government stop its planned deployment of the cruise and Pershing II missiles in Europe. We demand that the U.S. government make meaningful progress in arms control talks with the Soviet Union. Recognizing our government's responsibility for the escalation of the arms race, we are determined to struggle with you for a world without nuclear weapons and war."

It is noted that among the 15-member U.S. delegation to the WCC's Amsterdam conference were a number of MFS/NWF Task Force organizers and leading U.S. disarmament activists including Rev. William Sloan Coffin of Riverside Church in New York City and the director of the Riverside Disarmament Program, Cora Weiss.

Also attending were Randy Forsberg, IDDS; Pam Solo, AFSC; Prof. Ed Mendelsohn, Harvard University; Judit Lipton of PSR; and Robert Alpern, United Methodist Church. "Testimony" was prepared for the Amsterdam meeting by both the AFSC/FOR NWF Project and by the MFS NWF Task Force.

The MFS/NWF Task Force noted that the Amsterdam meeting was scheduled "on the weekend before Haig and Gromyko begin talks on theater weapons reductions in Europe (Nov. 28-29)."

Reminding organizers this was "a key time to send letters to the editor, organize local public meetings and/or demonstrations," the NWF Task Force provided an abrupt directive on what the content of the letters should say:

"Call for suspension of all US plans to deploy Pershing II and cruise missiles and urge Congressional representatives to cosponsor Cong. Ted Weiss's resolution (H. Res. 153) calling for hearings."

NWF organizers were instructed to contact Gene Carroll at the Coalition for a New Foreign and Military Policy (CNFMP) in Washington, DC, for additional information. Eugene J. Carroll, a bearded graduate of Lock Haven State College in Pennsylvania, served as executive director of the Commonwealth Association of Students before becoming an organizer with the Amalgamated Clothing and Textile Workers Union's J.P. Stevens Consumer Boycott Campaign. He joined CNFMP in January 1980, and serves as its disarmament coordinator.

Circulate AAAS Open Letter.—The NWF meeting noted that an "Open Letter to the American People" would be circulated by the AFSC/FOR NWF Project during December 1981 and would be released at the Washington, DC, conference of the American Association for the Advancement of Science (AAAS) [January 3-8, 1982]. Over the signatures of "prominent" scientists, the letter calls for "opposition to Pres. Reagan's domestic and foreign policies" and propose "cuts in military spending and a call to Reagan and Breshnev [sic] to go to the UN Special Session to announce a freeze."

Focus on Economic Issues/Congressional Candidates.—During January 1982, taskforce groups will support Congressional Black Caucus calls for an "alternative" Fiscal Year 1983 budget with cuts in Department of Energy weapons programs and in the MX program. Local "hearings" will be organized against social welfare program cuts. These activities will be coordinated by Steve Daggett, an Institute for Policy Studies (IPS) research associate, of the Coalition for a New Foreign and Military Policy (CNFMP), the lobbying arm of the WPC-related disarmament movement.

CNFMP, NETWORK, and the National Freeze Campaign plan to develop and circulate a questionnaire "that can be used to get Congressional candidates to take positions on * * * especially the freeze, military spending, new weapons systems and budget cuts" will be ready for circulation. The Council for a Liveable World (CLW) office in Boston had prepared an extensive questionnaire for Senate candidates.

Anti-Corporate Actions/Outreach in the Religious Community.—Will focus on raising "peace conversion," health, nuclear safety and "moral" issues at the annual stockholders meetings of major corporations producing U.S. nuclear weapons. Actions will commence in January 1982 at the Bendix Corp. meeting and include plans for "creative, dramatic actions" at the February Rockwell International annual meeting in Pittsburgh. The anti-corporate actions are being coordinated by Valerie Heinonen of the Interfatih Center on Corporate Responsibility (ICCR).

UN Special Session on Disarmament—II.—Terry Provance, director of the AFSC's Disarmament Program, co-convenor of the MFS International Task Force and WPC activist, informed the MFS Nuclear Weapons Facilities Task Force conference that "high-profile Europeans active in the disarmament movement" will be coming to the U.S. in the months preceding the SSD-II. Their tours will be coordinated by Provance from the AFSC's Philadelphia offices, and by Linda Bullard of Clergy and Laity Concerned (CALC).

As was the case at the MFS fourth national convention 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 mass 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 draw in many of the newly aroused individuals and constituencies, and not be a primarily 'peace movement' event." A follow-up meeting to consider those issues in relationship to the SSD-II was scheduled for October 31, 1981.

Citizens Hearing on Nuclear Weapons Production.—The NWF Task Force conference strongly supported plans by anti-nuclear groups in Amarillo, TX, to host a national and regional event against Pantex that will be modeled on the Citizens Hearing for Radiation Victims. Weapons production will be linked to "hazards of weapons production at other facilities, nuclear war planning, conversion and proliferation." Organizers considered as aids to their plan the fall anti-nuclear weapons statement by Bishop Matthieson and an environmental impact statement on Pantex due to be released in the fall of 1982. Target dates for the "hearings" coincide with the August 6-9, 1982, Hiroshima/Nagaskai anniversary.

Department of Energy.—According to the NWF, "Administration plans and proposals are underway for the militarizing of nuclear power and waste storage, using civilian reactor wastes for nuclear weapons, expanding plutonium production, and abolishing/reorganizing the DOE and replacing it with an agency like the old AEC. This will be a major focus for concern and coordinated organizing for the coming year."

Organizations offering resources and coordination in this program include the Environmental Policy Center (EPC), Natural Resources Defense Council (NRDC), and the FOR/AFSC NWF Project.

The participants in the Nyack conference of the MFS Nuclear Weapons Facilities Task Force were listed as including:

Pam Solo, AFSC/NWF Project, 1600 Lafayette Street, Denver, CO 80218 [303/832-4508].

Mike Jendrzejczyk, FOR/NWF Project, Box 271, Nyack, NY 10960 [916/358-4601].

Robert Alvarez, EPC, 317 Pennsylvania Ave., SE, Washington, DC 20003 [202/547-5330].

Thomas E. Boudreau, AFSC, 141 Chaffee Avenue, Syracuse, NY 13207 [315/469-5231].

Eugene T. Carroll, CNFMP, 120 Maryland Ave., NE, Washington, DC 20002 [202/546-8400].

Roger Carroll, Box 283, Omaha, NE 68101 [402/558-8092].

Carol Coston, NETWORK, 806 Rhode Island Avenue, NE, Washington, DC 20012 [202/526-4070].

Ernie Davies, People for Peace, Rt. 1, Box 42, Langsville, OH 45741 [614/742-2090].

Chad Dobson, National Campaign to Stop MX, 305 Massachusetts Ave., NE, Washington, DC 20002 [202/546-2660].

Gary McGhee Dobson, Concord Naval Weapons Station Task Force, Mt. Diablo Peace Center, 65 Eckley Lane, Walnut Creek, CA 94596 [415/933-7850].

Shelley Douglass, Trident/Ground Zero, 11284 Seabeck Highway, NW, Bremerton, WA 98310 [206/692-70].

Harriet Dow, 483 State Street, Albany, NY 12203 [518/449-2985].

David Goodman, AFSC National Action/Research on the Military-Industrial Complex (NARMIC), 1501 Cherry Street, Philadelphia, PA 19102 [215/241-7172].

Janet C. Gordon, Citizens' Call, 126 S. 1400 West, Cedar City, UT 84720 [801/586-6674].

Duane Grady, Iowa Peace Network, 4211 Grand Avenue, Des Moines, IA 50312 [515/274-4851].

Katie W. Green, Worcester County Coalition for Disarmament, P.O. Box 12, Princeton, MA 01541 [617/464-2084].

Bill Hartung, Council on Economic Priorities (CEP), 84 Fifth Avenue, New York, NY 10011 [212/691-8550].

Valerie Heinonen, ICCR Militarism Program, 475 Riverside Drive, Rm. 566, New York, NY 10115 [212/870-2317].

Carla B. Johnson, Civil Defense Awareness, 86 Wendell Street, Cambridge, MA 02138 [617/354-5811].

Tom Joyce, Cruise Missile Conversion Project, 730 Bathurst St., Toronto, Ontario M5S 2R4, Canada [416/532-6720]. NOTE: 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 [202/737-2525].

Lee Mason, Wall Street Action, 35 Claremont Avenue, New York, NY 10027.

Bob Staley Mays, AFSC Cruise Missile Project, 821 Euclid Avenue, Syracuse, NY 13210 [315/475-4822].

M. Louise McNeilly, Knolls Action Project, 417 Manning Blvd., Albany, NY 12206 [518/489-6742].

Dana Mills Powell, Sojourners, 1309 L Street, NW, Washington, DC [202/737-2525].

Terry Provance, AFSC Disarmament Program, 1501 Cherry Street, Philadelphia, PA 19102 [215/241-7177], WPC activist and a USPC founder, with Kay Camp of WILPF co-head of the MFS International Taskforce.

Jim Rice, 5915 16th Street, NW, Washington, DC [202/882-6314].

Mark Roberts, Greenpeace, 2077 R Street, NW, Washington, DC 20036 [202/332-40421.

Cindy Sagen, 6311 Thornhill Drive, Oakland, CA 94611 [415/339-8759].

Charles Scheiner, Westchester County Peace Action Coalition (WESPAC), 255 Grove Street, White Plains, NY 10601 [914/428-7299].

Steven Schroeder, Northwest Texas Clergy and Laity Concerned (CALC), 3500 S. Bowie, Amarillo, TX 79109 [906/359-9483].

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].

Tess Sneesby, Worcester Connection, 21 Crown Street, Worcester, MA [617/756-1038].

Jenny Sprecher, Stop Project ELF, 1148 Williamson Street, Madison, WI 53703 [608/256-0870].

Sara Stage, Dogwood Alliance, 303 Fern St., Little Rock, AR 72205 [501/374-9412].

John Stauber, Stop Project ELF, 1148 Williamson Street, Madison, WI 53703 [608/256-0870].

Mary Stuckey, AFSC, 915 Salem Avenue, Dayton, OH 45406 [513/278-4225].

Marj Swann, Committee for Non-Violent Action (CNVA), RFD #1, Voluntown, CT 06384 [203/376-9970].

Nancy Sylvester, NETWORK, 806 Rhode Island Avenue, NE, Washington, DC 20012 [202/526-4070].

Betsy Taylor, Nuclear Information and Research Service (NIRS), 1536 16th Street, NW, Washington, DC 20036 [202/483-0045].

Chet Tchozewski, AFSC/Rocky Flats Project, 1660 Lafayette Street, Denver, CO, 80218 [303/832-4508].

Edwina Vogen, 1145 East 6th Street, Tucson, AZ 85719 [602/792-3517].

Betty Wheeler, PEAC, 1008 S. Madison, Amarillo, TX 79101 [906/376-8903].

Ron Young, AFSC, 1501 Cherry Street, Philadelphia, PA 19102 [215/241-7177].

Launching of the Campaign for the SSD, 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 in New York City.

The meeting was attended by nearly 200 representatives from 72 groups, including the Communist Party, U.S.A. (CPUSA); the U.S. Peace Council (USPC); the Trotskyite communist Socialist Workers Party (SWP), the U.S. section of the Brussels-based Fourth International; Workers World Party (WWP), a strident supporter of Cuba, North Korea and Soviet-supported revolutionary terrorist groups that has earned a reputation for street confrontations with police; the WWP-controlled People's Anti-War Movement (PAM); the Coalition for a People's Alternative (CPA), a revolutionary "party-building" formation including the Castroite Puerto Rican Socialist Party (PSP) and American Indian Movement (AIM) organized by Arthur Kinoy of the National Lawyers Guild (NLG) and Center for Constitutional Rights (CCR); Vieques Support Network, that backs PSP causes aimed at making Puerto Rico the next Cuba in the Caribbean; All-African People's Revolutionary Party (AAPRP); and the National Lawyers Guild (NLG).

Also participating were representatives of the American Muslim Mission; AFSC and AFSC Nuclear Freeze Campaign; Catholic Peace Fellowship (CPC); Church Women United (CWU); Clergy and Laity Concerned (CALC); Coalition for a New Foreign and Military Policy (CNFMP); Committee for Marxist Education (CME); Center for Defense Information (CDI); Democratic Socialist Organizing Committee (DSOC); Educators for World Peace; Frente de Informacion y Solidaridad de America Latina (FISAL); The Guardian; WIN Magazine; Greenpeace; Intermedia; Jewish Peace Fellowship (JPF); International Association of Machinists and Aerospace Workers (IAM); Lawyers Committee on Nuclear Policy (LCNP); Mobilization for Survival (MFS); National Association of Women Religious (NAWR); National Conference of Black Churchmen (NBC); New Activist Group; NY Public Interest Research Group (NYPIRG); Pax Christi; PEN American Center; Riverside Church Disarmament Program; SHAD Alliance; Socialist Party; UAW Local 259; United Church of Christ (UCC); Lutheran Church; Presbyterian Church; U.N. NGO Center, Geneva; United 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 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 activists agreed that the real blame for the "arms race" lay on the U.S., some criticism would have to be made of the Soviet Union in order to maintain a facade of "credibility" with the media and U.S. public. It was explained that it is necessary to develop this spurious "credibility," based on mild criticism of Soviet armaments and policies because it would provide them with a platform for a media campaign to convince Americans that there really is nothing to be feared from Moscow.

This opportunistic consensus was expressed concisely by Dick Greenwood, special assistant to IAM president William Winpisinger, who said that because of the "myth of the 'red hordes'" and "deep-seated prejudice" against the USSR:

"We cannot simply address one character in the cast; we have to address ourselves to both the U.S. and USSR. * * * This is the only approach that will give us credibility to reach the myth of the Soviet threat."

After speeches from Fehmi Alem 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 education and cultural programs for the SSD-II demonstration and rally.

It is noted that among the key organizers of the CSSD are veterans of the anti-Vietnam coalitions such as the People's Coalition for Peace and Justice (PCPJ) including Norma Becker, WRL; Paul Mayer, a former Catholic priest who heads the MFS Religious Taskforce; David McReynolds, WRL; Connie Hogarth, WILPF; and Cora Weiss, head of the Riverside Church Disarmament Program.

A formal campaign structure was established of a Coordinating Committee (CC) of representatives of participating organizations and which was given authority to select a Steering Committee; and a series of task forces.

Based temporarily in the cramped offices of the New York MFS chapter (which is also serving temporarily as the MFS National Office until the UN SSD-II demonstrations are completed) in the Church of All Nations, the task forces of the CSSD include:

Cultural/Demonstration.—Contact: Kathy Engel [212/924-4525]. The first meeting was held on November 7, 1981, in Riverside Church 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, possibly from Dag Hammarskjold Plaza, along 42nd Street, led by children. Various demonstration sites were proposed including Times Square, Fifth Avenue and Central Park.

Civil Disobedience.—Contacts: John Miller [212/624-8337], New York Local, WRL; Nora Lumley, NY MFS [212/673-1808]; and Debbie Wilber, WESPAC. Meetings of this task force on October 30 and November 21 proposed that a major 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 be "critical of many nations." Potential targets of civil disobedience actions proposed included the U.N. missions of the nuclear powers as well as the missions, trade offices and national airlines of the "borderline nuclear and major arms exporting countries," and the "offices of arms producing corporations."

The Civil Disobedience task force said it was seeking additional ideas and broader participation "as we build for the largest outpouring of disarmament sentiment this nation, and possibly the world, has ever seen."

Public Education.—Contacts: Andrea Tarantino [212/678-4640] and Susan Blake

[516/798-0778]. At its first meeting on November 21, 1981, the task force decided to promote a variety of disarmament strategies in order to "help develop greater cooperation within the disarmament movement and better serve the needs of public education and the Campaign." Four working groups were set up to get materials, produce packets for local organizers, operate a film and speakers bureau, and encourage "cultural participation."

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-II sponsored by the International Federation for Disarmament and Peace (IFPD). Endorsers of the IFDP conference include several of the Soviet-controlled NGO's.

Religious.—Contact: Paul Mayer [212/858-6882]. Efforts concentrate on publicizing the disarmament campaign among religious groups, leaders and congregations. Outreach to black ministers focuses on efforts to link poverty and federal cuts in social welfare spending to the "arms race." An "Interreligious Convocation" will be held in New York in association with SSD-II as for the first SSD; and an "international religious conference" of "religious activists and religious leaders" is planned to "develop strategy towards building a massive international religious movement" for disarmament.

Media.—Contact: 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 MFS in the Midwest and Southwest to the SSD-II demonstrations, the Campaign's "coordination" with MFS must be emphasized.

It is noted that CSSD organizers report that the campaign has been promoted as "in association with" the MFS for fundraising purposes; and that the $5,000 seed money to open the office in New York used by National MFS 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."

Sponsored primarily by the Union of Concerned Scientists (UCS) and three months in the planning, the campaign was able to mount activities on some 150 college campuses. In general, the format was a "teach-in" in which several thousand students and off-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 produced at the WPC's 1976 disarmament conference. They included:

A comprehensive U.S.-Soviet ban on nuclear weapons tests;

Limits on flight testing of new missile systems;

Substantial and verifiable reductions in the numbers of existing U.S. and Soviet nuclear missiles;

An intensive U.S.-Soviet effort to halt the proliferation of nuclear weaponry and to encourage similar weapons reductions by other nuclear powers.

The Union of Concerned Scientists (UCS), with offices in Cambridge, MA, and in Washington, DC, was established at the Massachusetts Institute of Technology (MIT) in 1969 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. Fay; Dr. Kurt Gottfried; Leonard Meeher; 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 the 1960s.

Coinciding 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), UCS, International Physicians for the Prevention of Nuclear War (IPPNW) 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; Helen M. Caldicott; Bernard T. Feld; John Kenneth Galbraith; H. Jack Geiger; George B. Kistiakowski; Robert Jay Lifton; Bernard Lown; Joseph Rotblat; Herbert Scoville, Jr.; Victor W. Seidel and Kosta Tsipis.

It is noted that the December 1981 issue of Scientific American, a regular outlet for technologically-oriented prodisarmament articles, features an article by Tsipis, associate director of the MIT Physics Department's Program in Science and Technology for International Security and frequent writer on "the role of science and technology in formulation of national-defense policy."

The Tsipis 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 high-energy lasers have the potential for destroying intercontinental ballistic missiles in flight * * * [and] that the USSR has already mounted a large effort to develop lasers as antimissile weapons." His argument is "technological obstacles are insurmountable."

Members of the publication's board of directors include Ezra Sensibar; Aaron Adler; R. Stephen Berry; Charles S. Dennison; Bernard T. Feld; Helmut Fritzsche; Robert Gomer; Henry W. Kendall; Walsh McDermott; Donald H. Miller Jr; Victor Rabinowitch; Stuart Rice; William Swartz; Bernard Weissbourd; Herbert F. York and Hans Zeisel.

Editorial advisers include Frank Barnaby (U.K.); Marjorie Craig Benton; Jonathan Bent; Harrison Brown; John P. Holdren; Alex Keynan (Israel); Gerald Leach (U.K.); Thomas R. Odhiambo (Kenya); Walter C. Patterson (U.K.); John Polanyi (Canada); Marshall D. Shulman; Joseph Rotblat (U.K.); Herbert Scoville; Harrison Shull; Kosta Tsipis; Frank von Hippel; Charles Weiner; Robert H. Williams and Carroll L. Wilson.

Joining UCS in this effort is the National Campaign to Stop the MX (NCSMX), operating from offices on Massachusetts Avenue, NE., in Washington, not far from Capitol Hill. NCSMX's staff include Chad 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. Kistiakowsky; 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.

NCSMX has distributed a brochure by the National Action/Research on the Military-Industrial Complex (NARMIC), an AFSC project, that provides details on MX missile prime, associate and sub-contractors. The brochure credits its information on MX contracts and a map showing where these contractors are located to the Council on Economic Priorities (CEP).

It is noted that an article in the official Soviet government newspaper Izvestia on November 26, 1981, by its chief Washington correspondent M. Sturua singled out five Americans as among those who look at the U.S. defense program "without bias." Said Izvestia, "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 LaRocque, head of the Information Center on Military Problems [sic-CDI] and certain others."

Among the major campus "teach-in" meetings was one attended by some 800 students at Harvard University. Speakers included Paul Warnke, a leader of the Committee on National Security (CNS), initiated early in 1980 after the Soviet invasion of Afghanistan by IPS leader Richard Barnet "to mobilize broad support for detente to counter 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 applause was awarded the performance of Yuri Kapralov, the high ranking Counselor of the Soviet Embassy in Washington who has become Moscow's virtual "ambassador" to the U.S. disarmament movement.

U.S. Peace Council Conference, November 13-15, 1981

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

constituency. This was the fourth annual Riverside Church Disarmament Program conference, "The Arms Race and the U.S."

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 Palestine Liberation Organization (PLO), WPC president Romesh Chandra flew to New York in advance of the USPC meeting to hold meetings with a variety of "peace activists" and United Nations officials.

At 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 power to ban 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, New York City Councilman Gilberto Gerena Valentin (South Bronx) [Gil Gerena, business agent of Local 6, Hotel and Restaurant Workers, in 1950 was a member of the U.S. Youth Sponsoring Committee for the WPC's first "World Peace Appeal"] and Massachusetts State Representative Saundra Graham who is a member of the WPC presidium, the primary foreign speaker was Achim Maske of the West German disarmament movement who was 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 Krefeld petition to that effect.

Both Maske and Chandra emphasized the importance of U.S./Soviet theater nuclear force negotiations and praised proposals made by Soviet President and CPSU chief Leonid Brezhnev in an interview with the West German magazine, Der Spiegel.

In addresses at subsequent USPC conference proceedings, USPC executive director Mike Myerson, who has been a CPUSA functionary since his student days some twenty years ago, emphasized the USPC and WPC's "unique responsibility" of merging the fight for Western disarmament with provision of support to the Soviet backed armed revolutionary organizations in the Third World. "Solidarity work" with revolutionary groups in El Salvador, Guatemala, Chile, South Africa and the PLO was mentioned.

Werner Rumpel, secretary-general of the GDR Peace Council, "good friend" of MFS organizer Terry Provance, and who had just led an anti-NATO demonstration in East Germany, joined in urging the USPC to redouble efforts against the cruise and Pershing II missiles.

Rep. Gus Savage [D-IL] stressed the need to bring black and other minority groups into the disarmament movement. Unison Whiteman, foreign minister for the Provisional Revolutionary Government of Grenada, used the USPC conference to urge support for a "summit conference" of Cuba, Nicaragua, Grenada, the Farabundo Marti National Liberation Front of El Salvador (FMLN) and the U.S.

Among the endorsers of the USPC conference were John Collins, co-director, Clergy and Laity Concerned (CALC); Cecelia Vega, Casa El Salvador; Arnaldo Alonzo, president, Casa de las Americas; Seth Adler, national coordinator, Jobs With Peace Campaign; Jose Alberto Alvarez, Political Committee, Puerto Rican Socialist Party (PSP); David Cortright, executive director, SANE; Todd Ensign of the anti-draft Citizen Soldier; Dr. Carlton Goodlett, WPC; Massachusetts State Representative Saundra Graham, a WPC vice-president.

Also Mel King, Massachusetts State Representative and veteran WPC activist; Michigan State Representative and WPC activist Perry Bullard; Theresa Cropper, assistant to Rev. Jesse Jackson, Operation PUSH; Detroit City Councilwoman Maryann Mahaffey, another WPC and USPC veteran; Lennox Hinds, International Association of Democratic Lawyers (IADL); Berkeley mayor Gus Newport; Hope Stevens, National Conference of Black Lawyers (NCBL), a U.S. affiliate of the IADL; Connie Hogarth, WESPAC; Abdeen Jabara, co-chair of the Middle East Subcommittee of the IADL's major U.S. affiliate, the National Lawyers Guild (NLG), and who organized two key PLO-support groups, the Association of Arab-American University Graduates (AAUG) and Palestine Human Rights Campaign (PHRC); Vivien Myerson, executive board, WILPF; Pete Seeger; Edith Tiger, executive director, National Emergency Civil Liberties Committee (NECLC), a CPUSA legal action group which has been active in the campaigns against the U.S. intelligence and internal security agencies; Michigan State Representative and WPC activist Jackie Vaughn, III; Rep. Harold Washington [D-IL]; Rev. Robert A. White, Reformed Church in America; Charles F. Williams, Midwest legislative director, IAM; and James Zogby, PHRC.

Riverside Church Disarmament Program, November 15-16, 1981

Some 500 people, many of them from the smaller Midwestern and Eastern cities who had been drawn into the disarmament campaign via environmentalist anti-nuclear power concerns, participated in the Riverside Church Disarmament Program conference, "The Arms Race and the U.S." held November 15-16, 1981. Organized by Cora Weiss and hosted by Rev. William Sloan Coffin, speakers attacked U.S. "interventionist policies" and repeatedly warned, as had the USPC leaders, that all out efforts must be made because "we're on the brink of extinction."

Under a banner reading "Protest and Live," speakers compared U.S. Trident submarines to an "Auschwitz," denounced uranium mining companies for hiring ("exploiting") American Indians and Australian aborigines, and asserted that the existence of U.S. defense forces and the NATO Alliance was "justifying further oppression against the peoples of Eastern Europe and in the USSR."

Richard Barnet, co-founder and "senior fellow" of the Institute for Policy Studies (IPS), a Washington-based internationally active revolutionary think-tank that has been called the "perfect intellectual front for Soviet activities which would be resisted if they were to originate openly from the KGB," supported the "nuclear moratorium" proposals being offered by the USSR.

Barnet termed the "nuclear freeze" "a negotiated hiatus" in nuclear arms deployment, although this would leave the USSR with 200 SS-20s armed with multiple warheads deployed against NATO countries. Barnet sought to present himself as a "moderate" saying that while he favored negotiated US/Soviet arms reductions, "I do not favor unilateral disarmament."

Cora Weiss said a key concrete goal was that the U.S. adopt a formal policy and make a public commitment never to be the first to use any form of nuclear weapons in a conflict. The themes were trust, detente and cooperation with the Soviet Union.

Curiously for a conference designed to instruct new recruits to the disarmament campaigns, old-fashioned "movement" paranoia was directed against some of the "new people" diligently taking notes during speeches and workshops, with Cora Weiss startling and bewildering the group by glaring at notetakers and snaping, "I see the CIA is present."

Many Riverside Church Disarmament Program speakers have been drawn from the IPS disarmament networks and have traveled to Europe to develop coordination between U.S. and European anti-NATO groups. Among these are Cora Weiss; Dick Barnet; SANE executive director David Cortright; IPS Disarmament Program head Michael Klare; Pete Scoville; and CDI director Gene LaRocque.

Smugly informing audience neophytes of his "importance" in the international disarmament campaign by noting he had just returned from participating in disarmament demonstrations in West Germany, Michael Klare warned against the U.S. "war build-up" and said that the Reagan Administration "is contemplating another Vietnam" in Central America.

Klare has taken an active role in the U.S. disarmament campaign and serves as a "resource person" for a variety of groups including the Castroite research organization, the North American Congress on Latin America (NACLA) that helped CIA-defector Philip Agee produce his first expose. The Information Digest of October 16, 1981, provided the following report on Klare's activities:

"On September 30, 1981, Michael T. Klare, a "fellow" of the Institute for Policy Studies (IPS) and director of the IPS Militarism and Disarmament Project, spoke to a public lunchtime seminar on his experiences as a reporter covering the NATO autumn military maneuvers. These were Reforger (Return of Forces to Germany) from the U.S.; Certain Encounter in Hesse, Federal Republic of Germany; and Display Determination, deploying from Naples, Italy.

"* * * Klare's contacts range from the North American Congress on Latin America (NACLA) through the Center for National Security Studies (CNSS) and its sister project, the Center for International Policy (CIP), to the War Resisters League (WRL), Mobilization for Survival (MFS) and the World Peace Council (WPC).

"According to both Klare and the Pentagon, he attended the maneuvers for The Nation, a weekly publication closely associated with IPS and which has consistently 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 small audience of his travels in the Hesse area of West Germany, his observations of amphibious landings in Sardinia, and the day-and-a-half spent aboard the carrier *Nimitz*. Klare did not discuss several other activities in which he was observed by other journalists covering the maneuvers including his visit to NATO headquarters in Brussels, his attendance at a luncheon with Dr.

Joseph Luns, or his monitoring a press conference given by General Bernard Rogers at SHAPE headquarters.

"* * * He assessed the morale and competence of U.S. troops as 'mixed' to 'fairly good;' but said nothing of the forces of other NATO members. He characterized the U.S. forces as over-dependent on the technological aspects of modern warfare.

"Klare implied that the simulated Soviet nerve gas attack was merely a ploy to dramatize 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 Soviets.'

"Although Klare acknowledged problems in the U.S Armed Forces regarding illiteracy, drugs and alcohol, he stated that unnamed '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 Hamburg for a day to attend a conference on the effects of nuclear weapons during the NATO maneuver period.

"This was not Klare's first experience in reporting on U.S. military maneuvers. In 1980, Klare was among the reporters and photographers covering the "Gallant Eagle" 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 (FNP) which stated in its 1976 financial report, "FNP was formed in 1975 to carry out 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 than most Americans can imagine. As one officer at Gallant Eagle said, 'I hope America knows what the hell it's getting into.'"

"Klare's article concluded with another quotation, this one from an unnamed, presumably American, colonel, that "I sure 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 ideas 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 may 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 when his book, 'War Without End: American Planning for the Next Vietnams.' [Alfred A. Knopf] was published in 1972. Prior to the publication of this volume, Klare has had articles published in the Nation, Commonweal and other journals.

"Subsequently, 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), Baader-Meinhof gang and Weather Underground Organization; Inquiry; The Progressive; The Bulletin of the Atomic Scientists; Race and Class, a publication of IPS's London subsidiary; The Nation; MERIP Reports, the publication of an IPS spin-off called the Middle East Research and Information Project which supports Middle Eastern pro-Soviet communist parties and terrorist movements attempting to destabilize such countries as Oman, Egypt, Morocco, Lebanon, Saudi Arabia, Iran and Israel; and the Latin America and Empire Report published by NACLA.

"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 NACLA 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 organization established by IPS which has been the major lobbyist in Congress for laws to abolish U.S. intelligence covert action operations and the use of human intelligence sources.

"This IPS/TNI newsletter also reported that Klare was a visiting fellow at CNSS's sister project, the Center for International Policy (CIP), and that he gave speeches on the U.S. arms exports and counter-insurgency programs at, among other places, the University of Havana.

"In 1977, based on interviews with Ernest Prokosh 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 Cessna aircraft to Rhodesia.

* * * * *

"At about this time, CNSS distributed as a "National Security Reprint" a pamphlet entitled "Exporting the Tools of Repression" that Klare had written while still a NACLA staffer with a Nancy Stein, a former member of the SDS Weatherman faction and veteran of the Venceremos Brigade journeys to Cuba.

"Klare's activist role in the militant peace movement was expressed plainly in his article, "Confront the Arms Merchants," published in WIN Magazine [10/5/78]. 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 bazaars 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 1976], the publication of the National Emergency Civil Liberties Committee (NECLC), an organization cited as a legal action and propaganda front of the Communist Party, U.S.A. (CPUSA), a full-page advertisement headed "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 1953 Annual Report of the House Committee on Un-American Activities [p. 56] 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 CPUSA activities.

While members of the audience wielded six-inch circular placards painted with the "ban the bomb" insignia of the British Campaign for Nuclear Disarmament (CND), Australian-born pediatrician Helen Caldicott, who recently gave up her Boston medical practice to devote full time to working for Physicians for Social Responsibility (PSR), described in breathless and glowing terms her recent visit to the Soviet Union with Rev. Coffin. In tones of awe and discovery, Caldicott announced, "The Russian people are the sons and daughters of God."

Caldicott commenced a catalogue of all possible ills—from mass extermination of all life to epidemics and starvation for survivors—that the disarmament movement believes would result from any use of any nuclear weapon, and asserted that U.S. nuclear weapons were "immoral."

National Conference of Catholic Bishops, November 16–21, 1981

One of a trio of themes adopted by the National Conference of Catholic Bishops meeting in Washington, DC, November 16–21, 1981, was full-fledged opposition to nuclear weapons. While this opposition was enuncuated by Archbishop John R. Roach, the lobbying for the anti-nuclear weapons position was managed by Pax Christi, which has had members participating in WPC disarmament activities, and the New York-based Intercommunity Center for Justice and Peace.

In the weeks that followed the Catholic bishops' statement, both the United Presbyterian Church and the American Baptist Church issued statements calling for "a freeze on nuclear weapons production." These U.S. religious initiatives are seen as providing valuable assistance to Patriarch Pimen of the Russian Orthodox Church who is sponsoring a religious peace conference in Moscow this summer that will include not only Christians, but also Buddhists, Hindus, Jews, and Moslems.

Plans also have been announced for a Christian Peace Conference in Uppsala, Sweden, in September or October 1982, at which Patriarch Pimen will be a major organizer with Archbishop Olaf Sundby of Stockholm.

Mobilization for Survival National Conference, December 4–6, 1981

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 on April 23, 1977, at a conference in Philadelphia attended by individuals associated with the Chicago Peace Council, Women Strike for Peace, WILPF, Institute for Policy Studies (IPS), American Friends

Service Committee (AFSC), Clergy and Laity Concerned (CALC), NACLA, 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 People's Coalition for Peace and Justice (PCPJ), emphasizing that with its "New Stockholm Appeal," the WPC, in cooperation with the International Confederation for Disarmament and Peace (ICDP) and Japan Council Against Atomic and Hydrogen Bombs were "working closely with nongovernmental organizations the world over to create the maximum impact on the United Nations Special Session on Disarmament in late May 1978."

The report revealed that Peck and his associate, Sid Lens, another veteran Chicago Peace Council activist who had also formerly been a leader of a Marxist-Leninist revolutionary party, had organized a meeting of leading "peace activists" in Boston during the 1976 Thanksgiving weekend. AFSC "national peace secretary" Ron Young, another WPC veteran, arranged for Peggy Duff, a leader of the ICDP and WPC activist, to come from Britain to address the Boston organizing group on the "historic importance" of the U.N. SSD. Additional MFS founding leaders included Michael Klare, Terry Provance, David McReynolds and Norma Becker.

Terry Provance has been a "peace movement" organizer for more than a decade. In the early 1970s, he was an organizer for the Harrisburg Defense Committee, the propaganda group organized to support Eqbal Ahmad of the Institute for Policy Studies, Daniel and Philip Berrigan, Elizabeth McAllister and their co-defendants charged with conspiracy to kidnap Secretary of State Kissinger. Afterwards, Provance worked with the defense committee for Daniel Ellsberg who stole and disseminated secret Defense Department documents that included clear texts of U.S. diplomatic cables transmitted in code and intelligence reports revealing the sources of information; and with a group formed following the appeals of the WPC's 5th Stockholm Conference, Medical Aid for Indochina (MAIC), that sent material aid to the communist forces in Vietnam.

Apparently having proved his organizational skills and ideological dedication, Provance was made director of the American Friends Service Committee's "National Peace Campaign—Stop the B-1 Bomber" in 1973. As a leading "peace activist" and "fighter for peace," Provance's statements began to figure prominently in articles in the CPUSA press that urged U.S. disarmament, dismantling of NATO, and expanding "political detente" to "military detente." In conducting the "Stop the B-1 Bomber" campaign, Provance worked closely with the Coalition for a New Foreign and Military Policy (CNFMP), which was founded as the Coalition to Stop Funding the War, the lobbying arm of the anti-Vietnam coalitions.

In September 1976, Provance was a member of the U.S. delegation to the WPC's "World Conference to End the Arms Race, for Disarmament and Detente" in Helsinki which was discussed earlier. Once the B-1 bomber program was killed by President Carter, Provance became the AFSC's disarmament coordinator.

Provance's WPC activities have continued and include his participation with his "friend," East German Peace Council chief Walter Rumpel and Dutch Communist party activist Nico Schouten in an October 30, 1979, Washington, D.C. rally and demonstration; and his sponsoring the November 1979 formation of the U.S. Peace Council in 1979 at which he led a workshop, "New Weapons," with James Jackson, a member of the CPUSA Political Committee and the WPC Presidential Committee, and Rev. William Hogan of the Chicago Peace Council and Clergy and Laity Concerned (CALC).

Provance, as co-convenor of the Mobilization for Survival International 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-NATO 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 organized a demonstration that attracted some 15,000 activists in Bonn on April 4, 1981, to protest the meeting of the NATO Nuclear Planning Group addressed by U.S. Defense Secretary Weinberger.

"The demonstration brought into sharp focus the collaboration between leaders of the U.S. Mobilization for Survival (MFS) and the communist-dominated anti-NATO "peace movement" in the Federal Republic of Germany, with the connecting link apparently both the international Soviet-controlled communist fronts led by the World Peace Council (WPC) and the international anti-nuclear power groups coordinated through the Amsterdam-based World Information Service on Energy (WISE) and associated in varying degrees with the Institute for Policy Studies (IPS) and its Transnational Institute (TNI).

"Under the slogan, 'Gegen die atomare Bedrohung-Nein zu Atomraketen 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 missiles. Sit-ins were staged by several protest groups, but few arrests were reported. The particular target of the protests were U.S.-backed plans to strengthen NATO with modern Pershing II and cruise missiles.

"Following the demonstration, a rally was held. Among the featured speakers was Nino Pasti, a former Deputy Commander of NATO and Italian Army general who gained considerable notoriety some years ago when he resigned his commission and ran successfully for the Italian Senate on the Communist Party of Italy ticket. . . .

"Joining Pasti in addressing the rally were Prof. Karl Bechert and Terry Provance, coleader of the Mobilization for Survival (MFS) International Taskforce, director of the American Friends Service Committee (AFSC) Disarmament Program and organizer of WISE's U.S. network.

"The sponsors of the Bonn protest listed on leaflets circulated in Bonn showed the heavy penetration of the West German "peace movement" by Soviet-line communists working directly in the Deutsche Kommunistische Partei (DKP) and in fronts affiliated to the network of international Soviet fronts.

"Rally sponsors included the German Communist Party (DKP); the German Peace Union (DFU), the DKP-controlled WPC affiliate; the German Peace Society/United Military Service Resisters (DFG/VK), a joint front of the DKP and War Resisters League International; the Democratic Women's Initiative (DF), the DKP-controlled affiliate of the Women's International Democratic Federation (WIDF); the Socialist German Worker Youth (SDAJ), the DKP youth group; the Marxist Student Union-Spartakus (MSB-S), a hard-line Marxist-Leninist group formed by the ultra-orthodox communists formerly active in the German SDS (the Socialist German Student League); the DKP-dominated League of Persons Persecuted under the Nazi Regime/League of Anti-Fascists (VVN/BdA); and the Association of Democratic Lawyers (VDJ), the affiliate of the International Association of Democratic Lawyers (IADL).

"Additional sponsors of the rally included radical university student groups which in coalition control the student government of more than 25 of the 34 principal West German higher learning institutions; the environmentalist Green Party; Protestant and Catholic student groups; two revolutionary bookstores * * * and several divisions of the highly radicalized youth division of the ruling West German Social Democratic Party (SPD).

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 budget cuts, escalating racism and oppression of women, gay men and lesbians, and with more and more terrifying moves toward intervention (complete with nuclear ultimatums), it is clear that the Mobilization for Survival a vital link in building a united movement.

* * * * *

"Our strength as a coalition of national and local groups rests in our ability to develop strategies and help carry out projects that promote organizational, political and personal 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 reassembling of the Communist Party, U.S.A. dominated anti-Vietnam coalitions which operated in collaboration with the World Peace Council during the years 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 fronts, the U.S. Peace Council (USPC), Women for Racial and Economic Equality (WREE), and the Southern Organizing Committee for Racial and Economic Justice (SOCESJ) founded and led by Anne Braden, 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 Laity Concerned (CALC); Fellowship of Reconciliation (FOR); Gray Panthers; National Assembly of Women Religious (NAR); New American Movement (NAM); People's Alliance [Coalition for a People's Alternative]; War Resisters League (WRL); two groups thoroughly penetrated by CPUSA activists, 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 "peace activists" from WILPF and similar groups. As previously noted, leaders of AFSC, CALC, FOR, WILPF and WSP have been participating in World Peace Council activities since the anti-Vietnam campaigns of the late 1960s.

Rev. Bob Moore, a member of the MFS national staff for three and a half years who is now organizing in Wisconsin, opened his keynote address by dedicating his remarks to the disarmament saboteurs, the "GE-5."

It should be noted that the "GE-5"—William Hartman, Janice Hill, Roger Ludwig, Robert M. Smith and Thelma Stroudt—are members of the Brandywine Peace Community of Media, Pennsylvania, who on October 29, 1981, entered the Philadelphia headquarters 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 trespass (felonies), and criminal mischief, a misdemeanor.

The group demanded GE end production of Mark-12A warheads for Minuteman III and MX missiles, continuing the action of the Berrigan brothers and other members of the "Plowshares 8" convicted on felony charges early in 1981 for their illegal entry and destruction of property at the GE Reentry Division plant in suburban King-of-Prussia, PA.

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. He called on MFS activists to 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 postures the U.S. government will take into the SSD-II.

A number of international guests and observers were present, and were introduced in an offhand manner. A Japanese peace delegation was headed by Von Gyoton N. Sato, who was highly active in workshops and strategy caucuses for the SSD-II. However, his associate and a woman interpreter were not even introduced by name to the MFS convention. Also introduced briefly was a man identified as "a leader in the AICD, the primary peace group in Australia," who was not seen again in the MFS plenaries.

Moore's remarks were followed by entertainment which featured folksinger Judy Gorman-Jacobs who offered samples of her original lyrics containing assorted anti-Reagan sentiments like "If silence were golden, Ronnie, you couldn't earn a dime."

Leslie Cagan, the MFS staff organizer in Boston, opened the Saturday morning proceedings with a pep talk explaining the purpose of the MFS which revealed that it was to serve as a basis for de facto party-building. But, said Cagan, at present it was "expedient to be a coalition" because it "makes it easier to call out more people to demonstrate."

Cagan said that the members of the MFS coalition 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 necessarily of large numbers of people, but rather with a wide "diversity of composition" with Native Americans, blacks and other minority groups), and working for "changes in the basic structures 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 questions 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 of what form she thought the utopia would take.

The agenda 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.

Draft.—Bob Brown, Matt Meyers.

Energy Strategies and Nuclear Power.—John Rosenstock, Abalone Alliance; Linda Lotz.

U.S. Foreign Policy and Imperialism.—Holly Sklar.

Repression.—Jim Coben, Campaign for Political Rights (CPR) field organizer.

The [Save the] Heartland Proposal.—Scott Meyers, National Committee to Support the Marion Brothers.

National People's Congress.—Arthur Mitchell, Gray Panthers (NPC coordinator).

Meeting Human Needs.—Hon. Mel King, Massachusetts State Legislature, a veteran WPC and USPC activist.

Corporate and Military Development in Wisconsin.—Leslie Byster, John Stauber.

The Spector of the "Soviet Threat".—Sidney Lens, MFS co-founder, veteran WPC activist.

Afternoon proceedings opened speeches by folksinger 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 USPC, gave a militant speech, 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 MFS 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 talk shows and speak to U.S. groups so that Americans "understand the ravages of war and that the people of these countries do not want war."

Strategy sessions followed to develop tactics on the major MFS projects—the Special Session on Disarmament, Nuclear Freeze Campaign, Jobs with Peace, the Draft, Energy Strategies and Nuclear Power, Repression, U.S. Foreign Policy and Imperialism, the Heartland Proposal, National People's Congress, Meeting Human Needs, and Political Organizing through Culture.

As expected after the major fall organizing meetings that had set up the Campaign for the Second Special Session on Disarmament in association with the MFS, SSD-II will be the major focus of MFS activity during the first half of 1982.

Petitions, lobbying of Senators and Congressmen through visits to their local offices and letter writing campaigns are to begin at the New Year. The purpose, said MFS leaders, is to generate sufficient pressure to force President Reagan to attend the U.N. SSD, and to affect the composition and instructions of the U.S. delegation to the SSD.

Regarding the Presidentially appointed U.S. delegation to the SSD-II, MFS will demand that "responsible" [prodisarmament] 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 development is impossible as long as funds are being spent on arms."

A tentative calendar of SSD-II events was offered:

May 28-30—"Choose Life" Weekend.

June 4-6—International symposium on "Nuclear Weapons: A Crime Against Humanity."

June 7—Convergence of the World Peace March, "an interfaith project initiated by the Nipponzan Myohoji Buddhist monks," coordinated by the MFS Religious Task Force.

June 8-9—Briefing Assembly or rally with cultural events.

June 10-11—International Interreligious Convocation coordinated by the MFS Religious Task Force; submission of petitions.

June 12—Mass Demonstration, civil disobedience ("the greatest ever.")

The Nuclear Freeze Campaign initiated and coordinated by the AFSC and FOR will hold a national organizing conference in Denver in February 1982. The MFS activists were informed that the Freeze campaign is directed by "international leaders" in a general decision-making committee of 40 people and that there is an "emergency decision" group of 7. The project leaders did not name them to the MFS participants.

Nuclear Freeze leaders including Dan Ebner of FOR 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. Ebner emphasized that "Freeze is only the first step toward total disarmament, and it's only to be used as a tool towards that end."

Noting that a multitude of coalitions have been formed since MFS appeared in 1977, and with many MFS members raising criticisms of the heavy-handed domination of the People's Anti-War Mobilization (PAM) and its All-People's Congress (APC) by the Workers World Party (WWP), a militant Marxist-Leninist cadre that split away from Trotskyism early in the 1960s and has aligned itself with the pro-Soviet regimes in North Korea, Cuba, Ethiopia and Angola, MFS decided to continue support for the New York based National People's Congress.

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 Washington, DC, April 17-25, 1982.

Among the NPC's supporting organizations are Women Strike for Peace (WSP), Women's International League for Peace and Freedom (WILPF), SHAD Alliance, Riverside Church Disarmament Program, New York Anti-Klan Network, New Alliance Party, National Conference of Black Lawyers (NCBL), the CPUSA-controlled National Coalition for Economic Justice (NCEJ), National Anti-Racist Organizing Committee (NAROC), Interreligious Foundation for Community Organization (IFCO), Gray Panthers, Democrats for New Politics, Coalition for a People's Alternative (CPA), Citizens Party, the Coalition Against Registration and the Draft (CARD), and American Indian Movement (AIM).

The NPC asked MFS to coordinate the election of "people's candidates" to its Washington meeting, provide ideas for drafts of legislation which would be introduced by Rep. John Conyers [D-MI], and to work out details of sending a group to Moscow to work out with "representatives of the Soviet people" a "People's Disarmament Treaty" which would be ratified at the April "People's Congress."

In discussion it was noted that a caucus formed by representatives of a number of groups close to the WPC and CPUSA including the Puerto Rican Socialist Party (PSP), USPC, WRL, CPA, MFS, NAROC, SANE and the Progressive Student Network (PSN) had failed in efforts to wrest control of the PAM from the WWP. According to MFS organizers, on September 12, 1981, 90 representatives of this caucus met in New York and formed the Ad Hoc Coalition Against Reagan's Policy (ACARP) which was considering calling for a mass mobilization this spring in competition with demonstrations 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 repeatedly made the point that the SSD-II would be an opportunity for gaining the maximum amount of media coverage through which the U.S. public could be "sensitized" to the disarmament campaign.

Wearing, perhaps symbolicly, a bright red shirt, Mayer said that outside of SSD-II organizing, the major MFS emphasis would be on the "Nuclear Free Heartland" campaign. Discussion included a note that SANE and the National Campaign to Stop the MX were already gearing up to block deployment of MX in refurbished Minuteman silos. Other aspects of this campaign will involve supporting efforts to defeat Rep. John Ashbrook [R-OH] who is planning to run against Sen. Howard Metzenbaum and demonstrations 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 military corporations in the world, General Dynamics and McDonnell Douglas, plus Monsanto, Emerson Electric and branches of IBM, Rockwell, Sperry and Honeywell; 1 of 7 jobs in St. Louis depends on military spending."

A major focus of demonstrations will be the Strategic Air Command (SAC) headquarters in Omaha; Whiteman Air Force Base in Missouri at which Minuteman missiles are based; the Bendix nuclear weapons facility in Kansas City; Honeywell's Minnesota facilities; and the submarine communications system Project ELF in Michigan and Wisconsin.

The Heartland project's additional focus on "political repression" as represented by the Marion federal prison in Illinois has brought into the MFS's programs groups closely associated with the terrorist Weather Underground Organization and its overt arm, the Prairie Fire Organizing Committee (PFOC),

Praising Puerto Rican terrorist Raphael Candel Miranda, American Indian Movement (AIM) activist Leonard Peltier (convicted of the ambush murders of two FBI agents), and Republic of New Africa (RNA) leader Imari 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 jailing "testifies to Marion's key place in the government's attempt to take away our rights and freedoms."

PFOC members attended the MFS conference and distributed their theoretical journal, Breakthrough, and literature of the terrorist FALN's "overt arm," the Movimiento de Liberacion Nacional (MLN).

While WUO/PFOC members lobbied MFS conference participants in support of terrorist violence, and while key MFS leaders praised sabotage against nuclear-related installations as "direct action" and "civil disobedience," organizers from the Campaign for Political Rights (CPR), formerly the Campaign to Stop Government Spying, were active in MFS workshops and at literature tables warning anti-nuclear activists to take "security precautions" against "bugs, taps and infiltrators."

However, several MFS conference participants from proabortion "reproductive rights" groups were heard to comment that as far as they were concerned, MFS's real "infiltrator" problems are certain Catholic and other religious activists who oppose nuclear power and nuclear weapons as an aspect of their "right to 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 Gang;" a CDI film called "War Without Winners," and a film in support of the Puerto Rican revolutionary movement.

Among the groups with members participating in the NFS 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 (CALC); Coalition for Nuclear Disarmament (CND); Coalition for a New Foreign and Military Policy (CNFMP); Fellowship of Reconciliation (FOR); Friends of the Earth (FOE); Gray Panthers; Greenpeace, Great Lakes (Chicago) chapter; National People's Congress (NPC); New American Movement (NAM); New Movement in Solidarity with Puerto Rican Independence (a front of the WUO/PFOC); Nuclear Information and Resource Service (NIRS).

Also Pax Christi; People's Anti-War Mobilization (PAM); Prairie Fire Organizing Committee (PFOC); SANE; Sierra Club; Socialist Party (SP); Socialist Workers Party (SWP); U.S. Peace Council (USPC); War Resisters League (WRL); WIN 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 international podium for the Soviet-directed disarmament offensive during the first half of this year.

The first Special Session on Disarmament (SSD-I), held in May 1978, was little noticed either by 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 establish 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, "observer" delegations from non-U.N. members and from U.N.-backed "national liberation" movements, representatives from a variety of U.N. agencies and intergovernmental 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 responsible for coordination of the demonstrations targeted on SSD-II that are designed to affect public opinion in America and Western Europe, and it is the WPC, which holds the vice-presidency of the U.N. NGO organization, 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 with the WPC and was a co-founder 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 Sean MacBride, the Lenin Peace Prize winner who is a vice-president of the Moscow-based Continuing Liaison Committee of the World Congress of Peace Forces.

At this time a 78-nation Preparatory Committee chaired by Ambassador Oluyemi Adeniji of Nigeria has drawn up a 14-point agenda which includes discussion of a "World Disarmament Campaign" and a "World Disarmament Conference." Prior to SSD's convening, the Preparatory Committee 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 associated with the World Peace Council (WPC) and its U.S. affiliate, the U.S. Peace Council (USPC), are developing their organizing plans that will culminate with a mass rally 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 workshop projected massive activities by peace forces in support of the United Nations Special Session on Disarmament to be held next June.

" 'There is need to impose pressure on Washington to return to policies of detente,' it was emphasized."

The WPC reported that the USPC was making progress with programs including

the Jobs for Peace Campaign, the California Statewide Peace Electoral Action Campaign (SPEAC), and "in collecting signatures on petitions for a nuclear freeze."

It will be recalled that WPC president Romesh Chandra attended the USPC conference. During his New York visit Chandra met with leaders of the Communist Party, U.S.A. (CPUSA), assorted U.S. "peace activists," and high-level U.N. officials. The WPC delegation met with the President of the U.N. General Assembly, Ambassador Issmat Kittani; U.N. Secretary General Kurt Waldheim; the Chairman of the U.N. Special Committee Against Apartheid, Ambassador Alhaji Yusuf Maitama-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 SSD–II, the WPC reported:

"The preparations for the Special Second Session of the United Nations on Disarmament * * * were of special interest to the delegation. Meetings were held with Mr. Csillag, officer responsible for the SSD II preparatory committee and Mr. Martenson of the U.N. Disarmament Centre, as well as with Mr. Virginia Saurweim [sic], NGO officer. Discussions centered around the preparations for the SSD II, the role of the non-governmental organizations and the contribution of the World Peace Council."

Serving as a highly visible "asset" to the WPC and USPC efforts to, in the words of the Peace Courier, "involve all the nationally and racially oppressed in the peace movement" is Rep. Gus Savage [D–IL]. Rep. Savage was formerly the editor and publisher of a black community newspaper in Chicago and was an active member of the National Newspaper Publishers Association (NNPA) led by Carlton Goodlet, 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 protested U.S. and NATO plans to deploy Pershing II and cruise missiles in Europe. The main organizers of the march were the Portuguese Communist Party and the Communist-controlled trade unions with the local WPC affiliate. The Portuguese Socialist Party refused to participate and publicly denounced the march as merely a "reflection of the diplomatic and military logic of the Soviet bloc."

When asked about his involvement in the march at a press conference, Rep. Savage was quoted as saying, "I'm more concerned with the concrete objectives of the march than with who supports it."

Rep. Savage's constituent newsletter, dated December 1981 but mailed in January 1982, reported:

"The World Peace Council, the largest non-governmental peace organization in the world, has invited Congressman Gus Savage to address the 35th annual meeting of the Council's Bureau in Copenhagen, Jan. 6–8 [1982].

"The invitation came personally from Romesh Chandra, president of the Council, in New York City on Nov. 14, to be the keynote speaker for the Second National Conference of the U.S. Peace Council. * * *

"The invitation was extended by Chandra because he was impressed with Savage's oratory and his fight against neo-colonialism. While in Congress less than one year, battles for peace, justice, and programs that benefit school children, college students, the elderly and the handicapped have been his major concern.

"In Copenhagen, Savage addressed the 30-member Bureau of the World Peace Council and members of its Presidential Committee both of which consist of members of parliaments and leaders of peace movements, trade unions and political parties.

"The Bureau is the executive branch of the Council. The Presidential Committee, a larger body, consists of 120 members. It is known as The Presidium in Europe.

"An invitation was also received to address this group as part of a dialogue on what the Council perceives as a new danger of war based on the arms buildup of major world powers.

"The World Peace Council has national movements in 130 countries. It has an ongoing relationship with the United Nations in that the UN has a subdivision comprised of non-governmental organizations. The vice-presidency of this body is held by the World Peace Council.

"A series of other meetings will be held in Copenhagen in addition to the Bureau's three-day session. Among these will be a meeting of 20 retired generals of the North Atlantic Treaty Organization, and meetings of Danish political parties and trade unions."

According to a Portuguese intelligence source, the Soviet Peace Committee delegation was denied entry visas to participate in the demonstration.

On January 22, 1982, the Portuguese government declared persona non grata two Soviet "diplomats" from the USSR's Lisbon Embassy, press attache Yuri A. Babaints and attache Mikhail M. Morozov, for "engaging in activities which exceed their diplomatic status" involving the anti-NATO demonstrations.

U.S. SSD–II Preparations

While many U.S. disarmament groups will hold "building actions" to gain support for the June 12th mass demonstration in New York, the group most advanced in its plans is the U.S. section of the Women's International League for Peace and Freedom (WILPF). Formed by pacifist socialists opposed to World War I and rearmament, WILPF has been a target for penetration by pro-Soviet "peace activists" and has moved away from genuine pacifism and into support for revolutionary "national liberation movements" utilizing terrorism and "armed struggle."

WILPF's disarmament campaign coordinator is Kay Camp, who is also a co-convenor of the Mobilization for Survival's (MFS) International Task Force. A former U.S. and international WILPF president, Camp has been involved with WPC activities for many years. WILPF's international headquarters are in Geneva, Switzerland. WILPF's longtime secretary general is Edith Ballentyne and the current international president is Carol Pendell of the U.S.

WILPF for many years has been thoroughly penetrated by members and supporters of the Moscow-line Communist Party, U.S.A. (CPUSA) and partisan radicals who look to various Soviet-backed terrorist "national liberation movements" as models of a future revolutionary utopia. WILPF works intimately with two major Soviet-controlled international fronts, the World Peace Council (WPC) and the Women's International Democratic Federation (WIDF). WILPF was recently reported to have been awarded a seat on the WPC Presidential Committee.

For the past twenty years, WILPF has been participating in guided tours of the USSR and holding direct meetings with the Soviet Women's Committee; thus it was less than surprising that WILPF is urging its members to participate in a "mis-accuracy in media" campaign. Whenever WILPF members see a newspaper article reference to Soviet aggression or the Soviet military build-up, WILPF members have been instructed to call the reporter and editor, politely explain that "Soviet threat" concepts are examples of "biased thinking," and ask for "corrective" action.

On March 8, International Women's Day, WILPF will commence its "Stop the Arms Race" (STAR) campaign, using a slogan common to both the WPC and MFS, using Madison Avenue-style publicity, STAR will seek to generate public support and interest for the goals of SSD–II. In the STAR campaign, WILPF will utilize both national and local media. At present, material for use as "public service messages" on radio, television and in newspapers is being prepared.

Other groups are not so well organized. The Mobilization for Survival (MFS), for example, has only in mid-January commenced a serious fund raising campaign using a newly-formed tax-deductible group, the Survival Education Fund (SEF), and a shrill letter signed by Dr. Benjamin Spock seeking both money and signatures for the "People's Petition Campaign to Ban the Neutron Bomb."

It is noted that MFS and Dr. Spock apparently are the first to launch a "people's petition" campaign following the U.N. General Assembly's recent adoption of a resolution supporting such petition drives offered by those bastions of independent democratic government, Bulgaria and Mongolia. According to Disarmament Times, [Vol. 4, No. 6], the petition campaigns "will give every person, however humble, a chance to get into the disarmament action."

An inhibiting factor against the Soviet "peace" offensive has resulted from President Reagan's statement that "the World Peace Council is * * * bought and paid for by the Soviet Union," which brought in response a letter from Homer Jack, secretary-general of the World Conference on Religion and Peace, published in the New York Times [January 30, 1982] concurring that "the World Peace Council has for more than 30 years faithfully transmitted Soviet foreign policy."

Organizing by some 150 U.S. activists to focus attention on the U.N. Second Special Session on Disarmament (SSD–II) continues to escalate and includes planning for events that range from a religious convocation through a peace march and assembly to civil disobedience.

June 12 Disarmament Coalition

Nearly 300 disarmament activists representing 90 groups met in New York, January 29–30, 1982, to plan for two weeks of disarmament activities that will "officially" conclude on June 12 with a peace march and rally. Two days later, an "unofficial" action including civil disobedience will take place with "peace delegations" attempting to disrupt the U.S. Mission to the United Nations and possibly the U.N. missions of the other nuclear powers. Organizers of this June 14 event are hoping that many of the delegates to SSD–II will be involved in the civil disobedience.

The meeting was called by the Campaign for the Special Session on Disarmament (CSSD) which was formed last October in conjunction with the Mobilization for Survival. However, CSSD leaders have made a tactical decision not to involve MFS organizationally with "civil disobedience" lawbreaking. CSSD moved out of the New York MFS offices on St. Marks Place and is now just off Union Square at 853 Broadway, Room 2109, New York, NY 10003.

(NOTE.—It will be recalled that prior to disruptions and civil disobedience at the Washington Mayday 1971 demonstrations, the ultra-militant groups in the People's Coalition for Peace and Justice withdrew, with the blessing of PCPJ leaders, into a separate entity, the Mayday Collective. This tactic was to enable the leaders of "respectable" disarmament groups to create an illusion of separation between themselves and the militants.)

At this meeting, the CSSD was reorganized into the June 12th Disarmament Coalition (J-12 DC) whose members include the Communist Party, U.S.A. (CPUSA); War Resisters League (WRL); American Friends Service Committee (AFSC); Nuclear Freeze Campaign; Fellowship of Reconciliation (FOR); Women Strike for Peace (WSP); Women's International League for Peace and Freedom (WILPF); Riverside Church Disarmament Campaign; Workers World Party (WWP); Greenpeace; National Black United Front (NBUF); All African People's Revolutionary Party (AAPRP); National Black Independent Political Party (NBIPP); MFS and other groups. The principal J-12 CD organizers are Leslie Cagan and Bruce Cronin.

The meeting accepted proposals that the two main themes of the SSD-II demonstrations will be to reverse and freeze the nuclear arms race and redirect resources from defense spending to "fund human needs." Other demands, made by backers of Third World support groups, will be discussed at a February 17 meeting in Philadelphia.

A dispute developed during the conference as to how much blame for the "arms race" should be assigned to the Soviet Union. Moderates urged both "superpowers" be blamed equally. Acting as a "left stalking house," the CPUSA caucus urged no criticisms of the Soviet Union. Thus a "compromise" consensus was adopted which focused on the "guilt" of the U.S., stating "As people of the U.S., our primary responsibility is to work for the reversal of U.S. nuclear arms policy."

The Marxist-Leninist and "anti-imperialist" groups present won their demand that the disarmament demonstration offer support for Third World revolutionary movements and terrorist groups by demanding an end to "U.S. intervention."

As a concession to keeping public attention focused on disarmament, this was considered already covered by the "Stop the Arms Race" theme.

European Involvement

To assist in organizing for SSD-II, AFSC and CALC are co-sponsoring a U.S. tour by 9 Western European disarmament activists. With a $49,600 price tag, and a $5,000 planning grant from the New World Foundation, the tour will finance the Western European activists who will work in pairs or small groups visiting 39 U.S. cities between March 20 and April 4, 1982. Their agenda will include meetings with local peace activists, the academic and religious communities and the media, and speaking at public meetings. In some cities where local organizers already have a campus project underway, separate meetings may be held with students.

Those making the tour are to include:

Rev. Enrico Chiavacci (Italy), a member of Pax Christi; leader of Pax Christi Italia; and Professor of Social Ethics at the Theological Institute of Florence.

Rev. Volkmar Delle (West Germany), "one of the principal organizers of the Bonn disarmament rally attended by over 250,000 in October 1981," director of Action/Reconciliation "which was founded in 1955 to do service in countries most affected by Nazism—Israel, Poland, France, U.S.A., etc.;" minister in the Protestant Episcopal Church.

Rev. Laurens Hogebrink (Holland), Executive Board Member, Dutch Interchurch Peace council (IKV); member of the staff of the Department of Church and Society of the Netherlands Reformed Church since 1969; "played a major role in organizing the November 1981 Amsterdam disarmament rally attended by 300,000. He supports efforts by individual countries to become nuclear weapon-free, regarding the denuclearization of Europe as a significant first step to world disarmament."

Petra Karin Kelly (West Germany), chairperson, Green Party; "active for the past ten years in Europe's anti-nuclear/anti-war and feminist movements."

Msgr. Bruce Kent (Great Britain), "General Secretary of the Campaign for Nuclear Disarmament (CND), ex-chairperson of War on Want; previously CND's Chairperson for three years. * * * CND was one of the sponsors of the London disarmament rally in October 1981 attended by 250,000, and calls for unilateral nuclear disarmament as an initial goal. Msgr. Kent has been chaplain to London University, a fulltime worker for Pax Christi * * *."

Toni Liversage (Denmark), "one of the founders of 'No to Nuclear Weapons;' participated in the Easter marches of the early 60's, which opposed atmospheric nuclear testing; an organizer of the Copenhagen to Paris peace march in the spring of 1981 * * *, author and active feminist."

Joan Ruddock (Great Britain), "chairperson of the Campaign for Nuclear Disarmament (CND), * * * a co-founder of the Newbury Campaign against Cruise Missiles, * * * active in the women's movement and at all levels of Labour Party politics since 1970."

Sienie Strikwerda (Holland), "former chairperson of the Christian Women's Organization of the Netherlands; active in Holland's Women for Peace and Women Against Nuclear Weapons, groups which helped to organize the disarmament rally of 350,000 in Amsterdam in November 1981 * * * on the board of * * * the Dutch Broadcasting Company."

Rev. Andreas Zumach (West Germany), "principal organizer for Action/Reconciliation (A/R); responsible for * * * their relations with peace movements in other countries. Rev. Zumach was an A/R volunteer in the U.S. from 1973 to 1975, with both the Disciplies of Christ and the United Farm Workers. Presently a full-time A/R staff person, Rev. Zumach was one of the coordinators of the Bonn disarmament rally in October 1981, attended by over 250,000."

The upcoming CALC/AFSC sponsored event is seen as an extension of the European tour they co-sponsored in November 1981.

The AFSC organizers responsible for coordinating the tour are Linda Bullard and Terry Provance. CALC's coordinators of the tour are Diane Becker and Currie Burris.

Among the organization building towards SSD-II is Ground Zero (GZ), with offices at 806 15th Street, Suite 421, Washington, D.C. 20005 [202/638-7402]. Organized early in 1981 by "a small bipartisan group of individuals concerned with the lack of a national consensus and direction on nuclear war and believed that a program of public education * * * was a matter of the utmost priority," GZ's endorsers include Physicians for Social Responsibility (PSR), Business Executives Move for New National Priorities (BEM), National Council of Churches (NCC), Arms Control Association (ACA), and Council for a Liveable World. GZ lists among its individual endorsers former CIA Director William Colby.

With a staff of 13 including 5 regional coordinators, GZ's director is Dr. Roger Molander, a 7-year member of the National Security Council under the Nixon, Ford and Carter Administrations; deputy director is Dr. Earl Molander. GZ is promoting "Ground Zero Week" from April 18-25, as a "time for all of us to learn more about nuclear war."

GZ literature says the question is not who is to blame for the arms race, "the question is how do we get ourselves out?"

While insisting that it is merely educational and does not suggest any solutions for ending the arms race, GZ spokesmen admit that "If you understand what nuclear war is about, you're peace oriented."

CONCLUSION

From analysis of the material used to produce this report, it is apparent that the Soviet Union, through the World Peace Council and other organizations under Soviet control, is conducting a major "covert action" 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 revolutionary and terrorist movements backed by the USSR, its satellites and client states and which they and the WPC call "national liberation movements."

Furthermore, as in the 1960s and 1970s, efforts are being made by WPC-related U.S. groups to generate support for these various causes that further Soviet policy goals among the economically and socially disadvantaged, suggesting that "militarism," "interventionsim" 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 seeking to exploit any and all sentiments against U.S. policies and direct them into the disarmament campaign.

As the chief of the Soviet disarmament offensive recently remarked, the European response to the disarmament campaign has been "unprecedented." This appears 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 general public about the security implications of Soviet "peace" proposals, the

decade of "detente" policies in which Western political leaders and public opinion makers emphasized appeasement of the USSR to the virtual exclusion of security issues, traditional European anti-Americanism, fear of the USSR leading to appeasement sentiment, and a lack of initiative, planning and effective public outreach for many years on the part of NATO governments.

The engine driving the movement is a massive Soviet "covert action" apparatus which includes the use of influential Western "assets" developed by the Soviet KGB and GRU intelligence services, and manipulation of public opinion through the activities of the network of international front groups and local communist parties.

In Europe, evidence clearly indicates direct covert Soviet assistance to the disarmament campaign against NATO in terms of financing, theme content and logistical assistance. In the U.S., known Soviet involvement in the disarmament campaign ranges from the activities of key Soviet officials like Yury Kapralov through the flow of delegations of WPC activists who often use identifications other than the WPC to strong Soviet surrogate and client assistance to U.S. groups carrying out propaganda and agitational activities.

The anti-Vietnam movement of the 1960s was able to use the military draft as an issue to attract considerable support from college students (some of whom, fifteen years later, remain active dissidents and sympathizers). The 1981-82 disarmament drive is focusing on utilization of currents among the religious community's supporters of "liberation theology" including "Christian socialism" and utopian pacifism to recruit religious leaders, religious organizations and congregations into the disarmament campaign where they can provide the numbers at demonstrations to influence public opinion and U.S. policy.

The presently available evidence indicates that in preparation for a major demonstration on June 12 at the U.N. Special Session on Disarmament in New York, there will be a massive media campaign aimed at disseminating disinformation and at publicizing the goals of disarmament activists. Activities preliminary to the SSD demonstration will include mass propaganda mailings, political pressure campaigns related to the 1982 primaries, local "building" demonstrations, a convocation of religious leaders, seminars for academics, etc.

Civil disobedience actions targeting nuclear weapons facilities are being planned, as are "peace delegations" to the U.N. missions of nuclear powers that will also involve civil disobedience.

Available evidence indicates that the organizational effort being made for these various activities is adequate and effective. While in mid-February there are no indications of any great popular support for these demonstrations, a leader of the disarmament movement has estimated that at least 150 organizers are working full-time on SSD-II activities.

Information developed indicates that it is the aim of the organizations providing leadership to the U.S. disarmament campaign to coalesce the various constituency groups by the early summer of 1982 in order to more readily coordinate their activities with the WPC-led European "peace" movement for the massive support of Soviet initiatives at SSD-II.

The PRESIDING OFFICER (Mr. QUAYLE). Does the Senator yield back the remainder of his time?

Mr. BUMPERS. Yes.

Mr. MOYNIHAN. Mr. President, I ask the distinguished Senator if the yeas and nays would still be necessary.

The PRESIDING OFFICER. The yeas and nays have been ordered on the motion to reconsider.

Mr. BAKER. Mr. President, since the Senator will not insist on the yeas and nays, I ask unanimous consent that the order for the yeas and nays be vitiated.

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

Mr. MOYNIHAN. Mr. President, I move to lay on the table the motion to reconsider.

The motion was agreed to.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I send an unprinted amendment to the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ROBERT C. BYRD. Mr. President, I hope the Senator will not take umbrage, but the Senator from Nebraska has clearly asked to be recognized. I hope we will go by the rules and recognize a Senator who first asks to be recognized. I hope there is no pecking order at the desk.

The PRESIDING OFFICER. The Chair informs the distinguished Democratic leader that he was going by whom he had heard first.

Mr. EXON. Mr. President, it is impossible for the Senator from Nebraska to hear anything that is going on in the Senate. That makes it most difficult to discharge my duty.

The PRESIDING OFFICER. The Senate will be in order. Will the Senate be in order? Senators standing in the aisle conversing will please take seats or retire from the Chamber.

Is there an objection to setting aside the committee amendments?

Mr. EXON. Mr. President, reserving the right to object——

Mr. HATFIELD. Mr. President, there is no requirement for unanimous consent to set aside committee amendments. 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, the Senator from Oregon is correct. The previous order was entered to that effect. Otherwise, the Parliamentarian would have been correct.

Mr. HATFIELD. We have agreed to set aside the committee amendments 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. 1324

(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 a little idea of when he could be expected to have his amendment called up. 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 Presiding Officer, he will recognize the Senator 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. DODD, 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, 'Annual Contributions for Assisted Housing (Recession)', in the Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216), shall remain available for obligation 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*, that none of the amounts available for obligation in accordance with the foregoing shall be subject to the provisions of section 5(c)(2) and (3) and the fourth sentence of section 5(c)(1) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), and section 213(d) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 1439)."

The PRESIDING OFFICER. There will be order in the Senate, whether Senators like it 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 FAF, an additional 3 months. A FAF is merely an adjustment intended to make up for the difference in interst rates and rental housing costs from the time the units were actually authorized by Congress and the present.

This adjustment was made without any additional appropriation, when Congress redirected some fiscal year 1982, section 8, housing funds into clearing out 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 by all budget accounts. It has been appropriated through fiscal year 1982 and is already obligated into contract authority.

Due to administrative 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 and in some cases already issued bonds for the mortgage, to extend this FAF 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 GARN as well as the ranking minority member of the subcommittee, Senator HUDDLESTON 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 we can, at no additional cost, adhere to our commitment to housing the people of our Nation.

Mr. HUDDLESTON. 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. D'AMATO) extending the construction deadline for financing adjustment factor (FAF)-eligible housing projects from October 1, 1982, to January 1, 1983.

There was a comparable provision in the Senate version of H.R. 6956, 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 amendments for section 8 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 FAF and cost amendments were to be under construction by October 1, 1982. Unfortunately, the urgent supplemental bill did not become law until July 18, and the FAF provisions had to be further clarified in the regular supplemental appropriations bill (H.R. 6863—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 FAF 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. HUDDLESTON, Mr. RANDOLPH, Mr. BENTSEN, Mr. NUNN, Mr. EAGLETON, Mr. ZORINSKY, Mr. WARNER, Mr. SARBANES, Mr. TOWER, Mr. HUMPHREY, Mr. DECONCINI, Mr. SASSER, Mr. PELL, Mr. BAUCUS, Mr. FORD, Mr. NICKLES, and Mr.

HOLLINGS, proposes an unprinted amendment numbered 1325.

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. Notwithstanding section 5(b)(2) 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; and

(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.

The present occupant of 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 vitally 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 shall 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 offered, which have really nothing to do with the continuing resolution, my amendment deals specifically with section 137 of the continuing resolution.

To 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, nor does 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, the impact 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, impact aid makes up a sizable percentage 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 federally connected students, including both A and B categories. For those districts which have less than 20 percent impaction, our amendment provides for 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 of 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 moneys, or 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 members of 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, without adoption of our amendment, I believe it is entirely possible, if not likely, that the Office of Management and Budget will direct the Department of Education to make as few preliminary payments as possible, igniting 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 75 percent of their 1982 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 measures. 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 inefficent 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 least in time to assist in some of the cash flow problems. If, despite my opposition, Congress would reduce the level of funds for the impact aid program, adjustments 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 had their fiscal 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 Exon 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 the Nation. In the long run, the Senator's State could conceivable 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 the limited funds available so that we might address adequately those school districts in most desperate need.

There are some districts that are facing very, 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 districts impacted heavily with Native 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 Exon 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 Exon 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 legislation. I hate to see substantive amendments like this come up on short notice without ample opportunity for the Members of this body to see what is actually entailed, particularly before 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 endanger payments 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 endangering 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 priority 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 conferees 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 the Senator is willing to yield back his 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 ABDNOR 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 7 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. That is not a fact of life. There is nothing in the amendment that says it hurts the B students. It helps both A and B students because it makes sure that the schools that are impacted get their money, rather than leaving 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 goes to 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 MELCHER 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 137 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 regular Labor-HHS-Education appropriations bill is enacted, some districts may not receive their Federal funding

until next spring. Judging from our record of the past few years, 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 just a memory.

I believe the Exon amendment provides a reasonable means of distributing preliminary payments based on the level of Federal impaction. This amendment would permit partial payments while allowing the necessary flexibility for further adjustments when, and if, the regular fiscal year 1983 Labor-HHS-Education appropriations bill is passed by Congress. I urge my colleagues to support this amendment.

Mr. TOWER. Mr. President, I am pleased to support the amendment offered by my colleague, the Senator from Nebraska, which would assure the availability of vital preliminary payments for those school districts heavily affected by a high concentration of families who live or work on Federal property.

Federal impact aid is not a recently created Federal subsidy, nor is its overall purpose to provide "nice to have" social programs for these districts. To the contrary, Federal assistance has for 150 years been provided to compensate States for the additional costs of basic educational services which they incur from education of dependents of military personnel—a burden imposed on States by the Federal Government. The Federal Government assigns military personnel to various locations throughout the country, where the children of these military personnel utilize the educational facilities of the public school districts in which their parents reside. Military installations do not contribute to the local property tax bases, and personnel living on these installations do not pay residential taxes. Thus, impact aid payments allow school districts, which depend heavily on property taxes for their operation, to supplement this "lost" revenue and thus provide a quality education for all of their students.

Federally impacted school districts have already experienced severe financial hardships from recent budgetary reductions. Furthermore, for many of the districts that assumed their share of cuts in fiscal year 1982, those funds that were actually appropriated have not yet been paid in full for last year. Texas, which this year experienced an $11.2 million reduction over the 1981 level of $31.8 million in impact aid payments, and is still owed almost $2.9 million of 1982 appropriated funds, is a good example of the cash flow problems which many States will face if they are unable to obtain preliminary payments for the upcoming school year. In my view, the Federal Government has a commitment to compensate school districts for the costs of educating these children. Steps must be taken immediately to alleviate the critical cash flow problem now facing federally impacted districts, and I believe the amendment offered by my colleague will allow the Federal Government to meet its responsibility in this regard in an equitable and even-handed fashion.

Therefore, I would like to urge adoption of this measure by the Senate.

Mr. BENTSEN. Mr. President, I join my colleague, Senator EXON, as a cosponsor of the pending amendment to insure the timely distribution of funds to school districts participating 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, will result in reduced programing, deferral of necessary maintenance to school facilities, and chaos in fiscal planning for the school year. In my own State of Texas, impact aid funding was reduced by $11 million dollars last year, a cut of almost 40 percent. Yet, impact aid constitutes one-fifth to one-half the budgets of schools at Fort Sam Houston, Lackland Air Force Base, Randolph Field, Killeen, and Del Valle. Superintendents of these districts, while concerned about the reduced level of Federal support, are even more distressed that the continuing resolution now before us would permit major delays in the transfer of funds.

Last year, appropriated moneys were held by the Federal Government until the end of March, when the school year was 80 percent complete. Mr. President, it would be inexcusable to place these districts in that position again, when such a large portion of their budget is linked to Federal support. Passage of this amendment will simply reinstate the procedure used in previous years by permitting the allocation of up to 75 percent of available funds to school districts whose student population is substantially impacted by Federal military and civilian employee families, and 50 percent of available funds to those districts with less than 20 percent impact aid eligible student populations.

Mr. President, this amendment is nothing more than an effort to allow affected districts to manage their budgets and their programs in a prudent, efficient manner. I urge my colleagues to join with me in voting for improved management of Federal dollars.

Mr. EXON. I am ready to yield back the remainder of my time if they are on that side.

Mr. HATFIELD. Mr. President, I would say on the recommendation of the subcommittee chairman, that the leadership of the bill is willing to accept the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HATFIELD. I yield back the time remaining.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska.

The amendment (UP No. 1325) was agreed to.

UP AMENDMENT NO. 1326

Mr. HATFIELD. 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 Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 1326.

At the appropriate place in the resolution, insert:

SEC. . All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution for the purposes of carrying on normal operations are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Mr. HATFIELD. Mr. President, this is purely boilerplate language that is offered on behalf of the committee. I ask for its immediate adoption. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon (Mr. HATFIELD).

The amendment (UP No. 1326) was agreed to.

COMMITTEE AMENDMENT—PAGE 35, LINES 14-24

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 FTC.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, at this time I yield to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. Mr. President, the committee amendment referred to that 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 FTC regulation of professionals amendment. I do not intend to debate that issue or the merits of the amendment, but I do want to indicate that the chairman of the Commerce Committee has agreed that we will get a vote on this issue, either on the FTC 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. 1327

Mr. McCLURE. 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 Idaho (Mr. McCLURE) for himself and Mr. BUMPERS proposes an unprinted amendment numbered 1327.

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, none of the funds provided in this joint resolution shall be obligated to dispose, except by exchange, of any Federal land tract or lands with national environmental or economic value until such time as the General Services Administration, the Property Review Board, or other agencies as required under Executive Order 12348 has specifically identified them as no longer being needed by the Federal government; inventoried them as to their public benefit values; provided opportunity for public review and discussion of the property proposed for disposal; and provided 30 days advance notice of the property proposed for disposal and of the plans for carrying out such disposal to the Congressional delegation of the State or States in which the tract proposed for sale is located and to the appropriate Congressional Committees for immediate printing in the Congressional Record: *Provided*, That neither the Act of July 31, 1958 as amended (72 Stat. 438, as amended; 7 U.S.C.1012 a;16U.S.C.478 a) Nor the Act of June 14, 1926, as amended (43 U.S.C. 869 et. seq.) shall be subject to the provisions of this section."

Mr. McCLURE. Mr. President, I would identify this for the Senate and those that may be listening as the amendment dealing with the sale of public land, upon which Senator BUMPERS had earlier suggested that he and I would have an amendment agreed upon. This language has been agreed upon. I do not think there is any objection to it. It is clarification language that was inserted in the committee during the committee meeting.

Mr. President, this amendment is an attempt to accommodate a number of suggestions we have received during the past day or so. Specifically, it does the following:

First, inserts the phrase "Except as expressly provided for by law" at the beginning of the section. This insertion clarifies our intention that this section not be an impediment to completing land sales or land exchanges specifically identified in earlier legislation, such as is the case in Mount St. Helens. It is not our intention in this section to overturn existing land exchange or land disposal procedures but rather to restate in law the ground rules for the surplus property disposal program.

Second, specifies in another manner that land exchanges are not subject to those procedures. We hope land exchanges will continue to receive high priority as a method of consolidating Federal land ownership and of implementing our "Good Neighbor" policy.

Third, we have removed reference to real estate holdings to permit GSA to continue its regular real property acquisition and disposal function.

Fourth, we have exempted the so-called Townsite Act from the provisions of this section.

Fifth, we have removed any size limitations on the proposal. This means that any non-exchange lands disposal will be subject to the provisions of this amendment, including congressional ratification.

We do not intend to stop the surplus lands disposal program with this amendment. The Federal agencies involved should continue to identify potential parcels for disposal and should carry out the other steps identified as being required prior to disposal.

Mr. President, I ask unanimous consent that a statement of Assistant Secretary Garrey E. Carruthers be printed in the RECORD.

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

STATEMENT OF GARREY E. CARRUTHERS

I appreciate the opportunity to appear today to provide some facts and to share some issues we face in the Department of the Interior's efforts to facilitate the President's asset management initiative. Perhaps it is only the season of the year, but unfortunately this initiative has become awash with misinformation. We truly believe that anyone who has a willingness to listen and to learn will find reason to support this initiative because it represents a common sense idea whose time has come. The citizens of this country should not be denied the obvious benefits of this initiative.

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 overly complex or 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, land within the National Park 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. I repeat, 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 placed in Category I include: Known recoverable coal resource areas, known geologic structures (oil and gas), the Outer Continental Shelf, known geothermal resource areas, areas identified to have nationally significant oil shale deposits, designated tar sands areas, and known potash, sodium and phosphate areas.

Further classes of lands, minerals, or other resources with economic or environmental assets of possible national significance may be included as Category I and as

further studies of Category III lands are completed.

Category II are Lands and Mineral Resources Designated 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 application for recreation or other public purposes; scattered non-urban tracts so located as to make effective and efficient management impractical; lands designated 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 as further studies of Category III lands are completed.

Category III are Lands and Mineral Resources Requiring Further Study—Lands and mineral resources in Category III include those lands, minerals, and other resources requiring further study in order to determine whether they should be placed in Category I or Category II.

When these criteria are applied to the 540 million acres under management of DOI, 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 one-half of 1 percent, of total DOI acreage have been identified for disposal in existing land use plans and therefore placed in Category II. This later categorization was based on the BLM's preliminary inventory of public lands which was released in June. These 2.7 million acres of public lands were given a rough fair market value of $2 billion (surface estate only). BLM District Managers also identified an additional 1.7 million acres of potential transfer areas, which would require amendments to land use plans. The rough estimate of fair market value on these lands was $440 million (surface estate only).

These preliminary figures on BLM lands were prepared in a very short timeframe and—even though these lands were identified through the land use planning process—further planning, inventory work, environmental and cultural clearances, including notification of State and local governments and determination of consistency with State and local plans are required before any BLM land is sold under asset management.

Public Participation and Consistency With State and Local Plans and Zoning.—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 as consistent as practicable under Federal law with State and local plans where they exist. The BLM 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 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.—It is important to point out that adequate authority is provided in the Federal Land Policy and Management Act of 1976 to accommodate the asset management initiative for public lands administered by the Bureau of Land Management. This Act authorizes the Secretary to sell tracts of public lands. 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 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 outweight other public objectives and values, including but 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 FLPMA whether by sale, exchange, or donation, to any person who is not a citizen of the United States or to any corporation not subject to the laws of any State or the United States.

Section 209 provides for the retention by the United States of all minerals except under certain circumstances when the minerals are conveyed along with the lands.

Section 210 requires at least 60 days notice to State and local officials of any intention to sell public lands without their jurisdictions.

If the Secretary decides to sell any tract of land larger than 2,500 acres, Congress must be notified. Congress then has 90 days to disapprove the sale by concurrent resolution. If the sale is made, under the FLPMA provisions it must be for fair market value as determined by the Secretary and may be conducted under competitive bidding or negotiated sale precedures.

Real Property.—On March 26, 1982, 1 month after the President signed Executive Order 12348, the Department of the Interior began a three-phased 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 for disposal by the General Services Administration.

Phase II.—The Bureaus were to review and identify *all* contiguous parcels of real property, both improved and unimproved, that are located all or in part, in or 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 review and reporting.

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 other than administrative sites or other holdings located outside the boundaries of a National Wildlife Refuge Unit that met 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.

Also 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 classify each parcel and report those which are not being utilized, are underutilized, or are not being put to optimum use.

These reviews are still in progress, and should be completed by late November 1982. The utilization review guidelines are an amended version of those which have been used for the past several years. The amendments simply expand upon the existing criteria by making them more specific and detailed. 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; apply the proceeds from these sales to the Federal budget deficit; and do a better job of managing the lands that remain 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. McCLURE. 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 Members of the Senate were 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.

Mr. DOMENICI. I thank the Interior Appropriations Subcommittee chairman for this information. I would

take this moment to point out that Senator McCLURE, 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 public lands. I was certain that the Senator from Idaho would explain this provision to my satisfaction and I appreciate his patience and assistance on this matter. I and several other Members are very interested in several land exchanges that are currently ongoing and again I thank my good friend from Idaho.

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 is 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. MOYNIHAN, and Mr. D'AMATO, proposes an unprinted amendment numbered 1328.

At the appropriate place in the bill, insert the following:

SEC. . Section 2 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356k) is 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 MOYNIHAN. 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 impair it. As has happened 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 did, provides for the exporting 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 except only coffee accompanied by proper 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 filing 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 preelection 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 34, 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, and for fiscal year 1983 the distribution could be made to political entities as well. That is to say counties, municipalities, and so on, which had submitted a plan for distribution prior to the 1983 funding to the Office of Community Services in the Department of HHS.

Section 135 of the continuing resolution has the effect of eliminating this 1983 provision so that all funds could continue to go to the CAA, not to other political entities as allowed in current law.

In the case of my own State, the effect is to preempt some 9 months of work which has gone into preparing for the new system on October 1, work which has been the effort of local officials, counties, municipalities, and so on. I believe there are other States which have a similar problem and that the amendment which I have offered will permit those who are prepared to transition to the new system to go ahead and do so.

With that word of explanation, Mr. President, I urge the adoption of the amendment and reserve the remainder of my time.

● Mr. DENTON. Mr. President, as chairman of the Aging, Family, and Human Services Subcommittee, which authorizes the community services block grant, I rise in strong support of the amendment offered by my distinguished colleague from Colorado, Mr. ARMSTRONG.

Section 135 of the continuing resolution is absolutely contrary to the authorization language for the block grant as contained in the Reconciliation Act passed last year, an act we labored long and hard to draft. Mr. President, I object to this practice of legislating on appropriations bills because it usurps the responsibility of the authorizing committees.

Section 135 of the continuing resolution mandates that States pass through 90 percent of their block grant allotment directly to already existing community action agencies for fiscal year 1983. However, the Community Services Block Grant Act, as passed by Congress as part of reconciliation last year, requires the 90 percent pass through to existing agencies for fiscal year 1982 only. After fiscal year 1982, the Reconciliation Act instructs States to pass money through to cities and counties for use at that level, or for local officials to pass through to private, nonprofit organizations. If the local officials want to pass the money on to existing community action agencies they are perfectly free to do so. They are not, however, required to do so.

States should have the flexibility, within the statute, to determine who 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 local priorities. Enacting 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 the 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 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 these States, but 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 action programs. Utah's counties are poised to assume their duties. Are these preparations to be vitiated by some last-minute whimsy of the Congress?

It cannot be good policy to grant prolonged entitlements to providers. Since when are these the primary objects of our social programs? It is 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 year's 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 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 community services 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 hipocracy. It is not as if there is a revolution in the offing. The States have decided that almost all the grantees will be 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 do realize that several 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 their plans will be allowed to fulfill these plans. They will not be interfered with. No State laws will be overturned, and the

Congress will have kept faith with the States and the needy people whom the States must serve.

Mr. WALLOP. 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, we decided that 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 an unqualified success nor a total failure. Community services deserves to be continued, but control over the program should reside with the States. Over the past two decades, the States have significantly improved their administrative capabilities. The States have the expertise to respond to the problems of the low-income population. That is the rationale for turning community services into a block grant controlled by the States.

When we adopted the block grant last year, it was recognized that the States could not immediately accept responsibility for community services. The legislation contained a provision to require continued funding of community action agencies for 1 year. At the end of fiscal year 1982, the States would have developed a State plan and distribute the antipoverty funds according to the State plan.

The continuing resolution now requires the States to fund the community action agencies for 1 more year. This would be mandated for the States despite the fact that some States have developed their plans and are ready to proceed with their own program. In my own State of Wyoming, we have only two community action agencies which service only one-third of the counties in the State. The new State plan, on the other hand, would distribute the funds to all 23 Wyoming counties. However, the language in the continuing resolution would prohibit the State plan from going into effect. Many people will not receive assistance through community services. The Armstrong amendment corrects this problem by allowing those States with State plans to implement the plans. Those States who have not developed the plans would continue to fund the community action agencies. This is a sensible solution, and I urge adoption of the amendment.

Mr. HATFIELD. Mr. President, as manager of this joint resolution, I will, for the sake of time, agree to the Armstrong amendment of community action agencies, but wish to indicate that we may need to revisit this issue in conference in order to make possible modifications. We have not had ample time to study the full impact of this provision which seems to favor only a few States, including some that were out of compliance with the original law.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, I yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I appreciate the efforts of the Senator from Colorado in bringing this particular issue to the attention of the committee. I think he clearly understands the intent of the committee amendment. I would be happy to recommend to the committee and to the Senate that we accept this amendment and take it to conference.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I have no objection.

Mr. McCLURE. Mr. President, I yield back the remainder of our time.

Mr. ARMSTRONG. 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.

The amendment (UP No. 1329) was agreed to.

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

Mr. McCLURE. I move to lay that 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 Senator 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. Without 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 105 and 106 of Public Law 96-560, section 103 of Public Law 96-550, section 4(d)(1) 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, oilshale, 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 or allocated to further planning in Executive Communication 1504, Ninety-Sixth Congress (House Document numbered 96-119); or within any lands designated by Congress as wilderness study areas."

The PRESIDING OFFICER. Will the Senate please come to order? Those Senators desiring to chat will please do so outside the Chamber.

Mr. McCLURE. Mr. President, the distinguished Senator from Washington (Mr. JACKSON) is a cosponsor of this amendment which further clarifies the intent of the Senate that, for the life of this joint resolution, no permits or leases pertaining to exploration for or development of a variety of resources on wilderness or proposed wilderness lands will be issued. The amendment strikes the language now contained in section 121 of House Joint Resolution 599 and inserts language which virtually reflects the language contained in S. 2801 now being considered by the Energy and Natural Resources Committee.

More specifically, it provides that such permits and leases will be prohibited except in those few cases where the Congress has made limited, specific provision for other activities within designated wilderness or wilderness study areas; on land which the Congress has specifically released for multiple use management; on Bureau of Land Management wilderness study area lands; and on lands within the State of Alaska. Further, my amendment makes it clear that, in addition to oil, gas, coal and geothermal, oilshale, phosphate, potassium, sulphur and gilsonite exploration and development will be prohibited for the duration of this joint resolution.

Mr. President, this amendment reflects the desire of the administration to maintain a moratorium on exploration and development in wilderness and proposed wilderness areas until Congress acts on this matter during this Congress. It is my understanding that there is no objection on either side of the aisle and I urge its adoption.

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

Mr. JACKSON. Mr. President, I would like to express my strong support for the clarifying amendment offered by the Senator from Idaho dealing with the prohibition on oil and gas leasing in wilderness and wilderness candidate areas.

As my colleagues know, I have introduced legislation in the Senate, S. 2801, which addresses this question. In the Senate 54 Members, 20 Republicans and 34 Democrats, are now cosponsors of this legislation. By any measure, S. 2801 enjoys a degree of wide bipartisan support almost unprecedented for a bill of this type. 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 congressional direction 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. MELCHER) be added as a cosponsor to the amendment.

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

Mr. PROXMIRE. Mr. President, I know of no objection on our side.

THE PRESIDING OFFICER. Who yields time?

Mr. MCCLURE. Mr. President, I yield back the remainder of my time on the amendment.

Mr. PROXMIRE. 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.

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. ——. Notwithstanding any other provisions of this joint resolution, except Section 102, 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 Senate please be in order? Will those Senators wanting to conduct conversations please retire to the cloakrooms?

(Mr. GORTON assumed the chair.)

Mr. SCHMITT. Mr. President, I offer an amendment of a technical nature which would resolve any question concerning the use of continuing resolution funding as it relates to the new jobs training legislation being reported out of the conference committee.

Normally, an agency cannot obligate funds under new legislative authority under the terms and conditions of a continuing resolution. This amendment would allow the Department of Labor to continue those activities carried out in 1982 under CETA legislative authority in the event that the conference committee reports a jobs training bill and the President signs the bill into law before the expiration of this joint resolution. The new jobs training legislation provides for a transition that would allow funds appropriated in 1983 to be used to maintain those activities carried out under CETA in 1982. No new programs or activities authorized under the new legislation could be funded by this continuing resolution.

This amendment therefore guarantees continuation of Labor Department employment and training programs providing services for in excess of 1 million unemployed people. With passage of the new Job Training Partnership Act, which the President has indicated he will sign, we will have a significantly strengthened Federal effort to assist the unemployed.

Mr. President, I urge adoption of this amendment.

Mr. DOMENICI. Mr. President, I do have one question. This is to be at what level?

Mr. SCHMITT. Mr. President, under the terms of the amendment and the terms that I understand the language of the continuing resolution will be interpreted as representing, this would be at the current level of enrollees.

We are trying to get from the Office of Management and Budget just what that means in numbers. They are reluctant to give us that information because every agency has a different way of calculating it. We are going to continue a diligent effort to try to understand that. The effect of current operating level language, which we have in the resolution, we interpret as being to maintain the current level of enrollees in the program until new legislation is enacted.

Mr. QUAYLE. Will the Senator yield?

Mr. SCHMITT. I am happy to yield to the Senator from Indiana.

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 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 1981 and 1982. Furthermore, it is my understanding that the interpretation of the continuing resolution at $3.7 billion is shared by the House 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 we 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 have a $3.7 billion figure from the Senate Budget Committee. 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.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. QUAYLE. There seems to be some confusion. I know that it is only for 60 days, but I really have a hard time understanding what the confusion is. At least I thought it was agreed to be the $3.7 billion figure. If it is not, I wonder what the Senator from Indiana would have to do to get it up to where we had it in the budget resolution, what would be necessary, rather than continuing and leaving this rather vague.

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 fight 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 Senator's bill is enacted, until the House and Senate have had a chance to work their will on a regular appropriations bill. The House has not, as I understand it, reported out their regular bill. We do not know where they are going to come down on the CETA program. That is a matter for the appropriations process to take care of during the course of the next 60 to 90 days, and we will do that.

What the final number will be, I cannot tell the Senator.

Mr. QUAYLE. What does the Senator's amendment do?

Mr. SCHMITT. It merely provides for continuation of the CETA program at the current level of enrollees for the period of the continuing resolution or until the enactment of the law that is currently in conference, the New Job Training Partnership Act.

Mr. QUAYLE. When the Senator talks about the current enrollees, in other words, he is talking about basically at current funding plus——

Mr. SCHMITT. Current funding levels.

Mr. QUAYLE. Current funding levels, which would include the carryforwards to maintain these programs; is that correct?

Mr. SCHMITT. I do not know what the Senator means by carryforwards. Current operating levels is the language that we have adopted, the House has adopted and we have accepted for the period of this continuing resolution.

Mr. QUAYLE. I want to make sure, when the Senator talks about current levels, he is talking about what is needed to fund those programs and to fund the successor of CETA, which will be the Jobs Training Partnership Act, and that will include the funding which includes the carryforward.

Now, that is the current funding. We will not talk about a figure. I just want to know conceptually what we are talking about.

Mr. SCHMITT. Again, what we are dealing with is the level of effort currently in progress in terms of enrollees and staff. As we deal with the regular appropriations bill and when the new Job Training Act becomes law, then the process of determining what is going to be the actual level of funding will continue. We cannot make that determination in this continuing resolution because that act has not been enacted. Currently we must work under the existing CETA authorization.

Mr. QUAYLE. I certainly appreciate the explanation. I realize I am not going to get any more specifics from the Senator.

Mr. SCHMITT. I am sorry. I do not have any more to give the Senator.

Mr. QUAYLE. He does not have any more to give me, but I will just try to summarize.

It seems to me we are on record that we are going to retain the funding at current levels. "Current levels" means funding to have these programs go forward.

Furthermore, Mr. President, the current levels to allow these programs to go forward include the carryforward funding, and in the interpretation of this Senator that would be $3.7 billion.

I know the Senator from New Mexico is not committing, and I do not want to ask for his commitment, to a certain level but certainly my interpretation of that right now would be the $3.7 billion.

I thank the Senator from New Mexico, who has been a stalwart in employment training programs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, we have no objection to the amendment. I yield back the remainder of our time.

The PRESIDING OFFICER. Is all time yielded back?

The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (UP No. 1331) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

STATUS OF AMENDMENTS

Mr. BAKER. Mr. President, I have what I hope is very good news indeed, and that is the prospect that we may be able to reduce the number of amendments and obtain reduced time for debate on those remaining amendments. I think it offers the prospect that we can finish this bill tonight. It is the first hopeful sign I have seen in a long time. I am prepared to ask the Senate to remain in for a while to try to do that.

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, there will be a long list of these amendments. First, I ask unanimous consent that the distinguished manager 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 on objection, because as 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 have 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 usual 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 those amendments.

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. SCHMITT. 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. SCHMIDT, 5 minutes; a Bumpers colloquy, 1 minute; a Weicker 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 now 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 of the committee.

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 of the Nickles amendment——

Mr. BAKER. Or the Hollings amendment or the Weicker amendment.

Mr. ROBERT C. BYRD. Or the Hollings amendment or the Weicker amendment.

That any amendment in the second degree would have to be germane, and the time on any second-degree amendment would be 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.

Mr. BAKER. Second-degree amendments, with the objection of the Nickles amendment on Davis-Bacon, which is not now part of this request. So the request would be that second-degree amendments must be germane to the first-degree amendments to which they are offered.

Mr. METZENBAUM. I have no objection.

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 Weicker 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. Mr. President, I very much hope that Members will have voice votes when possible. Rollcall votes, as we know, consume a great amount of time.

If 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.

UP AMENDMENT NO. 1332

(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. RIEGLE, 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, 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 people at the rear of the Chamber will please cease conversation.

The Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

Mr. President, I have reduced dramatically the scope of this amendment, and what remains, in the spirit of the Chamber at this point, is simply to put into this bill the measure we adopted on Friday in the Department of Housing and Urban Development appropriations bill. My amendment would postpone for 90 days the effect of HUD regulations that raise the percent of income required to be paid as rent by persons in public assisted housing.

The Senator 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. HUDDLESTON. 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) postponing 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 behind 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.

The PRESIDING OFFICER. The question is on agreeing to 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 Senator from New Mexico.

UP AMENDMENT NO. 1333

(Purpose: To prohibit phase-down of the Public Health Service Commissioned Corps)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes an unprinted amendment numbered 1333.

Mr. SCHMITT. 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 bill insert the following:

SEC. None of the funds provided in this or any other act shall be used to implement an apportionment and staffing plan to specifically phase down the Public Health Service Commissioned Corps.

Mr. SCHMITT. Mr. President, the purpose of this amendment is to insure that the Office of Management and Budget does not begin to phase down the Public Health Service Commissioned Corps. This is a consistent position that Congress has taken, and this merely continues that position in the continuing resolution.

This same amendment was included in the urgent supplemental. It was the intent of Congress that the continuing resolution continue the restriction contained in the urgent supplemental. The General Accounting Office, however, suggested the restriction might not carry over into the continuing resolution. I am not sure I agree, but in response to that view, I offer the amendment again to insure that any change in the Corps not occur through an OMB phasedown.

The Commissioned Corps of the Public Health Service is a statutory uniformed service which has been in existence for approximately 100 years. The Corps comprises some 7,200 health care professionals, including 2,600 physicians staffing a variety of programs such as the Indian Health Service and the Epidemic Intelligence Service. Other agencies such as the National Institutes of Health, the Coast Guard, the Environmental Protection Agency, the Food and Drug Administration, and the Bureau of Prisons also use Corps staff. The Corps provides an experienced, skilled cadre of public health professionals who take special pride in being part of the Corps.

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 which 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 phasedown 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 back the remainder of my time.

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (UP No. 1333) was agreed to.

Mr. SCHMITT. 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.

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. President, we are waiting at this moment for the arrival of Senators who have amendments on which there have been unanimous-consent agreements and I ask the leadership to put a hotline out to all Senators who have such amendments to urge them to come to the Chamber. That does not include the MX, nor the Kennedy amendment, nor those that have not been agreed to, but we now are ready to take up all of those on which we have made an agreement.

Mr. BAKER. Mr. President, I say to the Senator that I am happy to do that and I urge Senators to come to the Chamber and ask our cloakrooms to put out a hotline to that effect.

TIME LIMITATION AGREMEENT

Mr. BAKER. Mr. President, 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 would occur, with 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 that would be the only 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. ROBERT C. BYRD. Mr. President, I have no objection. I have cleared this with Senator Kennedy.

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

Mr. BAKER. I thank the Chair and thank all Senators.

Mr. HATFIELD. Mr. President, I now yield to the Senator from Alaska (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; on page 29, delete lines 1 through 25; 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. A part of the language would authorize new and unbudgeted aviation officer continuation bonuses. This proposed new bonus authority, I understand, is in the military pay bill reported in 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 31. In effect, only the opening paragraph of section 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 then 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 Senate, nor funded for 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 makes the 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.

NATO 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 to the level 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, 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 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 so far as the 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 Senate reported defense appropriations bill, 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 any 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 can be debated fully when Congress returns after the election recess.

MULTIPLE LAUNCH ROCKET SYSTEM

Mr. BUMPERS. Mr. President, on behalf of Senator PRYOR and myself, I would like to ask the distinguished chairman of the Defense Appropriations Subcommittee what his understanding is concerning the status of the multiple launch rocket system—MLRS—program during the period that the continuing resolution is in effect.

Mr. STEVENS. Mr. President, I see no need to address the multiple launch rocket system issue in the continuing resolution. The committee recommendation 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. If it chooses, the Army could go ahead and prepare the paperwork on a competitive source so long as no request for proposal—RFP—is issued and no 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 multiyear procurement for MLRS. That, of course, would also have to await a final congressional approval.

Mr. BUMPERS. Thank you for your response. That concurs with my understanding of the situation. I would like to ask my distinguished colleague from Arkansas if the chairman's response conforms also with his view that no action will occur during the time that the continuing resolution is in effect that would prejudice the outcome of this important issue before the fiscal year 1983 defense appropriation bill is considered on the floor of the Senate.

Mr. PRYOR. Yes; that is also my understanding. Moreover, the chairman's response is totally consistent with the position that the Army has outlined in Under Secretary Ambrose's letter of September 28, in response to our joint inquiry to him on this matter. I ask unanimous consent that both letters be inserted in the RECORD, at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See Exhibit 1.)

Mr. PRYOR. Let me just say that the decision reached by the Appropriations Committee which would preclude the Army from pursuing a multiyear procurement strategy for the MLRS, even if it is the most cost-effective means of acquiring this important weapons system, is unacceptable; and my distinguished colleague from Arkansas and I will fight during consideration of the fiscal year 1983 defense appropriation bill to see that this decision is reversed, and that the Army will be allowed to proceed with its original, well-conceived and, to date, well-implemented procurement plan for the MLRS.

Mr. BUMPERS. I agree with everything that my distinguished colleague has just stated. The decision of the Appropriations Committee should be overturned. But, with the assurances we have just received from the chairman of the Defense Appropriations Subcommittee and the Under Secretary of the Army that no actions will be taken which will affect the outcome of the issue during the time the continuing resolution is in effect, we will withhold an amendment on this issue until the defense appropriation bill comes to the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., September 28, 1982.

Hon. JAMES R. AMBROSE,
Under Secretary of the Army, Department of the Army, Washington, D.C.

DEAR SECRETARY AMBROSE: We want to thank you for your letter of September 21, reaffirming the Army's strong preference for pursuing a multiyear procurement strategy for the Multiple Launch Rocket System (MLRS), with the threat of a second source competition. We agree totally with the Army's assessment that a directed second source would not be a sound business decision from the perspective of the Congress, the Army, or the country.

We are concerned about what could happen to the MLRS program during the

period that the Fiscal Year 1983 Continuing Resolution will be in effect, and are seeking assurances that the Army will take no actions that could prejudice the outcome of the multiyear versus second source procurement debate until the issue is considered and resolved by the full Senate and the House.

In particular, we would like the Army to confirm our understanding that:

1. During the period of the Continuing Resolution, the Army will proceed on schedule with its evaluation of the multiyear procurement option for the MLRS; and

2. The Army will obligate no funds for the purpose of facilitizing or providing other support to a potential second source producer or conducting a second source competition during the period of the Continuing Resolution.

Because the Continuing Resolution will come before the Senate today for consideration, we hope that you can give this matter your most prompt attention, and provide us with a reply at the earliest possible time.

Thank you again for your cooperation on this important issue. We look forward to hearing from you.

Sincerely,

DALE BUMPERS,
DAVID PRYOR.

DEPARTMENT OF THE ARMY,
OFFICE OF THE UNDER SECRETARY
Washington, D.C., September 28, 1982.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PRYOR: Thank you for our letter of September 28, supporting the Army's procurement strategy for the Multiple Launch Rocket System (MLRS). I have concluded that the multiyear procurement strategy, with the potential for a second source competition, is the best approach.

The Fiscal Year 1983 Continuing Resolution Authority should have no impact on the MLRS program, because contract award is not planned to occur until the 3rd Quarter of Fiscal Year 1983. I assure you that, during the period of the Continuing Resolution Authority, unless otherwise required by law:

1. The Army intends to proceed with its evaluation of the multiyear procurement option for the MLRS; and

2. The Army does not intend to obligate any funds for the purpose of facilitizing or providing other support to a potential second source producer or conducting a second source competition.

Sincerely,

JAMES R. AMBROSE,
Under Secretary of the Army.

Mr. HATFIELD. I would now like to yield to the Senator from Georgia.

UP AMENDMENT NO. 1335

Purpose: To extend the period for which funds appropriated for the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research are available.)

Mr. NUNN. Mr President, I have an amendment I just sent to the desk and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia (Mr. NUNN) proposes an unprinted amendment numbered 1335.

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 97-216) 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. This Commission, established by Public Law 95-622, 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 95-622, the Commission is scheduled for termination on December 31, 1982. However, the Chairman of the Commission has requested a 3-month extension, without additional 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. HATFIELD. Mr. President, I would be very happy to accept the amendment on the recommendation of the subcommittee chairman, Mr. SCHMITT. I yield back the remainder of my time.

Mr. NUNN. I yield back my time.

The PRESIDING OFFICER (Mr. ARMSTRONG). All time having been yielded back, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (UP No. 1335) was agreed to.

Mr. HATFIELD. Mr. President, I would like to yield to the Senator from Kentucky for an amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

UP AMENDMENT NO. 1336

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. FORD) proposes an unprinted amendment numbered 1336.

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

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

The amendment is as follows:

SEC. . For the calendar year ending December 31, 1982, the Sergeant at Arms and Doorkeeper of the Senate is authorized to pay certain telephone mileage charges for GSA-FTS lines furnished to a Senator in official office space in the state that Senator represents. These payments are to be limited to charges caused by the increase in the mileage tariff. Payment to be made upon certification and documentation by each Senator of the amount involved.

Mr. FORD. Mr. President, very briefly the Telpak tariff permitted GSA to obtain lower rates on volume purchases of telephone lines. That has been dispensed with. It was not factored into the 1982 budget. This amendment merely allows it.

The PRESIDING OFFICER. If the Senator will suspend for just a moment, the Chair will ask the Senate to be in order.

Mr. FORD. It allows the Senate offices to substantiate the additional charges and authorizes the payment of these charges without any damage to the budget, without any additional monetary funds required. It is just a perfecting amendment to allow the offices which make those charges to substantiate the charges in order to be reimbursed.

Mr. HATFIELD. I have just been informed that the chairman of the Legislative Subcommittee of the Appropriations Committee, Mr. MATTINGLY, of Georgia, is on his way to the floor to make a comment and to ask a ques-

tion on this. He is concerned about it. I wonder if the Senator would be willing to set aside this amendment temporarily until he can arrive on the floor?

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 agreement. 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. HOLLINGS. Yes.

Mr. HATFIELD. Mr. President, I yield to the Senator fom Connecticut.

UP AMENDMENT NO. 1337

(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) proposes 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) should be expanded from the level of lease offerings in previous years so as to provide for additional domestic oil and gas supplies for the Nation.

(b) The Outer Continental Shelf is a national resource of immense size and value and should be developed with a proper regard for the environment the ability 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, implementation of the 5-year plan 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) ensure that affected coastal States, local governments and the public have their concerns addressed effectively in the leasing process, including consideration of whether the streamlined leasing procedures of the program adequately ensure that affected coastal states, local governments and the public have adequate and timely information on which to base their comments on individual proposed or actual lease sales, and is pursuant to section 307 of the Coastal Zone Management Act (16 U.S.C. 1456) and section 18 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1344); and

(3) ensure that environmental concerns are adequately considered in the program, including but not limited to, the magnitude and timing of offerings are consistent with the ability to collect and analyze data necessary for assessing the impact of OCS activities on the environment.

(c) 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 powers of the courts to grant preliminary or permanent relief based on claims put forward on either the program of July 21, 1982, or the 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 Senate 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 James Watt.

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 deterioration 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 oilspill or blowout. Under the 5-year OCS program these gaps will be exasperated 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 under the streamlined leasing procedures of the program there is provided adequate and timely information with which 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 finalized. It is important that we assure the public that they will be receiving fair value when the Federal Government leases public lands that are held in trust. The method should be one that insures this and be completely worked out prior to implementing the 5-year OCS program.

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.

These concerns are also the reason why I, along with my colleagues—Senators HOLLINGS, MATHIAS, COHEN, CRANSTON, GORTON, MITCHELL, TSONGAS, JACKSON, STAFFORD, KENNEDY, and MATSUNAGA 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 that OCS leasing will be done prudently 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:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., September 29, 1982.

Hon. LOWELL P. WEICKER, Jr.,
Chairman, Subcommittee on Energy Conservation and Supply, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate the opportunity to further amplify our many discussions regarding the 5-year Outer Continental Shelf leasing program in which you have shown a strong and abiding interest in the development of the program.

We will, pursuant to our several conversations, and our participation in the recent hearing of your Energy Subcommittee, work closely with you to assure:

(1) That the new plan will achieve the goal of receipt by the public of fair market value for the oil and gas resources of the OCS leased lands;

(2) That affected coastal states, local governments, and the public have their concerns addressed effectively in the leasing process; and

(3) That environmental concerns are adequately considered in the program.

In addition, we will continue to intensify our consultations with the several states to assure that we are assessing the relationship of the OCS program and the states' coastal zone management requirements.

As you are aware from our several contacts on this vital issue, the OCS Lands Act requires this Department to continually review the adequacy of the leasing program, "consistent with economic, social, and environmental values of the renewable and nonrenewable resources contained in OCS." We recognize that concerns have been expressed by you and your colleagues with relation to the new plan, particularly with regard to provisions for area-wide consideration for leasing and for expedited administrative procedures. The Department pledges to conduct an immediate review of these critical issues in close consultation with you and your colleagues.

I appreciate your continuing interest and constructive comments on the program.

Sincerely,

JAMES G. WATT,
Secretary.

Mr. President, in light of these assurances, which falls short of the ideal solution to a flawed program and should be corrected by some mandatory legislation, and also recognizing that the time before the Senate is short and the fact that the bill, before it should be made as clean as possible, it is now my intention to pull down the amendment.

I feel that the Senate of the United States should take a far more active role in the Department of the Interior's OCS program than has been the case to this point. I can assure my colleagues and the Secretary that both the Energy and Natural Resources Committee and, in particular, my subcommittee with jurisdiction over the OCS, will do just that.

For the interim, and I repeat interim, I feel that the point has been made with the Secretary that we are not happy with his OCS program, and that at this time, rather than try to legislate the matter, we will see if an understanding between our committee and his officer has been reached.

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, it seemed the risk of a floor amendment blocking the inspection and maintenance program of the Clean Air Act was 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, in 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 in 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, or 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 we all 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. Instead, they are mundane but 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. TOWER) 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 I do not think I will 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 umbrella 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 already entered on 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 take up 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 leading to the possibility of shifting from a cost to a market rate method of pricing)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho (Mr. McCLURE), for himself, Mr. GORTON, Mr. JACKSON, Mr. HATFIELD, Mr. SASSER, Mr. BAUCUS, and Mr. PACKWOOD, proposes an unprinted amendment numbered 1338.

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:

At the end of the joint resolution, add the following:

SEC. . None of the funds appropriated under this joint resolution or any other provisions of law shall be used for the purposes of conducting any studies relating or leading to the possibility of changing from the currently required "at cost" to a "market rate" method for the pricing of hydroelectric power by the six federal public power authorities, or other agencies or authorities of the federal government.

Mr. McCLURE. Mr. President, I offer this amendment on behalf of myself, the Senators from Washington, Senators GORTON and JACKSON; the Senator from Oregon, Senator HATFIELD; and the Senator from Tennessee, Senator SASSER.

Mr. President, there has been a good deal of play in the press of late about a study which is currently being conducted by a member of the staff of the Council of Economic Advisers of the hydroelectric power pricing policies of the Federal public power authorities and other agencies of the Federal Government. The purpose of the study, as I understand it, is to look to the possibility of raising revenue for 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 our 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 by shifting to a market price 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 study of the hydroelectric power pricing policies of various public authorities throughout the country, including the Tennessee Valley Authority, the five public power 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 which administration officials acknowledge will not be released until after the upcoming elections.

They are pressing ahead with this study even though it has already been determined that if federally generated power is not marketed at cost, Federal power costs could increase dramatically in all parts of the country, by at least $400 million in the Tennessee Valley alone, and perhaps as much as 300–400 percent in the jurisdictions of some of the other power marketing agencies that cover the Northwest, the Midwest, and the Southeast.

They are pressing ahead with this study even though representatives of the affected authorities, the TVA, and the Corps of Engineers have not been asked to serve as full-time participants in the study.

They are pressing ahead with the 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 in this country. It is just one more effort by David Stockman to find ways of reducing the bulging budget deficit at the expense of the families and businesses consuming public power.

And what galls me most, Mr. President, is that this study is being done in comparative secrecy and with little regard for the Congress of the United States which has the basic responsibility for enacting and overseeing our public power laws.

Mr. President, I do not believe that the administration should pursue its hydroelectric power study any further. 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:

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, D.C., September 24, 1982.
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 urge them to join with you 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 so affected, but suffice it 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 public power traditions.

I urge passage of this amendment.

Mr. JACKSON. Mr. President, I commend Senator MCCLURE and join with him in sponsoring this amendment to prohibit funding of a Cabinet Council working group study of ratemaking policies of the Federal power marketing administrations.

What is involved here is an administration effort to alter long-established Federal policy that Federal hydroelectric power 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 inclination 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 current policy on rates as "quite strange" because power marketing administration rates are "way below the price of marginal power." I simply observe that anyone familiar with 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 profitmaking 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 public at the lowest possible 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 regional economy 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 Washington State Congressional delegation to the President and to Interior Secretary James Watt, who chairs the Cabinet Council on Natural Resources, 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 plans to submit a report to the Cabinet Council on Natural Resources and Environment in November or December, 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) economies of the regions or sectors served by the power-marketing agencies; and 4) the political acceptability of any changes in the way the agencies operate. The source explained that political acceptability is of concern where industrial or other facilities that have been built specifically to take advantage of lower 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. One reliable source, in explaning the group's mission, said that "The existing [rate] situation is quite strange," with some PMA rates "way below the price of marginal power." The source said that the PMA 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 staffed by officials from a half-dozen agencies, including DOE, the Federal Energy Regulatory Commission, the Interior Dept.'s Bureau of Reclamation, the Army Corps of Engineers and the Office of Management and Budget. The first organizational meeting of the group was held July 29. At that meeting, Niskanen asked agency officials to provide him in early September with what one source described as "basic, routine information" about policies and procedures for establishing, reviewing and approving rates and for licensing hydroelectricity projects at federal dams. Sources said officials attending the meeting were not fully briefed on the aims of the working group or why CEA was heading it.

But one source said that the idea of a working group stems from a May Cabinet council meeting at which a DOE-led group was authorized to study regulation, competition and efficiency in the electric-utility industry. The DOE-led group is concentrating on investor-owned utilities. It was prompted by concern that the industry is in poor financial condition.

At the May meeting, administration 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 council groups are related, asserted that the issues being considered by each are very different.

The five PMAs primarily market low-priced hydro power from federal dams, with the exception of the Bonneville Power Administration, which also is permitted to acquire some nuclear power from Washington Public Power Supply System plants, and the Western Area Power Administration, which also buys some nonhydro supplies to serve load growth in Northern California. The other three PMAs are the Alaska Power Administration, the Southwestern Power Administration and the Southeastern Power Administration. About 68% of the power sold by TVA is coal-fired, with 18% nuclear and 9½% hydro.—*R. Lynn Stevens.*

SEPTEMBER 24, 1982.

The Honorable RONALD REAGAN,
The White House,
Washington, D.C.

OUR DEAR MR. PRESIDENT: We wish to bring to your attention our deep concern about an Administration study of proposals to revise the electric power pricing policies of the Federal Marketing Authorities. After discussing these proposals with Administration officials, we have concluded that they

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 at cost to consumers within its jurisdiction. This reflects the public power philosphy, 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 is 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 the federal deficit and a balanced federal budget—goals which we all share.

We respectfully request that you consider our bipartisan misgivings about these suggested policy changes and appreciate this opportunity to bring them to your attention.

Yours faithfully,
Henry M. Jackson, U.S.S.; Slade Gorton, U.S.S.; Thomas S. Foley, M.C.; Joel Pritchard, M.C.; Norman D. Dicks, M.C.; Don Bonker, M.C.; Mike Lowry, M.C.; Al Swift, M.C.; Sid Morrison, M.C.

SEPTEMBER 23, 1982.

The Honorable JAMES G. WATT,
Secretary of the Interior,
Washington, D.C.

OUR DEAR MR. SECRETARY: We wish to bring to your attention our deep concern about an Administration study of proposals to revise the electric power pricing policies of the Federal Power Marketing Authorities. After discussing these proposals with Cabinet Council on Natural Resources member William Niskanen, we have concluded that they represent a fundamental threat to the concept of public power and, as such, meet with our complete and bipartisan opposition.

Under current law the Bonneville Power Administration (BPA) markets its hydroelectric power at cost to consumers 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 recouping the public investment in the production of power which BPA is presently doing. It was never intended that the government should realize a profit from the sales of electrical power to its users.

Any proposal to charge ratepayers in the Bonneville marketing area the "market value" or the "marginal rate" for its hydro 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 the Northwest. With unemployment running as high as 30% in many areas and with many of our region's industries operating at less than 50% capacity, such a rate increase would be intolerable.

Clearly such an impact on the Northwest economy would cost the Treasury infinitely more than any revenue gains envisioned by the Niskanen study. The policy changes which the Cabinet Council is considering can be expected to produce more layoffs and greatly increased levels of unemployment as businesses and industries in Washington—including those vital to the Nation's defense—deal with the substantial problems caused by the increased power costs. These increased levels of unemployment will continue to drain the Federal Treasury and will prevent reduction of the Federal deficit and a balanced federal budget—goals which all of us share.

In short, the proposals in the Niskanen study are penny wise and pound foolish. We are confident that upon reflection you will agree.

Sincerely yours,
Henry M. Jackson, U.S.S.; Slade Gorton, U.S.S.; Thomas S. Foley, M.C.; Joel Pritchard, M.C.; Norman D. Dicks, M.C.; Don Bonker, M.C.; Mike Lowry, M.C.; Al Swift, M.C.; Sid Morrison, M.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 with 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 dramatically if pricing practices are changed. Reasonably priced hydroelectric power is one of the few benefits South Dakota has ever received from construction of the Missouri River dams, for which 530,000 acres of farmland were sacrificed. Now we learn that the administration is studying ways to increase these rates to create additional revenue. The administration has never been authorized to develop new pricing methods based on a profit margin or other noncost considerations. Before further action is taken, or these studies are conducted, Congress should have a chance to carefully study the matter.

Mr. President, I urge my colleagues to join me in support of this amendment and in opposition to these unauthorized studies.

ADMINISTRATION'S ELECTRIC POWER RATE INCREASE PLAN SHOULD BE STOPPED

● Mr. BAUCUS. Mr. President, as a sponsor of this amendment, I strongly urge my colleagues to join in voting for its adoption. It would prohibit the expenditure of any Federal moneys to promote the administration's power rate increase plan that would impoverish farmers and industrial workers in the Northwest and other parts of the country.

Hydroelectric power generated at Federal projects is the backbone of the economy of much of Montana and the Northwest. Farmers use this electricity to pump water that irrigates their land. Rural residents depend on this electricity, provided through their rural electric cooperatives, to light their homes and power their hospitals. Major industries, such as the forest products and aluminum industries, use electricity to produce their products and employ thousands of workers.

All of these activities are sorely hurting now as the economy has plummeted to postdepression lows. Farmers are subsisting without profits; the aluminum industry and other major portions of our industrial base have laid off thousands of workers; families are losing their homes as wage earners lose jobs while housing expenses soar.

As our economy has deteriorated, electricity rates in the Northwest have skyrocketed. By 1985, Bonneville Power Administration (BPA) rates will have risen 460 percent over the previous 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 the 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. The electricity 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 customers 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 has refused continually to keep 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 nuclear 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 wholly unfair. The burden of reducing the Federal deficit is being dumped on the farmers 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 industrial rate increase sought by BPA and scheduled to take effect October 1. Today, FERC is meeting to make a determinataion 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 contractural agreements made by BPA with its customers. Because BPA contracts allow rate increases to take effect at only one particular time of the year, and because Bonneville gave FERC only short notice of its request to increase rates, FERC may be 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 at Bonneville, we 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 Adminitration to get 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 desks 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 development, including Montana's MHD program, despite its clear record of success. It was David Stockman who pronounced the President's death wish for REA loans, gasohol research, solar, and conservation work.

Secretary Watt seems to have become involved in this proposal as Chairman of the Cabinet Council on Natural Resources and Environment. It seems that Mr. Stockman wrote to Secretary Edwards in December of 1981 raising the possibility of obtaining more revenues through rate increases for federally generated power. Then in February he wrote to Secretary Watt. He asked that Secretary Watt "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."

Mr. President, I ask unanimous consent that each of these letters be inserted in the RECORD at the conclusion of my remarks.

On August 13, an article in "Inside Energy" noted that an interagency cabinet council working group had been formed at the White House and was charged with finding ways to increase rates for customers who receive federally generated power.

This working group was reported to be headed by William Niskanen, a member of the Council of Economic Advisers.

I ask that a copy of this article also be included in the RECORD at the conclusion of my remarks.

Mr. Niskanen confirmed this story under close questioning by a number of Congressmen last week. I ask unanimous consent that a UPI report of this meeting also be included in the RECORD at the conclusion of my remarks.

As you can see from this progression of letters, stories, and reports, a Reagan administration team, led by David Stockman with Secretary Watt closely in tow, has indeed been studying a way to change the entire premise of federally generated power. It has done so without any expression of interest or consent from Congress.

Mr. President, David Stockman and the Office of Management and Budget have no special expertise for making this Nation's energy policies. Repeatedly, OMB has sacrificed national energy policy and the welfare of many diverse groups of citizens throughout the country for ill-advised efforts to provide quick fixes for what he sees to be our budget problems.

It is a classic example of delegating power without responsibility. It is the power to harm people without responsibility for the consequences.

Secretary Watt has dabbled in energy policy, agriculture policy, interior policy, and environmental policy. The last place I want to see Secretary Watt involved is with energy and agricultural policies that affect small farmers, homeowners, and industrial workers.

This amendment today would prohibit the expenditure of any moneys to further this plan.

It, combined with the Senate Concurrent Resolution 124, can send an important signal to the White House that President Reagan should be spending his time increasing the efficiency of the Bonneville Power Administration as well as the other Federal power marketing agencies. He should be spending his time improving rural electrification services, and using the thousands of Federal employees at his command to produce a coherent national energy policy.

As long as we have an Energy Department, it should be well run. As long as we have a Secretary of Energy, he should devise and manage our energy policies.

The material follows:

DECEMBER 15, 1981.

HON. JAMES B. EDWARDS,
Secretary of Energy,
Washington, D.C.

DEAR MR. SECRETARY: I have today reviewed and approved the Department of Energy's debt collection action plan submitted under OMS Bulletin No. 81-17, dated April 27, 1981.

However, one item no addressed in your plan which I feel should be pursued concerns the existing power user fees. The cur-

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 will accelerate payment of the 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 approximately $873 million, of which $115 million was delinquent or in liquidation as of September 30, 1981.

In addition to monitoring 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,
Washington, D.C., February 17, 1982.

Hon. JAMES G. WATT,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: I have today reviewed and approved the Department of the Interior's debt collection 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 power, including the current cost to Treasury of carrying 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 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 target for Interior was established as $25 million each year for the next three years, based on its total receivables of over $3 billion, of which about $60 million are delinquent or in default.

In addition to monitoring the implementation of the debt collection action plan, members of the OMB staff will continue to work with Interior officials to ensure that all aspects of debt collection are strengthened to achieve 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 administrations and for the Tennessee Valley Authority, informed sources said this week.

The group plans to submit a report to the Cabinet Council on Natural Resources and Environment in November or December, 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) economies of the regions or sectors served by the power-marketing agencies; and 4) the political acceptability of any changes in the way the agencies operate. The source explained that political acceptability is of concern where industrial or other facilities that have been built specifically to take advantage of lower 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. One reliable source, in explaining the group's mission, said that "The existing [rate] situation is quite strange," with some PMA rates "way below the price of marginal power." The source said that the PMA 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 staffed by officials from a half-dozen agencies, including DOE, the Federal Energy Regulatory Commission, the Interior Dept's Bureau of Reclamation, the Army Corps of Engineers and the Office of Management and Budget. The first organizational meeting of the group was held July 29. At that meeting, Niskanen asked agency officials to provide him in early September with what one source described as "basic, routine information" about policies and procedures for establishing, reviewing and approving rates and for licensing hydroelectricity projects at federal dams. Sources said officials attending the meeting were not fully briefed on the aims of the working group or why CEA was heading it.

But one source said that the idea of a working group stems from a May Cabinet council meeting at which a DOE-led group was authorized to study regulation, competition and efficiency in the electric-utility industry. The DOE-led group is concentrating on investor-owned utilities. It was prompted by concern that the industry is in poor financial condition.

At the May meeting, administration 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 council groups are related, asserted that the issues being considered by each are very different.

The five PMAs primarily market low-priced hydro power from federal dams, with the exception of the Bonneville Power Administration, which also is permitted to acquire some nuclear power from Washington Public Power Supply System plants, and the Western Area Power Administration, which also buys some nonhydro supplies to serve load growth in Northern California. The other three PMAs are the Alaska Power Administration, the Southwestern Power Administration and the Southeastern Power Administration. About 68% of the power sold by TVA is coal-fired, with 18% nuclear and 9½% hydro.—*R. Lynn Stevens*

UPI STORY—SEPTEMBER 23, 1982

WASHINGTON (UPI).—A member of the President's Council of Economic Advisors has confirmed that a proposal is being considered to radically boost rates for federal hydroelectric energy but not solely as a means to balance the federal budget.

William A. Niskanen Jr. was grilled under a bank of television lights by members of Congress, mostly from Washington, Oregon and Tennessee, for two hours Wednesday over the controversial plan that was disclosed earlier this week.

Niskanen did not deny that the rate increase, estimated at 300 percent or more, would help the federal government's sagging revenue brought on by the recession. But he said the main impetus for the plan is a philosophical belief that the current rates do not promote economic efficiency.

"A change in policies 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 hydroelectric power to public and private utilities at rates based on the original cost of building the dams. The administration plan is designed to charge rates at levels reflecting what it would cost to build the dams today.

Rep. Ron Wyden, D-Oreg., charged that Niskanen was advocating "a dramatic shift of goals," including a departure from a consideration of "social goals" in pricing federal hydropower.

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, "are 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., whose district benefits 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.

The PRESIDING OFFICER. Does the Senator from Idaho yield back his time?

Mr. McCLURE. 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 Idaho (Mr. MCCLURE).

The amendment (UP No. 1338) 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. 1336

Mr. HATFIELD. Mr. President, let me inquire of the Senator from Kentucky, did the Senator from Kentucky indicate 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 cleared.

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 that 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 move to reconsider the vote so that 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 that to accommodate the chairman.

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 word 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 waste, fraud, and abuse in 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 be spending money for weapons when we do not have a place to put them.

Now, the final language has been completed. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS), for himself, Mr. EXON, Mr. HART, Mr. DURENBERGER, Mr. LEVIN, and Mr. BUMPERS 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 have expired after the receipt by Congress of such notice. For the purpose of determining days of session of Congress under the preceding sentence, there shall be excluded any day on which either House of Congress is not in session, because of an adjournment of more than three days to a day certain or an adjournment sine die.

Mr. HOLLINGS. Mr. President, that is exactly word for word what the Senate and the entire Congress supported in the Defense Authorization Conference agreement. That is the intent of the authors of this particular amendment, 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 mode. As all of us know, 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 authorization bill. That committee proposed, led by its distinguished chairman, Senator TOWER, that no procurement funds be available for the 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 $988 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 conferees 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 sent his recommendation on basing to the Congress and 30 working days had thence expired. So the basing funds were fenced 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 given away our leverage. The next thing you know, DOD will obligate the money and then scream we are committed forever to a program of $50 billion and up on the basis of obligating $830 million for five missiles.

There is absolutely no justifiable reason 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 rejected? Three. Four. 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 missile production funds the day after tomorrow. Think of that. The day after tomorrow. No way to base them, but you got to make them.

What do we do if the President sends us a basing plan in a couple of months and we say no dice. They may already be building the missile. And of course, they would be doing that before the R&D testing program is finished.

Mr. President, have you ever heard of concurrency? You know, producing a weapon system before you finish testing it. DOD's track record for concurrency and cost overruns is great. But, of course, a billion or two overrun on the MX would be peanuts compared to its ultimate cost of $40 or $50 billion. So DOD will not worry about concurrency on MX.

MX supporters will cry the President has indicated he will send us a basing mode by December 1. Do you recall last year when Secretary Weinberger said he did not like the old multiple protective shelter system for MX that many of us also did not like too much. He told us he would send up a new basing plan by summer that his great MX panel would work up. So we waited, and waited, and waited.

Finally, in October, it was uncovered. We would use Minuteman silos and we would build a humpty-dumpty airplane that flies around forever or hide the missiles so deep in the ground even the worms cannot find them. So the Congress laughed all these suggestions away and here we are—1 year later—no basing mode. And the President now says December 1 is the key day. Well, I have seen that dense pack—aptly named after the condition of mind of its originator—and I predict we will laugh it away because we know the Soviets will laugh at it and can beat it.

I hear the voices now. Our current ICBM's are vulnerable. We must get going on the MX. We need a 1986 IOC for the MX. Well, the MX is vulnerable and dense pack is vulnerable so we do not need those kind of games.

To begin with, the MX IOC of 1986 only deals with a small number of missiles. We are not looking at a full-up MX system under the most optimistic Air Force plan until 1989 or 1990. And I predict they will never be able to achieve that. Mind you, I am not even talking about the ludicrous dense pack basing mode being touted by some MX supporters. I am talking about any basing mode.

So what is the rush. We are looking at a real IOC of 7 years from now. Withholding the procurement of the missile until we know how it is to be based makes good sense. And delaying the missile procurement funding will not significantly alter the IOC. The Air Force has said maybe up to 1 year—no longer.

We are not exactly hurting as far as strategic capability is concerned. In 1986, we will have our Trident I/Poseidon 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 we can achieve a survivable ICBM capability—be it, the MX, a Trident D-5 derivative, or a smaller mobile missile. Let us keep our options open and tie all MX production money to the very critical task of determining 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 constitutents 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, 1982, 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

"Packing 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 readily and early on deploy counters to 100 missiles in 100 capsules, from a technological standpoint, in the 1987-1990 period."—Townes panel report to Defense Secretary Weinberger, August 30, 1982.

"Dense Pack is a loser. The Trident with a D5 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 submarine 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 one thing that you don't want to do with 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 Stansfield Turner, former Director, CIA. Quoted in the Omaha World Herald, May 23, 1982.

[From the Aerospace Daily, Mar. 29, 1982]

TOWNES PANEL REPORT ON MX BASING

(Editor's note: Following is a partial text of the executive summary of the Townes 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. ICBM silos will not be highly vulnerable in the near future.

The Committee believes there exists no single answer to the ICBM vulnerability problem. Characteristics that the Minuteman (MM) force offered for twenty years—enduring survivability independent of warning, prompt retaliatory capability, very high 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.

All 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 than the Soviets have ICBM warheads. Although Multiple Protective Shelters (MPS) can extract a substantial price, the Soviet Union can readily compete in a U.S. shelter versus Soviet ICBM warhead race.

The Committee investigated a broad range of ICBM basing options. It finds no practical basing mode for missiles deployed on the land's surface, available at this time, that assures an adequate number of surviving ICBM warheads. There are, however, wide differences in the costs and uncertainties the Soviets would encounter in attempting a disarming attack against the various U.S. weapons and basing modes considered. And the larger problem for the Soviets, dealing with the other legs of the Triad (bombers and SLBMs), is and will remain sufficiently difficult as to inhibit a Soviet disarming attack against the ICBM force.

The most promising approach to providing a new secure ICBM retaliatory force appears to be continuous airborne patrol. The Committee believes that a new aircraft—making use of today's composite material technology and fuel-efficient engines—can be satisfactorily designed for such a mission. The Committee thus 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 fuel-efficency of such an aircraft appears to be sufficiently high, the survivability (including consideration of countermeasures) sufficiently good to call for a prompt and thorough examination of this basing concept in order to make the earliest possible decision for development and deployment. Such an aircraft may also have utility as a command, control, and communications platform. All members support the continued development of the MX missile while the feasibility of the patrol aircraft is being determined.

The submarine force appears to have a high degree of survivability for the foreseeable future and the precision of SLBMs can be improved (approaching that of land-based missiles) to provide a secure force capable of attacking hard targets promptly. The Committee recommends deployment of a larger, more accurate SLBM on the Trident force. The design of a submarine smaller than the Trident should be undertaken as a possible follow-on to Poseidon and an Extremely Low Frequency communication system should be deployed.

However, the possibility that strategic submarines might, in the long run, face some problems of survivability places importance on preserving other types of basing modes and, if it is possible and affordable, on creating new ones. Deployment of ICBM's on "air patrol", described above, is the most promising. The Committee also recommends the prompt and vigorous investigation of: exploiting the fratricide effects among warheads attacking closely-positioned and hardened shelters, deep underground basing, and taking advantage of terrain features such as basing missiles on the south side of, or within, mesas.

Small missiles offer a wider range of basing options than the MX does—in particular certain mobile modes such as helicopter, VTOL aircraft and road/off road. However, since the cost of small missiles per warhead is higher than the cost of the MX missile, and the most promising mode, continuous airborne patrol, is compatible with the larger missile, the potential advantages offered by the small missile are not sufficient to indicate a change from MX to a small ICBM at this time. A research effort on small missile basing is recommended in order to explore and make available any useful modes of deployment.

There is no demonstrated technology or system of sufficient performance to warrant commitment today to a Ballistic Missile Defense (BMD) deployment to defend ICMB's in silos. However, BMD may play a future role in helping secure our retaliatory forces if some promising concepts materialize, and the Committee recommends expanding the current BMD research and development effort.

The Global Positioning System (GPS), which is important for many military missions, provides a unique avenue to improve the accuracy of sea and airborne mobile missile systems, and should be fully deployed.

The Committee does not now recommend the deployment of the full MX/MPS system.

[From the Aerospace Daily, Mar. 30, 1982]

TOWNES PANEL REPORT ON MX BASING

(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 missiles in 100 land-based shelters. They recommend that this deployment provide the further option, if required later, of rapidly deploying additional shelters for deceptive basing of the MX missile. This would be done through selection of an appropriate deployment location and design of the lancher. The option for ballistic missile defense of those shelters would also be preserved.

There are two principal underlying reasons for the recommendation of the majority group: (1) to provide a "hedge"; and (2) to provide an "augmentation" to our present strategic forces.

By providing (through location and design) the option to deploy additional shelters we provide a hedge against the event that proceeding with deployment of the MX missile in that air patrol modes does not prove feasible. In this circumstance it may be appropriate to provide for increased survivability of the MX force by adding more shelters and, should the threat so require, defending them—in the absence of a breakthrough in ballistic missile defense, deceptive basing among multiple shelters, using preferential defense, would be the most effective deployment.

Deploying 100 MX missiles in 100 shelters will rapidly augment our strategic forces by 1000 accurate warheads; such a deployment will strenghten our deterrence of major Soviet aggression against vital U.S. interests abroad. It will also present a much needed stress to the basing posture of Soviet strategic forces and thus provide an inducement for the Soviets either to negotiate significant arms control agreements or to make costly changes to their strategic deployment.

The majority group that recommends proceeding with the deployment of 100 MX missiles in 100 shelters in firmly convinced that it is appropriate to deploy a portion of the U.S. strategic force in such a mode—including the inherent capability for expansion to achieve increased survivability. So long as our submarine forces on patrol, our bomber forces on alert (and our aircraft force on patrol) provide for a secure, highly capable retaliatory force, there should be little or no incentive for the Soviets to attack these 100 shelters.

In sum, we should proceed to provide an augmentation to our strategic forces as soon as possible. But this augmentation should be accomplished in such a way as to provide a hedge—the inherent capability for adding deceptive basing (and defense) if required later. The deployment recommended above provides for both.

A minority of the Committee recommends a different course of action which would not deploy the MX ICBM on land or deploy any part of the MX/MPS system, believing it to be insecure and expensive, and believing that it would foreclose work on better systems by using up the funds available for strategic systems. Their more detailed position follows.

In accordance with its design, the Triad retains other survivable nuclear weapons capable of destructive retaliation even if the Minuteman (MM) ICBM force is largely preempted. But MM is perceived to possess a unique counterforce ability which cannot be matched in the other parts of the Triad. The lack of a counterforce Triad substitute for increasingly vulnerable MM enhances the value to the Soviets of ICBM preemption. Introducing into the Triad a counterforce capability that generally duplicates the MM ICBM would lessen the benefits of Soviet preemption. The D5 Trident missile with its accuracy approaching that achievable in a land-based system, and whose accuracy, like that of other SLBM's is verifiable for all ranges and azimuths, allows this possibility. Even though meticulous analysis does not reveal any reliable way to regain ICBM survivability on the merits of ICBM land-basing along, effective system survivability can be gained by the synergistic effect from arming the Trident submarine with a counterforce SLBM.

From first deployment, such a Trident submarine force presents a counterforce threat not targetable by Soviet ICBM's. Doing this makes increasingly irrelevant the primary Soviet nuclear reliance on a large throw weight/RV potential as a preemptive threat for deterrence.

Survivable systems would promote useful arms control negotiations, with the Soviets no longer motivated to retain large throw-weight and many RV's and the U.S. not reserving an option to reject the ABM Treaty because of a possible need to protect ICBM's.

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 relocation, deep 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 effectiveness and provide up to 1650 RV's. Additional cruise missiles can be added for launch from surface ships, submarines, and aircraft.

AF Details Cost Increases in AIM-7M, DSCS Programs

(Editor's note: Following are parts of the AIM-7M Sparrow and Defense Satellite Communications System portions of Air Force Secretary Verne Orr's March 8 report to Congress on AF programs that have exceeded baseline unit cost by more than 15 percent. The others are the F-15, F-16 and A-10 (Daily, March 25), and AGM-65D (Daily, March 26). For a similar Army report on the Pershing II, see the Daily of March 23.)

AIM-7M SPARROW

Description of breach	Selected acquisition report (SAR) as of—		
	Mar. 31, 1981	Dec. 31, 1981	Percent change
Total program acquisition unit cost (TPAUC):			
Amount (millions)	$1,578.3	$1,700.1	
Units	12,297	10,635	
Unit cost	.128	.160	+25.0
Fiscal year 1982 procurement unit cost:			
Amount (millions)	$238.6	$222.2	
Units	1,560	1,025	
Unit cost	.153	.217	+41.8

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 restructure in fiscal year 1982-83 resulted in an overall quantity reduction. This action increased unit costs throughout the balance of 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 Aerospace Daily, May 28, 1982]

Perry Questions "Dense Pack" MX Basing Plan

Former Pentagon research director William J. Perry yesterday raised the concern that the "dense pack" basing plan of clustering 100 MX missiles in a relatively small area might be vulnerable to the "pin-down effect"—in which a succession of Soviet missles fired over the deployment area could prevent a retaliatory strike from being launched.

Perry told reporters at a breakfast session in Washington, D.C., that he raised the issue when he was briefed by the Air Force two weeks ago on President Reagan's preferred MX basing plan. Lt. Gen. Kelly H. Burke, Air Force deputy chief of staff for research, development and acquisition, will give him a follow-up briefing today and respond to the concerns, Perry said. Now an adviser on high technology firms, Perry was briefed "as a courtesy," he added.

An advocate of precision guided weapons while he was Carter Administration undersecretary of Defense for research and engineering, Perry said Argentina's ability to inflict casualties on the British fleet with the French Exocet missile would lead him to advocate putting more money in the Navy budget to protect the surface fleet.

He said he agreed with Navy Secretary John Lehman that to defend against PGMs it would be necessary to extend fleet air defense out to attack aircraft.

He said he would favor more F-18 fighters equipped with Advanced Medium Range Air-to-Air Missile (AMRAAM) fire-and-forget missiles to do an F-14 Phoenix type attack without the same range.

He said he would favor spending more on close-in air defenses and on ocean surveillance. For broad ocean areas. he said, he would use satellite coverage. In the Falkland Islands area, he continued, he would rely on high altitude aircraft.

"Yes, we're inadequate now" in funding and what the Navy is able to do, he remarked.

He called the SSN-688 nuclear attack submarines one of the best means of defending carriers and said he would favor increasing the number of attack subs in the fiscal 1983 and 1984 budgets even more than the Reagan Administration did. The Administration is seeking two of the Los Angeles class subs in '83 and three in '84.

Perry said that "whatever the cost," $400 million or $500 million, "the cost of them is small relative to (their) effectiveness."

He said he doesn't think the threat to the U.S surface fleet today is greater than 250 miles but noted that the MRASM (Medium Range Air-to-Surface Missile), which is perhaps two years away from entering the inventory, will operate at ranges of 600 to 700 miles. It's likely that Soviet missiles will also extend the range of the threat, he added.

"Yes, I believe it is" a bad idea for the Navy to cut MRASM, he told a questioner.

Perry said the defense, which is at a disadvantage, has to have some way of attacking the bombers themselves, if not at their bases then at long ranges.

Perry said he would invest far greater sums or tactical aircraft and subs relatve to surface ships but would stick with the present number of 13 large carriers. His emphasis would be in protecting them rather than adding to their number, he added.

Perry said that today with all the basing problems and the Trident II sub-launched missile underway the MX would be "low on my priority."

He said he would rather put the money into anti-submarine warfare, tactical air wings and building up conventional forces. The balance between conventional and nuclear forces "is off" today, he remarked.

The same argument, he continued, would hold against the B-1B strategic bomber. For the same $30 billion, he said, he would rather buy five wings of F-15 and F-16 fighters which would represent "a far greater enhancement of our capability." He maintained that he was "not negative" on the B-1B.

Perry said his response when he was briefed about dense pack for MX was that the Soviets could go from trying to put 20 to 30 warheads on their SS-18 intercontinental missiles to one very big warhead which could take on the whole cluster of missiles in the constricted area. This would eliminate the fratricidal effect of having Soviet warheads aimed so close together they would destroy one another.

The Air Force, he said, is quite aware of the pin-down effect, which he called reverse fractionation. The effect lasts for over a minute per missile fired, he said. The principal threat is radiation, he added.

He said the Air Force was talking about 1500-foot separation of missiles. "Ours was 5000 feet," he added.

Perry was the principal architect of the Carter Administration basing plan calling for shuttling 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 (MPS) which Carter picked or increased emphasis 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.

His reason 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 wouldn't begin its useful life until 1990 and would be in service until about 2010.

The U.S. knows how to attack SLBMs but the economics and engineering are just not feasible today but might be in the future, he added.

Air Force Eyes Stinger-Equipped M113 for Air Base Defense

The Air Force plans to complete this summer its current studies of how to defend its air bases in continental Europe, and one concept under consideration is an Army M113 armored personnel carrier equipped with Stinger missiles and a Gatling gun. The service is prepared to take over air base defense, an Army role, if this turns out to be the best thing to do.

The Air Force declined on Wednesday to discuss air base defense concepts and said they involve ground rather than air attacks (Daily, May 27). The M113-based system was described, however, in fiscal year 1983 budget testimony published recently by the House Appropriations defense subcommit-

tee. Gen. Lew Allen, AF chief of staff, described it as a ground defense system that "would also have some air defense capability."

Air Force Secretary Verne Orr called it the Air Force Mobile Weapon System (MWS), planned to begin technical demonstrations in fiscal year 1983.

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.

I simply 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 it, the Congress knows it, the White House knows it, and that is the real problem.

Mr. President, this has nothing to do with the negotiations, the deployment of the missile in the Arms Limitation Agreement.

Due to the particular negotitions 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.

When the chairman of the Armed Services Committee, who led the Armed Services vote to delete all MX production, comes now and opposes the particular amendment that limits production, it tells me that in the interim period, on a continuing resolution, commitments for procurement, are intended to be used and sneaked in on a continuing resolution when they should not be. And the opponents do this when the Senate has not voted on it and no decision has been made with respect to the basing mode.

The way MX production will occur is an abuse on the floor of the Senate when we allow it to happen on a continuing resolution. This amendment is more than appropriate; I think the amendment is absolutely necessary.

I will now yield to the Senator from Colorado, and I ask everyone to present their statements before they move to table.

Mr. HART. Mr. President, what is the time situation?

Mr. HOLLINGS. Mr. President, what is the agreement on this particular amendment?

The PRESIDING OFFICER. The Chair will advise the Senator from South Carolina that under the terms of the time agreement, 30 minutes are allocated to the amendment to be equally divided. If a tabling motion is offered and fails, it will then be in order for the Senator from Texas to offer a second degree amendment on which 15 minutes is allowed, equally divided.

If a tabling motion on that fails, and the amendment fails, a second amendment may be offered under the same time limitation.

Mr. HART. Mr. President, I wish to identify myself very strongly with the position put forward by the Senator from South Carolina. There is in the defense area, more so than in any other area we will deal with this year, no more important policy issue than the issue of the MX missile system. If this amendment fails by virtue of language placed in a continuing resolution, as the Senator from Colorado understands it, the Senate of the United States, and perhaps the Congress of the United States, will go on record as fully supporting additional procurement of the MX missile and funding the basing mode, whatever it is.

We do not know what the basing mode is. Therefore, funding the basing mode seems to make no sense whatsoever, as does procurement of the original set of a half-dozen or so missiles.

Mr. President, I would think that before the Congress of the United States or the Senate of the United States launches this country forward into that era of that new missile, we, at the very least, ought to know where the missile is going to be placed and ought to defer funding of the missile until that decision is made. The decision has not been made.

The basic plan has not even been presented to the Congress. So committing the Congress of the United States in a vehicle such as this, with 30 minutes of debate, is hardly the way to go about doing this Nation's business, and it is certainly not the way to go about making major strategic decisions in the long-range interests of this country.

It may be that the wisest course is to go forward with procurement of the missile. It may be, through some strange set of circumstances, that the dense pack basing mode, the fourth or fifth to come down the pike, makes some sense. Let us leave that aside.

At the very least, it should not be the case that we go forward blindly into the dark on this measure, using this method, using this device or this vehicle to make those major policy decisions.

Mr. President, the course of prudence, wisdom, and caution, even if one supports research and development of this sytem, which I have, is to not use the continuing resolution, not use 30 minutes of debate, to make this major decision of procuring the first set of missiles and giving the Defense Department money for some unknown basing mode. I would urge my colleagues to strongly support this amendment.

I yield back to the Senator from South Carolina.

Mr. HOLLINGS. I yield to the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, I am pleased to be an original cosponsor of the amendment offered by the Senator from South Carolina.

The amendment is simple, straightforward and consistent with the desires of the Congress with regard to production and deployment of the MX missile. This is not a fight regarding whether to produce the MX missile. Production of five MX missiles was approved in the 1983 Defense Authorization bill which is now law.

The Senate Appropriations Committee has followed suit and approved this MX production. However, the Senate has not worked its will on this measure and will not do so until the lameduck session. In the interim, the Senate version of the continuing resolution before us today calls for interim Defense Department funding at the 1983 level approved by the Appropriations Committee last week.

Because of this situation, a potential loophole exists. The expenditure of all MX basing money in fiscal year 1983 is contingent upon submission of a Presidential basing mode decision. This provision is already law. However, there is no similar provision affecting the production of the five MX missiles themselves. This production can proceed as of October 1 under the terms of this continuing resolution.

It makes no sense to this Senator to have MX missile production go "full speed ahead" in the absence of a Presidential basing mode decision. This has always been the intent of the Congress and is the reason why the Senate has consistently taken the lead over the past few years in moving forward a Presidential MX basing mode decision.

The President has pledged to inform Congress of his decision on this matter by December 1—a short 2 months from now. I believe the Hollings amendment is necessary to insure Congressional preorgatives in this area. If the President holds to his decision schedule, there would be virtually no delay in MX production. The MX flight test program can go ahead without interruption—indeed the first flight test is scheduled for January, 1983.

Mr. President, with all of the care which the Senate has taken over the years to link the MX missile to a basing mode decision, we must not at this time lessen our oversight of this most important program.

I urge the adoption of this amendment.

Mr. HOLLINGS. I yield now to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

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. As 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 this 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 29 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 turned over to 29 individuals. I respect those 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 of the Congress. The continuing 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 begin the development of this 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 these programs can 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 decisions 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 nonsurvivable basing 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 in 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 had testimony yesterday 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 that appears 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 hard-nosed 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 Shukin, the scientific adviser to the Soviet delegation. I said, "Mr. Shukin, we have given up 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 proposals 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. Every member contributed. 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. The missile made fine progress, with no impediment or break in the development year after 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 wait just a few days now and a few more weeks until the Congress returns?

This is an emergency.

This amendment would require us to wait and put a fence around this matter and go back into that old question of the basing mode.

I do not know of anything more you could do to encourage the other side in these negotiations than to delay and procrastinate, even though there is nothing except good intentions.

We either have to move forward on this matter or cut bait and start over and see what we can do.

I am satisfied that we will never get the Soviet Union to budge 1 inch until we move forward the most we can in this field of weaponry. I am not happy about it. I do not like to spend all this big money—billions here and billions there.

Why come in here and say we will be back in 60 days but we are going to stop this?

The request was cut to five missiles because it is considered stronger to produce the five missiles, complete them if possible, as soon as possible, rather than to have long lead funds for nine missiles. So the Armed Services Committee authorized the money without any strings on it.

Let the President stand foursquare and look them in the eye and say, "Here is the thing we are moving on—no delay, no restriction, no restraint."

Why tie up things when there is no real cause for it? It makes the other side believe there is not a purpose, not a will, not a final intention to see this thing through. I think it will be a grave mistake.

I yield back any time that remains.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. I yield myself 1 minute.

Mr. President, if Senators will look at the Armed Services Committee report on the Department of Defense authorization for fiscal year 1983, they will find out who is helping the Russians and who is enhancing the prospect of nuclear war and who is trying to prove that there is not a will.

Turn to page 66 of the report and you will see the budget request sent to the Armed Services Committee by the President for the MX missile. The Reagan request totaled $1.446 billion. When the committee considered that request of $1,446,400,000, they gave them zero dollars. I repeat, zero dollars by the U.S. Senate Committee on Armed Services.

So the Soviets have been invited to the party and they have had a celebration to enhance the prospect of nuclear war. When? When the Armed Services Committee zeroed MX production. They go to no party under my proposal.

Then, let us look at page 59 of the report and you see the language as to exactly why 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 should read that language in the Armed Services report that the Armed Services Committee would like to shove under the rug. That committee did not enhance nuclear war when it zeroed MX procurement. It did not enhance nuclear war to comfort the enemy or to show we had no will when it reported it to the Senate and when the Senate voted for it, 84 to 8. But my amendment, which cuts no funds, I repeat—no funds—from MX but merely says we do not build what we cannot deploy—now somehow I am inviting a nuclear disaster on the United States.

Now they have this silly dense pack—which more nearly describes the mentality better than the missile—no wonder Gary Trudeau has given up "Doonesbury." We are getting better comics from the Pentagon.

I never heard of such nonsense and ripping 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 years. They had a standup basing mode before that one, and then they racetracked 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 debate about it. The Trident 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 deterrence. That is the problem. It is what makes 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 same 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, which in turn gives 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 fully support doing away with the procurement funding of the MX. I am all for continuing the research on it, because research on guidance systems, on fuel specifics, on weapons for the nose of that missile—all these things have applications to other missile 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 think that is satisfactory. 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 freshman member of the Armed Services Committee, I continued to support the development of the MX missile. I was very much involved in the basing mode, as I think everyone knows, and I opposed the Carter basing mode because I did not think it was survivable. I did not ever oppose the missile. I did not ever oppose it being placed in my State or in Nevada. I opposed the basing mode any place in this country that I thought was a Rube Goldberg system that simply would not work.

As far back as the summer of 1976, I encouraged President Ford—he could not make a decision on the basing mode before that election—to decide to go forward with the missile, the research and development and eventually the production.

That was not done. The election changed. Then we got into all this hassle over a silly racetrack basing mode.

Congress has been jockeying this around for political reasons and others for a long, long time. The fact remains that while we have been arguing for years about a replacement for Minuteman III, the Soviets have built several new missiles and have four more under research and development. So we are still stuck with the Minuteman III with no replacement.

I am not prepared to argue basing mode one way or the other tonight, but it would be a foolhardy mistake not to go ahead with the production of just five missiles. One very reason that they are so costly is because of continual congressional delays, the starts and the stops.

We are going to have 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 agree to 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 prejudge that.

I do not know whether dense pack or some other mode is the best way to go. It is a difficult decision, but let us not prejudice 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, but let us be statesmen 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 develop another five more and have a 10-to-1 lead on us.

Mr. GLENN. Mr. President, if the Senator will yield for a question, does he have any time remaining?

Mr. GARN. I maybe 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 be stuck 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 is the dense pack so far.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield such of my time as he may require to the Senator from Texas.

Mr. TOWER. Mr. President, there seems to be a great predisposition on dense pack before Senators I think have been thoroughly and adequately briefed on the matter.

There have been a lot of developments in terms of the so-called dense-pack proposal that have occurred over the last 2 months. It appears that it may be a survivable and viable system.

I would hope that Senators would not pass judgment on that right away because I do not really think Senators have been informed in depth on this matter, and I would suggest that the appropriate time is when we get into the appropriations on the MX to take the Senate into a closed session and we can talk about it. If Senators want to reject the system then that is fine.

It is not a foregone conclusion that dense pack will be the basing mode. It is trending that way.

Something has been said about what the Armed Services Committee did. The 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 we 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 use our 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 systems.

Mr. President, I believe that none of these fundamental problems have been resolved by either the administration or the Congress. Until they are, we should refuse to fund production of the MX missile and insist on a full report and recommendations from the President before exercising our own independent 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 strategic forces; second, it would undercut existing arms control agreements and the stability of the nuclear balance especially in times of 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 9,500 warheads we already have aimed at the Soviet Union are not enough for deterrence, commonsense suggests that the proposed 1,000 additional 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 roughly 9,500 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 (each of which I favor); they will have somewhat less. Likewise, there is value in having a prompt ability to knock out Soviet missiles, so that they could not reload and fire again. But the Trident II missile will give us this 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 is whether it could be 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 survive 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 other incoming 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 that, unfortunately, is not easily susceptible to empirical proof. It is unsatisfactory to let so much depend on such uncertain assumptions, for if the Air Force is wrong we would unwittingly be putting a substantial part of our total strategic force at risk. Moreover, even if the effects are exactly as the Air Force predicts, if the Soviets' computer analyses 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—that it provides quick reaction, hard target kill capability—is entirely lost since cruise missiles, for example, would reach the U.S.S.R. as quickly (and more surely).

One idea for 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 Reductions 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, is what has created the so-called "window of vulnerability," and deploying 100 MX missiles does little to close it. A far better approach would be for the United States to consider multiplying the number of smaller, single warhead missiles, thereby reducing the Soviet incentive to strike first. The ordinary calculation is that it takes two warheads to kill one missile (because the margin of error is sufficiently large that only by shooting two will there be a high probability of one hitting close enough to destroy the target). If, however, it would take two Soviet warheads to kill only one U.S. warhead, the incentive for them to launch first in a crisis would be substantially undercut. A complementary or alternative approach would be to increase the difficulty of locating U.S. missiles. There are available, technologically feasible, systems which could be built in place of MX, which would probably go a long way toward solving the vulnerability problem. For example, smaller missiles like the D-5 could be based on trucks or in small submarines. Either systems could avoid detection by Soviet satellites, and, by increasing the number of missiles and limiting the number of warheads per missile, either plan would eliminate the Soviet incentive to strike first.

In short, MX should not be built because it would not add to U.S. capability, it would be difficult to utilize under wartime conditions, it would undercut 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 expired?

The PRESIDING OFFICER. There remains to the Senator from South Carolina 6 seconds.

Mr. HOLLINGS. All time has expired.

The PRESIDING OFFICER. All time has been yielded back.

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.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of 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. DENTON) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Mr. RIEGLE), are necessarily absent.

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

The PRESIDING OFFICER (Mr. ABDNOR). Is there any other Senator in the Chamber desiring to vote?

The result was announced—yeas 50, nays 46, as follows:

[Rollcall Vote No. 370 Leg.]

YEAS—50

Abdnor	Gorton	Nickles
Armstrong	Grassley	Packwood
Baker	Hatch	Pressler
Bentsen	Hawkins	Roth
Boschwitz	Hayakawa	Rudman
Brady	Heflin	Sasser
Byrd, Robert C.	Helms	Schmitt
Cannon	Humphrey	Simpson
Cochran	Jackson	Stennis
Cohen	Jepsen	Stevens
D'Amato	Kasten	Symms
DeConcini	Laxalt	Thurmond
Dole	Long	Tower
Domenici	Lugar	Wallop
East	Mattingly	Warner
Garn	McClure	Zorinsky
Goldwater	Murkowski	

NAYS—46

Andrews	Eagleton	Melcher
Baucus	Exon	Metzenbaum
Biden	Ford	Mitchell
Boren	Glenn	Moynihan
Bradley	Hart	Nunn
Bumpers	Hatfield	Pell
Burdick	Heinz	Proxmire
Byrd, Harry F., Jr.	Hollings	Pryor
	Huddleston	Quayle
Chafee	Inouye	Randolph
Chiles	Johnston	Sarbanes
Cranston	Kassebaum	Specter
Danforth	Leahy	Stafford
Dixon	Levin	Tsongas
Dodd	Mathias	Weicker
Durenberger	Matsunaga	

NOT VOTING—4

Denton	Percy
Kennedy	Riegle

So the motion to lay on the table Mr. HOLLINGS' amendment (UP No. 1339) was agreed to.

Mr. BAKER. 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.

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. DANFORTH); a 15-minute colloquy for the Senator from New Mexico (Mr. DOMENICI); and a 30-minute time limitation on a Kennedy amendment. That is on the jobs issue. That has a 10-minute agreement on an 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 these 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. DANFORTH) to offer an amendment.

The PRESIDING OFFICER. The Senator from Missouri.

UP AMENDMENT NO. 1340

Mr. DANFORTH. 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 Missouri (Mr. DANFORTH) proposes an unprinted amendment numbered 1340.

Mr. DANFORTH. 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.—. 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 509(e) or otherwise, that any of the amounts apportioned under section 507(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 505 will not exceed the amount authorized for such fiscal year under section 505(a) and if the Secretary determines that sufficient amounts are authorized 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 505, do not exceed $450,000,000.".

Mr. DANFORTH. Mr. President, the Congress mas 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 under that 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 DOT 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 amounts authorized by the recently passed ADAP bill, and does not affect future obligation ceilings.

In introducing this amendment, it is my intent 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.

Five years ago the Department of Transportation made a decision to upgrade Lambert Airport rather than authorize construction of an expensive new regional facility, estimated at $2.5 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 sui generis, and with new discretionary funds DOT now has an opportunity to honor its partnership in the expansion of Lambert by helping airport officials complete the upgrading of this vital hub in our Nation's air transportation system.

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 ojbection, 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 DREW: We are quite concerned that an internal FAA interpretation of some specific sections of the new Airport and Airway Improvement Act of 1982 (Title V, Public Law 97-248, September 3, 1982) might unnecessary result in your obligation substantially less than the full $450 million in FY 1982 grant-in-aid funds as authorized by the new law and as made available under the Fiscal Year 1982 DOT Appropriations Act.

Specifically, the question has been raised as to whether Congress intended that the FY 1982 ADAP obligational ceiling of $450 million would have to be reduced by the amount of FY 1982 sponsor apportionments that will not currently be used (estimated at $50 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 past FAA practice and with our intent in developing the new law. It was our understanding that in recent years FAA has interpreted the ADAP law as enabling FAA 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 submitting draft legislation for renewal of the program, the Administration did not state that its proposed legislation was intended to limit FAA's ability to make discretionary grants in the place of unused apportionments. No witness at our hearings suggested that such changes would be desirable, and the legislative history of the enacted bill, in which the provisions in question are based on the Administration's proposal, contains no suggestion that a change in prior practice was intended. We can also assure you that we did not intend to make any changes in this area.

While section 508(a) of the new law expressly provides that funds apportioned under sections 507(a) (1), (2) and (4) are to be "available" to sponsors during the fiscal year for which they were first authorized and for the two succeeding fiscal years, we did not intend this "availability" of apportionments to be so absolute as to preclude your currently using that obligational authority for other airport projects if that could be achieved without exceeding the statute's cumulative ceiling on ADAP funding (section 506(a)) or unless expressly prohibited by other statutory provisions.

In fact, a new provision, section 509(e), was added to the statute this year at FAA's request to facilitate FAA's ability to utilize all currently available funds. Section 509(e) authorizes the Secretary to establish a cutoff date for applications for apportionment funds and provides that if an application is not received by the cutoff date, the Secretary may defer approval of the application until the fiscal year immediately following the fiscal year in which the application is submitted. This provision would have served no purpose if we had intended to "freeze" all apportioned funds and to preclude any use of discretionary funds when a sponsor intended to defer use of apportioned funds until a later year. The provision is only needed if FAA has authority to make discretionary grants in place of apportioned funds that are not used in a fiscal year.

When section 507(a)(3), describing the discretionary fund, is considered in conjunction with new section 509(e), there would appear to be authority for FAA to temporarily convert unclaimed apportionments into current discretionary funds so long as those apportionments may be claimed in either of the two succeeding fiscal years.

Under this interpretation, in this current year, FAA could obligate $50 million in unclaimed FY 1982 apportionments before September 30 as discretionary funds so that the $450 million annual ceiling on ADAP obligations could be reached: No more than the total FY 1982 ADAP amount made available would have been obligated. Sponsors that did not claim FY 1982 apportionments currently would, consistent with section 509(e), have access to those apportionments again as of October 1 either under section 506(e)(4) (exemption of sponsor entitlements from effect of fiscal year ceilings) or as a compensating reduction in FY 1983 discretionary funds (if the Appropriations Committees were to explicitly nullify the effect of section 506(e)(4) in the FY 1983 Regular or Supplemental Appropriations Act).

As a practical matter, that $50 million is highly important to airport sponsors during the current year. At a program level of $450 million, all sponsor apportionments have already been reduced by one-third so discretionary funds are more critically needed at more locations to fashion workable projects. Also, since discretionary funds historically are more often distributed to smaller airports, the loss or deferral of that $50 million would impact on a large number of airports.

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 so narrowly by FAA 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 obligate the full $450 million during the remaining days of this fiscal year.

Sincerely,

NANCY LANDON KASSEBAUM,
Chairman, Subcommittee on Aviation, Committee on Commerce, Science, and Transportation, U.S. Senate.

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 time, the practice with respect to the ADAP 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 is simply to 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 know 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.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, I fully support Senator DANFORTH's amendment. It will be of great value in 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. PROXMIRE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 1336, 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 unprinted amendment No. 1336 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. FORD. Yes.

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

The amendment (UP No. 1336), as corrected, is as follows:

At the appropriate place in the Resolution, insert:

SEC. . Notwithstanding any other provision of law, effective for the calendar year ending December 31, 1982, the Sergeant at Arms and Doorkeeper of the Senate is authorized to pay, from funds available to him in the account (within the contingent fund of the Senate) for "Miscellaneous Items", the increase in the mileage tariff rates imposed, effective October 1981, by the General Services Administration for telephone service provided through its Federal Telecommunications System during such calendar year to Senators in the States they represent. If and to the extent that there has been paid, from the Official Office Expense Account of any Senator, an amount which is authorized to be paid under the preceding sentence, then the Sergeant at Arms and Doorkeeper of the Senate shall reimburse such Expense Account of such Senator by a sum equal to such amount, upon certification and documentation (consisting of appropriate data supplied by the General Services Administration) by such Senator. Payments made under this section shall be made upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

Mr. FORD. 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

(Purpose: To make a technical correction)

Mr. HATFIELD. 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 Oregon (Mr. HATFIELD) proposes an unprinted amendment numbered 1341.

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

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

The amendment is as follows:

On page 11, line 10, strike out "section 665" and insert "subchapter II of chapter 15".

On page 11, line 18, strike out "section 665" and insert "subchapter II of chapter 15".

Mr. HATFIELD. Mr. President, this has been cleared on both sides of the aisle.

What happened is that the President yesterday signed a bill on recodification. We used certain numbers under the old code. What this technical amendment attempts to do is to update the numbering of the sections to comply with the new code signed into law yesterday by the President.

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

The amendment (UP No. 1341) was agreed to.

Mr. HATFIELD. Mr. President, I yield to the Senator from Texas for 10 seconds.

Mr. TOWER. Mr. President, I want to commend my distinguished colleague and friend—Senator STEVENS—for his decision to proceed with his subcommittee's markup of the fiscal year 1983 defense appropriations bill—despite the apparent stall tactics being employed by certain members of the House Appropriations Committee. Here we are in the final week of the fiscal year and the House Appropriations Committee has yet to even begin its markup of the defense appropriations bill.

I also want to commend Senator STEVENS for his success in reporting a defense approriations bill which adheres to the budget authority and outlay targets reflected in the first concurrent resolution. although I and many of my colleagues disagree with a number of the positions taken by the Senate Appropriations Committee, I am painfully aware that to comply with the first concurrent resolution—particularly the outlay targets—one must make very difficult choices, and this is an area where reasonable men may differ.

Mr. President, I know many of my colleagues have a number of issues which will have to be addressed by the full Senate when the defense appropriations bill is considered during the lameduck session. It is only because time is short and because it is pointless to debate some of these issues twice that I have decided not to challenge this continuing resolution until 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 then 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 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 with the second-degree amendment and the Domenici colloquy, no more amendments be in order to the continuing resolution.

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

Mr. HATFIELD. Mr. President, I ask unanimous consent, that, assuming we have three more votes, the last two votes be 10-minute rollcall votes. These will probably be back-to-back votes.

The PRESIDING OFFICER. Does the Senator suggest that we stack the votes?

Mr. HATFIELD. No, Mr. President, I ask unanimous consent that the last two votes be 10-minute rollcalls, back to back.

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

UP AMENDMENT NO. 1342

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 legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) for himself and Mr. ROBERT C. BYRD, Mr. METZENBAUM, Mr. RIEGLE, Mr. EAGLETON, Mr. RANDOLPH, Mr. CRANSTON, Mr. BAUCUS, Mr. CANNON, Mr. DIXON, Mr. INOUYE, Mr. LEVIN, Mr. PELL, Mr. SARBANES, Mr. DODD, Mr. BUMPERS, and Mr. MELCHER, proposes an unprinted amendment numbered 1342

At end of the joint resolution add the following new section:

Sec.—

(a)(1) The Congress finds that—

(A) unemployment has increased to 9.8 per centum on a national basis, varying from a high of 14.3 per centum in the State of Michigan to a low of 4.7 per centum 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 exhausted 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; and

(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.

(2) In an effort 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, 1982, of which—

(A) 85 per centum shall be available to provide productive 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. 1982).

(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 ten 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;

(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 1968, (ii) the minimum 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 benefits and employment conditions comparable to the benefits and conditions provided to other employed in similar occupations by the same employer.

(3)(A) No currently employed worker shall be displaced by any individual employed with funds under this subsection, including partial displacement such as a reduction in the hours of nonovertime work, wages, 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 administration and not more than 20 percent of such funds may be used for the acquisition of supplies, tool, and equipment.

(4) Funds available in accordance with this subsection may be used for the purpose of providing unemployed individuals with temporary employment for not more than six months in repair, maintenance, and rehabilitation of public facilities and the conservation, rehabilitation, and improvement of public lands, such employment to include (but not be limited to) employment in—

(A) road and street repair,

(B) bridge painting and repair,

(C) repair and rehabilitation of public buildings,

(D) repair and rehabilitation of water systems,

(E) erosion, flood, drought, and storm damage assistance and control,

(F) removal of refuse from drainage ditches, illegal dumping sites, and other public areas,

(G) park and playground rehabilitation,

(H) installation and repair of drainage pipes and catch basins in areas subject to flooding,

(I) stream, lake, and waterfront harbor and port improvement and pollution control,

(J) forestry, nursery, and silverculture operations,

(K) fish culture and habitat maintenance and improvement,

(L) rangeland conservation, rehabilitation, and improvement,

(M) installation of graded ramps for the handicapped, and

(N) energy conservation.

(5) Funds available in accordance with this section shall be allocated as follows:

(A)(i) Eighty-three per centum of the funds available in accordance with this subsection shall be allocated among eligible entities which, during the three months preceding the date of allocation for which satisfactory data are available, had an average rate of unemployment equal to or in excess of 9 per centum for such three months.

(ii) In making such allocation, the Secretary shall allocate 50 per centum of the funds under this subparagraph (A) on the basis of the relative number of unemployed persons, 25 per centum of such funds on the basis of the relative number of unemployed persons residing in areas of substantial unemployment, and 25 per centum of such funds on the basis of the relative excess number of unemployed persons (in excess of 4.5 per centum of the labor force.).

(B) Two per centum of the funds available in accordance with this subsection shall be allocated among Native American tribes, bands, and groups for use in meeting the need for employment and training and related services of such tribes, bands, and groups.

(C)(i) The remainder of the funds available in accordance with this subsection shall be allocated, in the manner described in subparagraph (A)(ii), among eligible entities which are not eligible for an allocation under subparagraph (A) for the purpose of serving a locality—

(I) which has had a large scale loss of jobs caused by the closing of a facility, mass layoffs, natural disasters, or similar circumstances, or

(II) which has experienced a sudden or severe economic dislocation.

(ii) In expending funds from such allocation 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.

(6)(A) For purposes of this subsection, an eligible entity is—

(i) a unit or consortium of units of general local government with a population of less than one hundred thousand persons which has demonstrated the capacity to operate employment and training programs, or a concentrated employment program grantee (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 governments; 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 now.

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 1982 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.

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 likely to be more bad news. Unemployment will almost certainly go above 10 percent.

No longer is this recession confined to the auto and steel and construction industries. No longer is 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 METZENBAUM's bill 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—rebuilding 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 transportation facilities 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. It is a 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 colleague 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 unemployment 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 9.8 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. The Senate will be in order.

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 this 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 QUAYLE. 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 for his work not only on the 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 500,000 or 600,000 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, supposedly; 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 have some overhead 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 of this. This is just going to replace the people now working.

We know how the past CETA public service employment worked. What they did, they would take the money and hire these people and displace other workers. We also know that public service employment is the reason that CETA was in trouble. We know of all the fraud, the abuse and the mismanagement of this kind of approach. It is the one that dragged a good employment training program down and one of the reasons we had problems in revamping the training and employment program that we all so desperately need. Senator KENNEDY was one of the leaders in formulating the new program that will become the employment and training program.

Mr. President, this is not the right time to start talking about CETA public service employment. It has been repudiated. It is not time to start talking about paying somebody $5 an hour to build bridges. It simply is not going to happen. We know that.

Furthermore, there are a lot of questions. Where is this billion dollars going? Is it going to pay for the material? Is it going to pay for the shovels? Is it going to pay for everything else that goes into building these bridges and these roads?

As we talk about a new Government program to the tune of a billion dollars, we all ought to be a little sensitive about the so-called deficit. I have heard on this side of the aisle and that side of the aisle how we have to get the deficit down, we have to reduce that Federal deficit. Everybody agrees. There is disagreement on how to reduce it. Someone will take more out of defense, someone more out of nondefense, but we have to reduce it.

Now is not the time for a new Government program to the tune of $1 billion. If the Congress would pass a billion dollar CETA public service program tonight, what kind of a message is that going to send about Federal fiscal spending to the people on Wall Street or to the people around this Nation? I know what they are going to say—business as usual. There is no way that you are going to get spending under control.

Mr. President, I certainly support the goals of more jobs, more opportunity; this is what we all want, but I certainly do not believe that this amendment that we have before us is the right way to do it. I think it is the wrong way to do it. This amendment was rejected on May 19, 1982, by a vote of 84 to 14. I hope again tonight that it is rejected overwhelmingly.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

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 positions; for example, 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 often were permanent. This is a second significant difference.

Third, this program is targeted towards high unemployment areas and the long-term unemployed. Every month 140,000 individuals exhaust 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 the 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.

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 problems 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 just 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, would provide 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 15 seconds.

Mr. QUAYLE. I yield such time as I may consume.

I again compliment Senator KENNEDY for his leadership in the discussion we have had on jobs and job training. 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 going to last; 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 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: "If we had our way, 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 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. WPA—some 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 those New Deal days. So, if government, instead of inventing these new programs, had a backlog of government projects, and they would say, "Well, now, this is the time to put those things into effect," I think it could be most helpful.

Ronald Reagan, "CBS Morning News" October 23, 1980.

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 a time when we can again experience 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 9.8 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 supplemental compensation benefits. The

1982 continuing resolution provided $192 million for youth employment, in addition to $3 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.

But 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 creating a large number of jobs on 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. It provided help to States and communities experiencing unemployment at levels in excess of the national average rate of unemployment.

Mr. 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 this 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 this year to provide support for 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 these are absolutely 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. I thank 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 experiencing high and 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 a set-aside of $150 million, 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 substantive, public works projects, as the sponsors hope. Therefore, I believe that this amendment is drastically insufficient to accomplish the goals of its sponsors.

However, Mr. President, 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 their 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, sewers, 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 devise ways to pay for the public 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 who are unemployed. For 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 some 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 or what we need.

Earlier today, the Senate, by one vote, rejected another very necessary amendment offered by the distinguished Senator from Ohio (Mr. METZENBAUM) and me, to further 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 wrong decision.

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.

Go out and talk to 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 one thing in putting people 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 says—whoever he or she may be—"If 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 short term and not do anything for a long-term problem.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. Who yields 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 Indiana auto 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 $50 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 important 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 needs in our society.

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. President, it 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 43 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 two final points.

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 or provide schoolchildren with clothes. Recovery around the corner does none of those things.

What we are trying to do is to take a small but measured step to try and deal with those particular needs of the proud men and women who would much rather work than wait for the promise of some economic program to take effect, all they see from these promises is their friends and themselves standing in unemployment lines.

Mr. MITCHELL. Mr. President, I rise in support of the amendment now before the Senate, which would provide $1 billion during the next 6 months for the creation of 200,000 labor-intensive public works jobs.

Mr. President, I believe this program has merit. It has been developed in response to two problems of nationwide impact—the first, our growing unemployment and the second, the substantial deterioration of our roads, bridges, public buildings, and other public facilities.

When this administration came into office, we were promised that a change in budget priorities would improve the national economy and create more jobs. Congress has responded by making major changes in our tax law and by cutting back virtually all domestic Federal programs. Yet, the recovery eludes us and the economy continues to stagnate. In the meantime, businesses have experienced a record number of bankruptcies and over 10 million Americans are out of work, more than at any time in the last 40 years.

All of us still face the challenge of an ailing economy. But we have an opportunity today to help individuals who are out of work and have exhausted their unemployment benefits. The jobs we would provide are of a temporary nature, but they would address one of the fundamental tasks facing our States and localities today; namely, the repair of America's infrastructure.

The deteriorated condition of our roads, bridges, railroads, subways, water, sewer and drainage systems, and other public facilities has received considerable attention by columnists, by the press, and by organizations such as the Associated General Contractors. The cover story in the September 27 edition of U.S. News & World Report says the task of rebuilding America is a $2.5 trillion job.

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 short amount of time.

As structured, 83 percent of the funds would be allocated to eligible entities with an average rate of unemployment exceeding 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 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 appropriations bill earlier this month, it acted to save almost $2 billion beyond what the administration had called for. We are now asking to spend part of that money for a very worthwhile endeavor. We would be putting 200,000 people back to work, giving them a source of income. And we would begin the awesome task of rebuilding our public facilities.

By making this expenditure, we can perhaps save on the losses the Federal Government incurs with such a high unemployment rate. It has been well documented that for each 1 percent rise in the national unemployment rate, the Federal Government loses $25 billion—$19 billion in lost revenue and $6 billion in new expenditures for unemployment compensation and other support programs.

At present, we are paying out in excess of $20 billion annually in unemployment compensation. 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 and hope my colleagues in the Senate will rally around this measure.

Mr. President, the Nation's economy has suffered these many months from a deep recession. And it appears that the economic indicators to be published shortly will show continued stagnation. The jobs programs before us is a modest initiative which will not work contrary to 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 599 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 Massachusetts (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 layoff 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 practices of "quick-fix" approaches 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 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

$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 these jobs 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 distressingly similar to 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 second 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.

UP 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) proposes an unprinted amendment numbered 1343.

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. . (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 of the wages prevailing for the corresponding classes of laborers, mechanics, and helpers under paragraph (1) on—

"(A) the wage paid to 50 per centum 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 per centum 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 by striking out "$2,000" and inserting in lieu thereof "$100,000".

(3)(A) The first section of such Act is further amended—

(i) by striking out "mechanics and/or laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, helpers, or any combination thereof";

(ii) by striking out "laborers and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers";

(iii) by striking out "mechanics and laborers" in subsection (a)(1) and inserting in lieu thereof "laborers, mechanics, and helpers"; and

(iv) by striking out "laborer or mechanic" in subsection (b) and inserting in lieu thereof "laborer, mechanic, or helper".

(B) Section 2 of such Act (40 U.S.C. 276a-1) is amended by striking out "laborer or mechanic" and inserting in lieu thereof "laborer, mechanic, or helper".

(C) Section 3 of such Act (40 U.S.C. 276a-2) is amended by striking out "laborer and mechanics" wherever it appears and inserting in lieu thereof "laborers, mechanics, and helpers".

Mr. NICKLES. Mr. President, today I propose an amendment to the Kennedy jobs bill amendment to reform the Davis-Bacon Act.

Some say it does not really relate to jobs. I tell the Senate it is directly related to jobs and it would be a very, very positive, long-term, stable job stimulus bill.

The bill I am talking about is not to repeal the Davis-Bacon Act as we moved on previously last year, but it is to reform the Davis-Bacon Act and that reform is long overdue.

Mr. President, to refresh your memory, Davis-Bacon is the law passed in 1935 where the Government said basically, "The Department of Labor will determine what the prevailing wage rates are or, if you do a Federal construction project over $2,000, we will tell you what you have to pay your people," not allowing the collective bargaining process to work.

We are actually having Government intervention going in and telling them what the wage rates have to be.

The Reagan administration rightfully realized that some changes in reform were very much needed so they proposed some administrative changes, some very good changes which were just recently thrown out in the district court. Since they were knocked out I think this is important and really tells us in Congress that we are going to have to make some legislative or statutory changes.

So I shall outline briefly what the bill that I have before us would do.

First, and I think it is important for all the Members who represent rural States, it would prohibit the present practice of importing urban wage rates, high big-city wage rates into the rural areas.

I know that, representing an agricultural State and rural State, makes a lot of difference in my State because they are continually bringing in outside or high labor rates into the rural areas and driving up the cost of those projects. It would prohibit that.

It would increase the so-called 30-percent rule to 50 percent or, say, the majority. The way they determine 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.

It would allow helpers—in many States they do not even allow a helper classification—so that the lowest classification they have is not journeyman. It happens to be for the person who may be pushing a wheelbarrow, he will be paid a journeyman rate far in excess of probably what they would pay a person who is just beginning his work process.

All those changes that I have just discussed were proposed by the administration and they were going to make administratively those changes, and so legislation would not be necessary. But since the court threw those out, I might add that now it appears it will be necessary for us to do that.

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, regulations, compliance with any contract 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 the matter is that you are going to have to pay prevailing wage rates and have that 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 of Commerce. 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. KENNEDY. 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. We had a lengthy debate at that time. We discussed the familiar litany of charges we have heard leveled at Davis-Bacon in this body over the years: That Davis-Bacon is inflationary; 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. Davis-Bacon requires that Federal contractors pay construction workers the wage rate 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 Senator from Oklahoma's 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 every construction worker 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 U.S. district court here 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 we enacted Davis-Bacon 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 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 taking steps to put the 3 million 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, the Labor Department chose 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. Fiscal year 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 here 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 increases the threshold that governs the 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 point out that in terms of the scope of the Federal construction programs, only about 2 or 3 percent of the dollars spent—far less then $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 PRYOR'S Subcommittee 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 further 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. Both the General Accounting Office and the President's Commission on Federal Paperwork have called for an increase in the threshold. All of the parties that have called for repeal of the act would also welcome an increased threshold, as we were told many times in April during hearings conducted by the Senate Labor Subcommittee.

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. Should we fail at this time, I suspect that we will be standing here time 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 requires 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 original act contemplated.

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 except in rare 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 without substantial disruption to their work force. They may bid of course, but only if they do not use their helper classifications or, alternatively, pay them at the higher journeymen rate. As an ordinary practice, they frequently refuse to bid and outside contractors with an imported work force do the job. This, of course, is contradictory 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 will 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.

Morever, 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 underutilized minorities, females, young workers and those, traditionally, limited in the working 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, weighed 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 subdivisions. This means that, for purposes of determining prevailing wages, projects in metropolitan areas may not be used as a source of data for a wage determination in a rural area, and projects in rural areas may not be used in a source of data for a wage determination for a metropolitan area. So called importation of wage rates would be barred.

These final two changes, the statutory definition of prevailing wage and the bar on importing wage data and issuing determinations, will alleviate the vast majority of the inequities encountered by construction contractors and Federal, State, and county agencies constructing Federal and federally assisted projects.

The CBO estimates that these four changes will result in a reduction in outlays in fiscal year 1983 of $238 million, fiscal year 1984 of $545 million, fiscal year 1985 of $791 million, fiscal year 1986 of $956 million, and fiscal year 1987 of $1,106 million. I ask unanimous consent that their estimates be printed in the RECORD.

We can see that these four Davis-Bacon changes will save substantial sums of tax dollars over the next 5 fiscal years. I offer this amendment solely for the purpose of utilizing this savings for the program espoused by Senator KENNEDY.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 5, 1982.

Hon. DON NICKLES,
Chairman, Subcommittee on Labor, Committee on Labor and Human Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to your request, the Congressional Budget Office has prepared the attached cost estimate for the Davis-Bacon Amendments.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

RAYMOND SCHEPPACH
(For Alice M. Rivlin, Director.)

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, MARCH 5, 1982

1. Bill number: S. .
2. Bill title: Davis-Bacon Amendments
3. Bill status: Draft proposal from Senator Don Nickles
4. Bill purpose: 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 greater than 30 percent of those employed in that class. This bill would define prevailing wage as that rate paid to 50 percent or more of the 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.
5. Cost estimate:

[By fiscal years, in millions of dollars]

	1982	1983	1984	1985	1986	1987
Threshold change:						
Budget authority		−59.41	−64.29	−69.04	−73.38	−77.30
Estimated outlays		−17.67	−39.26	−52.58	−60.54	−66.99
Helper classification wage determination:						
Budget authority		−622.76	−700.28	−828.85	−934.38	−1,038.05
Estimated outlays		−185.18	−427.63	−631.29	−770.77	−899.69
Modification of prevailing wage determinations:						
Budget authority		−121.20	−131.13	−140.82	−149.67	−157.66
Estimated outlays		−36.03	−80.08	−107.26	−123.46	−136.65
Localized wage surveys:						
Budget authority						
Estimated outlays						
Total:						
Budget authority		−803.37	−895.70	−1,038.71	−1,157.43	−1,273.01
Estimated outlays		−238.88	−546.97	−791.13	−954.77	−1,103.33

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 defense and civil 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 estimated 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 due to the threshold modification. There seems to be no standard industry ratio of the numbers of helpers to journeymen. After consulting 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 average annual 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 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 of 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 provision.

It was assumed that the bill would be effective for all federal construction contracts implemented after October 1, 1982.

The budget authority savings represent the estimated savings of these provisions for new federal construction contracts implemented in a given fiscal year. Because of the length of most construction projects, the actual outlays for a given year's stock of construction contracts spend out over a period of years. Such spend out rates were obtained by the Office of Management and Budget for major types of federal construction.

ALTERNATE ESTIMATE ASSUMING $100,000 THRESHOLD

An alternative set of estimates for a $100,000 threshold level was also calculated. These are displayed below:

[by fiscal year, in millions of dollars]

	1982	1983	1984	1985	1986	1987
Budget authority		−800.29	−893.22	−1,038.53	−1,158.94	−1,276.45
Estimated outlays		−237.96	−545.46	−790.99	−956.02	−1,106.31

These estimates become larger than those for the higher threshold level by fiscal year 1986 because although the savings attributable to the threshold provision are less for the above alternative, the savings stemming from the helper and prevailing wage provisions are greater since more contracts would be subject to these two provisions.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Richard Hendrix (226-2820).

10. Estimate approved by: James L. Blum, Deputy Director for Budget Analysis Division.

Mr. HATFIELD. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. It has not.

Mr. KENNEDY. I am prepared to yield back whatever time I have left.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield back his time?

Mr. NICKLES. How much time do I have?

The PRESIDING OFFICER. Twenty-one seconds.

Mr. NICKLES. I might just make one more comment. My comment would be that we are not cutting wages. We are trying to say that you will maintain the present wages, that you will pay your people full time, and not have the Federal Government come in and mandate wages above what you pay your people.

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 on agreeing to 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 "yea." I have voted "nay." I therefore withdraw my vote.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. DENTON), would vote nay.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. RIEGLE) is necessarily absent.

The PRESIDING OFFICER. Is there any Senator in the Chamber desiring to vote?

The result was announced—yeas 52, nays 44, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—52

Andrews	Ford	Melcher
Baucus	Glenn	Metzenbaum
Biden	Hart	Mitchell
Bradley	Hatfield	Moynihan
Bumpers	Heflin	Murkowski
Burdick	Heinz	Packwood
Byrd, Robert C.	Hollings	Pell
Cannon	Huddleston	Proxmire
Chafee	Inouye	Randolph
Chiles	Jackson	Sarbanes
Cranston	Johnston	Sasser
D'Amato	Kennedy	Specter
Danforth	Leahy	Stafford
DeConcini	Levin	Stevens
Dixon	Long	Tsongas
Dodd	Mathias	Weicker
Durenberger	Matsunaga	
Eagleton	McClure	

NAYS—44

Abdnor	Goldwater	Nunn
Armstrong	Gorton	Pressler
Baker	Grassley	Pryor
Bentsen	Hatch	Quayle
Boren	Hawkins	Roth
Boschwitz	Hayakawa	Rudman
Brady	Helms	Schmitt
Byrd Harry F., Jr.	Humphrey	Simpson
	Jepsen	Stennis
Cochran	Kassebaum	Symms
Cohen	Kasten	Thurmond
Dole	Laxalt	Tower
Domenici	Lugar	Wallop
East	Mattingly	Warner
Garn	Nickles	Zorinsky

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Exon, against.

NOT VOTING—3

Denton Percy Riegle

So Mr. HATFIELD's motion to lay on the table Mr. NICKLES' amendment (UP No. 1343) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOLDWATER. Mr. President, I move to lay on the table the amendment of the Senator from Massachusetts.

Mr. HATFIELD. I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts (Mr. KENNEDY). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Alabama (Mr. DENTON) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Michigan (Mr. RIEGLE) is necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay".

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

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 372 Leg.]

YEAS—60

Abdnor	Goldwater	Nickles
Andrews	Gorton	Nunn
Armstrong	Grassley	Packwood
Baker	Hatch	Pressler
Bentsen	Hatfield	Pryor
Boren	Hawkins	Quayle
Boschwitz	Hayakawa	Roth
Brady	Helms	Rudman
Byrd, Harry F., Jr.	Hollings	Schmitt
	Humphrey	Simpson
Chiles	Jepsen	Stafford
Cochran	Johnston	Stennis
Cohen	Kassebaum	Stevens
D'Amato	Kasten	Symms
Danforth	Laxalt	Thurmond
DeConcini	Long	Tower
Dole	Lugar	Wallop
Domenici	Mathias	Warner
East	Mattingly	Zorinsky
Exon	McClure	
Garn	Murkowski	

NAYS—37

Baucus	Cannon	Eagleton
Biden	Chafee	Ford
Bradley	Cranston	Glenn
Bumpers	Dixon	Hart
Burdick	Dodd	Heflin
Byrd, Robert C.	Durenberger	Heinz
Huddleston	Melcher	Sarbanes
Inouye	Metzenbaum	Sasser
Jackson	Mitchell	Specter
Kennedy	Moynihan	Tsongas
Leahy	Pell	Weicker
Levin	Proxmire	
Matsunaga	Randolph	

NOT VOTING—3

Denton Percy Riegle

So the motion to lay on the table Mr. KENNEDY's amendment (UP No. 1342) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, let me indicate to the Senate at this time that, following a brief colloquy with the Senator from New Mexico, we shall have passage, a rollcall vote on passage. I ask for the yeas and nays on passage.

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

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 will be adequate time on the final appropriations bill for all Senators to seek consideration of their individual 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, however. The Interior Subcommittee bill 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 Senators I will not be long. Six or seven minutes, I assure them, is about all it will take.

At this point, I ask clarification from the distinguished chairman of the Committee on Appropriations, my 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?

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.

We have estimated spending in the normal manner, assuming that the continuing resolution would be in existence for a full year—this is the way we have normally done it. However, in this case, because of the colloquy with the distinguished chairman which occurred on the day the budget resolution passed, we have not seen fit to add the entitlement increases that occurred 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 approval or disapproval 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

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. Including them, 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 Senators that 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 data 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 that 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 colleague from New Mexico 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 merely 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) crosswalk.

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 I 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 $68.3 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 excellent work on the credit budget. 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]

Subcommittee	Continuing resolution plus other requirements [2]		302(b) allocation to subcommittee		Continuing resolution compared to 302(b)	
	BA	O	BA	O	BA	O
Agriculture	24.3	21.8	24.8	22.0	−0.5	−0.2
Commerce/Justice/State/Judiciary	9.0	9.8	9.1	9.9	−0.1	−0.1
Defense	234.6	201.4	238.5	201.3	−3.9	+0.1
District of Columbia	0.5	0.5	0.6	0.6	−0.1	−0.1
Energy and Water Development	12.6	12.7	14.0	13.5	−1.4	−0.8
Foreign Operations	11.1	9.5	11.5	9.6	−0.4	−0.1
HUD/Independent Agencies	47.5	56.9	56.5	56.6	−9.0	+0.3
Interior	7.9	8.6	7.8	8.4	+0.1	+0.2
Labor/HHS/Education	90.7	102.6	90.4	101.4	+0.3	+1.2
Legislative Branch	1.3	1.3	1.4	1.4	−0.1	−0.1
Military Construction	6.3	6.0	7.5	6.1	−1.2	−0.1
Transportation	14.6	19.5	11.8	20.1	+2.8	−0.6
Treasury/Postal Service	11.4	11.1	10.7	10.4	+0.7	+0.7
Subtotal	471.8	461.7	484.6	461.3	−12.8	+0.4
Unallocated to subcommittees	0.6	0.6	−1.6	−1.9	+2.2	+2.5
Total	472.4	462.3	483.0	459.4	−10.6	+2.9

[1] This table has been prepared by the staff of the Senate Budget Committee based on their interpretation of the continuing resolution.

[2] Includes the continuing resolution, prior actions already 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.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, in the short time permitted me, 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 as 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, "Well you know, you just cannot get the necessary data from the Department."

He never flew that capsule on all of that kind of mishmash, saying he could not get the right data. If he had, he would have missed the Moon and the atmosphere and probably hit the Congress with something like: "We cannot get the data."

We do get the data. We have the same data that the distinguished Senator from New Mexico, the chairman of the committee, has just submitted. It shows that this bill is $2.9 billion over. And they say we should not make rash judgments. Let me say, these are not rash judgments. They are based on these figures that we have. If you notice how the Appropriations Committee did it, it went $400 million over in health and human resources. That committee also had another $2.5 billion here and they put a little asterisk for unallocated savings. And they plead to the body at this particular hour and say, "We will allocate them later."

What does it really matter, now that we are working in this particular manner, that we have been trying to fashion a discipline?

Mr. HATFIELD. Will the Senator yield?

Mr. HOLLINGS. I am not yielding.

They cut the ground out from under us——

Mr. HATFIELD. Does the Senator wish time? I am the only one who controls time.

Mr. HOLLINGS. No, I have my 5 minutes. That was the agreement.

Mr. HATFIELD. That was the time agreement.

Mr. HOLLINGS. I asked for 5 minutes. Ask the distinguished majority leader and ask the desk. I have 5 minutes.

Mr. HATFIELD. The two people controlling the time are Senator DOMENICI and myself. It was a colloquy between Senator DOMENICI and myself.

Mr. HOLLINGS. At that particular time I was given 5 minutes.

The PRESIDING OFFICER. The Journal shows the Senator from South Carolina has 5 minutes.

Mr. HOLLINGS. That is right.

So what we are doing is trying to fashion this discipline and create credibility as well as an impartiality and a confidence in the budget process, the Budget Committee, and more particularly, the members of the committee. But now the Members themselves are going to come whole cloth at this hour and begin explaining, "We are going to do it later," and "we cannot get the figures," and "we just do not know." But if we get the cooperation later out of one committee, then every committee says that, and the entire discipline breaks down.

These are the kinds of dangerous precedents that should not be set, and the Members should know it. If the President wants to call a bill a budget buster for the first time this year, and if this is the way this particular bill reaches him for signature into law, then he will be accurate for the first time on what actually is a budget buster. Senator DOMENICI has found, and I have found, working with CBO—and I have the chart—that this is $2.9 billion over the budget resolution.

I know all the little ideas about "later on we're going to fix it, and we'll allocate it, and I'll give you a firm commitment," and all those other things.

This is what really erodes the confidence in the budget process and the confidence of those in the committee, on both sides of the aisle, as we work on this particular measure.

The PRESIDING OFFICER. No further amendments are in order.

Mr. HATFIELD. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute and 11 seconds.

Mr. HATFIELD. Mr. President, let us get the record straight.

The Senate Committee on Appropriations has reported four bills for 1983: Agriculture, $1.1 billion under; HUD, $1.7 billion under; Transportation, $0.3 billion under; Treasury, $0.1 billion under.

In other words, we are $2.2 billion under with the four bills we reported.

That is the record, and that is the record we are going to present to the Senate when we get to the bills in the lameduck session as well.

Mr. SCHMITT. Mr. President, will the Senator yield 10 seconds?

Mr. HATFIELD. I do not have any time remaining.

The PRESIDING OFFICER. The Senator has 35 seconds.

Mr. SCHMITT. Mr. President, the Senator from South Carolina does not know what he is talking about, and neither does the OMB. They know what the numbers are in this bill; and if there is a veto based on the numbers, anything close to the ones given in this measure, it will be based on fiction. No one knows the numbers for this continuing resolution.

The Senator from New Mexico said exactly how he got those numbers. We have to take them at face value for 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 REPORT (S. REPT. 97-581)

On page 5, the Department referred to in the paragraph on the Pacific Basin is the Department of Health and Human Services.

On page 7, the second line should read: "resolution, the number of institutions participating (4) in the program will re-".

On page 15, in the first line in the paragraph on the Community Services Block Grant, the word "included" should be inserted after "has".

On page 15, in the first line in the paragraph on section 136, the word "has" should be replaced by "recommendation".

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 appreciate the concerns expressed by Senator ANDREWS regarding the need to assure an extension of current funding levels for the highway program through fiscal year 1983. The importance 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 make every feasible 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 599, the continuing resolution which we are now debating, states that for the purpose of continuing appropriations for the Department of Transportation and related agencies,

Whenever the amount which would be made available or the authority which would be granted under an act listed in this section as passed by the House as of October 1, 1982, is different from that which would be available or granted under such act as passed by the Senate as of October 1, 1982, the pertinent 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 structure, 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 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.●

EDUCATION FOR THE HANDICAPPED, VOCATIONAL REHABILITATION, AND DEVELOPMENTAL DISABILITIES

● Mr. WEICKER. 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 State grants program, Vocational Rehabilitation State grants program, and the activities under Developmental Disabilities Assistance and Bill of Rights Act, what is your understanding of the levels provided for in this continuing resolution?

Mr. SCHMITT. First of all, I would like to assure my good friend from Connecticut that the Appropriations 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. This increase accounts for a 6-percent inflation factor. With regard to the Vocational Rehabilitation basic State grants program, it is my understanding that an additional $68 million above the fiscal 1982 level would be required, bringing the total to $931 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 these 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—early in the lameduck session. 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.●

VOCATIONAL REHABILITATION AND SPECIAL EDUCATION

● 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 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 is 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 inadequacies.

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

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, unemployment stood at a disgraceful 9.8 percent. Next month the rate may reach double digits for the first time since World War II, meaning that more than 11 million Americans will be out of work.

The victims are disproportionately blue-collar workers. Among them are auto workers in Detroit, steelworkers in Pennsylvania and construction workers in Massachusetts. Workers in virtually every industry have been hard hit.

Every day brings news of another grim economic reality. Hard times have produced a new generation of American wanderer: jobless workers crisscrossing the nation futilely in search of work. Right now the number of United States citizens living below the poverty line is the highest in 15 years. The persistence of sky-high interest rates is dashing the hopes of millions of Americans to own their own homes or send their children to college. Federal budget deficits are soaring at record-high levels—an estimated $155 million next year alone.

Why is the economy on the skids?

The economists will tell you the reasons are various; no single factor is entirely responsible. They remind me of the story about Harry Truman. He would ask his economists for advice. They would reply, "Well, Mr. President, on the one hand you could do this. On the other hand you could do that." He finally got so mad he said, "All right, dammit, bring me a one-armed economist."

There is no denying that we Democrats are responsible for part of the nation's difficulties. We should recognize that. We have not always been sensitive enough to the importance of reinvestment, productivity and quality in the products we manufacture. But, as bad as the Democrats have been on the economy, Reaganomics has been even

worse. Talking about the Administration's foreign policy the other day, Ed Muskie asked, "If we are not going to hell, then where the hell are we going?" Muskie could have been talking just as well about the current economic policy. It combines larger budgets with tax cuts, producing huge deficits. The result is a mess, and it is showing little sign of getting better.

There is a bright side to the picture, however. Reaganomics has proven to be one of the best salesmen 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 especially true of organized labor.

Public opinion polls show that union members are returning home to the Democratic 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 Democratic column. And organized labor, more than ever, has been putting its money where its mouth is. Last year the AFL-CIO began funneling more dollars through the Democratic National Committee. The new financial 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 December 1983 on endorsing a Democratic presidential candidate. By taking such an early and intense interest in the selection of the Democratic nominee, 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 weaponry of American elections. The cost of running a closely contested congressional campaign can consume millions of dollars. To wage a respectable campaign demands heavy investment in television and radio advertising. A well-heeled candidate has the obvious edge.

Republicans in this country, and especially right-wing Republicans, have developed 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 important 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 coffers as never before. The Republican National Committee is sinking $146 million into this year's congressional campaigns, while the Democratic National Committee lags far behind with only $19 million to spend. A number of conservative PACs have raised millions of additional dollars that will bankroll GOP candidates this year. For example, Senator Jesse Helms' National Congressional Club has $8 million to spread 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-raisers, labor is modernizing its campaign apparatus. The AFL-CIO, for example, has computerized its voter lists for a major registration drive. Unions are now using direct-mail and television as campaign devices to maximum effect. Union PACs have been contributing steadily larger sums to congressional candidates. This year the figure is expected to top $14 million.

Of course, money by itself is never decisive. The appeal of the candidates, issues and grass-roots 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 political cliche to say that we must get America back to work. Cliche or not, the proposition holds more than ever: the nation is failing its people, and failing 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 convenant that brought my father to this land from Greece and brought your father or forefathers here from some other country.

How can we honor this convenant that is what America is all about?

First, the federal government must commit itself to the vital task of rebuilding the nation's infrastructure. More than two of five bridges in the United States need replacing. More than half of all our roads are in disrepair. The need for water and sewer treatment facilities has exceeded localities' capacity to finance them.

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 between $600 billion and $3 trillion, depending on which estimate you believe. It is an effort that will require a massive Federal involvement. Slogans, stopgaps, and voodoo remedies are no answer. A proposal I offered in the Senate this year could help point the nation toward the kind of long-term commitment that is necessary. Under the proposal, Congress would create a separate Federal budget for capital items like highways, port facilities and subway systems. Once capital items are set apart, they can be financed more rationally over the long haul.

One way or another, the Federal government must act to end the neglect of our infrastructure. By doing so, we not only buttress the economy, we also will put millions of Americans back to work.

Second, we must redirect money into economic growth by scaling down our bloated military budget. The current Administration is calling for a Pentagon budget over the next five years of $1.5 trillion. This staggering figure is twice as much as we spent over the last 10 years and means that the United States will be expanding defense spending at twice the Soviet rate. Expansion at this clip is more than the military can efficiently digest, even as Murray Weidenbaum, the recently departed economic chief in the Reagan Administration, concedes. By matching the Soviets on military spending, we can adequately safeguard American security.

No less than nuclear warheads and submarines, a strong economy is a bulwark of national security. It is not the Soviets who are costing us jobs, but the Japanese. They are beating us in the global competition to produce cars, cameras, motorcycles and a host of other things. In effect, we are fighting on two fronts, the Soviet Union and Japan. Putting all our resources into the first guarantees our demise on the second. The next time you hear someone in the Reagan Administration saber-rattling against the Soviets, ask yourself how 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 Representative 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 if spent on retraining youths through the Job Corps.

These figures are revealing. They illustrate how the oversized military budget is robbing the nation of the job-creating investment the economy needs. It is time we fixed this wrong-headed policy.

Third, the nation must do more to guarantee workers full opportunity for retraining. Obviously, a worker whose skills are 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 national output, but it also causes a gap between workers' skills and the employment needs of industry. I believe the Federal government 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 chipping away at the American spirit. I understand what hard times can do to a worker, a family, a community. I grew up in Lowell during the forties and fifties, when a proud mill city slid into economic distress. I vividly remember those dark days and want to do everything in my power to keep them from returning again.

Lowell rebounded when new initiatives brought jobs. Jobs are again of the highest priority. With your help we can see to it that there are enough jobs in America for everyone willing to work.●

SECTION 101(h) OF H.J. RES. 599

● Mr. McCLURE. Mr. President, I would like to engage the Senator from Oregon (Mr. HATFIELD) in a brief colloquy regarding section 101(h) of the joint resolution before us today. Specifically, I wish to clarify the intent of the proviso which prohibits the reduction of employees of the Department of Energy below levels in effect on September 30, 1982.

Section 303 of the fiscal year 1982 Supplemental Appropriations Act, Public Law 97-257, provides minimum employment levels for several offices, agencies and activities of the Department of Energy which fall under the jurisdiction of the House and Senate Appropriation Subcommittees on the Department of the Interior and Related Agencies. May I ask the distinguished chairman of the Appropria-

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. McCLURE. 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. McCLURE. 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 would 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 the meantime, 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.

That was not 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 requested 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. SCHMITT, 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 provision 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 all supplementals enacted in fiscal year 1982 (Public Law 97-147; Public Law 97-148; Public Law 97-216; and Public Law 97-257), as well as amounts appropriated in Public Law 97-92, the fiscal year 1982 continuing resolution.

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 supplemental 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 that the continuing resolution contains the authority and funding necessary to extend the Department of Labor farmworker housing program at current operating levels through the term of the resolution. Is that correct?

Mr. SCHMITT. Yes. That is correct.●

RECONSTRUCTION ASSISTANCE TO ITALY

● Mr. D'AMATO. Mr. President, in response to the devastating earthquake which struck southern Italy in November 1980, and based upon my recommendation, the Subcommittee on Foreign Operations, last year, agreed to provide an additional $10 million in reconstruction assistance to the victims of this tragic natural disaster for use by the Agency for International Development during fiscal year 1982.

Despite the cooperative efforts of private charitable organizations and governmental agencies, a great deal of reconstruction work remains.

It is my understanding, and I would appreciate confirmation by my distinguished colleague, the chairman of the Foreign Operation 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 for activities 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 our subcommittee, 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 for 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 House or Senate" formula 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. Thus 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 many 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 had detected wind shear. Despite 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 take-off 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 Moisant 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 the Senator 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 condition standards would be forwarded to the FAA Administrator.

I would like to clarify several points about the failure to offer my amendment to this continuing resolution. Does the Federal Aviation Administration now have the legal authority and sufficient budget authority to enter into the contract 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 Moisant Airport in Kenner, La. Does the Federal Aviation Administration have sufficient budget authority to locate additional wind shear sensors at Moisant?

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 the period covered 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 $500,000 of the total amount shall be obligated by November 15, 1982 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 windshear sensors at Moisant 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, 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 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 recommendation 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. If it chooses, the Army could go ahead and prepare the paperwork on a competitive

source so long as no request for proposal is issued and no 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 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 any 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 can be debated fully 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 holding 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, the actual numbers of 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 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 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.

Mr. President, the chairman of the Labor/HHS/Ed Subcommittee on Appropriations will recall that in the committee report for the fiscal year 1982 appropriations for this program, the following report language was included:

> The Committee urges both the Department and OMB to apportion funds to States under this program in a way that permits States the use of low-income energy funds when they 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 Senator 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 so 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 throughout this Congress 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 Federal elections. The FEC 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 union dues money 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 rights of 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 Elections Commission has enough to do. In the coming weeks it will be overwhelmed with reports on campaign expenditures, with complaints alleging violations of the act and with requests for expedited advisory opinions. Requiring the Commission to engage in rulemaking 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 attack 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 request proposes to eliminate this program and I hope we can emphasize that it is the intent of Congress to continue the CHR program at its present level until the committee makes a definitive decision in its fiscal year 1983 bill.

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 60 percent of the skilled 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 crucial health services 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 preventive health programs like the maternal and child health program. The value of the program is clear.

Is it the distinguished floor manager's understanding and intent that the valuable community health representatives program is to be continued by the Indian Health Service at its present level of funding during the term of the continuing resolution?

Mr. HATFIELD. That is correct.

METZENBAUM UNEMPLOYMENT INSURANCE AMENDMENT (UP NO. 3621)

Mr. KENNEDY. Mr. President, I was unavoidably detained in Massachusetts earlier this afternoon. I had a live pair with Senator LONG on the amendment. I was paired for the Metzenbaum amendment.

When the Senate passed the tax bill in August it also voted a 10-week supplemental unemployment benefits 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 accepted by the Senate on August 5. That resolution instructed the tax conferees to undo the changes made in the extended benefits program last year. The effect of these changes is to eliminate 13 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.

This 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 36 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 transaction 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 purchasing other materials 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. Michigan has endured 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 high price or if the only source of that item is a country which is making a mockery of human rights, whereas the No. 10 ranked item is selling at bargain prices and 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 for the purchase 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 in the Nation, my State of Michigan. 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 conferees 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 funding for 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 repeated 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 Weirton-Steubenville and East Huntington bridges as well as flood control work on the Tug Fork will continue under this resolution. The Elkins 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 continue all of these 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 resoluton.

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. PERCY) 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:

[Rollcall Vote No. 373 Leg.]

YEAS—72

Abdnor	Bumpers	Cochran
Andrews	Burdick	Cohen
Baker	Byrd, Robert C.	D'Amato
Bentsen	Cannon	Danforth
Boschwitz	Chafee	DeConcini
Brady	Chiles	Dixon
Dole	Jackson	Quayle
Domenici	Jepsen	Randolph
Durenberger	Johnston	Rudman
Eagleton	Kassebaum	Sarbanes
Exon	Kasten	Sasser
Ford	Laxalt	Schmitt
Garn	Long	Simpson
Glenn	Lugar	Specter
Gorton	Mathias	Stafford
Grassley	Matsunaga	Stennis
Hatch	Mattingly	Stevens
Hatfield	McClure	Thurmond
Hawkins	Melcher	Tower
Hayakawa	Murkowski	Tsongas
Heinz	Nunn	Wallop
Huddleston	Packwood	Warner
Humphrey	Pressler	Weicker
Inouye	Pryor	Zorinsky

NAYS—26

Armstrong	East	Metzenbaum
Baucus	Goldwater	Mitchell
Biden	Hart	Moynihan
Boren	Heflin	Nickles
Bradley	Helms	Pell
Byrd, Harry F., Jr.	Hollings	Proxmire
	Kennedy	Riegle
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 to lay that motion on the table.

The motion to lay 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. MATTINGLY) appointed Mr. HATFIELD, Mr. STEVENS, Mr. WEICKER, Mr. MCCLURE, Mr. LAXALT, Mr. GARN, Mr. SCHMITT, Mr. COCHRAN, Mr. ANDREWS, Mr. ABDNOR, Mr. KASTEN, Mr. D'AMATO, Mr. MATTINGLY, Mr. RUDMAN, Mr. SPECTER, Mr. PROXMIRE, Mr. STENNIS, Mr. INOUYE, Mr. HOLLINGS, Mr. EAGLETON, Mr. CHILES, Mr. JOHNSTON, Mr. HUDDLESTON, 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 heartiest 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 as well 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, will the majority leader yield?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. I want 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 matter 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 Senator 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 is concerned 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 that we can go 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 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 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 16,000 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 $3,456,000,000 for community developments 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.

FEMA—DISASTER RELIEF

The conferees agreed that the balances in the disaster relief fund should be kept commensurate with the obligations of the fund. Therefore, the conferees agreed to provide $130,000,000 for disaster relief as proposed by the Senate. With the amount agreed to by the conferees and an estimated carry over of $531,000,000 from previous years, there will be a total of $661,000,000 available for disaster relief assistance during fiscal year 1983.

NASA

The conferees provided an additional $208,800,000 for a variety of R&D programs in NASA. Two specific add-ons require additional clarification. The conferees earmarked $170,000,000 over the budget request for the development, procurement and modifications needed to support the Centaur upper stage. These additional funds for Centaur consist of $127,000,000 of new BA and $13,000,000 that was included in NASA's fiscal year 1983 budget request and would become available through the cancellation of the IUS kick stages for the Galileo and ISPM missions. Similarly, the $48,000,000 earmarked for aeronautics 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 conferees included bill language that would take effect upon the enactment into law of subsequent authorization acts. This provision would reduce the amount of funds that could be obligated or expended for space flight operations to the extent that such authorizing acts require additional reimbursement from other agencies above and beyond that contained in NASA's fiscal year 1983 budget request. If, Mr. President, the NASA authorization act for fiscal year 1983 would require DOD to transfer an additional $128,000,000, then $128,000,000 of the funds available in this act for space flight operations would be withheld from obligation or expenditure in anticipation of such funds being made available to NASA by transfer.

NSF

The conferees agreed on bill language which places a cap of $73,400,000 on the funds available for U.S. Antarctic program operations and support. The language also requires a minimum of $9,000,000 for the U.S. Antarctic science program. The conferees were concerned with the rapid growth of the operational support component of this program and instructed OMB to review alternate funding options. I do not intend to continue to recommend increasing operational support for this program if such costs are to be borne solely by NSF.

The bill contains 2 provisions relating to NSF's ocean drilling program. The first provision requires the concurrence of both Appropriations Committees on the potential conversion of Glomar Explorer prior to a decision to proceed. Its purpose is not to eliminate the conversion of Explorer as an option, but to allow NSF to hold open both program options while further review and assessment continues. The second legislative provision requires NSF to obtain committee approval for funds in excess of $12,000,000 for use in connection with the existing program (Glomar Challenger).

VA

The agreements reached on the VA accounts includes the deletion of funding provided by the House for the replacement hospital and the Cleveland clinical addition. The conferees agreed to provide advanced funding for these two projects later in fiscal year 1983 if these projects are included in the VA fiscal year 1984 budget request. The conferees 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 Committee of Conference, with comparisons to the fiscal year 1982 amount, the 1983 budget estimates, and the House and Senate bills for 1983 follow:

New budget (obligational) authority, fiscal year 1982	$46,788,908,200
Budget estimates of new (obligational) authority, fiscal year 1983	46,643,208,000
House bill, fiscal year 1983	47,000,239,000
Senate bill, fiscal year 1983	46,534,317,200
Conference agreement, fiscal year 1983	46,895,408,200
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1982	+106,500,000
Budget estimates of new (obligational) authority, fiscal year 1983	+252,200,200
House bill, fiscal year 1983	−104,830,800
Senate bill, fiscal year 1983	+361,091,000

Mr. President, I would simply like to add, in the interest of time, my thanks to the distinguished minority manager, Senator HUDDLESTON, and his staff, and to Wally Berger, who made it possible for us to produce the first full appropriations bill for all of 1983, removing it from the continuing resolution process; and also to the distinguished chairman of the House subcommittee, Congressman BOLAND.

We are of different political parties, chairmen on each side of the aisle, but he has been incredibly cooperative over the last year and a half in producing a HUD appropriations bill last year and again this year, promptly getting it through the House of Representatives this afternoon so that we could pass it before the end of the year.

I wanted to pay tribute to our House colleagues as well, particularly Congressman BOLAND.

Mr. HUDDLESTON. Mr. President, I will take just a moment to express my appreciation too, to the distinguished Senator from Utah, the chairman of the subcommittee, and to all of the staff, including Carolyn Fuller of my staff, who worked so diligently and, as the Senator from Utah has pointed out, this is the first of the 13 appropriations bills that will have cleared both Houses and been enacted into law.

I think that is something of a milestone, even though we are very late already in the fiscal year.

Mr. President, the conferees on H.R. 6956, the Department of Housing and Urban Development independent agencies appropriations bill for fiscal 1983, met on Tuesday, September 28, and reached a conference agreement on the bill. This is the first of the fiscal 1983 appropriation bills to clear conference, and I am hopeful that it will soon be signed into law.

Because of a lack of authorization and uncertainty over the future of assisted housing, the conferees deferred consideration of this item. Thus, there is no funding for either section 8, public housing construction, a voucher program or any other construction of assisted housing in this bill. Under the subcommittee's 302(b) allotment under the Congressional Budget and Impoundment Control Act, there is, however, room to accommodate a modest program at a later date.

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 construction date for the financing adjustment factor (FAF) to January 1, 1983, and the so-called Moynihan amendment postponing the implementation of tenant rent increases—failed inclusion in the conference agreement.

Despite the deferral of funding for an assisted housing program, the conferees 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 conferees recommend a loan limit of $453 million. There are, however, no section 8 unit reservations to be used in conjunction with these funds. Thus, any projects requiring reservations

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, together with a carryover from fiscal 1982, should come close to covering 1983 requirements. Furthermore, the conference bill requires the Department to obligate each public housing authority's allocation to the authority in a timely manner.

The conferees have recommended a limitation of $39.8 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 industry occur.

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 urban development action grant (UDAG) program is funded at $440 million, the same as the Senate figure. The entire amount requested for the small cities portion of the program was included.

The conference figure for policy development and research is $18 billion. With this amount, $950,000 is earmarked for the Housing Assistance Council (HAC). Over the years, HAC has provided a number of services to small towns, rural areas, and nonprofit housing development corporations which have generally been overlooked by HUD, and often the Farmers Home Administration. HAC operates a rural housing loan fund which provides predevelopment credit to enable projects in rural and isolated areas to prove feasibility, obtain financing and begin construction. It provides technical assistance through training conferences, seminars, workshops and onsite consultations. And, it conducts an important information program which includes a biweekly newsletter, technical manuals and guides, and analyses of rural housing issues, proposed changes in the operation of housing programs and regulatory changes.

Although the Senate had deleted the House language prohibiting the use of funds to plan or implement a HUD reorganization without the prior approval of the Committee on Appropriations, the conferees agreed that no funds should be used prior to January 1, 1983, to plan, design, implement, or administer a reorganization without the prior approval of the Committee on Appropriations. Hopefully, this will provide sufficient time to work out some of the problems which have arisen in connection with the proposed reorganization.

The conference recommendation for the Environmental Protection Agency is $3,719 billion. This includes an addition over the budget of more than $40 million under the abatement, control and compliance account for the State grants program. Under this account, there is $1.9 million for the National Rural Water Association's State and rural water training and technical assistance program. Under the research and development account, there is $270,000 for a study of phosphate processing as part of the study of waste streams generated during mining operations.

For the Federal payment to the hazardous substance response trust fund, the agreement provides $40 million, and for hazardous response trust fund or Superfund activities, $210 million. Some $10 million will be available to the States for State hazardous waste site surveys.

The conference agreement for the waste water construction grant program is $2.430 billion, of which $30 million would be used for combined sewer overflows into marine bays and estuaries.

For the Federal Emergency Management Agency (FEMA), the conference figure is $549.8 million. Under FEMA's State and local assistance account, the conferees deleted the House limitation of $2 million on earthquake research.

For activities of the U.S. Fire Administration, the Senate recommendation of $3.3 million for firefighting health and safety, arson prevention and control, the national fire data system and fire rescue service management improvement prevailed.

For the research and development activities of the National Aeronautics and Space Administration (NASA), the agreement includes $5.1 billion. This includes an addition over the budget of $5 million for technology transfer and/or technology utilization and an addition of $20 million to support continued work on both 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 $1.092 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 1.3 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 operating expenses, 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 HUDDLESTON for their work in the conference report in regard to a facility of the Veterans' Administration 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 H.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 year 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 estimated to cost 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 for the Los Angeles outpa-

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 medical facility construction 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 the 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, 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 generated on this project to wad 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 recommitment 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 contained in this bill reflect 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 martyrdom.

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 for design and site preparation is actually spent by the VA, that the VA will submit to both the House and Senate Veterans' Affairs Committees such prospectuses as would ordinarily be appropriate under the 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 expeditious 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 numbered 6, 16, 26, 27, 30, 38, 42, 45, 51, 52, 53, and 61, which are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 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 payments over $15,000 and less than $60,000, and shall be made monthly to public housing agencies receiving payments of $60,000 or more: *Provided further*, That funds heretofore 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 9(a), notwithstanding section 9(d) 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 head, $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 223(b) of the Act: *Provided further*, That the administrative expenses contained in the first proviso are increased by $4,708,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 27 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 for purposes of carrying out section 3012 of the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6933), as added by Public Law 96-482, $10,000,000, from the funds provided under this head, to remain available until September 30, 1984".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert:

"ADMINISTRATIVE PROVISION

"With funds appropriated by this Act the Administrator shall cancel, deny, or take any other necessary action to cancel or deny, the registration of any pesticide product containing toxaphene: *Provided further,* That none of the funds appropriated by this Act shall be used for the purpose of granting any registration of any pesticide product containing toxaphene, or for the purpose of approving any amendment to such a registration which would allow the use of such a product: *Provided further,* That this provision shall not apply to the use of toxaphene for the treatment of non-dairy cattle scabies by topical application on an individual basis, as approved by the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, until existing stocks are depleted or for a period of three years after enactment of this Act, whichever comes first: *Provided further,* That the foregoing provisos shall only take effect if the Environmental Protection Agency fails to promulgate a notice of intent to cancel or restrict registration of toxaphene within 60 days after enactment of this Act.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 38 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: "$154,007,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert:

"$1,796,000,000: *Provided,* That the amount available for obligation or expenditure shall be reduced to the extent subsequent authorizations provide for transfers".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"That $280,000,000 shall be made available for aeronautical research and technology, that $192,000,000 shall be made available for design, development, procurement, and other related requirements of liquid hydrogen-liquid oxygen upper stages (Centaur): *Provided further,*".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 51 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 in this Act or in funds appropriated previously to the Foundation, not less than $9,000,000 shall be available for the U.S. Antarctic Research Program and not more than $73,400,000 shall be 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 Committees on Appropriations and not in excess of $12,000,000 shall be available for the deep sea drilling project without the approval of the Committees 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, insert: "$30,000,000, to remain available until September 30, 1984".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 53 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

": *Provided,* That notwithstanding any other provisions of this or any other Act, the Secretary of Housing and Urban Development, the Federal Home Loan Bank Board and the Federal Home Loan Banks, the Board of Governors of the Federal Reserve System and the Federal Reserve Banks, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the National Credit Union Administration or any other department, agency or other instrumentality of the Federal Government may provide to the Neighborhood Reinvestment Corporation such funds, services, and facilities as they deem appropriate, with or without reimbursement, to achieve the objectives and to carry out the purposes of the Neighborhood Reinvestment Corporation Act, with the prior approval of the Committees on Appropriations".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 61 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum inserted by said amendment, insert: "$407,392,000".

Mr. GARN. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House to the amendments of the Senate numbered 6, 16, 26, 27, 30, 38, 42, 45, 51, 52, 53, and 61.

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

Mr. BAKER. Mr. President, I said, I hope inaudibly, to the distinguished managers of the conference report to make it brief. I do not believe I ever heard one more brief than that, and I express my appreciation to them for the way in which they handled the conference report.

ORDER OF BUSINESS

Mr. BAKER. There are a number of other matters, some privileged, that I hope are available, and some of the Senators who are here on the floor may be able to advise me as to whether these measures are available.

Mr. President, I am told that the jobs conference report is here and available. I also believe the banking conference report is here; is that correct?

Mr. GARN. Mr. President, if the Senator will yield, unfortunately, no. We simply physically could not get the legal paperwork put together unless we could stay in later. But it will be available the first thing in the morning and I will be here to take up the matter at the first opportunity.

Mr. BAKER. I thank the Senator.

Another conference report I am advised is completed is the export trading company conference report. Is that conference report available?

Mr. GARN. The export trading company conference report is not available this evening. It will be in the morning.

Mr. BAKER. Mr. President, it looks like there are no other conference reports that we can do this evening.

Mr. President, I have a number of items I would like to identify for the consideration of the minority leader and others to see if there are any we can do tonight on this list, which I doubt. I suggest to Senators that this is the list from which our major activity will probably be drawn tomorrow or the next day. I will be glad to supply a copy of this to the distinguished minority leader and his staff.

Mr. SIMPSON. Mr. President, may I advise the majority leader that the Veterans' Compensation, Education, and Employment Amendments of 1982 is before the Senate now as a privileged matter in lieu of the formal conference report and I believe that could be handled this evening.

Mr. BAKER. Very well.

VETERANS' COMPENSATION, EDUCATION, AND EMPLOYMENT AMENDMENTS OF 1982

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6782.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill amendment of the Senate to the bill (H.R. 6782) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children of veterans, and for other purposes.

(The amendment of the House is printed in the RECORD of September 28, 1982, part II.)

Mr. SIMPSON. Mr. President, this measure is before the Senate now as a

privileged matter in lieu of the formal conference report.

SUMMARY

Mr. President, I speak in strong support of H.R. 6782, the proposed Veterans' Compensation, Education and Employment Amendments of 1982. I urge expeditious passage of this bill which is needed to insure that the over 2,300,000 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 dependency 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 13 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 24. Since that very recent date, the House and Senate Veterans' Affairs Committees have worked with single-minded purpose to come to 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.

VETERANS' DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

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 are 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 beneficiaries of other Federal benefit programs would receive a full 7.4-percent increase was an untenable decision. Therefore, on June 16, 1982, I recommended to Senate Budget Committee Chairman, PETE DOMENICI, as the budget conference was getting underway, 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 improvements 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 reprieve from a burdensome and 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 remiss, and the VA can avoid overpayments by experting 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 program, VEAP, now 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 an all time high, since the caliber of volunteers is increasing, since 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 shrinking, I had every hope 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 passed now, even though it is not currently needed and would be unjustifiably expensive. The Senate's modest proposal to help the military keep its careerists, contained in S. 2913, 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 administration of veterans' employment programs. It addresses problems which have plagued the Assistant Secretary of 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 easily agreed during conference on congressional intent 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 disabled veterans' outreach 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 concert 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 Government agencies 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 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 performing a given task that is consistent with achieving the important objectives the Government has set for itself. I believe that the VA should not be exempt from this drive toward fiscal responsibility, but I think that it is extremely important to guarantee that no cost-cutting measure is permitted to have any adverse effect on the quality of patient care afforded through the VA medical care system.

This is a point that is worthy of emphasis, My main concern in formulating this provision has been for the health of veterans being treated in the VA medical care system. This provision is not aimed simply at protecting the jobs of Federal workers, for that is a purpose that could be better served through legislation applicable to the Federal Government in general rather than simply to the VA. The provision, therefore, has been designed not to preclude all contracting out, but to permit it under clearly defined circumstances where both of the legitimate governmental interests—that is, cost-effectiveness and protectiveness of the VA health-care system—could reasonably be accommodated.

I believe that the provisions of the Senate bill served these purposes optimally. The comparable House provision would, as a practical matter, have precluded vitually all contracting out. The conference agreement provision reflects 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 for the direct provision of 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 reimburse certain veterans for the reasonable charge of chiropractic services which they received. This amendment was adopted by the Senate on September 24. In conference the House expressed its reluctance to accept this provision because it had not been carefully considered by the House Veterans' Affairs Committee. Not only have I expressed by support for this legislation to Senator THURMOND, and my intention to pursue its reconsideration by the Senate Veterans' Affairs Committee early next year, but the House Veterans' Affairs Committee chairman has given assurances to the Senate committee that the House will conduct hearings on this legislation early next year and will also consider alternatives to insure that the VA utilize its existing authority to provide chiropractic services to veterans.

Mr. President, in conclusion, I wish to sincerely thank the distinguished ranking minority Member from California, Senator CRANSTON, for his invaluable help throughout the entire process of crafting this bill and reaching a very equitable compromise; the remarkable Senator from South Carolina, Senator THURMOND, for his contributions; and each of the other committee members who are cosponsors of this measure.

In addition, I should like to recognize and thank the very able members of the majority staff for their efforts—Tom Harvey, chief counsel and staff director, Julie Susman, Brent Goo, Scott Wallace, Joe Buzhardt, Laurie Altemose, Becky Hucks, Carol DeAngelus, Kay Eckhardt, Lucy Scoville, our editorial director, Harold Carter, and Jim MacRae, as well as members of the capable minority staff—Jonathan Steinberg, Babette Polzer, Ed Scott, Bill Brew, Ingrid Post, and Charlotte Hughes. The hard work and cooperation of my friend and most capable and effective counterpart on the House Veterans' Affairs Committee, G. V. "SONNY" MONTGOMERY, and his very able staff headed by Mack Fleming were essential to the achievement of this equitable compromise.

Mr. President, I am most pleased to have the opportunity to urge my colleagues in the Senate to ratify this carefully crafted measure which contains a much needed cost-of-living increase for our Nation's most deserving veterans. On behalf of the entire committee, I urge the Senate's favorable consideration of this bill.

I ask unanimous consent that the explanatory statement be printed in the RECORD.

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

H.R. 6782, THE VETERANS' COMPENSATION, EDUCATION, AND EMPLOYMENT AMENDMENTS OF 1982—EXPLANATORY STATEMENT OF HOUSE BILL, SENATE AMENDMENT (S. 2913), AND H.R. 6794, AND THE COMPROMISE AGREEMENT

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

Part A—Rate Increases

Disability Compensation

Both the House bill and the Senate amendment would amend chapter 11 of title 38, United States Code, to increase by 7.4 percent, effective October 1, 1982, the basic rates of service-connected disability compensation for veterans, the rates payable for certain severe disabilities, and the annual clothing allowance for certain disabled veterans. In accordance with the policy established in section 405 of the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253), the increased rates are rounded down to the next lower dollar.

Additional Compensation for Dependents

Both the House bill and the Senate amendment would further amend chapter 11 to increase, effective October 1, 1982, the dependents' allowances payable to veterans rated 30-percent or more disabled, with the increased rates rounded down to the next lower dollar. The House bill would increase these allowances by 7.4 percent; the Senate amendment would gererally increase these allowances by that percentage but would also provide for a realignment of the allowances with respect to that portion of the allowance payable on account of children.

The House recedes. The rates under current law, the House bill, the Senate amendment, and the compromise agreement are as follows:

AMOUNT PAYABLE TO 100-PERCENT SERVICE-CONNECTED DISABLED VETERANS

	Current law	House bill	Senate amendment/ compromise agreement
Spouse	$69	$74	$74
First child	47	50	50
Second child	37	40	40
Third child	39	42	40
Each additional child	38	40	40

Dependency and Indemnity Compensation

Both the House bill and the Senate amendment would amend chapter 13 of title 38 to provide, effective October 1, 1982, an increase of 7.4 percent in the rates of dependency and indemnity compensation (DIC) payable to the surviving spouses and children of veterans whose deaths were service connected, with the increased rates rounded down to the next lower dollar.

The compromise agreement contains these provisions.

Repeal of Earlier Rate Adjustment

The Senate amendment, but neither the House bill nor H.R. 6794, the proposed "Veterans' Employment and Education Assistance Act of 1982", as passed by the House on September 20, 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 405 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, 1982, 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 award 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 5/200 visual acuity or less, and service-connected anatomical loss or loss of use of one hand or one foot.

The Senate recedes.

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 revise the applicable requirements for benefits at DIC rates for certain survivors of veterans (those who suffered from 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 clear and unmistakable error regarding the award of a total-disability rating. Both the House bill and the Senate amendment would make this amendment effective October 1, 1982, but the Senate amendment would also require the Administrator to make a lump-sum payment after that date to individuals who would have been entitled to benefits prior to that date if the amendments had been effective October 1, 1978.

The compromise agreement contains this provision with the Senate amendment effective date and with technical amendments.

Eligibility for Veterans' Administration Benefits of Senior Reserve Officers' Training Corps Participants Disabled During Certain Training

The House bill, but not the Senate amendment, would amend section 101 of title 38, effective with respect to diseases or injuries incurred or aggravated during duty performed after September 30, 1982, to include within the definition of "active duty for training", annual training duty for a period of fourteen days or more performed by a member of the Senior Reserve Officers' Training Corps (SROTC). The effect of this amendment would be to provide basic eligibility for title 38 benefits based on a period of active duty for training during which the individual suffers a service-connected disability or death. (Such a period of active duty for training is included within the definition of "active military, naval, or air service" (section 101(24)); in turn, the definition of "veteran" section 101(2)), a term used throughout title 38 to denote a basic qualification for benefits eligibility under that title, includes only persons who have served in the "active military, naval, or air service".)

The Senate recedes with an amendment clarifying that the term "active duty for training" includes any period of duty to which the SROTC participant is assigned for the purposes of "field training or practice cruise under chapter 103 of title 10", United States Code. After consultation with Department of Defense and VA officials, the phrase "field training or practice cruise" is used in lieu of the present law (section 403 of title 38) reference to "annual training * * * of fourteen days or more" in order to conform the title 38 terminology to the title 10 terminology. In addition, the compromise agreement would provide, with respect to any death or disability resulting from a disease or injury incurred or aggravated after September 30, 1982, during the SROTC participant's active duty for training, that the eligibility for title 38 benefits would displace any eligibility for Federal workers' compensation benefits pursuant to section 8140 of title 5, United States Code, for that disease or injury. The compromise agreement would also repeal, as being superfluous if this provision in the compromise agreement is enacted, section 403 of title 38, which provides that certain ROTC training is deemed to be active military, naval, or air service for purposes of dependency and indemnity compensation and certain title 38 insurance purposes.

TITLE II—EDUCATIONAL ASSISTANCE

Veterans' Counseling and Outreach 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 outstation 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 outstation vet-reps 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 sections 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 make a technical amendment to 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 enrollees are in receipt of VA educational assistance applies to high-school level and general-education-diploma training offered (other than through contracts with the Department of Defense) to individuals enrolled in such training at no charge to their entitlements while on active duty.

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 not in excess of the less than half-time rate.

The compromise agreement contains this provision.

Modification of Restrictions on Allowances for Incarcerated Veterans

Both H.R. 6794 and the Senate amendment would amend section 1508 of title 38 to revise the restriction on the payment of vocational rehabilitation subsistence allowance to veterans who have been incarcerated as the result of a conviction of a felony.

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 a Federal, State, 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 revise the manner in which VA educational assistance allowances are calculated for veterans and eligible persons who are incarcerated as the result of a conviction of a felony. H.R. 6794 would repeal the provision in current law that specifies that payment of full educational assistance allowances to those who are residing in a halfway house or participating in a work-release program may be made if the Administrator determines that all the living expenses of the individual are not being defrayed by a Federal, State, or local government. The Senate amendment would provide that the prohibition on the payment of a certain amount of the educational assistance 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 program, 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 with a technical amendment incorporating this prohibition in section 1682(g) of title 38.

Update of Reference to Another Provision of Law

The Senate amendment, but neither the House bill nor H.R. 6794, would amend section 1652(b) of title 38 to update a reference to another p*hvision 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 1788(a) of title 38 to shorten the weekly attendance requirements for veterans and eligible persons who are pursuing nondegree vocational 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.

The House recedes.

Clarification of Targeted Delimiting Date Extension Authority

The Senate amendment, but neither the House bill nor H.R. 6794, would amend section 1662(a)(3) of title 38, which provides for delimiting period extensions for the use of GI Bill benefits for the pursuit of secondary education, apprenticeship or other on-job training, or vocational training, so as to clarify Congressional intent with respect to the granting of these so-called "targeted delimiting date extensions" and to 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 during which a veteran may use GI bill educational assistance under the targeted delimiting date extension provision. Also, the Senate amendment would require the Administrator, within 30 days after the date of enactment, to publish, for public review and comment, proposed regulations to implement the new provisions and to publish final regulations within 90 days after the enactment date.

The House recedes with an amendment making the amendment to section 1662(a)(3) effective on January 1, 1982.

Tolling Delimiting Dates by Reason of Drug and Alcohol Conditions

The Senate amendment, but neither the House bill nor H.R. 6794, would amend sections 1503(b)(1), 1662(a), and 1712(b) of title 38 to provide for the tolling (extension) under certain specified circumstances of the eligibility periods for a VA program of vocational rehabilitation, for GI Bill educational assistance, and for educational assistance for the dependents and survivors of certain service-connected disabled veterans where an alcohol or drug dependence or abuse condition for which the individual has received treatment or rehabilitation has prevented the individual from pursuing training.

The Senate recedes.

Authority to Suspend Educational Assistance in Certain Cases

Both H.R. 6794 and the Senate amendment would amend section 1790(b) of title 38 to provide the Administrator with the authority to withhold payment of educational assistance benefits in certain cases. H.R. 6794 would authorize the Administrator to discontinue (including suspend) the benefits of eligible veterans and eligible persons enrolled in a course and disapprove new enrollments in the course when the Administrator finds that the course fails to meet an approval requirement of chapter 36 of title 38 or that the institution offering the course has violated applicable recordkeeping or reporting requirements under chapter 31, 32, 34, 35, or 36, where the Administrator has notified the State approving agency (SAA) and the institution concerned of the violation, and where the Administrator finds that the institution has failed to take corrective action within a reasonable period of time after the notification.

H.R. 6794 would further require that when the Administrator discontinues educational assistance, notice of the discontinuance be given to the affected students together with a statement of the reasons and of the opportunity to be heard thereon. The Senate amendment would authorize the Administrator to suspend educational assistance benefits to eligible veterans and eligible persons enrolled in a course and to disapprove new enrollments in the course when the Administrator has evidence showing that there is a substantial pattern of veterans or eligibile persons receiving educational assistance to which they are not entitled because of the educational institution's noncompliance with or violation of applicable requirements of title 38 relating to course approvals, recordkeeping, and reporting. However, prior to taking that action, the Administrator must give written notice 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 (which could be given within the 60-day period for notice to the SAA and the institution) 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 Program

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 901 of Public Law 96-342, 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 Participants Making Lump-Sum Contributions under Chapter 32 Program

Both H.R. 6794 and the Senate amendment would further amend section 1622 to provide that, for purposes of calculating the amount of a VEAP participant's monthly VEAP benefits, lump-sum contributions will be considered to have been made in monthly military pay deductions of $100, rather than $75 as under current law.

The compromise agreement contains this provision.

Period for Enrollment in Chapter 32 Program

H.R. 6794, but not the Senate amendment, would amend section 408(a)(1) of the Veterans' Education and Employment Assistance Act of 1976 (Public Law 94-502) to provide that the enrollment period for participation in VEAP will end on March 30, 1983, unless the President submits to the Congress by January 15, 1983, a recommendation that such period be extended and neither the House nor the Senate disapproves the President's recommendation within 60 days after it is submitted.

The House recedes.

Repeal of 1989 Termination Date

The Senate amendment, but neither the House bill nor H.R. 6794, would repeal section 1662(e) of title 38, which prohibits the provision of any GI Bill educational assistance under chapters 34 and 36 of title 38 after December 31, 1989, and would thus allow all veterans to use their GI Bill benefits during their normal periods of eligibility, which generally expire at the end of the 10-year period following discharge or release from active duty. The Senate amendment would also add a new section 1694 to chapter 34 of title 38 that would require the Secretary of Defense to reimburse the Administrator for all GI Bill educational and training allowances under chapters 34 and 36 after December 31, 1989.

The Senate recedes.

TITLE III—EMPLOYMENT ASSISTANCE

Congressional Findings

Both H.R. 6794 and the Senate amendment contain provisions stating Congressional findings relating to veterans' employment programs. Both the H.R. 6794 and Senate amendment findings state that serious unemployment and underemployment problems exist among disabled and Vietnam-era veterans and that programs to alleviate those problems are a national responsibility. The Senate amendment findings state that because of the special nature of these problems and the national responsibility to meet them, policies and programs need to be effectively and vigorously implemented by the Secretary of Labor through the Assistant Secretary of Labor for Veterans' Employment (ASVE). The H.R. 6794 findings add that such problems also exist among recently-separated veterans and that programs to address the problems can best be administered through a systematic, uniform Federal program to provide funds for veterans employment assistance programs.

The House recedes with an amendment incorporating the findings into a new section 200 of title 38, United States Code, and with technical amendments.

Purpose of Jobs Training Programs

Both H.R. 6794 and the Senate amendment would amend section 2002 of title 38 to clarify Congressional intent regarding veterans' job-training and employment services. Both H.R. 6794 and the Senate amendment would require that regulations be promulgated and administered to provide eligible veterans and eligible persons with the maximum of employment and training opportunities. H.R. 6794 would require that priority be given to eligible veterans and eligible persons in the provision of employment and training services; the Senate amendment would require that priority be given to the needs of disabled and Vietnam-era veterans in the provision of employment and training opportunities.

The House recedes.

Jurisdiction of Assistant Secretary of Labor for Veterans' Employment

Both H.R. 6794 and the Senate amendment would amend title 38 to transfer responsibilities for the administration of the veterans' reemployment rights programs in chapter 43 of title 38 to the Assistant Secretary of Labor for Veterans' Employment (ASVE). H.R. 6794 would amend section 2002A in chapter 41, relating to the establishment of the office and responsibilities of the ASVE, to provide that the Department of Labor officials administering chapter 43 shall be administratively and functionally responsible to the ASVE. The Senate amendment would amend section 2025 in chapter 43, relating to the Secretary's responsibility to render aid to veterans seeking to secure their reemployment rights, to require that the Secretary carry out the provisions of chapter 43 through the ASVE.

The Senate recedes with technical amendments. The Committees note that this compromise agreement does not address the reemployment rights issues posed by H.R. 6788, which the House passed on September 14, 1982, to amend title 38 to clarify the period for which an employer must grant a leave of absence, in order to allow an employee to perform required active duty for training, to an employee who is a member of the National Guard or Reserve. Nevertheless, the Committees do not believe that the 90-day limit that the Labor Department has imposed on that period, based on the Solicitor of Labor's October 8, 1981, interpretation of section 2024 of title 38, is well-founded either as legislative interpretation or application of the pertinent case law. Accordingly, the Committees urge the ASVE, upon assuming the responsibility for the reemployment rights program provided in the compromise agreement, to review the situation and take appropriate action to eliminate this arbitrary limitation.

State and Assistant State Directors for Veterans' Employment

Both H.R. 6794 and the Senate amendment would amend section 2003 of title 38 to restructure that section, to conform statutory titles for veterans' employment representatives to the current titles being used ("State Directors for Veterans' Employment" (SDVE's) and "Assistant State Directors for Veterans' Employment" (Assistant SDVE's)), and to make a series of substantive changes as discussed below.

Both H.R. 6794 and the Senate amendment would require that the full-time clerical support assigned to SDVE's be provided by Federal employees who are appointed in accordance with the provisions of title 5 governing appointments in the competitive service and paid in accordance with chapter 51 and subchapter III of chapter 53 of that title.

The compromise agreement contains this provision.

Both H.R. 3794 and the Senate amendment would modify the two-year residency requirement applicable to the appointment of SDVE's and Assistant SDVE's. H.R. 6794 would authorize the ASVE to appoint any qualified eligible veteran if it is determined that no qualified veteran who meets the two-year residency requirement is available. The Senate amendment, in such cases, would authorize the ASVE, following an unsuccessful good faith search within the State, to appoint a qualified veteran who has been an Assistant SDVE in another State for at least one year.

The Committees were unable to reach agreement on this issue, and the compromise agreement contains neither provision.

Both H.R. 6794 and the Senate amendment would modify the responsibilities of SDVE's and Assistant SDVE's with respect to other Federal and federally-funded employment and training programs. H.R. 6794 would require SDVE's and Assistant SDVE's to be functionally responsible for the supervision of the participation of veterans in such programs and to monitor the programs' implementation and operation to assure that priorities required by law or regulation to be given 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 to be given to eligible veterans, disabled veterans, and Vietnam-era veterans are provided.

The compromise agreement 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 and training programs and for directly monitoring the implementation and operation of such programs to ensure that priorities and other special consideration required by law or regulations to be given to eligible veterans, disabled veterans, veterans of the Vietnam era, and eligible persons are provided.

Both H.R. 6794 and the Senate amendment would expand the responsibilities of SDVE's and Assistant SDVE's to include the responsibility to supervise the listing of jobs and subsequent referrals of qualified veterans as required by section 2012 of title 38; 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 acquiring prosthetic and sensory aids and devices which tend to enchance 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 Vietnam-era veterans readjustment counseling programs conducted under section 612A of title 38—rather than with the directors of section 242 veterans assistance offices—in order 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 make a series of amendments to section 2003A 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 set forth in appropriations Acts and to be used only for the purposes specified in the DVOP authority. The Senate amendment would specify that the distribution and use of DVOP funds are 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 House recedes. The Committees urge that the Department of Labor specifically request funding for this program from general revenues rather than from trust funds.

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 House recedes.

Both H.R. 6794 and the Senate amendment would authorize the Secretary of Labor, after consultation with the appropriate SDVE, to waive the requirement that at least 25 percent of the DVOP specialists in a State be outstationed in locations other than employment service offices. The Senate amendment would permit such waivers only as long as the percentage of DVOP specialists outstationed nationwide is at least 20 percent.

The House recedes with an amendment requiring consultation with the Administrator of Veterans' Affairs prior to the granting of a waiver.

Both H.R. 6794 and the Senate amendment would make a series of technical and conforming amendments relating to the DVOP authority and would expand the responsibilities of DVOP specialists to include the development of outreach programs—in cooperation with VA vocational rehabilitation staff, institutions of higher learning, and employers—in order to assure that maximum assistance is provided to service-connected disabled veterans enrolled in a program of vocational rehabilitation under chapter 31 of title 38. H.R. 6794 would also require DVOP specialists to carry out this responsibility in cooperation with nondegree-granting institutions (including vocational and technical schools). The Senate amendment would also require that maximum assistance be assured in the cases of service-connected disabled veterans who have completed—as well as to those who are enrolled in—programs of vocational rehabilitation under chapter 31.

The compromise agreement contains these provisions.

The Senate amendment, but not H.R. 6794, would delete a provision relating to the continued employment of DVOP specialists employed in the program when Public Law 96-466 was enacted in 1980 to provide a statutory basis for DVOP.

The House recedes.

Both H.R. 6794 and the Senate amendment would require the ASVE to monitor the appointment of DVOP specialists to ensure that appointments are made in accordance with the provisions of the DVOP authority.

The compromise agreement contains this provision.

H.R. 6794, but not the Senate amendment, would amend subsection (a) of section 2003A to add a new paragraph requiring that the Secretary of Labor carry out functions under the DVOP authority through the ASVE.

The Senate recedes with an amendment that would, instead of adding a new paragraph to subsection (a), amend paragraphs (1) and (3) in which the Secretary is given certain functions with respect to DVOP, to require specifically that the Secretary carry out those functions through the ASVE. The Committees note that subsection (e) of section 2003A currently provides that the Secretary is to administer DVOP through the ASVE.

Estimate of Funds for Administration

Both H.R. 6794 and the Senate amendment would amend section 2006 of title 38 to expand the Secretary's responsibilities for estimating funds needed for the administration of chapter 41 of title 38 and for including that estimate as a special item in the annual budget for the Department of Labor so as to include a requirement that the estimate also include funds needed for the administration of chapters 42 and 43 of title 38.

The compromise agreement contains this provision.

Both H.R. 6794 and the Senate amendment would further amend section 2006 to require that such estimates of funds be approved by the Secretary of Labor only if they are sufficient to support the level of DVOP specialists mandated in section 2003A of title 38. H.R. 6794 would require the ASVE to approve the level of funds estimated; the Senate amendment would require the Secretary of Labor to carry out responsibilities through the ASVE. H.R. 6794 would further require that the budget submission include a separate listing of the proposed number of DVOP specialists and their specific locations.

The compromise agreement contains these provisions except for the requirement that specific DVOP locations be listed.

Both H.R. 6794 and the Senate amendment would further amend section 2006 to restrict the Secretary's authority to divert funds appropriated for the purposes of chapter 41 upon a demonstrated lack of need. H.R. 6794 would authorize such funding diversion after consultation with the ASVE; the Senate amendment would authorize diversion only upon the recommendation of the ASVE.

The House recedes.

Annual Report to Congress

Both H.R. 6794 and the Senate amendment would amend section 2007(c) of title 38 to require that the Secretary's annual report to the Congress on veterans' employment and training initiatives include a report on activities under the DVOP authority in section 2003A of title 38.

The compromise agreement contains this provision.

National Employment and Training Programs for Veterans

H.R. 6794, but not the Senate amendment, would amend chapter 41 of title 38 to add a new section 2009 to require the Secretary of Labor, through the ASVE, to establish and administer a national employment and training assistance program for veterans through grants to qualified recipients. H.R. 6794 would set forth the criteria for selection of grant recipients and require such grantees to enter into cooperative arrangements to make maximum use of existing programs. It would further require the Secretary to ensure maximum effectiveness and efficiency through coordination, in consultation with the Administrator, with other programs conducted under title 38, particularly the readjustment counseling program conducted under section 612A. Coordination would also be required, in the development of on-job-training opportunities, employability development programs, and job placement programs, with other VA and DOL initiatives. The Secretary would be authorized to enter into demonstration programs in cooperation with DOD and the VA to provide pre-separation counseling and job search assistance. Approval or disapproval of grants would be required to be made within 90 days. The Secretary would be authorized (directly or through grant, contract, or cooperative agreement) to furnish technical assistance and conduct research and development projects for the purposes of establishing and carrying out the grant program. Regulations for fiscal controls, accountability, and reporting by the grantee would be required to be prescribed by the Secretary. Finally, an annual report would be required to be submitted no later than January 1 of each year to the Committees on Veterans' Affairs of the House and Senate on the program established and its effectiveness and efficiency, together with legislative recommendations.

The Senate recedes with an amendment. As agreed to by the Committees, the compromise agreement would amend chapter 41 of title 38 to add a new section 2009 entitled "National Veterans' Employment and Training Programs". Under this new section, the Secretary of Labor would be required to administer through the ASVE all national programs, under the Secretary's jurisdiction, for the provision of employment and training services designed to meet the needs of disabled and Vietnam-era veterans; to encourage all such programs and grantees thereunder to enter into cooperative arrangements with private industry and business concerns, educational institutions, trade associations, and labor unions; to ensure maximum effectiveness and efficiency by coordinating and consulting with the Administrator with respect to programs conducted under other provisions of title 38, with particular emphasis on coordination with the VA's readjustment counseling and apprenticeship and other on-job training programs; and to ensure that job placement activities are carried out in coordination and cooperation with appropriate State officials in the public employment service. An annual report would be required to be submitted to the Committees and the Appropriations Committees, by February 1 of each year, on the operation of national programs to meet the needs of disabled and Vietnam-era veterans. The report would include an evaluation of the effectiveness and efficiency of such programs and any recommendations by the Secretary for legislative action.

The Committees note that the Secretary, consistent with the Secretary's statutory functions under title 38, may also, as a matter of discretion, assign to the ASVE responsibility for implementing or monitoring, or both, activities affecting veterans under employment and job-training programs not designed specifically for the benefit of veterans.

Secretary of Labor's Committee on Veterans' Employment

H.R. 6794, but not the Senate amendment, would add a new section 2010 to chapter 41 of title 38 to establish within the Department of Labor an advisory committee

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' employment to the attention of the Secretary. The Committee would be chaired by the Secretary of Labor and vice-chaired by the ASVE and be composed of representatives of the Secretary of Health and Human Services, the Administrator of Veterans' Affairs, the Director of the Office of Personnel Management, 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 would include in the membership of the Committee as representatives of the Secretary those Department of Labor officials involved with issues relating to veterans' employment (such as the Assistant Secretaries for Employment and Training and for Employment Standards) who the Secretary believes should serve on the Committee.

Persons Eligible for Chapter 42 Employment Training Programs

H.R. 6794, but not the Senate amendment, would amend section 2011 of title 38 to expand the eligibility for coverage under the mandatory listing and affirmative action requirements of chapter 42 so as to include veterans whose disabilities are rated 10- or 20-percent disabling.

The House recedes.

H.R. 6794, but not the Senate amendment, would further amend section 2011 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 military retirement pay in lieu thereof.

The Senate recedes with an amendment including such veterans in the definition of "special disabled veteran" for the purposes of such chapters only if such veterans are 30-percent or more disabled.

H.R. 6794 and the Senate amendment would further amend section 2011 to clarify the status of the United States Postal Service and the Postal Rate Commission for coverage under certain title 38 provisions. H.R. 6794 would specify that for purposes of section 2012, relating to veterans employment emphasis under Federal contracts, such entities are considered a "department or agency". The Senate amendment would include such entities in both the terms "department or agency" and "department, agency, and instrumentality in the executive branch" for purposes of all provisions of chapter 42, including section 2014, relating to employment within the Federal Government.

The House recedes with technical amendments.

Reports on Veterans' Employment Emphasis Under Federal Contracts

Both H.R. 6794 and the Senate amendment would amend section 2012 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-connected disabled veterans rated 30-percent or more disabled and veterans of the Vietnam era. H.R. 6794 would require such an employer to file quarterly 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, 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 with technical amendments.

Veterans' Employment in the Federal Government

H.R. 6794, but not the Senate amendment, would amend section 2014 of title 38 to permit veterans who believe they were denied an opportunity to participate in a civil service examination because information about that opportunity was not made available to the employment service offices of the United States Employment Service, as required by section 3327 of title 5, United States Code, to file a complaint with the Office of Personnel Management (OPM) and 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 OBM'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 the provision of maximum employment opportunities for veterans in the Federal Government, as required under section 2014 of title 38.

Repeal of Exemplary Rehabilitation Certificates Program

Both H.R. 6794 and the Senate amendment would amend Public Law 90-83 to repeal the authority in section 6 of that law for the Exemplary Rehabilitation Certificates program.

The compromise agreement contains this repealer.

TITLE IV—MISCELLANEOUS PROVISIONS

Removal of Time Restriction for Filing Insurance Claims; Prohibition of Insurance Proceed Escheating to a State

Both the House bill and the Senate amendment contain provisions that would amend section 770 of title 38, United States Code, to eliminate the 4-year time restriction on the filing of claims for proceeds of insurance under the Servicemen's Group Life Insurance and Veterans' Group Life Insurance programs and to provide that such proceeds may not escheat to a State.

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.

Burial Flags

The House bill, but not the Senate amendment, would amend section 901 of title 38 to authorize, effective with respect to burials after September 30, 1982, the Administrator to furnish a flag to drape the casket of an individual buried in a national cemetery by virtue of the Administrator's authority under section 1002(6) to approve the burial of certain non-veterans in a national cemetery.

The Senate recedes.

Burial Benefits for Certain Indigent Veterans Whose Remains Are Unclaimed

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 incurred or aggravated in line 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 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 certifies that there is no next of kin or other person claiming the body, the State or political subdivision has assumed responsibility for the burial and funeral expenses, and 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 funeral 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 with which the VA had contracted 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 with an amendment limiting the authority to pay the benefits to

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 VA 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 amendent but neither the House bill nor H.R. 6794, would amend chapter 37 of title 38 to authorize the VA to guarantee loans made to a veteran for the purposes of refinancing a lien on a manufactured home and purchasing a lot for the unit and to change the references to "mobile homes" to "manufactured homes".

The House recedes with technical amendments.

Period for Request of Waiver of Overpayment

Both the Senate amendment and H.R. 6794 would amend section 3102 of title 38 to reduce, from two years to 180 days, the period after the date of notification to the payee of the indebtedness for requesting a waiver of repayment of a debt owed to the VA. The Senate amendment would authorize the Administrator to extend the 180-day 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 the enactment; the provision in the Senate amendment 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 97-66, 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, 1980, to provide generally uniform minimum-service requirements—based on policies parallel to those applicable under section 3103A to title 38 and other VA benefits—for non-title 38/non-VA, Federal benefits based on active-duty service. The Senate amendment would also provide for the suppression of section 977 of title 10, which section 3103A of title 38 as so amended would replace in its entirety.

The House recedes with amendments repealing section 977 of title 10 and—in order to overcome certain misconceptions of the Office of Personnel Management regarding the legal effect of laws other than title 5 on the veterans preference provisions in title 5—clarifying the applicability of this provision to benefits under laws other than title 38, and with other technical amendments.

Limitations on Contracting Out Activities at Veterans' Administration Health-Care Facilities

Both the House bill and the Senate amendment contain provisions that would amend section 5010 of title 38 relating to the operation of VA medical facilities, to restrict the VA's ability—under OMB Circular A-76 or otherwise—to contract with private entities for the performance of activities in the agency's Department of Medicine and Surgery (DM&S). The House bill would require that all activities at a VA medical facility be carried out by Federal employees unless the Administrator, after considering the advice of the Chief Medical Director (CMD), determines that a particular VA facility is not capable of carrying out an activity with Federal employees or that contracting out an activity would enhance the quality of medical care provided to eligible veterans. The limitations in the House bill would not affect the VA's ability to enter into contracts or agreements with other Federal or State governmental entities or with nongovernmental entities for the exchange or sharing of resources. Also, these limitations would not apply to any contract in effect on May 5, 1982, or to any renewal, extension, or modification of such a contract.

The Senate amendment would declare, as the policy of the United States, that the VA shall maintain a comprehensive, nationwide health-care system to provide direct health-care services to eligible veterans and shall provide such services in the most cost-effective manner consistent with carrying out the functions of DM&S. It would preclude the VA from converting any activity at a VA health-care facility determined by the CMD to be a direct-patient care activity or an activity incident to direct care from an activity carried out by the Federal employees to an activity carried out by employees of a contractor. As to activities at such facilities determined by the CMD to be neither direct-patient care activities nor those incident to direct care, the Administrator, after considering the advice of the CMD and the results of a cost-comparison study, would be authorized, in his sole discretion, to enter into contracts to convert such an activity. However, the Administrator could do so only after first determining both that the cost to the government of having the activity performed by a contractor plus the cost of the study would be at least 10 percent lower than the cost to the government of performing the activity in-house and that there would be no reduction in the quality or quantity of health-care services provided to eligible veterans as a result of the contract. The limitations on contracting out in the Senate amendment would not apply to any contract or agreement under existing contracting authorities in chapter 17 of title 38, relating to hospital, nursing-home, domiciliary, and medical care, or in certain other title 38 provisions (including section 5011, relating to sharing agreements between the VA and the Department of Defense, section 5011A, relating to the VA's contract authority in time of armed conflict, and section 5033, relating to the VA's authority to contract for specialized medical resources) and in section 686 (recently codified as section 1535) of title 31, relating to inter-agency contracting. Also, these limitations would not apply to contracts under section 4117 of title 38, relating to the VA's acquisition of scarce medical specialists, in those cases in which the CMD determines that a contract is necessary to obtain services at a VA facility that could not otherwise be provided at such a facility.

The House recedes with an amendment increasing from 10 to 15 percent the minimum cost-saving level required for certain contracting; requiring that that cost-saving level be determined over a five-year period (rather than over the duration of the contract); revising the requirement of a determination regarding the potential impact of the contract on health-care services so as to require a determination that the quantity and quality of health-care services would be maintained or enhanced as a result of the proposed contract; revising the specifications regarding the content of the cost-comparison study to require that, with respect to the cost of VA-employee performance, the study be based to the maximum extent feasible on actual VA cost-factors for the salaries and retirement and other fringe benefits for the VA employees involved (as opposed, for example, to being based on Government-wide or agency-wide experience factors for retirement benefits), and that the study take into account all costs to the government of contracting out, such as severance pay that would result from the separation of displaced VA employees and the costs of awarding and administering the contract and monitoring the contractor's performance. In addition, the provision in the compromise agreement would establish certain requirements for the Administrator to submit information relating to contracting out to the appropriate Committees of the Congress (the Veterans' Affairs and Appropriations Committees). First, the Administrator would be required, prior to the conduct of a cost-comparison study, to provide the Committees with notification of the decision to conduct the study.

Second, following the completion of a cost-comparison study and the making of a decision to convert an activity to contractor performance, the Administrator would be required promptly to provide the Committees with written notice of that decision and a report containing a summary of the study on which the decision is based; certifications that the study itself is available to the Committees and that the requirements described above relating to the cost-savings differential and the impact of conversion on the quality and quantity of health-care are met by the contract; a summary of the information that supports the certification regarding the health-care impact; information—if more than 25 jobs would be affected by the contracting decision—showing the potential economic impact of the contract on the VA employees affected, the local economy, and the federal government; and information on the amount of the contractor's bid and the cost to the government of performing the activity directly and of converting it to contractor performance. Third, the Adminstrator would be required to submit six annual reports, by February 1 of each year, 1984 through 1989, on the extent to which DM&S activities were performed by contractors during the prior fiscal year and the actual cost savings resulting from such contracts.

The provision in the compromise agreement also contains technical amendments.

The Committees note that, in the process of considering entering into any contracts

under the compromise agreement, the Administrator may, if the Administrator wishes, look for guidance to OMB Circular A-76 and the OMB "Cost Comparison 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 also 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 benefits account shall remain available for the payment of GI Bill correspondence training benefits unless the Congress enacts, in a reconciliation bill pursuant to the Congressional Budget Act of 1974, Public Law 93-344, a provision amending section 1786(a)(3) of title 38 so as to restrict such availability. 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.

The Senate recedes.

The 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 Committees note that they are in total agreement with the thesis underlying the Senate provision that title 38 entitlements should be terminated or otherwise altered only through legislation emanating from the authorizing committees and not through an appropriations measure, as was proposed by the House last year in passing the fiscal year 1982 HUD-Independent Agencies Appropriations Act with a rider terminating correspondence training benefits. This rider was enacted in Public Law 97-101 on December 23, 1981. On May 4, 1982, in section 5 of Public Law 97-174, the Congress enacted legislation expressly designed to supersede that rider and foreclose future such riders.

Nevertheless, on August 10, 1982, the House Appropriations Committee recommended, and on September 15 the House passed, the proposed fiscal year 1983 HUD-Independent Agenices Appropriations Act, H.R. 6956 with a comparable rider. That rider has been struck by the Senate Appropriations Committee in reporting that bill, which was passed by the Senate on September 24. (As of September 28, the status of the rider had not been resolved in the conference on H.R. 6956.)

At the time of the action by the House Appropriations Committee, it was the policy of the House Veterans' Affairs Committee to seek the termination of correspondence training benefits; both the House measure containing reconciliation savings in veterans' benefits and services for fiscal year 1983, H.R. 6956, as well as the House bill (H.R. 6782) provided for the termination of such benefits. However, that Committee expressly receded from that position in resolving differences with the Senate-passed reconciliation measure.

The Committees thus now regard this matter as having been definitively settled between them and as a matter of Congressional policy at this time. They have so informed the Appropriations Committees.

Budget Savings Provision (Not Contained in Compromise Agreement)

The House bill (in title III, entitled "Veterans' Budget Reconciliation Act of 1982"), but not the Senate amendment, contained various cost-saving provisions (relating to a fee for VA home loans, the period of payment of awards and increased awards of disability compensation, dependency and indemnity compensation, and pension, the effective dates of certain compensation and pension dependents' allowance reductions, the rounding down of pension payments, the termination of pension paid to or for certain college-age students, and the termination of GI Bill benefits for correspondence training). These provisions were recommended in response to the reconciliation instructions to the House Veterans' Affairs Committee in section 2(c)(8) of S. Con. Res. 92, 97th Congress, Second Session, the first budget resolution for fiscal year 1983. Following House passage of the House bill on July 30, 1982, the provisions of title III were incorporated in H.R. 6955, a reconciliation bill passed by the House on August 10, and were considered in the context of the conference on H.R. 6955, which was enacted on September 8 as Public Law 97-253, the Omnibus Budget Reconciliation Act of 1982.

The House recedes in light of the actions already taken in Public Law 97-253 by the Congress with respect to the provisions of title III of the House bill.

For a document showing the changes in existing law that the compromise agreement would make see the continued House proceedings of H.R. 6782 from the Congressional Record on September 28, 1982.

Mr. CRANSTON. Mr. President, as the ranking minority member of the Veterans' Affairs Committee, I am delighted to rise and join with the distinguished chairman of the committee (Mr. SIMPSON) in urging the Senate to approve the amendments of the House to the amendments of the Senate to H.R. 6782. The provisions of the House substitute amendment embody a compromise agreed to after extensive negotiations between the two Veterans' Affairs Committees. The compromise agreement, the proposed "Veterans' Compensation, Education, and Employment Amendments of 1982", contains provisions derived from S. 2913 as passed by the Senate last Friday on September 24, 1982, in the nature of a substitute to H.R. 6782. It also contains provisions derived from H.R. 6782, the proposed "Veterans' Disability Compensation and Survivors' Benefits Amendments of 1982", as that measure was passed by the House on July 27, 1982, and H.R. 6794, the proposed "Veterans' Employment and Education Assistance Act of 1982", as passed by the House on September 20, 1982. We have conducted the negotiations on this legislation most expeditiously since the pending measure contains certain rate increases that are to become effective on Friday of this week, increases to be included in Treasury checks to be received on November 1.

As the committee's 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 made the supreme sacrifice in 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 causes 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 a much needed cost-of-living increase in the rates of compensation for 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 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, $726.1 million in fiscal year 1985, $735.3 million in fiscal year 1986, and $743.8 million in fiscal year 1987.

TARGETED DELIMITING DATE EXTENSION AMENDMENTS

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. 6782 as passed by the Senate last week. This 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, amended title 38 to provide for a one-time, 2-year extension of the GI bill delimiting period—that is, an extension of the 10-year period following discharge during which a Vietnam-era veteran may use his or her GI bill benefits. This extension was targeted on educationally disadvantaged and unskilled or unemployed Vietnam-era veterans and was designed to permit such veterans an additional period of up to 2 years to pursue vocational objective or apprenticeship training or other on-job training (OJT) programs and, for those without high-school diplomas, 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 or other 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 clarification 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 required to 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 this extension was designed 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 a listing would be made, by 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 in 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 vocational rehabilitation periods of eligibility when veterans had been prevented from using their entitlements by virtue of such conditions. Again, last year, the Senate approved similar provisions in the context of the Senate amendments to H.R. 3499—S. 921—which subsequently was enacted as Public Law 97-72. On each occasion, however, as with respect to this bill, we have been unsuccessful in efforts to have the House concur in the amendments. It is particularly unfortunate that we could not convince the House this year since we had modified and limited the provisions very carefully in order to enhance administrability and minimize any abuse.

Nevertheless, I continue to be very concerned that the VA's current practice of denying delimiting date extensions to individuals who have been unable to utilize their VA educational and rehabilition entitlements because of drug or alcohol conditions serves no legitimate 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 I introduced earlier this year—S. 2048—that 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 heightened emphasis on implementing OMB Circular A-76—which provides for contracting out to private entities the performance of certain functions presently 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 that it sets forth, in unequivocal terms, 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 that 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 directive, 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 the direct provision of quality 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 even stronger 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 to the Federal Government of 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 specifics as to what should be considered a governmental cost associated with a conversion. Also, whereas the Senate-passed provision required a determination by the Administrator that such a conversion would not result in any decrease in the quality or quantity of health care for eligible veterans, the provision in the compromise agreement requires the Administrator to determine that the quality or quantity of health-care services would be maintained or enhanced by the conversion.

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 Department of Defense Authorization Act, 1981, Public Law 96-342, and amendments proposed thereto including provisions in H.R. 7166, the proposed "Uniformed Services Pay Act of 1982." These reporting requirements should better enable the Veterans' Affairs Committees to carry out their oversight responsibilities related to contracting out and thereby insure that any contracting out of DM&S 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 his strong cooperation 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 means of 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 availabiltiy of funds for the payment of such entitlements.

At the time that the Senate considered H.R. 6782, the disposition of a rider contained in the House version of 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 House and Senate committees 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 may appreciation to the distinguised chairman of the Subcommittee on HUD-Independent Agencies Appropriations (Mr. GARN) and the Subcommittee's ranking minority member (Mr. HUDDLESTON) for insisting on this result and for their assistance and understanding on this issue generally.

CONCLUSION

Mr. President, we have pending before us another example of an excellent bipartisan effort that reflects our commitment to meeting the needs of those who have served this Nation in time of need. The distinguished chairmen of both committees, Senator SIMPSON and Representative MONTGOMERY, 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 Susman, Brent Goo, Scott Wallace, Becky Hucks, Laurie Altemose, and Lucy Scoville. My special thanks, of course, for their work in developing the final text of this legislation, and preparing the joint explanatory statement on it, go to the members of the minority staff, Babette 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 Jim Kane, Bob Dysland, 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 PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee (Mr. BAKER).

The motion was agreed to.

SENATE 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. 855, 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 shipping 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 would be very short, one dealing 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; and the U.S. Customs Service reauthorization, which is S. 2555, I believe.

These are items that have been brought to my attention, Mr. President, that I would hope we can deal with, It is not meant to be an exclusive list, but this is the best I can do at the moment in an effort to try to let Senators know what might be called in the next 2 days.

Mr. HUDDLESTON. Will the Senator yield?

Mr. BAKER. Yes.

Mr. HUDDLESTON. Is it the expectation or intention that they will be called up necessarily in the order listed by the majority leader?

Mr. BAKER. No, it is not. I would try tomorrow with the minority leader to have an arrangement that would suit the convenience of Members on both sides.

Mr. METZENBAUM. Mr. President, I heard the majority leader run down that list. I do not think it is a surprise to him that the Senator from Ohio has some concern about the Patent 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.

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 have made many concessions 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. STEVENS) 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.

Mr. President, I am sure the Senator 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 recognize and understand 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 a period for the transaction of routine morning business, to extend not past the hour of 10:15 p.m., in which Senators may speak.

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 after the recognition of the two leaders under the standing order, 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 laid before the Senate the House Concurrent Resolution 414, which was read as follows:

H. CON. RES. 414

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and directed to prepare and sign official duplicates of the conference papers on the bill (H.R. 5930) to extend the aviation insurance program for five years.

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. 5154 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 8332(c)(1)(A), 8332(j)(2)(A), and 8334(j)(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) the service of an individual who first becomes an employee or Member on or after October 1, 1982, shall include credit for—

"(i) each period of military service performed before January 1, 1957, and

(ii) each period of military service performed after December 31, 1956, and before the separation on which the entitlement to annuity under this subchapter is based, only 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(e)(3) 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 (d)" and inserting in lieu thereof ", (d), and (j)".

(e)(1) Section 8334(j)(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 1956" and inserting in lieu thereof a period and the following: "The amount of such payments shall be based on such evidence of basic pay for military service as the employee or Member may provide, or if 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 (4).".

(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 effective date."

(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-

lowing: "and in withholding taxes pursuant to section 3405 of title 26".

(h)(1) Section 301(d)(1) of the Omnibus Budget Reconciliation Act of 1982 is amended by inserting after "such position" the following: ", in accordance with regulations issued by the Office of Personnel Management," and by inserting after the first sentence the following: "For purposes of the preceding sentence, the amount of any increase in any individual's retired or retainer pay which takes effect during any fiscal year shall be determined on the basis of the additional amount such individual receives after the application of the preceding provisions of this section and section 5532(b) and (c) of title 5, United States Code.".

(2) Section 301(d)(4) of such Act is amended by striking out "reduction in" and inserting in lieu thereof "deduction from".

(3) Section 301(d) of such Act is amended by adding at the end thereof the following new paragraph:

"(5) The Secretary of Commerce, the Secretary of Defense, the Secretary of Health and Human Services, or the Secretary of Transportation, as appropriate, shall furnish such information to employing agencies, the Secretary of the Senate, and the Clerk of the House of Representatives as may be necessary for the administration of this subsection.".

(i) Section 302(c) of such Act is amended in paragraph (1) by striking out ", and shall apply with respect to individuals retiring on or after such date" and in paragraph (3) by inserting after "who" the following: "is separated from employment as a technician on or after October 1, 1982. Such subsection (h) shall also apply to any technician".

(j)(1) Section 303(d)(1) of such Act is amended by striking out "made" and inserting in lieu thereof "for which application is received by either the employing agency or the Office of Personnel Management" and by adding at the end thereof the following: "Notwithstanding the preceding two sentences, the amendments made by subsection (a) shall apply in the case of any deposit for military service under section 8334(j) of title 5, United States Code (as added by section 306(d) of this Act), regardless of whether such military service was performed before or after October 1, 1982.".

(2) Section 8344(a) of such title 5 is amended in the second sentence by inserting after "pay" the following: "unless the individual elects to have such deductions withheld under subparagraph (A)", in subparagraph (A), by inserting before "his annuity" the following: "deductions for the Fund may be withheld from his pay (if the employee so elects), and", and, in the eighth sentence, by inserting after "Fund" the following: "(to the extent deposits or deductions have not otherwise been made)".

(k)(1) Section 307(a) of such Act is amended by inserting after "this Act" the following: "or who is entitled to an annuity based on a separation from service occurring on or before such date of enactment".

(2) Section 307(b) of such Act is amended by striking out "insurance benefits under section 202(a)" and inserting in lieu thereof "or survivors' insurance benefits under section 202" and by inserting after "such old-age" the following: "or survivors'".

(3) Section 307(d)(1) of such Act is amended by striking out "insurance benefits under section 202(a)" and inserting in lieu thereof "or survivors' insurance benefits under section 202".

(l) Section 310(b)(1) of such Act is amended by inserting "pay periods beginning in" before "fiscal years" and by striking out "under the General Schedule" and inserting in lieu thereof "as defined in section 5504(b) of title 5, United States Code".

(m) Section 351 of such Act is amended—

(1) by striking out subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d),

(2) in subsection (c), as so redesignated—

(A) by striking out "The" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the", and

(B) by adding at the end thereof the following new paragraph:

"(2) The amendments made by this section shall not apply to any employee who is serving a tour of duty at a post of duty in Alaska or Hawaii on the date of the enactment of this Act during—

"(A) such tour of duty, and

"(B) any other consecutive tour of duty following such tour of duty.", and

(3) by striking out "subsections (c) and (d)" in subsection (d), as so redesignated, and inserting in lieu thereof "subsection (c)".

(n) 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. .(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 the Government contribution which would have been determined under such section 8906(b) for such contract year if the Government contribution had been calculated by using the two employee organization plans which in 1981 satisfied the standard set forth in section 8906(a)(3) of such title.

(b) The Government shall pay the amount of the difference determined under subsection (a) to the contingency reserves of all health benefits plans for contract year 1983 in proportion to the estimated number of individuals enrolled in such plans during 1983. Such payments shall be paid by the appropriate agencies (including the Postal Service and the Postal Rate Commission) from the appropriations referred to in section 8906 (f) and (g) of title 5, United States Code, in the same manner as if such payments were Government contributions, and in amounts determined appropriate by the Office of Personnel Management.

On page 3, after line 3, insert the following new section:

SEC. 5. (a) Subparagraph (B) of section 3595(b)(3) of title 5, United States Code, is amended by inserting "(i)" after "entitled" and by inserting after "that position" the following: "or (ii) be detailed by the Office to any vacant Senior Executive Service position for which the Office deems the employee to be qualified in any agency for a period not to exceed 60 days, and be placed in such position by the Office after the period of such detail, unless the head of the agency determines that the career appointee is not qualified for such position.".

(b) Paragraph (3) of section 3595(c) of such title is amended to read as follows:

"(3) in the event the career appointee is not placed under subsection (b)(3) of this section—

"(A) whether the Office of Personnel Management took all reasonable steps to achieve such placement, and

"(B) the decision of any agency under subsection (b)(3)(B) of this section that the career appointee is not qualified to be placed in a position.".

(c)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall apply to an individual who is a career appointee on or after September 30, 1982, except that any individual who is a career appointee on September 30, 1982, and who is described in section 3595(b)(3) of title 5, United States Code, may not be removed before December 15, 1982 due to a reduction in force, unless the removal is under section 3595(b)(4)(A) of such title on the grounds the individual declined a reasonable placement offer.

Mr. METZENBAUM. Mr. President, is the leader in a position to give us a description of those amendments?

Mr. BAKER. No, I am not.

I shall not move to reconsider after the Senator has had a chance to examine them.

Let me go forward with the balance of this procedure. Then if the Senator has any further questions, we can reconsider.

Mr. STEVENS. Mr. President, H.R. 5145 authorizes the Architect of the Capitol to train his employees. The Budget Committee has informed us that there is a very minor indirect authorization of spending which would result from enactment of this legislation. Therefore, to comply with the Budget Act, the committee expects the Architect of the Capitol to absorb any additional costs as a result of this legislation into his current budget.

Mr. President, I have three amendments to this legislation. The first amendment is simply technical amendments to the civil service portion of the Omnibus Reconciliation Act. Most of them are designed to streamline the administration of the changes we made last month.

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:

Subsection (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-1957 military service will be creditable for civil service retirement purposes even if the employee chooses not to make a deposit in order to obtain service credit for post-1956 military service.

Subsection (c) amends section 8334(e) to provide that the interest rate charged for each year after 1984 will be based on the average yield of new investments in the previous fiscal year rather that the calendar year. This change is necessary because the accounts of the Retirement Fund are kept on a fiscal year basis. This change will also give sufficient time to determine the new interest rate and get it in place by the beginning of the new calendar year.

Subsection (d) adds the new deposits for military service to the list of deposits that may be made by survivors of employees or Members.

Subsection (e)(1) removes the 90-day requirement by which the Office of Personnel Management must issue regulations from the main body of the section and subsection (e)(2) adds it at the end. It also provides an alternative to computing military base pay for the purpose of an employee's contribution based on his military service to avoid the reduction in his retirement annuity at age 62. The alternative provides that where an employee fails to provide sufficient evidence of his military base pay, an estimate will be used by OPM to compute the pay.

Subsection (e)(2) authorizes an employee who retired after the date of enactment of the Reconciliation Act and before October 1, 1983 to make the requisite payment to the Office of Personnel Management.

Subsection (f) clarifies that an applicant for a refund may satisfy the 31-day separation requirement even if he changes position during the 31-day period, as long as none of the positions are covered by the retirement system.

Subsection (g) provides access to the retirement fund for necessary money to pay administrative expenses for the new program of tax withholding from annuities mandated by the Tax Equity and Fiscal Responsibility Act of 1982.

Subsection (h)(1) gives the Office of Personnel Management regulatory responsibility for the offsetting of civilian pay by the amount of military retired pay cost-of-living adjustments. It also provides that the offsetting reduction in civilian pay will not exceed the increase in military retired pay actually received by the affected employee. In other words, the application of this provision will not require a decrease in the total amount received by an employee from his military retired pay plus his salary.

Subsection (h)(2) clarifies that an employee's rate of pay before the offset would be the rate of pay for such purposes as computing premium pay, annuities and other pay-connected benefits.

Subsection (h)(3) directs the Secretaries of the various Departments paying military retired pay to make available the necessary information for the pay offset to operate

Subsection (i) establishes that the Office of Personnel Management would have access to Social Security and workers' compensation records for disability roll policing purposes for all annuitants, effective October 1, 1982, and not just for records pertaining to annuitants retiring on or after October 1. It also makes clear that the new disability provision for technicians would apply to technicians separated in the future as well as to those separated between December 31, 1979, and October 1, 1982.

Subsection (j)(1) provides for the applicability of existing provisions to refunds for which applications are received by the Office of Personnel Management by September 30, 1982, rather than refunds which are paid by that date. It also makes clear that the new interest rate provisions would apply to all deposits for military service under new section 8334(j), and not just to deposits for military service performed after October 1, 1982.

Subsection (j)(2) allows a reemployed annuitant to have retirement contributions withheld from his paycheck and does not penalize such an annuitant who elects not to make such contributions at that time by charging the interest rate provisions of section 8334 of title 5, United States Code to his unpaid contributions.

Subsection (k)(1) provides that an employee who is entitled to a deferred annuity will come under the catch 62 charge applicable to annuitants.

Subsection (k)(2) provides that the Social Security offset for current annuitants whose annuities are based in part on military service would apply in the case of annuitants receiving Social Security survivors' benefits as well as those receiving old-age benefits.

Subsection (k)(3) amends the definition of "determination month" used in computing the Social Security offset for current annuitants to cover Social Security survivor' benefits as well as old-age benefits.

Subsection (l) provides that the use of the 2,087 pay divisor would apply to pay periods beginning in fiscal years 1984 and 1985, in order to avoid changing pay computation formulas in the middle of a pay period. It also provides that the use of the 2,087 divisor would apply to all annual rate employees who are paid on a biweekly basis, rather than to General Schedule employees alone.

Subsection (m)(1) redesignates certain subsections in Section 351 of the Reconciliation Act. Subsection (m)(2) grandfathers employees currently stationed in Alaska or Hawaii into the old law. Subsection (m)(3) strikes out the special provisions for employees who have already served in those two locations for more than five years.

The second amendment provides the following:

The Omnibus Reconciliation Act of 1981 provided for an intricate placement program of Senior executives who were subject to a reduction in force. This amendment strengthens the placement authority of the Office of Personnel Management.

Subsection (a) amends section 3595 (b)(3) of title 5, United States Code and entitles a Senior Executive Service employee who is scheduled to be separated from his agency due to a reduction in force to be detailed by the Office of Personnel Management to any Senior Executive Service position in government for which the employee appears to be qualified. Such a detail will be for 60 days. After the 60-day period, the employee will be placed in such a position unless the head of the agency to which the employee was detailed determines that the employee is not qualified for such a position.

Subsection (b) amends Section 3595 (c)(3) of such title to give an employee who is determined by an agency to not the qualified for a position an appeal right to the Merit System Protection Board. The employee may appeal the agency's determination that he was not qualified for the position.

Subsection (c) provides that the above amendments apply to a Senior Executive Service employee on the rolls on or after September 30, 1982. If further provides that such an employee may be separated from government as a result of a reduction in force before December 5, 1982.

The third amendment provides for the following:

As a result of the 1982 open season in the Federal Employee Health Benefits Program, one of the employee organizations was replaced by another in the computation to determine the overall government contribution to the program. To stabilize the program, this amendment rechannels the government contributions into the contingency reserves of the health carriers.

Subsection (a) states that the Office of Personnel Management shall determine the difference between the government contribution to the Federal Employee Health Benefits Program for 1983 and what it would have had been had the two employee organizations which were included in the government contribution formula for 1981 were used in the formula for 1983.

Subsection (b) provides that the difference determined under subsection (a) shall be paid into the contingency reserves of all the health plans for 1983 in a proportion to the number of enrollees in each plan. OPM shall determine the amount each agency shall pay from its appropriations for this account.

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

The amendment (UP 1344) was agreed to .

Mr. BAKER. Mr. President, with the full understanding that the Senator from Ohio is entitled to the right to reconsider the action taken on the amendment and on the bill itself, I ask for third reading.

The PRESIDING OFFICER. The question is on engrossment of the amendment and the third reading of the bill. The bill was ordered to be engrossed and to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 5145), 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. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATE RESOLUTION 462—COMMITTEE ON FOREIGN RELATIONS DISCHARGED FROM FURTHER CONSIDERATION AND MEASURE REFERRED TO COMMITTEE ON FINANCE

Mr. BAKER. I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of Senate Resolution 462 and ask that that measure be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EFFIGY MOUNDS NATIONAL MONUMENT

Mr. BAKER. Is the minority leader prepared to proceed with Calendar Order No. 814, S. 1661?

Mr. ROBERT C. BYRD. Yes, I am.

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate S. 1661, Calendar Order No. 814.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1661) to authorize the Secretary of the Interior to acquire certain lands by exchange for addition to Effigy Mounds National Monument in the State of Iowa, 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, was read the third time, and passed, as follows:

S. 1661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to accept a conveyance of approximately four acres of land adjacent to the Effigy Mounds National Monument in the State of Iowa, and in exchange therefor to convey the grantor, without monetary consideration, approximately three acres of land within the monument, all as described in subsection (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.

(b) 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 northeast 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. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE IRISH WILDERNESS

(Note: Later in today's proceedings, the following action was vitiated.)

Mr. BAKER. Mr. President, I ask the minority leader if he is prepared to do so, I am prepared to ask the Chair to lay before the Senate Calender 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 designate 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. 2. In furtherance of the purposes of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), the following area as generally depicted on a map appropriately referenced, dated December 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, are generally depicted on a map entitled "Irish Wilderness", dated December 1981, and shall be known as the Irish Wilderness.

SEC. 3. 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. 4. The area designated as wilderness by this Act shall be administered in accordance with the applicable provisions of the Wilderness Act (78 Stat. 890) and the Act of January 3, 1975 (88 Stat. 2096), except that any reference in such provisions 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. 1964, the Irish Wilderness bill, as part of the Eastern Wilderness System. It is a proud day for Missourians. 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 adding 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, Devils 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 prairies. The sounds of wildlife are not drowned out by the echo of power saws or hydraulic mining equipment. There are no neon-lighted hotdog 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. 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. 819, 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, Ind.

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-

tee 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. 890; 16 U.S.C. 1131), certain lands within the Hoosier National Forest, Indiana which comprise approximately twelve thousand nine hundred and fifty-three acres as generally depicted on a map entitled "Charles C. Deam Wilderness—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. Nothing in this Act shall affect the right of public access to cemeteries located within the Charles C. Deam Wilderness, including the Terril Cemetery. The right of access to privately-owned land completely surrounded by national forest lands within the area, designated by this Act as wilderness and to valid occupancies wholly within the areas 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 1979) with respect to national forest lands in States other than Indiana, such statement shall not be subject to judicial review with respect to national forest system lands in the State of Indiana;

(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 review 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;

(3) areas in the State of Indiana reviewed 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 conduct any further statewide roadless area review and evaluation of national forest system lands in the State of Indiana for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

SEC. 5. 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 National 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 the Secretary of the Interior to place 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 point 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 disposition.

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 LANHAM 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 differing from that exhibited in the certificate of registration issued by the U.S. Patent and Trademark Office.

Trademarks play an indipensable 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 registered marks 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 produced conflicting decisions and has not provided a satisfactory solution. Some courts have found such regulations to be anticompetitive and to result in unconstitutional 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 implication of the regulations is that States may prevent the uniform use of all trademarks.

In the absence of clarifying legislation, many 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 trademarks. In addition, 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 rights 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. H.R. 5154 is consistent with prior acts of Congress designed to prevent anticompetitive practices and to promote fair competition by independent local businesses.

Therefore, I conclude that the patchwork of conflicting local regulations affecting trademark display conflicts with the intent of the Lanham Act, and presents 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 by enacting laws 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 franchisee'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 § 1127).

Other types of marks including service marks, certification marks and collective marks are also protected under the Lanham Act.[2]

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.[3] 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 assests.

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 supplanted 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 generally 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 network television, the increased opportunity for use of nationwide advertising, and the evolution of franchising and other innovative business practices 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 money in advertising, all businesses whether large or small need reasonable assurance that they will be able to use their marks in a uniform manner throughout their trading area. The registration system provided by the Lanham Act is designed to advance that objective. Federal registration is not mandatory, however, and many businesses never apply to register their marks. If uniform use of federally registered marks 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 both socially and economically desirable.

The concept of competition as protecting a citizen's economic liberty and freedom is also widely recognized.[4] Without trademarks or other indicia of origin, however, competition between businesses could not exist. As a result, trademarks and service marks are universally recognized and protected as indispensable elements in all free market economies.[5]

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 to the consumer anonymous; (b) denotes 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, insures that consumers are able to purchase the product or service

Footnotes at end of article.

they want, and enables the courts to fashion a standard of acceptable business conduct.[6]

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 use their marks in a uniform manner both in advertising and in connection with the sale of goods or services so as to convey source and quality messages to consumers. A failure or inability to use marks uniformly may result in confusion or suspicion in the mind of the consuming public. Regulations which require alterations of trademarks interfere with the rights of trademark owners to convey messages to the public and deprive consumers of the desired information.

Trademarks play an important role in our society and this legislation will preserve and enhance that role, thereby benefiting both trademark owners as well as members of the public.

CONFLICTING TRADEMARK DISPLAY REGULATIONS

In enacting the Lanham Act, Congress specifically stated that it intended "to protect registered marks used in commerce from interference by state or territorial legislation" (15 USC § 1127).[7]

Notwithstanding this provision in the law, several state real estate commissions have issued onerous and conflicting trademark display regulations which directly interfere with the established trademark rights of various real estate businesses and which present a potential threat to the rights of all trademark owners.

The real estate regulations are directed at companies which engage in franchising. Customarily, real estate franchisees are licensed to use the federally registered marks owned by their franchisors. As a general rule, the trade names of the franchisors and franchisees are displayed together in a distinctive design which is used as a composite trademark or service mark on a variety of materials including yard signs, building signs, stationery, brochures and other materials. These marks have been widely used in neighborhoods throughout the United States and have become familiar symbols to millions of Americans.

Although the regulations vary from state to state, they generally include ratio requirements requiring reduction in the size of the franchisor's name relative to that of the franchisee. In some states the franchisee's name and the franchisor's name must be displayed in a 50/50 ratio. Other state regulations have mandated ratios of 66/33 and 33/66, thereby making uniform display impossible.

The ostensible purpose of the regulations is to insure that prospective purchasers realize that they are dealing with independent locally owned franchisees as opposed to a single large corporation. In point of fact, consumers who deal with members of most franchise organizations are dealing with a nationwide network of brokers which provide an array of benefits including assistance with interstate relocations and special financing arrangements. No evidence has ever been produced that any consumer has been confused or that any individual has been harmed as a result of confusion. In transactions as important as the purchase or sale of a home or commercial property, most consumers make an effort to ascertain the identity of those with whom they deal.[8] Moreover, there is evidence that a change in the relative size of trademark components will affect public perception of the nature of such businesses.

Many states have adopted rules which come closer to achieving the objective without interfering with the use of registered trademarks. Colorado, for example, requires "conspicuous disclosure" of the franchisor/franchisee relationship and the fact that each office is "independently owned and operated". This achieves the purported goal of trademark display regulations efficiently without interfering with established trademarks. This rule also distinguishes between advertising for specific properties for sale and institutional advertising by the franchisor. The latter type of advertising is impossible if the identity of each individual franchisee must be disclosed. Other states with "conspicuous disclosure" rules include Georgia, Maryland, New Jersey, Oklahoma and Washington. Certainly such rules are much more effective in achieving the legislative objective while at the same time avoiding the hardships created by trademark display regulations.

CONFLICTING JUDICIAL AND ADMINISTRATIVE DECISIONS ON THE VALIDITY OF TRADEMARK DISPLAY REGULATIONS

Many of the persons and businesses adversely affected by trademark display regulations have initiated litigation in state and federal courts. In most instances, the regulations have been struck down; however, in two states, Alabama and Nevada, they have become final. Litigation is presently pending in other states.

Century 21 Real Estate Corporation and Red Carpet Realty Corp. of America challenged the Nevada Real Estate Commission's 50/50 rule on First Amendment, due process, federal preemption and Commerce Clause grounds. A three judge federal court granted the Commission's motion for summary judgment on all issues. The summary judgment was affirmed without opinion by the Supreme Court.[9] In this case the lower court rules the Lanham Act was not intended to control all aspects of trademark law and that the Nevada regulation did not collide with the policies or provisions of the Act.

At the time, however, neither of the affected parties had obtained a federal registration for the marks in question. A service mark was issued to one of the parties on October 17, 1978, six months after the trial court's decision. The Nevada decision has been followed in one subsequent action under the theory of *res judicata*.[10] Other courts have rejected trademark display regulations as having no rational basis, and have held enactment of such regulations to be beyond the authority of the agency involved and/or an unlawful conspiracy in restraint of trade. At least one court has found that such regulations violate the Fifth and Fourteenth Amendments of the Constitution.[11]

Numerous attorney generals have considered trademark display regulations in their respective states and have held them to be invalid. For example, as early as 1976, the Attorney General of Kansas found that a rule requiring the franchisee's name to precede the franchisor's was invalid.[12] The Louisiana Attorney General issued an opinion declaring the 50/50 ratio section of the rule proposed by the Louisiana Real Estate Commission as violative of due process.[13] Other attorney generals have concurred. Even in Nevada, the location of the first suit involving trademark display regulations, the Attorney General wrote that the real estate franchise system of advertising was not misleading as to the individual identity of each franchisee's office.[14]

ANTICOMPETITIVE ASPECTS OF TRADEMARK DISPLAY REGULATIONS

Real estate brokers and salesmen are licensed by real estate commissions in the various states. The commissions are often composed of non-franchised brokers who are in direct competition with those they regulate. The trademark display regulations promulgated by the real estate commissions apply only to franchised real estate brokers, many of whom have invested substantial sums of money in signs and advertising materials. The regulations require franchised real estate brokers to discontinue using existing signs and advertising materials, and to purchase new ones. Thus, the franchised brokers are not only required to forfeit capital investments by altering the marks under which they have done business, but also they are required to incur extraordinary expenses for new signs and other materials.

This places the franchised real estate brokers at a serious competitive disadvantage. During consideration of a similar bill in the 96th Congress, the anticompetitive aspect of trademark display regulations was acknowledged by the Department of Justice.[15]

Courts which have considered trademark display regulations have also found them to be anticompetitive in nature. In litigation challenging trademark display regulations promulgated by the Real Estate Commission in Mississippi, the court found that the motivation for the adoption of the rules was not protection of the public welfare, but rather protection of the Commissioners and other real estate brokers from competition.[16]

"Trademarks, indeed are the essence of competition."[17]

UNCONSTITUTIONAL ASPECTS OF TRADEMARK DISPLAY REGULATIONS

The right to use a trademark is recognized as a form of property, of which the owner is entitled to the exclusive enjoyment to the extent that it has been actually used.[18] It is the essence of due process that a state cannot affect a person's personal and property rights except after a hearing before a fair and impartial tribunal.[19] Moreover, 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.[20]

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 of the Constitution, and an impairment of the obligation of contracts in violation of Article 1, Section 10, of the Constitution.[21]

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. Franchisees are deprived of a property right in that they are required to alter marks in

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 franchisee's to incur the ongoing expense of changing signs, letterhead, advertising materials and sales tools. The regulations constitute an unwarranted interference with federally registered trademarks by prohibiting uniform use of the marks in interstate commerce. 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 regulation 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 International Franchise Association have expressed concern as to the potential harm presented by trademark display regulations and have formally endorsed the legislation as a means of assuring trademark owners that their valuable rights will not be impaired and diluted.

The public is also adversely affected by the patchwork of regulations requiring trademark alteration since prospective purchasers are deprived of the right to receive source and quality identifying information which is otherwise available where trademark owners are allowed to use their marks uniformly. Trademark infringement, whether deliberate or unintentional, is a common occurrence. Infringers often adopt marks with sufficient similarities to cause confusion and sufficient differences to provide a basis for arguing that there was no deliberate intent to infringe. Variations in the display of well known marks are often earmarks of counterfeiting or infringement. The changes mandated by trademark display regulations may arouse suspicion or confusion in the minds of the public as to the identity, affiliation and reputation of the trademark user.

The federal trademark laws are designed to promote and encourage uniform trademark use, and to discourage activities which would result in confusion among purchasers. Trademark display regulations which require alterations of federally registered marks conflict with federal law and underlying public policy. H.R. 5154 will protect the public interest by permitting uniform trademark use.

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, historical preservation and environmental protection. The legislation was carefully drafted so as to avoid any conflict with the traditional state right to regulate such matters. Some communities have adopted ordinances 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 features of federally registered marks.

On the other hand, the relative sizes of components or elements of federally registered marks are protected features. Thus, regulations requiring alteration in the relative size of trademark components are prohibited by the legislation.

Some states have enacted laws requiring inclusion of warnings or other disclosures on product labels. As a general rule, registered trademarks are merely one feature of a label or container. Thus, any disclosures required by state law could be included on product packaging without requiring an alteration of federally registered trademarks. The legislation will not affect state authority to require such warnings or other disclosures.

FEDERAL AUTHORITY TO REGULATE INTERSTATE COMMERCE

The framers of the Constitution recognized that interstate commerce could be most efficiently regulated by the federal government. As a result, under Article 1, Section 8 of the Constitution, Congress was given express authority to "regulate commerce with foreign agents and among the several states and the Indian Tribes". Congressional authority to enact laws pertaining to trademarks is derived from the interstate commerce clause of the Constitution.

H.R. 5154 is consistent with prior legislation relating to trademarks and will serve to ease the regulatory burdens which businesses are called to bear in this country.

The Lanham Act provides a basis for federal question jurisdiction in actions for trademark infringement and unfair competition 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 prevent state courts from continuing to hear such actions, even where federally registered marks are involved, nor will the legislation affect state authority to prohibit acts of trademark infringement or unfair competition.

The regulation will prevent states and territories from enacting legislation or regulations requiring alteration of federally registered marks, thereby preserving Congressional 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 regulations requiring alteration of federally registered trademarks was introduced in the 96th Congress (S. 1343). The bill was not reported. 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 19, 1982 with a recommendation that it be passed by the House. On September 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 federally registered marks from undue interference by state and local regulation. Thus, S. 2001/H.R. 5154 prevent state regulatory commissions from meddling with federally registered trademarks by prohibiting states from requiring the display of marks or names associated with a federally registered mark in any manner other than that contemplated by the Certificate of Registration.

These bills will also promote uniform trademark usage and to encourage qualified trademark owners to seek federal registration of their marks. Nothing in this bill is intended to preclude the states from adopting legislation to promote the health, welfare and safety of citizens. For example, nothing in this bill prevents the states from enacting legislation to promote scenic beauty, historical preservation or environmental protection. Nothing in this bill is intended to prevent the state or federal courts from continuing to adjudicate actions for trademark infringement and unfair competition.

On the other hand, the legislation precludes 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.

Substantial and effective competition requires that businesses be permitted to identify the source and quality of goods or services through the use of trademarks and service marks. The Lanham Act is designed to enhance the rights of trademark owners by providing a system of federal registration. The issuance of a federal trademark registration confers upon the registrant certain procedural benefits, and the Certificate of Registration constitutes prima facie evidence of the registrant's ownership of the mark and exclusive right to use the mark in commerce in connection with the goods or services specified in the Certificate without condition or limitation except as stated therein. (15 USC § 1057.)

To the extent that trademark owners use their marks in a uniform manner, trademark rights are enhanced and public awareness as to the source and quality of the goods or services is increased. Regulations interfering with the uniform use of federally registered marks deprive registrants of a property right and interfere with the public's right to receive source and quality indicating information.

This clarification of the Lanham Act is necessary because of conflicting judicial administrative decisions concerning the scope of protection to which federally registered marks are entitled. The conflicting 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 responsibility in matters affecting interstate commerce.

The legislation is consistent with previous legislation designed to facilitate and promote commerce among the several states and full and fair competition between business enterprises.

The legislation is consistent with legal precedent recognizing trademarks as a property 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 efficacy of the system of federal registration embodied in the Lanham Act and the rights of all trademark owners will be jeopardized.

FOOTNOTES

[2] As used herein, the term trademark refers to all four types of marks protected by the Lanham Act.

[3] A historical treatment of trademarks may be found in Schecter, *The Historical Foundations of the Law Relating to Trademarks* (Columbia Legal

Studies, 1925). *See also*, "Report of the Commissioners Appointed to Revise the Statute Relating to Patents, Trade and Other Marks, and Trade and Commercial Names Under Acts of Congress", Approved June 4, 1898 (Government Printing Office, 1902).

[4] "So long as effective freedom of exchange is maintained, the central feature of the market organization of economic activity is that it prevents one person from interfering with another in respect of most of his activities. The consumer is protected from coercion by the seller because of the presence of other sellers with whom he can deal. The seller is protected from coercion by the consumer because of other consumers to whom he can sell . . . And the market does this impersonally and without centralized authority." Friedman, *Capitalism and Freedom*, 14-15 (1962).

[5] "The protection of trademarks is the law's recognition of the psychological function of symbols. If it is true that we live by symbols it is no less true that we purchase goods by them. A trademark is a merchandising short-cut which induces a purchaser to select what he wants. . . . Whatever the means employed, the aim is the same—to convey through the mark, in the minds of potential customers, the desirability of the commodity upon which it appears. Once this is attained, the trademark owner has something of value." *Mishawaka Rubber & Woolen Mfg. Co. v. S.S. Kresge Co.*, 316 U.S. 203, 205 (1942).

[6] Gilson, *Trademark Protection and Practice*, § 1.03 (1974).

[7] *See also*, Trademarks: Hearings on H.R. 102, H.R. 5461 and S. 895 Before the Subcomm. on Trademarks of the House *Comm. on Patents*, 77th Cong., 1st Sess. 128 (1941).

The state-interference provision was the subject of a lengthy debate during the old House Patent Committee hearings on the Lanham Act. *Id.* at 125-29. Chairman Lanham himself participated in the debate which was precipitated by an American Bar Association recommendation that the provision be deleted. One witness, responding to a question from Congressman Lanham, pointed out that the state-interference provision clearly evidenced Congress' intention to preempt the field.

"There is a particular advantage in having it here. As I understand constitutional law, if Congress does not cover a field the State legislatures may enter the field. *Here is a definite statement that it is the purpose of Congress to cover the entire field and take all the rights which Congress may exercise to itself, so that the States may not exercise any of those rights.* And for that reason it is important, it seems to me, to have it." *Id.* at 128 (emphasis added).

No congressman or witness raised any objection to this interpretation.

Mr. Liddy, Chairman of the Committee on Trademarks and Unfair Competition of the Association of the Bar of the City of New York, summed up the debate:

The reasons for the objection to the deletion of the above clause are twofold: First, if the clause now appearing in the bill is deleted by the committee of Congress, the courts in subsequently interpreting the act may construe the deletion as indicating an intention on the part of Congress to permit the States to interfere with registered marks in any way that is not expressly prohibited by other sections of the act. Such an interpretation might, for example, permit the taxing of trademarks by the States or the imposition of other burdens and conditions on the use of registered marks. This would be contrary to the fundamental purposes of the bill. Second, since the concurrent jurisdiction of the State governments over interstate commerce exists only to the extent that such jurisdiction is not exclusively appropriated and exercised by the Federal Government, it is proper that the intention of Congress to exclude the State governments from any interference with the use of registered marks in such commerce should be unequivocally stated in the act. To delete the clause in question would not only remove the appropriate statement of congressional intent, but it would go far toward defeating the purpose of the act by raising the inference that there was no such intent.

Mr. Lanham. Of course, that is reference solely to interstate commerce and not intra-state commerce?

Mr. Liddy. Exactly. *Id.* at 129.

[8] *Charles F. Ryan & Sons v. Lancaster Homes, Inc.*, 254 N.Y. S.2d 473 (N.Y. Sup. Ct. 1964), *aff'd.* 15 N.Y.2d 812 (N.Y. Ct. App. 1965).

[9] *Century 21 Real Estate Corporation v. Real Estate Advisory Comm'n.*, 448 F.Supp. 1237 (D.Nev. 1978); *aff'd without opinion*, 440 U.S. 941, 99 S.Ct. 1415, 59 L.Ed.2d 630 (1979).

[10] *Century 21 Preferred Properties, Inc. v. Alabama Real Estate Comm'n.*, 401 So.2d 764 (1981).

[11] *Century 21 Real Estate of the South, Inc. et al. v. Mississippi Real Estate Comm'n. et al.*, No. 113, 139 (Miss. Dist. Ct. 1981).

[12] "It is entirely possible that this requirement inhibits, interferes with or impedes the advertising programs of national or regional franchisors. . ." 76-291 Op. Kan. Att'y Gen. 4 (16 Sept. 1976).

[13] "There would be a violation of due process if, without a finding of actual deception or interest to deceive, a broker is found guilty of deceptive advertising merely because the ratio between his name and the name or service mark of the franchise does not correspond with the ratio established by the Real Estate Commission." 76-1411 Op. La. Att'y Gen. 3-4 (29 October 1976.)

[14] Letter from Robert List, Nevada Attorney General, by James I. Barnes, III, Deputy Nevada Attorney General, to Angus W. McLeod, Administrator, Nevada Real Estate Division at 12-13 (March 25, 1976).

[15] While regulation of ". . . display and use of trademarks could foster legitimate state interests such as protection of consumers . . . some regulation might impermissibly interfere with or negate protectable tradmark rights and might even have an anticompetitive purpose of effect." Letter of Alan A. Parker, Assistant Attorney General, Office of Legislative Affairs, Department of Justice to the Hon. Peter W. Rodino, Jr., Chairman, Committee on the Judiciary, House of Representatives, at 2 (September 15, 1980).

[16] *Century 21 Real Estate of the South, Inc. et al. v. Mississippi Real Estate Comm'n. et al.*, No. 113,139 (Miss. Dist. Ct. 1981).

[17] S. Rep. No. 1333, 79th Cong. 2d. Sess., *reprinted in* [1946] U.S. Code Cong. & Av. News, 1274,1275.

[18] *Hamilton-Brown Shoe Co. v. Wolfe Bros. & Co.*, 240 U.S. 251 (1916).

[19] *Wall v. Amer. Optometric Ass'n. Inc.*, 379 F.Supp. 175, 188 (N.D.Ga. (three judge court)), *aff'd.*, 419 U.S. 888 (1974).

[20] *Shelton v. Tucker*, 364 U.S. 479 (1960).

[21] *Century 21 Real Estate of the South, Inc. et al. v. Mississippi Real Estate, Comm'n. et al.*, No. 113,139 (Miss. Dist. Ct. 1981).

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 5154) 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. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILLS HELD AT DESK

H.J. RES. 588

Mr. BAKER. Mr. President, a request that my notations show has been cleared. I will state it now for the consideration of the minority leader.

Mr. President, I ask unanimous consent that House Joint Resolution 588 be held at the desk until the close of business on Thursday, September 30.

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

H.J. RES. 612

Mr. BAKER. Mr. President, I ask unanimous consent that House Joint Resolution 612 be held at the desk until the close of business Thursday, September 30.

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

H.R. 7173

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, Mr. Huddleston is on the floor and is ready to proceed.

Mr. BAKER. 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. 485) to authorize the inspection and receipt 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 operation. 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

bribe moneys by the individual working for the FBI as an informant in Abscam.

On advice from the select committee's counsel, the cochairman of the committee (Senator HUDDLESTON) and I have determined that to resolve these questions it is necessary for the committee to inspect and to receive certain tax records of individuals connected with the Abscam operation. Section 6103(f)(3) of the Internal Revenue Code of 1954, as amended, provides that a committee of the Senate has the right to inspect tax returns if the committee has been specifically authorized to do so by resolution of the Senate. This legislation would provide the select committee with such authorization.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 485

Whereas on March 25, 1982, the Senate adopted S. Res. 350, thereby establishing the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice (hereinafter referred to as the Select Committee) to conduct an investigation and study of 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 received conflicting evidence regarding the distribution of funds paid by undercover operatives of the Government as purported bribes to public officals in the Abscam operation;

Whereas in order to investigate the substance of these disputes it is necessary for the select committee to inspect and to receive tax returns, return information, and tax-related material, held by the Secretary of the Treasury;

Whereas information necessary for such investigation cannot reasonably be obtained from any other source; and

Whereas under subsections 6103(f)(3) and 6103(f)(4)(P) of the Internal Revenue Code of 1954, as amended, a committee of the Senate the right to inspect tax rates if such committee is specifically authorized to investigate tax returns by resolution of the Senate: Now therefor be it

Resolved, That the Select Committee to Study Law Enforcement Undercover Activities of Components of the Department of Justice is authorized, in addition to S. Res. 350, to inspect and to receive for tax years 1979 and 1980 any tax return (including amended returns), return information, or other tax-related material, held by the Secretary of the Treasury, related to ABSCAM defendants Angelo J. Errichetti, Howard L. Criden, and Louis C. Johanson, including any trusts, sole proprietorships, partnerships, corporations, and other business entities, other than publicly held corporations, in which the above named individuals have a beneficial interest, and for tax years 1977 through 1981 any tax return (including amended returns), return information, or other tax-related information, held by the Secretary of the Treasury, related to ABSCAM co-operating witness Melvin Weinberg, his late wife, Cynthia Marie Weinberg, and his present wife, Evelyn Knight or Evelyn Weinberg, including any trusts, sole proprietorships, partnerships, 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 Secretary of the Treasury, related to the above-named individuals that the Select Committee determines may contain information directly relating to its 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. 486) 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 contribution 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 that before World War I the number of Reserve officers was practically negligible and, as he said, "there was no conception of even the possibility of such a society.

"But the war brought home to us in a very striking manner the advisability of reasonable precaution," he continued, "completely vindicated the advocates of military training and preliminary 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 compelled to serve their country on 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 thereof; 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 has acted 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, 1982, 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 move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNIZING THE CITY OF NITRO, W. VA., AS A LIVING MEMORIAL TO WORLD WAR I

Mr. BAKER. Mr. President, the next item on my list is a resolution that perhaps the minority leader wishes to deal with.

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, W. 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 today 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 in 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 Congress of 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 the area. The people, keenly aware of their city's history, are dedicated to preserving the memory of its significance and their heritage.

There is, 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 books, manuscripts, and memorabilia 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 Armistice 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 75-millimeter field artillery 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, along with national, 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 exhibits over the years to come. The Kanawha River makes the city accessible by boat from Charleston and Huntington. Scenic roads through the mountains provide pleasant drives from 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:

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 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 toward dedicating 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, 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.

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. 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 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 (H.R. 6164) 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 (ATP), and for other purposes.

The Senate proceeded to the consideration of the bill.

UP AMENDMENT NO. 1345

(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 1345.

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 is 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, in addition to the Assistant Secretaries now provided for by law, an additional 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 in lieu thereof '(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 (c) 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 six to seven the number of Presidentially appointed Assistant Secretaries at USDA. The amendment would also delete the authorization for the existing USDA position of Assistant 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 executive 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 executive 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 Argiculture 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, the Office of Finance and Management, 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 inspection 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 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, since 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 is 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 subject 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 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 numerous 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 promote the sale of U.S. manufactured 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 PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (UP No. 1345) 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. 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 PRESIDING OFFICER. 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. 1346

(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 PRESIDING OFFICER. 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 1346.

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 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 reenacted and amended by the Agricultural Marketing Agreement Act of 1937, 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 Committee on Agriculture on September 23. I have been joined by Senators CRANSTON, HUDDLESTON, 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 orders. However, it would impose no quotas or other restrictions on imported table grapes so long as they are able to meet domestic standards.

Approximately 97 percent of the domestic table grapes come from California with the balance coming from Arizona. All domestic production is subject to minimum quality standards which are either set by the States or by the U.S. Department of Agriculture pursuant to a Federal marketing order. Ironically, imported table grapes do not have to meet any of these quality standards except in special instances, such as transhipment to Canada. Consequently, imported grapes of inferior quality can and are sold on the domestic market thereby eroding consumer confidence in 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—usually 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 Food Marketing Institute and the Western Growers Association.

I urge the Senate to adopt this amendment.

Mr. HELMS. 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 or means of conveyance is carrying 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 river 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 valuable livestock 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 activity 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 througout 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 badly 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 urge that this legislation be quickly passed and signed into law so that these dedicated employees will be accorded this needed protection as soon as possible.

Mr. HUDDLESTON. Mr. President, I am pleased to support H.R. 2035, a bill that would authorize designated employees of the Department of Agriculture who are engaged in the enforcement of animal quarantine laws 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, or 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. 505, 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.

TITLE AMENDMENT

Mr. BAKER. Mr. President, I send to the desk an 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 of the United States 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: First, 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 sell or otherwise dispose of 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.

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 in 1980 conveyed 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. H.R. 3881 directs the Secretary to release this "public purpose reverter clause" with respect to a portion of the land conveyed to the State of Arkansas in 1980.

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 19,443 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 has a need for some 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, 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.

STERLING, CONN., LAND TRANSFER

Mr. BAKER. Mr. President, the next item is H.R. 6422, Calendar Order No. 838, if the minority leader is prepared to clear that.

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

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 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 so 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 Pachuag 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 establishing 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 Pachuag 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 PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

Lt. Gen. Charles C. Blanton. U.S. Air Force, (age 52), for appointment to the grade of lieutenant general on the retired

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 the grade indicated under the provisions of title 10, United States Code, section 1370.

To be admiral

Adm. Harry D. Train, II, xxx-xx-xxxx /1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601, and to be Senior Navy Member of the Military Staff Committee of the United Nations in accordance with title 10, United States Code, section 711:

To be vice admiral

Rear Adm. Arthur S. Moreau, Jr., xxx-xx-xxxx /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

Vice Adm. Edward S. Briggs, xxx-xx-xxxx /1110, U.S. Navy.

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, 1986.

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 United States 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 four years.

PANAMA CANAL COMMISSION

Stephen W. Bosworth, of Michigan, to be a Member of the Board of the Panama Canal Commisison.

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

Lt. Gen. Robert T. Herres, xxx-xx-xxxx FR, U.S. 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

Maj. Gen. William J. Campbell, xxx-xx-xxxx FR, U.S. 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

Lt. Gen. Larry D. Welch, xxx-xx-xxxx FR, U.S. Air Force.

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

Maj. Gen. Sloan R. Gill, xxx-xx-xxxx FV, 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

Lt. Gen. John L. Piotrowski, xxx-xx-xxxx xxx-... FR, U.S. 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

Maj. Gen. Robert D. Russ, xxx-xx-xxxx xxx-... FR, U.S. Air Force.

Lt. Gen. James H. Ahmann, U.S. Air Force, (age 51), for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370.

ARMY

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 lieutenant general

Lt. Gen. Harold F. Hardin, Jr., xxx-xx-x... xxx-... (Age 54), U.S. Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Donald M. Babers, xxx-xx-xxxx, U.S. Army.

The following-named Army National Guard of the United States officer for appointment to the grade of brigadier general as a Reserve commissioned officer of the Army under the provision of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Paul J. Kopsch, xxx-xx-xxxx.

The following-named Army National Guard of the United States officer for appointment to the grade of brigadier general as a Reserve commissioned officer of the Army under the provisions of title 10, United States Code, section 593(a) and 3385:

To be brigadier general

Col. Philip B. Finley, xxx-xx-xxxx.

The following-named officer for appointment in the Regular Army of the United States to the grade indicated under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be brigadier general, Chaplain's Corps

Col. Paul O. Forsberg, xxx-xx-xxxx, U.S. Army.

The following-named officer under the provisions of Title 10, United States Code, Sections 3036 and 3040, to be appointed as Assistant Surgeon General (Dental), United States Army:

To be Assistant Surgeon General (Dental), U.S. Army

Brig. Gen. Hubert T. Chandler, xxx-xx-x... xxx-... Dental Corps, U.S. Army.

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 lieutenant general

Lt. Gen. James B. Vaught, xxx-xx-xxxx, (Age 56), U.S. Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Louis C. Menetrey, xxx-xx-xxxx, U.S. Army.

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 lieutenant general

Lt. Gen. John Rutherford McGiffert, II, xxx-xx-xxxx, (Age 56), U.S. Army.

The following-named officer under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Edward Allen Partain, xxx-xx-x... xxx-... U.S. Army.

NAVY

The following-named officer to be placed on the retired list in the grade indicated under provisions of Title 10, United States Code, Section 1370.

To be admiral

Adm. George E. R. Kinnear, II, xxx-xx-x... xxx... /1310, U. S. Navy.

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.

To be vice admiral

Vice Adm. John D. Johnson, Jr., xxx-xx-x... xxx-... /1110, U.S. Navy.

The following-named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James A. Sagerholm, xxx-xx-x... xxx... /1120, U.S. Navy.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Philip Abrams, of Massachusetts, to be an Assistant Secretary of Housing and Urban Development.

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 Constable, 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 Career Minister, to be Ambassa-

dor Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

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 Panama.

David Joseph Fischer, 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 the Republic of Seychelles.

Sharon Erdkamp Ahmad, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

John Blane, 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 the Republic of Rwanda.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

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. Crielly, 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. Crielly, 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 27, 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 27, 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 27, 1982.

Air Force nominations beginning Walter A. Aichel, and ending Michael J. Zachek, which nominations were received by the Senate and appeared in the Congressional Record of September 27, 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.

Army nominations beginning Irwin Berman, and ending Dale G. Martin, which nominations were received by the Senate and appeared in the Congressional Record of September 8, 1982.

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.

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 27, 1982.

Navy nominations beginning Craig D. Batchelder, and ending Kermit R. Booher, 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.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominations were considered en bloc and confirmed en bloc.

Mr. ROBERT C. BYRD. 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 President be immediately notified that the Senate has given its consent to the several nominations it has considered.

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

ORDER FOR CONSIDERATION OF CERTAIN TREATIES ON THURSDAY, SEPTEMBER 30, 1982

Mr. BAKER. Mr. President, while we are in executive session, I mentioned earlier that there were a number of treaties that I would like to address to the Senate tomorrow. I would like to put a unanimous-consent request for the consideration of the minority leader if he is prepared to receive it at this time.

Mr. President, I ask unanimous consent that at 1 p.m. on Thursday, September 30, 1982, the Senate proceed to the consideration en bloc of the resolutions of ratification of the following Executive Calendar items: Calendar Orders Nos. 35, 36, 37, 38, 39, and 41.

Mr. President, I ask unanimous consent that all of the above be advanced through their parliamentary stages, up to and including the presentation of the resolutions of ratification.

I ask unanimous consent that all amendments, resolutions and understandings reported by the committee be deemed agreed to, and that it be in order at this time to order the yeas and nays with one show of seconds.

Finally, Mr. President, I ask unanimous consent that one rollcall vote count for six rollcall votes and that following the rollcall vote on the resolutions of ratification, and a motion to table the motion to reconsider, the Senate resume legislative session.

Mr. ROBERT C. BYRD, Mr. President, reserving the right to object, and I will not object, does the majority leader feel there should be 5 minutes to a side for any explanation of the treaties?

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.

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 Senators 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 a Convention Between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled 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 International Convention on Tonnage Measurements of Ships, 1969, which was signed for the United States at London, June 23, 1969, subject to the following understanding:

That in the assessment of tolls for transit of the Panama Canal, the United States will continue to have the right to apply the present Panama Canal tonnage system or to adopt any other basis, in computing tonnages derived from volumes or other measures developed in connection with the said convention.

CONSERVATION OF SALMON IN NORTH ATLANTIC OCEAN

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 Convention for the Conservation of Salmon in the North Atlantic Ocean, signed in March 1982 by the United States, Canada, the European Community, Iceland, and Norway.

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:

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 Republic of Austria for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, Gifts, and Generation-Skipping Transfers, signed at Vienna on June 21, 1982 (Treaty Document 97-26).

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. 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 mankind and 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 such other departments and agencies as the Secretary (of Commerce) considers appropriate." The State Department did not even learn of the final sale until September 17—too late to prevent 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 to the 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 inadavertence" 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 KENNEDY and Senator DOLE to express our 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 deeply troubled by 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. Howard 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 160 percent. One in five of these robberies results in death or injury to the pharmacist. More than 2,300 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 attempted robbery of controlled drugs 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 cosponsor of S. 2572. However, the situation is of such grave concern that I am asking my name to be added as a cosponsor 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 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 world's 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 actively encouraging the participation of other nations, including the Soviet Union. Since that time, support for the IAEA has remained a corner-

stone of American nonproliferation policy. To abandon our leadership now—or even to appear to step back from it—might damage the machinery of nonproliferation beyond repair.

I urge my colleagues to reflect upon the importance of U.S. leadership in nonproliferation affairs, and seek ways to enhance the work of the International Atomic Energy Agency. No task is more urgent, no nation more important than ours to its achievement.

INTEREST AND DIVIDEND WITHHOLDING

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 opponents 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 this section 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 carefully reasoned 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 partner in 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 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 DON: The purpose of this letter is to point out the need for immediate repeal of the withholding provisions to provide geater 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, paperwork, and confusion with all the various exceptions and exemptions.

It is most unfortunate that it is not fully realized that these provisions could not be more devastating in the Administration's plans to shrink big government and to continue confidence in our tax system. The increase in revenue would be de minimus—if 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 tax in 1962 and then reversed their positions after it was disclosed to the Joint Conference Committee that (1) there was no sizable gap in dividend reporting claimed by the Treasury, (2) over-withholding would result in as many investor filing claims for refunds as those filing tax returns and, (3) taxes would be withheld twice on bonds bought or sold between interest dates. This makes withholding impractical, unworkable and unnecessary.

Withholding does not solve the compliance problem since its provisions apply mainly to presently registered securities and to future issues of fixed interest securities, and do not take into consideration billions and billions of outstanding corporate and government bearer securities which Treasury figures show constitute the largest gap of unreported income. We have been endeavoring to correct 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 bank interest and 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 bonds in our client's name or have them unregistered for sale). It is only feasible to provide that future public issues of debt obligations carry optional registration provisions.

As the former head of a stock exchange firm, you can readily understand how difficult it will be for brokers, banks and others to see if withholding applies—it applies to certain investments and not to others and it applies to certain individuals and not to others. In short, it would create a real administrative monster for all concerned, and the numerous exceptions would drive us crazy. Speaking of closing loopholes, such exceptions would make it possible for a taxpayer to own stock in an unlimited number of corporations or maintain bank accounts returning less than $150.00 each year and entirely escape withholding.

However, I have always maintained that the biggest weakness of withholding is overwithholding. I am not one to ask a client or a shareholder to wait as long as 16 months for his tax refund check, when all the income is needed on which to live. It is equivalent to the taxpayer loaning money to the government or allowing banks to hold it without interest.

Withholding works in Japan because it is optional with the taxpayer, and the income on which the tax has been withheld is not reportable in tax returns. In other words, they favor and encourage capital formation, whereas your new withholding plan works just in reverse. Also, you cannot very well justify withholding on investment income just because there is withholding on wages, with only one withholder. Moreover, the withholding plan on investment income is mandatory regardless of business losses and other deductions. This is not true of wage withholding.

You may not recall that a bi-partisan majority of the 96th Congress voted 401 to 4 against withholding as recently as April 19, 1981. I mention this because hearings as recent as last year should forestall any further extensive public hearings.

I would like to think that the extension of time 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 would 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 welcome this since they now go to the burden and expense of computer reruns to omit such annual reporting of interest to the IRS.

May I hear from you so that I will know that repeal is being given your attention. The sooner that Congress acts, the better to save the government, corporations, brokers and others the gigantic cost of preparing for withholding and shifting part of the load of tax collections to others than government.

Respectfully submitted,

GEORGE E. BARNES,
Senior Partner,
Wayne Hummer & Co.

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 to an alternative tax system. Such a system should embody the principles of equity, simplicity and efficiency, and contain within it provisions that enhance rather than stifle our desire to be more productive.

What are we talking about when we say a "flat-rate" tax structure? Simply put, we would subject the tax base to only one tax rate (although some amount of income would doubtless be excluded from tax 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 circumstances that Congress has deemed worthy of granting deductibility status to, such as medical expenses. Although an element of progressivity is built into most flat-rate bills, progressivity as we understand it today, the higher your income the higher the tax rate—would cease. But, for example, if the zero-bracket amount upon which no tax would be paid were set at $10,000, an individual earning $12,000 pays taxes on only 16 percent, that is $2,000, of their income; while a person with a $100,000 income would pay taxes on 90 percent of their income.

In rather summary fashion, I will attempt to summarize the key benefits that I see can be derived from a flat-rate tax structure:

1. Elimination of the marriage penalty (whereby a couple with separate incomes could pay higher income taxes if married than single);

2. Elimination of "bracket creep" whereby taxpayers are hurtled into increasingly high tax brackets without having any increase in real income. Indexation will address this issue, but why do indirectly what is possible to do by simply applying one rate to all income. No longer will the government be able to make up for its deficit financing by allowing ever greater amounts of income to flow into its coffers without having passed a tax increase.

3. The integrity of the system will increase. We'll pick up billions of dollars owed in taxes that go uncollected because of false deductions and income that goes unreported. A flat-rate system should be easy for the IRS to administer and for the taxpayer to honestly try to comply with.

4. A great savings in time and compliance costs would accompany a flat-rate system. It is estimated that $60 billion was spent on tax compliance last year and an inestimable amount of hand wringing and headaches must have accompanied the monetary expense.

5. Accountability of government would increase. The primary purpose of the income tax is to raise revenue, but today's law has become a major, and hidden, way to effect social policy. Many of these policies are quite worthy of support, but wouldn't we be more honest with the taxpayer if we eliminated the "tax expenditure" and replaced it with direct payments that clearly demonstrated the policy choices we were making? The public would certainly be more aware of how their tax dollars were being spent.

6. Added productivity. By reducing the distortion built into the economy by the varied impact of present tax laws, business decisions can be made in an environment that will reward efficiency and profitability.

7. Incentives increase. Clearly if a person can keep 80 cents of the last dollar they earn rather than 50 cents as is the case today with a 50% tax bracket, a person is more likely to make the extra effort and produce more because they will be able to keep more of what they earned. I have always believed that a person has a right to keep the income they earn. Since the strength of that argument does not diminish in my point of view as a person's income rises, a flat-rate tax may even lay claim to being morally superior to a progressive one.

8. Loopholes disappear. Any attempt to eliminate "loopholes" is generally met with fierce opposition by the affected group. However, under a flat-rate structure 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 significantly, it is much more likely that individuals in similar income categories will also be taxed equally. No more bellyaching that the guy next door isn't paying his fair share.

10. Diminish the incentive to extend tax benefits to those in high income brackets. The final key question that has to be answered before talk of a flat-rate tax can be more than that is "What will I pay?" The American taxpayer does not want to see an increase in his tax burden and that is particularly clear to politicans. Where the tax burden will fall has been the subject of numerous studies and numerous results. Under my bill, which presupposes a zero-bracket amount of about $10,000, it is probably safe to say that the poorest households would pay either no tax or significantly less than what they pay today. The middle income brackets may suffer a slight increase in taxes, although I feel that many of the factors inherent in a flat-rate structure would more than offset any slight increase. For example, is it worth it to a taxpayer to pay 3 percent higher taxes if in return the taxpayer: (1) Need not keep detailed records necessarily kept today to justify the taking of tax preferences, (2) need not solicit professional tax preparation assistance with its attendant costs, (3) saves substantial amounts of time that otherwise would have been devoted to tax preparation, (4) achieves a peace of mind concerning the accuracy (read lack of audit probability) of his return, (5) believes other taxpayers are now also paying their fair share and opportunities for cheating have been cut back dramatically, and (6) the taxpayer may have found himself with more money on which to pay tax as a result of a financial and tax environment conducive to rewarding economic activity designed to reward efficiency and production. 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 more easy to understand and to comply with. I further believe that with a flat rate of 19 percent beginning in Fiscal Year 1983, we could raise sufficient revenues to bring about a balanced budget within three years thereafter assuming spending levels are kept reasonable. Additionally, it would be my hope that through increased 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 rate could be driven down much further by 1990.

The essence of what a good tax system must contain was outlined by former Secretary of the Treasury Mellon with these words:

"The problem of Government is to fix rates which will bring in a maximum amount of revenue to the taxpayer or on business enterprises. A sound tax policy must take into consideration three factors. It must produce sufficient revenue for the Government; it must lessen so 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.

Thank you.

PROPOSALS TO REDUCE GRAIN SURPLUS AND IMPROVE FARM PRICES

Mr. PRESSLER. Mr. President, our farm economy is in the worst depression 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 family farms 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 cosponsored 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.

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.

There being 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 and from Texas to North Dakota have not faced such bleak economic conditions since the worst years of the Great Depression of the 1930's. Year after year of declining prices, rising production costs and sky-high interest rates have eroded the equity of agriculture and now threaten the continued survival of thousands and thousands of our fellow family farmers.

For the past 13 months the average parity level has remained below 60 per cent. United States Department of Agriculture statistics show that the national average price of wheat, for example, declined from $3.94 to $3.29 per bushel from August 1980 to August 1982. During the same period, the national average price of corn fell by fully 25 per cent from $2.92 to $2.19. In some areas, including South Dakota, prices have gone even lower.

The miracle of our family farm agricultural production capacity now threatens to bury us under a mountain of grain. As the result of a grossly inadequate voluntary set-aside program and an excellent growing season, agriculture is faced with record production. Less than a month ago, USDA estimates of an 8.32 billion bushel corn crop, 2.77 billion bushel wheat crop and as well as significant increases for many other commodities resulted in another market collapse.

Although livestock prices are currently higher (as a per cent of parity) than other commodities, agricultural economists predict that disaster level feed grain prices will lead to over-production and major livestock price declines.

A wise man once said that those who refuse to learn the lessons of history are condemned to repeat it. Just as the farm depression of the 1920's became a national and international depression during the 1930's, America's rural depression of 1982 has gone on to engulf the rest of the nation and much of the Free World. For the past two months, U.S. unemployment has climbed to 9.8 per cent—the highest level since 1941. Business failures have reached more that 500 per week—the highest since 1933. The number of commerical bank failures so far in 1982 have more than doubled those of the past year.

Since the current depression began in rural America, we are convinced that 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 1982-83 United States Budget declares that the "foreign policy of the United States is directed toward achieving an environment of peace, international security and economic prosperity in which individual, political and economic freedoms may flourish."

We applaud this noble goal. We believe that one of the best ways in which we can work toward building a better world is through the provision of food aid to the hungry millions of the world's developing nations. We also believe that significantly increased food aid programs would have a definite and positive impact in reducing current U.S. farm commodity surpluses and in increasing market prices.

We, therefore, support the immediate establishment of a temporary emergency Mercy Food Program, which would supply surplus American farm commodities to underdeveloped nations who are not now able to afford to buy the food they need, and assist in construction of adequate storage facilities, to feed their people.

Under this proposed 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 programs. This grain could also come out of the present 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 not now able to buy food for themselves. Under no circumstance should such food aid be shipped to nations which are financially able to purchase commodities on the world market.

Religious and other charitable organizations designated 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.

In the recognition that there are millions of hungry people in the United States who are also deserving of such aid, we recommend that Mercy Food Aid and required funding for distribution also be made available to appropriate domestic charitable organizations.

To be successful in its other goal of improving farm income in the United States, we believe that at a bare minimum, the Mercy Food Program must include at least one fourth of current production carry-over.

Enactment of the Mercy Food Program should not result in any major increase in federal government financial outlays. In fact, potential funding is already in the budget. The current budget provides: $1.3 billion in fiscal 1983 for foreign economic and financial assistance, $1.5 billion in multi-lateral development assistance by the World Bank and regional development banks, $1.7 billion in funding for the Agency for International Development (AID) and $1 billion in funding for the P.L. 480 programs.

We believe that the provision of food aid through these programs would be far more effective than millitary aid in achieving our stated foreign policy objectives. It would also be much more in line with our responsibilities as a Christian nation.

AGRICULTURE FINANCING

We are faced with an immediate farm income crisis which may result in a wave of farm foreclosures greater than at any time since the 1930's.

While we are, at this time, opposed to a blanket moratorium on all farm debts, we do support a case-by-case deferral on principal and interest payments when it can be adequately demonstrated that an individual farmer or rancher is unable to make payments as a result of drought, price or other disaster beyond his control.

We urge that individual borrowers and lenders be totally frank and honest with each other.

OTHER ISSUES AND OPTIONS

Interest Rates—A significant factor in the current depression in America has been at least three years of exorbitant interest rates. We urge official action to reduce interest rates in order to avert a complete collapse of our entire economy.

Exports—It has also been suggested that increased exports will solve the farm income problem. This is a totally inadequate short-term solution. Although exports have increased dramatically during recent years, they have brought little financial benefit to farmers and ranchers.

Farm Program—We are also opposed to the re-opening of the 1982 Farm Program. Such action would be unfair to those who participated in the 1982 set-aside program and would serve to further erode farmer respect and support for such programs. A re-opening of the 1982 Program would make it difficult or impossible to persuade farmers to participate in future set-aside programs.

[News release]

HURON, S.D., September 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 range prosperity for America's farmers and ranchers.

The Farm Bureau proposal, adopted by the Board of 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 Revolving 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 funds.

4. Appoint the U.S. Secretary of Agriculture as a voting member of the National Advisory Council on International Financial and Monetary Policies. Ag exports are di-

rectly affected by international financial and monetary policies.

5. Retaliation by the federal government against subsidized farm exports from the European Economic Community. American farmers cannot compete with the power of foreign national treasuries.

6. Elimination of U.S. cargo preference laws and agreements, which result in reduced sales of U.S. Ag exports. Potential buyers are looking for the most efficient and economical method of transporting agricultural products.

7. Increased use of the P.L. 480 program and emphasis on barter trnasactions to move U.S. ag commodities into world markets.

8. Announcement of a paid diversion for 1983 crops in the near future. This will shock the markets only if the program is competitive with prices farmers would have received had they planted the crop. The problem we have now is far too much grain in the farmer-held, government-managed reserve.

9. Emphasis on market development, both foreign and domestic, and research and development on expanded and new uses of farm products. This effort needs to be a joint venture between the private and government sectors of the economy.

10. Renewed effort to break the disastrous spend and tax cycle that is stifling the economy. Uncontrolled federal spending continues as the 1983 budget is projected at $827 billion, 26 percent higher than 1981. Entitlement programs now make up 46.5 percent of the federal budget and are the root cause of federal deficits and runaway spending.

To date, budget cuts have been cosmetic. Efforts to finance budget deficits with increased taxation only serve to stifle savings, investment, and economic growth the nation must have to emerge from recession in the short run, and survive as a viable economy in the long run.

OFFICE OF THE GOVERNOR,
STATE OF SOUTH DAKOTA,
September 17, 1982.

HON. LARRY PRESSLER,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR LARRY: Last evening, I met with a group of agricultural leaders from throughout South Dakota to discuss possible approaches to the sagging agricultural economy throughout the Midwest. From that meeting, the group developed a program which they and I plan to pursue as a short term solution to many of the problems facing agriculture. I am enclosing, for your information, a short summary in the form of minutes of the meeting along with the proposal which was developed. I urge your wholehearted support of this proposal along with the efforts of your office to accomplish this program.

Sincerely,

WILLIAM J. JANKLOW.

MEETING SUMMARY, SEPTEMBER 16, 1982,
GOVERNOR'S MANSION, PIERRE, S. DAK.

Representatives of agriculture met at the Governor's Mansion in Pierre on September 16, 1982. Members attending included (see attached list).

Leland Swenson presented the South Dakota Farmers Union Emergency Farm Proposal. Richard Ekstrum presented the South Dakota Farm Bureau's Ten Point Plan designed to correct present deficiencies in net farm income.

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 South Dakota Farm Bureau Plan and also endorse the Mercy Food Plan of the South Dakota Farmers Union, as a short term program to help agriculture. All representatives 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 supply surplus American farm commodities to underdeveloped nations who are not now able to afford to buy the food they need, and assist in 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 not now 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 designed 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 for foreign customers has had an excellent record of repayment.

Allow agricultural exports to qualify for credit from the Export/Import Bank. Presently, business and industry use funds from the Export/Import Bank and agriculture deserves a percentage of the funds.

Protection by the federal government against subsidized farm exports from the European Economic Community. American farmers cannot compete with the power of foreign national treasuries.

Increased use of the P.L. 480 Program and emphasis on barter transactions to move U.S. ag commodities into world markets.

Announcement of a paid diversion for 1983 crops in the near future. This would then shock the markets only if the program is competitive with prices farmers would have received, had they planted the crop.

Emphasis on market development, both foreign and domestic, and research and development on expanded and new uses of farm products. This effort should be a joint venture between private and governmental sectors of the economy.

South Dakota Association of Cooperatives, J. D. Lynd, Executive Secretary.

South Dakota Farm Bureau Federation, Richard Ekstrum, President.

South Dakota Farmers Union, Leland Swenson, President.

South Dakota Wheat Producers, Chris Hughes, President.

South Dakota Stockgrowers Association, Ralph Jones, President, Roger Husted, Vice President.

South Dakota Livestock Auction Market Association, Gordon Wilkerson.

South Dakota Pork Producers, Doyce Friedow, Executive Secretary.

South Dakota Irrigation Association, Jerry Hayden, President.

South Dakota Sheepgrowers Association, Ray Clementz.

South Dakota Veterinary Med. Association, Dr. James Bailey, Executive Secretary.

South Dakota Association of Soil and Water Conservation Districts, Bob Gab, President.

South Dakota Livestock Association, Louie Bartels, President.

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 PERCY for introducing this comprehensive legislative 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 $35.7 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 1.)

Mr. DECONCINI. Mr. President, according to the OMB table, projected deliquencies increase from approximately $33.5 billion in 1981 to $42.2 billion in 1983—an increase of 25 percent. While delinquent nontax 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 collected 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 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[1]

[In millions of dollars]

	Total Receivables			Collections			Delinquencies/defaults		
	1981 estimate	1982 estimate	1983 estimate	1981 estimate	1982 estimate	1983 estimate	1981 estimate	1982 estimate	1983 estimate
Department or other unit:									
Department of Agriculture	93,886.8	106,762.7	118,058.8	18,317.2	20,235.3	22,820.1	1,975.7	2,047.2	2,065.1
Department of Commerce	1,005.0	947.2	863.6	156.5	141.9	140.3	244.0	213.7	179.7
Department of Defense	2,440.1	2,357.0	2,273.6	4,747.0	4,983.6	5,258.8	266.1	198.3	196.9
Department of Education[2]	9,252.3	9,457.7	9,656.6	733.5	830.9	898.1	2,975.6	3,097.4	3,244.8
Department of Energy[3]	873.1	1,055.0	1,372.2	4,429.0	4,832.4	5,184.6	114.7	87.5	78.7
Department of Health and Human Services	3,252.2	3,045.6	2,745.7	2,582.5	3,278.6	3,724.9	2,000.1	1,848.8	1,621.7
Department of Housing and Urban Development	13,886.7	13,815.1	13,329.2	3,944.1	3,743.7	3,941.3	1,641.0	1,362.4	1,260.8
Department of the Interior	3,280.7	3,398.7	3,462.3	324.7	346.9	366.9	59.5	59.1	58.8
Department of Justice	273.0	160.0	145.3	55.9	50.8	54.1	138.8	25.1	10.6
Department of Labor	6,556.8	8,650.0	10,552.9	323.5	587.4	849.3	305.5	381.1	418.2
Department of State	76.5	57.7	53.2	49.4	28.1	12.9	11.8	9.5	7.9
Department of Transportation	981.5	1,079.0	1,044.9	210.0	222.4	271.6	140.6	132.7	90.8
Department of the Treasury	27,049.7	31,123.6	35,896.2	26,652.7	30,720.7	35,542.2	20,784.0	24,900.9	29,790.6
Agency for International Development	18,120.9	18,261.8	18,396.9	758.8	782.2	809.3	77.4	73.5	74.9
Export-Import Bank	16,196.0	18,168.6	19,861.8	2,660.0	3,168.0	3,654.0	8.9	8.9	8.9
Small Business Administration	9,748.3	11,000.0	11,580.0	1,348.9	1,400.0	1,500.0	1,697.8	1,980.0	2,200.0
United States Railway Association	1,246.8	1,031.4	1,031.4	401.5	223.9	75.0			
Veterans Administration	4,464.7	4,741.5	5,100.3	496.2	551.6	574.9	1,042.4	938.4	863.9
Other Independent Agencies:									
General Services Administration	76.0	76.7	71.3	128.7	153.5	142.5	10.2	9.1	8.3
Interstate Commerce Commission	51.0	39.2	14.2	29.4	11.8	12.4	50.7	39.0	14.0
National Aeronautics & Space Administration	173.2	146.7	129.0	245.8	277.2	185.4	.4	.7	.4
Overseas Private Investment Corporation	97.1	103.3	103.0	20.6	21.9	21.8	11.3	12.1	12.0
Railroad Retirement Board	27.2	32.1	30.8	72.2	71.4	77.4	25.1	30.1	28.6
Total	213,015.6	235,510.6	255,773.2	68,688.1	76,664.2	86,117.8	33,541.6	37,455.5	42,235.6

[1] Estimates were provided September 30,1981. Actual amounts for Fiscal Year 1981 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, OPIC, SBA, and Transportation.

[2] The President's budget proposes dismantlement of the Dept. of Education (DEd) effective October 1, 1982. FY 1983 funding for activities currently performed by DEd will be transferred to the Foundation for Education Assistance, the Depts. of Defense, HHS, Treasury, Interior, and Justice, and to other independent agencies.

[3] 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 Depts. of Commerce, Interior, and Justice and to the Federal Energy Regulatory Commission.

TRIBUTE TO REPRESENTATIVE JOHN J. RHODES

Mr. DECONCINI. Mr. President, in the House of Representatives today has been set aside 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 leader 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 I 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-

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 running back Earl Campbell.

"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 WTS-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 791,000 pounds. The blade turns at 30 revolutions per minute, producing 4 megawatts of electricity.

At 350 feet in height, the Boeing MOD-2 is slightly smaller. But it has a longer rotor, which is made of steel. It weighs some 580,000 pounds and faces into the wind, while the Hamilton Standard WTS-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 interagency cooperation on this project, and we expect there to be a lot more.

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, Reclamation's 50 hydroelectic 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 had a long list to narrow down. 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 200 feet above ground level where the wind generators will operate, the winds average 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 10:00 a.m. and 10:00 p.m., the hours of heaviest power use.

More reasons Medicine Bow was chosen are that it is close to an existing Federal 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-size development of wind turbines—namely, what to do when the wind stops blowing. With Reclamations's large reservoirs acting as "storage batteries" to back up the wind energy system, we can make full use of windpower when it's available—and we can quickly switch to hydropower if there's no wind.

Even though the start-up of these two units today is significant in itself, this event signals even greater possibilities for the future. We have just completed a study showing that a wind field with a capacity of 100 megawatts and consisting of as many as 40 units could be integrated into the Federal hydropower 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—which is free—instead of fuel, 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. Heeding 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 related economic activity, would be considerable.

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 on a large scale 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,
Washington, D.C., September 3, 1982.

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 1800's 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 southern Wyoming 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 for the renewal of the frontier spirit that it represents.

Sincerely,

JAMES G. WATT,
Secretary.

THE DEPLOYMENT OF A TEMPORARY MULTINATIONAL PEACEKEEPING 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,
Washington, September 29, 1982.

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 Government of Lebanon to assure the safety of persons in the area and bring to an end the violence which has tragically recurred.

In response to this request of the Government of Lebanon, I have authorized the Armed Forces of the United States to participate in this Multinational Force. In accordance with my desire that the Congress be fully informed on this matter, and consistent with the War Powers Resolution, I am hereby providing a report on the deployment and mission of these members of the United States armed forces.

On September 29, approximately 1200 Marines of a Marine Amphibious Unit began to arrive in Beirut. Their mission is to provide an interposition force at agreed locations and thereby provide the multinational presence requested by the Lebanese Government to assist it and the Lebanese Armed Forces. In carrying out this mission, the American force will not engage in combat. It may, however, exercise the right of self-defense and will be equipped accordingly. These forces will operate in close coordination with the Lebanese Armed Forces, as well as with comparably sized French and Italian military contingents in the Multinational Force. Although it is not possible at this time to predict the precise duration of the presence of U.S. forces in Beirut, our agreement with the Government of Lebanon makes clear that they will be needed only for a limited period to meet the urgent requirements posed by the current situation.

I want to emphasize that, as was the case of the deployment of U.S. forces to Lebanon in August as part of the earlier multinational force, there is no intention or expectation that U.S. Armed Forces will become involved in hostilities. They are in Lebanon at the formal request of the Government of Lebanon, and our agreement with the Government of Lebanon expressly rules out any combat responsibilities for the U.S. forces. All armed elements in the area have given assurances that they will refrain from hostilities and will not interfere with the activities of the Multinational Force. Although isolated acts of violence can never be ruled out, all appropriate precautions have been taken to ensure the safety of U.S. military personnel during their temporary deployment in Lebanon.

This deployment of the United States Armed Forces is being undertaken pursuant to the President's constitutional authority with respect to the conduct of foreign relations and as Commander-in-Chief of the United States Armed Forces.

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 Government to bring lasting peace to that troubled country, which has too long endured the trials of civil strife and armed conflict.

Sincerely,

RONALD REAGAN.

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 immediately, just 2 days after its adoption. In 1949 President Truman then sent the treaty to the Senate for ratification and it has remained in this legislative body, 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 world peace today, in 1982. The Genocide Convention was drawn up initially in response to the Nazis' Holocaust; 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 made treaties designed to protect specific species of animals—why can it not ratify a treaty protecting human beings?

The loss of a particular group is an irreplacable loss to all of mankind. Respect for human life is not merely a back burner issue, it is an immediate moral imperative. Today, once again, I should like to reiterate my belief in the very 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.

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, then does not the civil defense plan of FEMA 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.

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

[From the Center for Defense Information]

ANALYSIS OF CIVIL DEFENSE POLICIES—PART II

INDUSTRIAL PROTECTION

The third part of the Reagan civil defense plan is to provide protection for key industries, a portion of which will be military-related. FEMA maintains that "simple items and methods could help assure survival of American industry in the event of nuclear attack." FEMA is making considerable use of tests the Boeing Aerospace Company made in conjunction with the Defense Nuclear Agency. These tests primarily consisted of burying machines, surrounding them with crushable material and plastic and exploding TNT near them.

The FEMA research budget has been greatly expanded to investigate a variety of methods to protect industry. Studies have been initiated to look into the feasibility of protecting factories with anti-ballistic missiles and using mobile oil refineries.

The Boeing study recommends the following techniques: coating machines with corrosion-proofing oil, grease, or paint; wrapping them in burlap or plastic bags; placing them on crushable packing material and covering them with several feet of earth. Workers would dismantle, disperse and bury machinery in phases, as a crisis escalated. Boeing estimated that with no advance preparation other than planning, "much of the U.S. industry could surge to a protected situation within 4 to 6 days." T. K. Jones, now Deputy Defense Undersecretary for Strategic and Theater Nuclear Forces, served as program manager for the tests.

Comment

The Boeing study simulating limited blast effects on a few isolated pieces of equipment does not allow one to extrapolate protection for thousands of complex and interdependent economic facilities, regardless of warning time. The tests do not adequately measure the full range of nuclear weapons effects, such as radiation. It could be months or even years before one could effectively work in targeted areas. Twenty five years after the last test at Bikini Island in the Pacific it remains uninhabitable and will be for at least another twenty years. Even granting that a few machines may survive, whole new factories and economies would have to be built to use them.

STRATIFIED LAYERS OF DECEPTION

Recent public reaction to these civil defense plans has been critical, accenting the obvious logistical difficulties involved without questioning the larger assumptions upon which the program is based. FEMA's plans rely on a mixture of half-truths and "best-case" scenarios. They represent a profound and dangerous disregard for the destructive nature of nuclear weapons and the frailty of modern industrial society.

FEMA asserts that if its plans are adopted, there will be 180 million survivors (80 percent of the population) with society recovering in "a relatively few years." FEMA arrives at these optimistic estimates by breaking down each aspect of its program into "manageable" parts, calculating the "life-saving potential" of each Quantifying that which can be quantified and neglecting the rest, FEMA's cheerful computer models and simple aggregations present a distorted view of nuclear war. After examining FEMA's plans, one local civil defense official concluded that they are little more than "stratified layers of deception."

FEMA assumes a certain kind of nuclear war. The Soviets must attack once and all at once, rather than phase their attacks over time. They must not hit any of the 70 U.S. nuclear power plants. Deaths must be caused by immediate effects only. Survivors must have near-perfect fallout protection as long as necessary after the attack. Deaths caused by disease, starvation, mass fires or firestorms must be "insignificant." Unknown and long-term effects such as ozone depletion must not occur.

While much is known about the effects of a single explosion the consequences of dozens, hundreds or thousands of nuclear weapons detonating are totally unpredictable. The cumulative impact of the incalculable and long-term effects were studied by the Congressional Office of Technology Assessment in its 1979 report, "The Effects of Nuclear War." Its primary conclusion was that: "The effects of a nuclear war that cannot be calculated are at least as important as those for which calculations are attempted."

PLANS FOR A FEW

The least known of FEMA's nuclear war preparations is the Federal Preparedness program. It is designed primarily to protect the leadership and essential functions of the Executive Branch before, during and after a nuclear war. Its central element is Continuity of Government (CoG), a highly classified program involving scores of secret, protected facilities equipped with a variety of advanced data processors, communication and other information systems to carry out detailed nuclear emergency procedures and contingency plans. This system is much more than a series of plans, standby administrators, and record storage centers. It is a government-in-waiting, which constantly practices and refines its nuclear war duties through a series of elaborate tests and exercises.

This government-in-waiting is "authorized" only by old and very broad Congressional acts, such as the Federal Civil Defense Act of 1950. In peacetime, it receives program guidance from the Department of Defense and National Security Council and through a series of executive orders and directives, the most recent of which was President Carter's PD-58, issued in 1980. The CoG program will be fully mobilized only during a presidentially declared emergency. At that time, sweeping emergency authority will be delegated, to impose martial law, seize property, and take other measures in support of the nuclear war effort. Since its inception over 30 years ago, the CoG program has evaded effective Congressional oversight and remains outside of Congressional control. Many are even unaware of its existence. This is especially important to note today because, under the direction of PD-58 and the strong support of the Reagan Administration, the system is undergoing a major expansion in order to play a more central role in U.S. nuclear warfighting strategy.

Currently, the backbone of the program is FEMA's relocation center system which was constructed to support the two primary CoG missions: Presidential Succession and continuity of essential Executive agencies. Federal Relocation Centers (FRCs) are fallout-protected, self-supporting facilities supplied with state-of-the-art computer and communication systems to perform a variety of mobilization functions before, during and after a nuclear war.

Approximately 100 relocation centers are scattered throughout five states in a 350-mile radius around Washington, D.C., known as the Federal Relocation Arc. Most of these facilities are connected by satellite, microwave and high-frequency radio communications, as well as underground cables, to transmit and receive information. Because of the vulnerability and concentration of the fixed sites in the Relocation Arc, FEMA has developed a new decentralized concept as suggested by PD-58. Under this plan, the United States is divided into 10 Regions, each having its own secret bunkers to facilitate presidential succession, maintain federal authority, and direct post-attack recovery.

Many corporations such as AT&T and Exxon also have special facilities for their senior executives.

Presidential succession

A series of recent Presidential Directives, 53, 57, and 58, provide guidance to implement continuity of government plans. PD-53 and 57 relate, respectively, to greater communications "survivability" and mobilization planning. PD-58 was issued in tandem with the highly publicized PD-59, which made explicit the evolutionary shift in U.S. nuclear war-fighting strategies. PD-59 has now been refined and/or superceded by new guidance which asserts that American nuclear forces "must prevail and be able to force the Soviet Union to seek earliest termination of hostilities on terms favorable to the United States." One of the goals of PD-58 is to expand plans for protecting all 16 presidential successors through evacuation and dispersal to many separate protected facilities throughout the United States. Preparations for continuity of government and presidential succession are central to U.S. plans to fight and win nuclear war.

With the exception of the Vice President, FEMA is responsible for protecting all presidential successors. The Presidential Succession Act and the Twenty-Fifth Amendment to the Constitution designates the Speaker of the House and President Pro Tempore of the Senate as next in line after the Vice President, followed by the heads of Executive departments in order of their creation (State, Treasury, Defense, etc.), FEMA has already designed and the White House administers a Central Locator System for keeping track of all successors. Efforts will be made to keep some successors out of Washington at all times. FEMA reportedly has its own surveillance teams to help keep track of the successors. Greater and more "random dispersal" outside of the Federal Relocation Arc is the key to the new plans, which are to completed by the end of the 1980s. Many sites will be needed and FEMA is identifying possible relocation facilities in each of the 10 Regions. The CoG program will also include updates for evacuating and relocating a number of "key" Congressional leaders and Supreme Court Justices.

These plans have been strongly endorsed by the Reagan Administration which in one year has tripled the Federal Preparedness budget to $148 million. Future budget throughout the 1980s will be substantial as the program expands.

Saving the bureaucracy

Thirty-three Executive departments and agencies have been assigned emergency responsibilities before, during and after a nuclear war. Under FEMA guidance, each agency must prepare plans and assign personnel to carry out these responsibilities. The program is designed to preserve the United States government. Currently, essential records are being duplicated and stored

within the Relocation Arc and the 10 Regions.

All 33 departments or agencies have designated "teams" to carry out different categories of emergency responsibilities. Team "A" personnel have "uninterruptable" functions which must be carried out at their offices; Team "B" personnel must relocate to FEMA's "Special Facility" at Mt. Weather near Berryville, Virginia; Team "C" personnel must relocate to their agency's own, secret facility somewhere 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 broad 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 nuclear war. This is especially so in time of 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.

Selling this program to the American public and Congress is a formidable task. Crisis relocation plans are only now being unveiled and are meeting with stiff resistance and outright rejection. These plans are being recognized for what they are, an effort to manipulate and mobilize the American public by diverting attention from the real problem, the dangerous and dynamic nature of the arms race. To initiate a new race, of nuclear war survival, can only lead to catastrophe.

SOVIET CIVIL DEFENSE

In the 1950s, the Soviet Union began efforts to defend its citizens against nuclear weapons. Twice invaded in the twentieth century, it is not suprising that the Soviet Union should be concerned with homeland defense even 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 compulsory civil defense 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 country. All of the logistical problems in 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 primitive highway system and only 5 percent of the motor vehicles the U.S. does. Most people would have to walk thirty miles a day, carrying the necessary tools and supplies to construct fallout shelters in the country. The bitter climate could make this difficult in winter; mud would present a set of different problems during spring and autumn. It is very doubtful that Soviet food supplies, inadequate in peacetime, could begin to meet wartime needs 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 prevent this, the Administration asserts that 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 plans, the U.S. would have ample time to alert and ready additional nuclear forces. More submarines could be sent to sea and additional bombers could be placed on alert. Also, missiles could be quickly retargeted.

Although the Administration claims that U.S. civil defense plans would be implemented only after evidence of a Soviet evacuation, in an actual crisis, the U.S. could evacuate first.

It is often claimed that Soviet industry has been planned with civil defense in mind and that an active program of protecting and dispersing machinery exists. 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 prevent massive damage from an 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. targeters and are vulnerable to direct attack. The new Weinberger defense document makes explicit that essential to early success in a nuclear war is "decapitation", 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 war. Civil defense is another device to instill 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 subordinates in the chain of command virtually without limitation. This command structure, known as the National Command Authorities (NCA), differs from that of presidential succession and might conflict with it. The NCA is defined as the President and Secretary of Defense or their duly deputized alternates or successors. A highly classified document entitled "The National Command Authority" provides for the transfer of military command authority in general and the use of nuclear weapons in particular. It has been reported that the chain of emergency command in the Reagan Administration runs from the President to Vice President Bush to Defense Secretary Weinberger, to Deputy Defense Secretary Frank Carlucci to the Chairman of the Joint Chiefs of Staff General Vessey.

In the event of a nuclear emergency, the President is to be taken to the National Emergency Airborne Command Post (NEACP) to take charge of U.S. nuclear and conventional forces. NEACPs are specially modified Boeing 747 aircraft, one of which is continuously on alert at Andrews Air Force Base, eleven miles from the White House. If, for any reason, the President cannot reach NEACP in time, it might leave without him. The White House Military Office and the Department of Defense maintain a number of Presidential Emergency Facilities (PEFs), located within a relatively short distance from Washington. From these Emergency 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 PEFs around the globe. Plans for other members of the NCA are less clear but, in many cases, they would accompany the President.

A ground-mobile presidential command post is being developed which would allow the Commander-in-Chief to roam the interstate highway system in a tractor-trailer packed with communication equipment. It will be disguised as a commercial vehicle, such as a moving van.

Site R, the underground facility which serves as an Alternate National Military Command Center (ANMCC), is located outside of Fort Ritchie, Maryland near Camp David. The primary NMCC, which supports the NCA and the Joint Chiefs of Staff, is located within the Pentagon. A number of FEMA officials will travel to Site R and the Pentagon in the event of a nuclear crisis to assist the military command. However, both the Pentagon and Site R, as well as all fixed sites, are vulnerable to attack.

While FEMA'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. In addition to maintaining Federal Emergency Plan D and the Presidential Emergency Action Documents, FEMA is also directly involved in NEACP nuclear war procedures, such as supplying damage assessment information and communication support. A FEMA official is to represent the Agency on the plane.

The Reagan Administration tested the Continuity of Government program in the recent world-wide, nuclear command post exercise called "Ivy League". FEMA periodically conducts nuclear war games, ranging from high-level NATO to presidential and presidential successor exercises. "Ivy League" was the first complete nuclear war exercise of the military and civilian command structures and communication systems conducted since 1956. The game's scenario involved a period of intense crisis which escalated out of control, resulting in general nuclear war. All efforts to limit the conflict, including mobilization, failed.

FEMA and the Department of Defense moved over 1,000 civilian and military leaders throughout the world in the exercise, including two Cabinet successors—men who are in line to succeed the President should he die in an attack. The two successors, the Secretaries of Interior and Commerce, along with "core" teams of officials from key Executive departments, ultimately took con-

trol 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 JOHN STENNIS, 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 at this very important time. I ask unanimous consent that the text of the resolution be printed in full in the RECORD.

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

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

Whereas, the participation, fellowship, and cooperation which have marked the Democratic Conference during the 97th Congress are tributes to his dedication: 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: From the Committee on Merchant Marine and Fisheries: Mr. JONES of North Carolina, Mr. BREAUX, Mr. STUDDS, Mr. HUGHES, Mr. SNYDER, Mr. FORSYTHE, and Mr. EVANS of Delaware; and from the Committee on Public Works and Transportation; Mr. ROE, Mr. EDGAR, Mr. FARY, Mr. CLAUSEN, and Mr. HAMMERSCHMIDT.

The message also 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. OBEY, Mr. CHAPPELL, Mr. ALEXANDER, Mr. WHITTEN, Mr. REGULA, Mr. BURGENER, Mr. EDWARDS of Oklahoma, Mr. LOEFFLER, 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. 625. 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 amendments, 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 disability compensation for disabled 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. 3787. An act to amend sections 10 and 11 of the Act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes";

H.R. 4496. 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 dockets 124-B and 254 before the United States Court of Claims, and for other purposes;

H.R. 5795. An act to provide for the use and distribution of the funds awarded to the Shawnee Tribe of Indians in dockets 64, 335, and 338 by the Indian Claims Commission and docket 64-A by the United States Court of Claims, and for other purposes;

H.R. 5916. An act to declare certain Federal lands acquired for the benefit of Indians 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 U.S. Post Office Building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building";

H.R. 5949. An act to amend title 17, United States Code (relating to copyrights), and the Communications Act of 1934, with respect to the compulsory licensing of secondary transmissions, limitations on rights to secondary transmissions, and the carriage of broadcast signals;

H.R. 6122. An act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band;

H.R. 6170. An act to amend title 23, United States Code, to encourage 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;

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; and

H.R. 7159. An act to amend the Federal Water Pollution Control Act to allow modifications of certain effluent limitations relating to biochemical oxygen demand and pH; to 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:

H. Con. Res. 364. A concurrent resolution regarding the restoration of Olympic records of the late James (Jim) Thorpe; and

H. Con. Res. 409. A concurrent resolution regarding the massacre of Palestinians in Lebanon.

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 28, 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. KASTENMEIER, Mrs. SCHROEDER, Mr. WASHINGTON, Mr. SIMON, Mr. SENSENBRENNER, Mr. LUNGREN, 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 House:

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. 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;

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 labor and 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. 7166. An act to provide a 4-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:

H. 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-Cloan Missouri Basin program, 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 amendment of the House to the bill (S. 2586) 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 independent agencies, boards, 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 66 to the bill, and agrees thereto; it recedes from its disagreement to the amendments of the Senate numbered 6, 16, 26, 27, 30, 38, 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:

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carriers Appreciation Day."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 120. 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:

H. Con. Res. 414. A concurrent resolution directing the preparation of duplicate conference papers on H.R. 5930.

At 9:08 p.m., a message from the House of Representatives, delivered by Mr. Berry, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month"; and

H.J. Res. 598. 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 resolution 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 Jersey City, New Jersey, as the "Michael 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 trust lands 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 dockets 124–B and 254 before the U.S. Court of Claims, 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 dockets 64, 335, and 338 by the Indian Claims Commission and Docket 64–A by the U.S. Court of Claims, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 5916. 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. Haynsworth, 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. 6122. 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 increase the authorization of 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 modifications 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

1982, as "National Spinal Cord Injury Month"; to the Committee on the Judiciary.

HOUSE BILLS PLACED ON THE CALENDAR

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 encourage 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 various adjustments in military personnel and compensation programs, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTION HELD AT THE DESK

The following bill was ordered held at the desk:

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 labor and for other purposes.

The following bills and joint resolutions were ordered held at the desk until the close of business on September 30, 1982:

H.R. 3787. An act to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes;

H.R. 7173. An act to make certain changes in the membership and operations of the Advisory Commission on Intergovernmental Relations;

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month"; to the Committee on the Judiciary; and

H.J. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 364. Concurrent resolution regarding the restoration of Olympic recrds of the late James (Jim) Thorpe; to the Committee on Commerce, Science, and Transporation.

H. Con. Res. 384. 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; 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.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The PRESIDENT pro tempore (Mr. THURMOND) announced that on today, September 29, 1982, he signed the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

H.R. 3589. 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 Pollock-Herreid 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."

PETITIONS AND MEMORIALS

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 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-1198. A resolution adopted by the County Council of Kauai, Hawaii, urging defeat of any effort to reduce the support level assured to our sugar producers; to the Committee on Agriculture, Nutrition, and Forestry.

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 export trading 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 every State to support a program to deter drunken drivers; to the Committee on Commerce, Science, and Transportation.

POM-1202. A resolution adopted by the Southern Governor's Association endorsing the efforts of Expo 500 to have Miami, Fla., declared the official site of the 1992 World's Fair; to the Committee on Commerce, Science, and Transportation.

POM-1203. A resolution adopted by the Southern Governor's Association urging the Congress to adopt Outer Continental Shelf receipt-sharing legislation, such as embodied in H.R. 5543 or similar legislation such as the Stevens-Hollings bill in the Senate; to the Committee on Energy and Natural Resources.

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 to create 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 usable elements or direct disposal of the fuel can occur; and

"Whereas, The continued lack of federal repositories for the safe permanent isolation 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 can or will develop a successful waste isolation system and has left little room for further failure; and

"Whereas, California, by statute, has imposed a moratorium on siting of nuclear fission thermal powerplants in this state until 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 approval or existence of this technology or means; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take appropriate actions to adopt 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 Assembly 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 operation; to the Committee on environment and Public Works.

POM-1207. A resolution adopted by the Southern Governors' Association supporting a comprehensive plan that recognizes the national scope of the problem of acid rain, seeks to control emissions from all sources that contribute to acid precipitation, and does not impose heavy fiscal penalties on consumers in Southern States; to the Committee on Environment and Public Works.

POM-1208. A resolution adopted by the Southern Governors' Association urging Congress to immediately take measures to curb the unprecedented flooding of foreign textile products on the U.S. market; to the Committee on Finance.

POM-1209. 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-1210. A resolution adopted by the Southern Governors' Association urging Congress to clarify the disability review process, to provide safeguards that will protect eligible disability benefit recipients, and to provide fair and just treatment for those whose disability benefits are terminated; to the Committee on Finance.

POM-1211. A resolution adopted by the Southern Governors' Association supporting congressional efforts to systematically address a comprehensive solution to the inadequacies and inequities in the current financing and administration of the Federal-State employment security system; to the Committee on Finance.

POM-1212. A resolution adopted by the Southern Governors' Association requesting 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-1213. A resolution adopted by the Southern Governors' Association supporting an appropriate Federal role in criminal law enforcement and calling upon Congress to take immediate action to insure the passage of legislation strengthening that role; to the Committee on the Judiciary.

POM-1214. A resolution adopted by the Southern Governors' Association urging Congress to review the insanity defense as it is now employed in the Federal criminal justice system and urging Congress to evaluate the burden of proof in criminal actions with respect to insanity; to the Committee on the Judiciary.

POM-1215. A resolution adopted by 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 Assistance Research and Statistics; to the Committee on the Judiciary.

POM-1216. A resolution adopted by the Southern Governors' Association commending Congress and the President for passage of the Voting Rights Act; to the Committee on the Judiciary.

POM-1217. 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, The 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 that the clarity of a child's point of view can yet lead to peace; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature of the State of California memorializes 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 our 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, whether personal, local, national, or international, can best be accomplished 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, The Peace Academy's immediate impact would be symbolic in that it would demonstrate in a visible, tangible form that history's most powerful nation does have a permanent interest in and commitment to peace; and

"Whereas, Far beyond this immediate impact will be the long-range effect of the Peace Academy as it attracts the best and the brightest from our own society and hopefully also from many other nations (until they establish their own Peace Academies), trains them in the rapidly developing social science of Conflict Resolution, and sends them back to join the growing worldwide pool of experts in peacemaking, who will be available to spot and damp down potential explosion points before they can contribute to the worldwide levels of tension, conflict, and violence; and

"Whereas, In this way the closed circle and rising spiral of unresolved conflict, violence, increased tension, and insecurity leading to more conflict can be broken, and that spiral perhaps directed in a downward course leading to lower levels of tension all across world society; and

"Whereas, It has been hypothesized that every international conflict finds much of its base in the internal conflicts within the societies involved, so that Peace Academy graduates and second-generation students and trainees of such graduates will achieve major accomplishments in solving internal societal conflicts and thereby 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, and to the degree that the existence of our horrible overkill potential augments the levels of international tension which in turn lead to increased conflict and violence, such efforts are an essential contribution to a more stable world; nonetheless, working solely for disarmament can also lead to a focus on treating effects, rather than causes, because the reasons people are willing to have their life's earnings poured into massive "defense" 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 President and Congress are respectfully memorialized to establish a National Academy of Peace and Conflict Resolution dedicated to training persons in peaceful conflict resolution techniques; 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-1221. A resolution adopted by the Council of the City of Schenectady, N.Y. urging Congress to enact necessary legislation to extend the senior aide program for an additional year and 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-1223. A resolution adopted by the Southern Governors' Association encouraging the Southern Regional Education Board to work with States and other interstate education compacts to establish a means of common testing for teacher certification with interstate reciprocity; to the Committee on Labor and Human Resources.

POM-1224. A resolution adopted by the Improved Benevolent Protective Order Elks of the World relating to compensation for veterans; to the Committee on Veterans' Affairs.

POM-1225. 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.

POM-1226. A resolution adopted by the Southern Governors' Association expressing sincere and deep appreciation to Governor Riley for his outstanding leadership of the organization in 1981-82; 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:

S. 2719: A bill entitled "The Mashantucket Pequot Indian Claims Settlement Act" (Rept. No. 97-596).

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. 2978. An original bill entitled the "Indian Claims Act of 1982."

By Mr. DOLE, from the Committee on Finance, with amendments:

H.R. 6055. An act to revise subchapter 5 of the Internal Revenue Code of 1954 (relating to small business corporations) (Rept. No. 97-640).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. 596: A bill for the relief of Dennis L. Dalton and James Edward Dalton (Rept. No. 97-598).

S. 717: A bill for the relief of Carole Joy Maxfield-Raynor and Bruce Sherlock Maxfield-Raynor, wife and husband, and their children: Charlton Bruce Maxfield-Raynor and Maxine Anne Maxfield-Raynor (Rept. No. 97-599).

S. 747: A bill for the relief of Seela Jeremiah Piula (Rept. No. 97-600).

S. 1329: A bill for the relief of Samuel Joseph Edgar (Rept. No. 97-601).

S. 1513. A bill for relief of Cirilo Raagas Costa and Wilma Raagas Costa (Rept. No. 97-602).

S. 2039: A bill for the relief of Margit Liberda and here daughter, Veronika Koszegi (Rept. No. 97-603).

S. 2103: A bill for the relief of Kok Sjen Su and Grace Su, husband and wife (Rept. No. 97-604).

S. 2116: A bill for the relief of Carlos Mebrano Gatson (Rept. No. 97-605).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S. 369: A bill for the relief of Ludina V. Dave (Rept. No. 97-606).

S. 370: A bill for the relief of Cecilia Dagmang (Rept. No. 97-607).

S. 372: A bill for the relief of Doctor Mahmooda Haquani (Rept. No. 97-608).

S. 374: A bill for the relief of Rosita A. Genio (Rept. No. 97-609).

S. 375: A bill for the relief of Irma A. Gunda (Rept. No. 97-610).

S. 377: A bill for the relief of Estrellita Tapang (Rept. No. 97-611).

S. 379: 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).

S. 1465: A bill for the relief of Kwok Tung Yu (Rept. No. 97-614).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1499: 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, with an amendment n the nature of a substitute and an amendment to the title:

S. 642: 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).

S. 1838: A bill for the relief of Cesar Noel Orantes (Rept. No. 97-619).

By Mr. THURMOND, from the Committee on the Judiciary, with amendments:

S. 273: A bill for the relief of William Vojislav Rankovic, Stanislava Rankovic, husband and wife; and William Rankovic, Junior, and Natalie Rankovic, their children (Rept. No. 97-620).

S. 1470: A bill for the relief of Grietje Rhea Pietens Beumer, Johan Christian Beumer, Cindy Larissa Beumer, and Cedric Grant Beumer (Rept. No. 97-621).

S. 2052: A bill for the relief of Raul M. Melgar Maria Christina Ray de Melgar, Steven Marcelo Melgar and Serrana Ivon Melgar (Rept. No. 97-622).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 684: A bill for the relief of Kang Ok Boon (Rept. No. 97-623).

H.R. 825: A bill for the relief of Yick Bong Au Yeung (Rept. No. 97-624).

H.R. 828: A bill for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Cruz, and their children Kurt F. Barrios and Karl S. Barrios (Rept. No. 97-625).

H.R. 1481: A bill for the relief of George Herbert Weston 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. 1826: A bill for the relief of Shinji Oniki (Rept. No. 97-628).

H.R. 1841: A bill for the relief of Isabelita Clima Portilla (Rept. No. 97-629).

H.R. 2193: A bill for the relief of Berendina Antonia Maria van Kleeff (Rept. No. 97-630).

H.R. 2340: A bill for the relief of Theodore Anthony Dominguez (Rept. No. 97-631).

H.R. 2342: A bill for the relief of Maria Cecelia Gabella-Ossa (Rept. No. 97-632).

H.R. 2520: A bill for the relief of Emanuel F. Lenkersdorf (Rept. No. 97-633).

H.R. 3451: A bill for the relief of Danuta Gwozdz (Rept. No. 97-634).

H.R. 3592: A bill for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua (Rept. No. 97-635).

H.R. 4662: A bill for the relief of Eun Ok Han (Rept. No. 97-636).

H.R. 6811: A bill for the relief of Alejo White and Sonia White (Rept. No. 97-637).

H.R. 5879: A bill to amend the Immigration and Nationality Act to extend for three years the authorization for appropriations for refugee assistance, to make certain 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 Navajo 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. 2279.

S. Res. 471: Resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 6188.

S. Res. 473: Resolution waiving section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 675.

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 amendment:

S. Res. 476: Resolution waiving section 402(c) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2936.

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. 2719; 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. PERCY, from the Committee on Foreign Relations:

Jay Morris, to be Deputy Administrator of the Agency for International Development (Exec. Rept. No. 97-62).

Edward A. Curren, of Maryland, to be Deputy Director of the Peace Corps.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PERCY (by request):

S. 2967. 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. 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.

By Mr. METZENBAUM:

S. 2969. 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 competitive 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 Garrison, 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 deposits 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. 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 within the United States, Puerto Rico, and Guam; to the Committee on Armed Services.

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 or aerospace contracts, military facilities, and arms exports 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.

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:

S. 2978. An original bill entitled "The Indian Claims Act of 1982"; placed on the calendar.

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 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 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.

By Mr. MOYNIHAN:

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. THURMOND:

S. 2983. A bill to apply duty-free treatment to tetra amino biphenyl; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. ANDREWS, Mr. BRADY, Mr. HEINZ, and Mrs. HAWKINS):

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. MATSUNAGA):

S.J. Res. 258. Joint resolution to authorize and request the President to designate the month of December 1982 as "Naitonal 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. COHEN, from the Select Committee on Indian Affairs:

S.J. Res. 484. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2719; to the Committee on the Budget.

By Mr. HUDDLESTON (for himself and Mr. MATHIAS):

S. Res. 485. Resolution to authorize the inspection and receipt of tax records by the Select Committee To Study Law Enforcement Undercover Activities of Components of the Department of Justice; considered and agreed to.

By Mr. THURMOND (for himself, Mr. STENNIS, Mr. ROBERT C. BYRD, Mr. BAKER, and Mr. MATTINGLY):

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. MATSUNAGA:

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 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; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. Con. Res. 125. Concurrent resolution to declare Montana, "The Official U.S. Gateway to the 1988 Calgary Olympics"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (by request):

S. 2967. 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.

IRAN CLAIMS ACT

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

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

I ask unanimous consent that the bill be printed in the RECORD at this point, together with 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. 2967

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 by 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 Article II (1) of the Declaration of the Government of the Democratic and Popular Republic of Algeria concerning the Settlement of Claims by the Government of the United States and the Government 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 settlement thereof.

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 make payments pursuant to 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 satisfaction of an award rendered by the Iran-United States Claim 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 incurred by the Departments of State and the Treasury, the Federal Reserve Bank of New York, and other agencies 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 affect 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 or arbitration of claims pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981.

DEPARTMENT OF STATE,
Washington, D.C., September 14, 1982.

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 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 hostage release agreements. 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 52 American hostages in Tehran, 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 in U.S. courts and had been the subject of judicial injunctions and court-ordered attachments. Pursuant to the Accords, once the hostages had been released, the United States revoked the regulatory 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, issued on February 24, 1981. That action, and steps taken by the previous Administration in implementation of the hostage release agreements, were upheld by the United States Supreme Court in its decision in *Dames & Moore* v. *Regan* on July 2, 1981.

Under the Accords, the Iran-United States Claims Tribunal is charged with deciding the claims of U.S. nationals against Iran arising out of debts, contracts, expropriations or other measures affecting property rights. The Tribunal, whose members include three appointed by the United States, three by Iran, and three third-country arbitrators, has been established at The Hague in the Netherlands and is beginning to adjudicate the several thousand claims filed before it by the January 19, 1982 deadline. The Accords provide that the Tribunal shall decide all cases on the basis of respect for law, and that its decisions shall be final and binding. The Accords also provide that the Tribunal's awards shall be enforceable in the courts of any nation in accordance with its laws.

To help assure payment of awards of the Tribunal in favor of U.S. nationals, some of whom had been successful in obtaining attachments against Iranina assets and property in the United States, a Security Account was also established at a depositary bank of the Netherlands. The Account was funded at an initial level of $1 billion from certain Iranian assets and properties in the United States. Under the Accords, Iran has an obligation to replenish the Security Account whenever payments to successful U.S. claimants cause it to fall below $500 million.

The Accords provide that the claims of U.S. nationals against Iran for less than $250,000 each (the "small" claims) are to be presented to the Tribunal by the Government of United States, while U.S. nationals with claims of $250,000 or more represent themselves directly. Following an extensive registration program, the Department of State filed some 2795 "small" claims with the Tribunal on January 18, 1982. The adjudication of such a large number of "small" claims represents an enormous undertaking for the Tribunal which could delay the disposition of hundreds of "large" claims of U.S. nationals. The United States has proposed to Iran that the small claims be settled through negotiation of a lump-sum settlement. If a satisfactory settlement can be negotiated, the "small" claims would then have to be individually adjudicated. The enclosed draft bill would authorize the Foreign Claims Settlement Commission to decide the small claims thus settled in accordance with the provisions and procedures of the International Claims Settlement Act of 1949, as amended, subject to the provisions of the relevant claims settlement agreements. This explicit authorization is necessary to clarify the Commission's ability to adjudicate the claims under Title I of the International Claims Settlement Act. Payment of the Commission's awards would be made in accordance with the provisions of that Act, except that the Secretary of the Treasury would be authorized to make initial payments in the amount of up to $10,000, as opposed to the lesser amounts currently provided by law.

Any claims of U.S. nationals, whether "large" or "small", which are not settled will be adjudicated by the Tribunal. Under the Claims Settlement Agreement, the expenses of the Tribunal are borne equally by the Governments of the United States and Iran. To date, the Tribunal has been operating on a relatively modest budget, the majority of expenses having been incurred in connnection with organizational matters, the establishment of a Registry, and the hiring of essential staff, including the trans-

lators and interpreters necessary to conduct the proceedings in both English and Farsi. As it proceeds to adjudicate claims and render awards, its operating expenditures and therefore the required U.S. contributions will increase. In addition, the Departments of State and Treasury, the Federal Reserve Bank of New York, and other agencies of the United States Government have incurred direct and indirect expenses in connection with the establishment and organization of the Tribunal. These expenses will also increase as the adjudication of claims goes forward.

In addition to United States contributions to the Tribunal, providng a forum for hearing and deciding the claims of United States nationals, the United States Government provides many valuable services to United States claimants, such as the service of documents and the presentation of positions and supporting legal arguments on major issues of common interest. The proposed legislation would require successful claimants to help bear the costs of these Government services to or on behalf of the claimants.

The bill would permit the Government to recover a portion of its expenses by authorizing the Federal Reserve Bank of New York to deduct an amount equal to two percent of any payment from the Security Account in satisfaction of an award of the Tribunal in favor of a U.S. national. The amounts thus deducted will be covered into the miscellaneous receipts of the Treasury as reimbursement to the Government of the expenses it has incurred in connection with the operations of the Tribunal. The agencies incurring those expenses will not directly benefit from the deduction, but will continue to be responsible for justifying to the Congress appropriations necessary to pay their expenses. The reimbursement will be collected only from those U.S. claimants who avail themselves of the Tribunal, receive a favorable award, and are paid from the Security Account. Claimants who do not benefit from both the Tribunal and the Security Account would not be required to contribute to the reimbursement of the Government. The bill also provides that once the deduction has been made, payments to U.S. claimants will be made directly without further delay or any additional deductions. Pursuant to a directive license issued by the Treasury Department on June 7, the Federal Reserve Bank of New York has been making deductions, and depositing the proceeds into miscellaneous receipts, from accounts received to date in satisfaction of awards of the Tribunal. The bill would ratify this action retroactively.

Finally, the bill includes two technical sections intended (a) to preclude duplicate deductions from payments to claimants with "small" claims which are adjudicated by the Foreign Claims Settlement Commission and (b) to authorize the Secretary of the Treasury to reimburse the Federal Reserve Bank of New York for expenses it has incurred as fiscal agent of the United States in implementation of the Algiers Accords.

The claims settlement process put in motion by the Algiers Accords represents one of the largest and most significant efforts of its type in recent U.S. or international practice. It includes the claims of thousands of U.S. nationals, involving billions of dollars in debts, contracts, investments, and other commercial relationships interrupted by the Islamic Revolution in Iran. The successful and expeditious resolution of those claims remains an important objective of the Administration's foreign policy. This bill would contribute significantly to these ends and I urge its early passage.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

POWELL A. MOORE,
Assistant Secretary for Congressional Relations.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED IRAN CLAIMS ACT

I. INTRODUCTION

The proposed legislation (hereinafter referred to as "the Bill") contains authority for certain actions by the Foreign Claims Settlement Commission, the Department of the Treasury, and the Federal Reserve Bank of New York in implementation of the Algiers Accords of January 19, 1981, which achieved the release of the American hostages from Iran.

Specifically, the Bill authorizes the Foreign Claims Settlement Commission to adjudicate claims by United States nationals against Iran in the event that they are settled by agreement between the United States and Iran. It also authorizes the Secretary of the Treasury to make payments in satisfaction of the Commission's determinations. Finally, it is providing authority and procedures for reimbursement to the United States Government of expenses incurred by the Departments of State and the Treasury, the Federal Reserve Bank of New York and other agencies for the benefit of U.S. nationals who obtain arbitral awards against Iran from the Iran-United States Claims Tribunal.

The Algiers Accords consisted primarily of two "declarations" by the Government of Algeria which were adhered to by the United States and Iran. The first of these (the "General Declaration") provided *inter alia* for the revocation of sanctions, the transfer of certain Iranian financial assets and property, and the nullification of certain claims and attachments through reference to binding arbitration in accordance with the second declaration (the "Claims Settlement Agreement"). The General Declaration also provided for the establishment of a Security Account, funded from transferred Iranian assets at an initial level of $1 billion, to secure the payment of arbitral awards against Iran. Iran is obliged to replenish the Security Account whenever the payment of claims causes it to fall below $500 million. The Claims Settlement Agreement provided for the establishment of an Iran-United States claims Tribunal at The Hague to decide, *inter alia*, claims by nationals of the United States against Iran arising out of debts, contracts, expropriations or other measures affecting property rights. The expenses of the Tribunal are borne equally by the Governments of Iran and the United States.

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 respectively to adjudicate and 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, by the Federal Reserve Bank of New York as Fiscal Agent of the United States, Bank Markazi Iran, Banque Centrale d'Algerie as escrow agent and the Dutch Central Bank and its subsidiary depositary bank, arbitral awards rendered by the Tribunal against Iran in favor of U.S. nationals will be certified for payment by the Tribunal and paid from the Security Account to the Federal Reserve Bank of New York. 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 a Tribunal award.

The question of further distribution of the amounts received by the New York Federal Reserve Bank is not addressed in 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 against Iran in the event that they are settled as between Iran and the United States.

Under the Claims Settlement Agreement, claims of U.S. nationals which are, in the aggregate, for less than $250,000 each (the "small" claims) are to be presented to the Iran-United States Claims Tribunal by the United States Government rather than the claimants themselves. Prior to the January 19, 1982 deadline, some 2,795 small claims were filed by the Department of State with 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 a settlement were negotiated, the amount received in discharge of the claims thereby settled would be distributed among 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. More particularly, it would empower the Commission to decide claims to the extent that they come within the jurisdiction of the Iran-United States Claims Tribunal or the terms of any lump-sum agreement. To ensure consistency of result, the Commission is directed to apply the relevant jurisdictional provisions of the Claims Settlement Agreement, giving consideration to interpretations thereof by the Tribunal, as well as the terms of any settlement agreement and the applicable principles of international law, justice and equity. Since the precise nature of a lump-sum settlement cannot be predicted, the Commission's authority is stated in the alternative. In this way, the Commission will be able to adjudi-

cate claims included in a settlement agreement even if such claims are not within the Tribunal's jurisdiction.

Subsection (b) also directs 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 of the Treasury may make on 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 title I of the International Claims Settlement Act, i.e., from time to time on a pro rata basis in the same proportion as the total amount available for distribution bears to the aggregate unpaid balance of principal or interest of all such awards.

Section 3. Deductions from arbitral awards

This section, consisting of four subsections, establishes the basic structure for effecting reimbursement of the expenses incurred by the U.S. Government on behalf of U.S. claimants in connection with the Iran-United States Claims Tribunal and the Security Account. Those expenses include both the U.S. contribution to the Tribunal for its capital and operating expenses (which are borne equally by Iran and the United States) and the U.S. share of the management fees associated with the Security Account, as well as the costs incurred by U.S. Government agencies and the Federal Reserve Bank in connection with U.S. participation in the Tribunal.

Subsection (a) generally directs the Federal Reserve Bank of New York to deduct the reimbursement from each payment received from the Security Account in satisfaction of an arbitral award, including any interest thereon, by the Tribunal in favor of a U.S. claimant. Thus, reimbursement is collected only from those claimants who avail themselves of the Tribunal, receive a favorable award and are paid from the Security Account. Those claimants who do not benefit from both the Tribunal and the Security Account would not be required to contribute to the reimbursement of the Government.

This subsection establishes the amount of the deduction at two percent of the amount received by the Federal Reserve Bank. It is expected that the total amount of Tribunal awards in favor of U.S. nationals will exceed $4 billion and that Iran will fulfill its obligation to replenish the Security Account whenever the balance therein falls below $500 million. The deduction would therefore obtain reimbursement for the United States of at least $80 million. That amount is estimated to be sufficient to meet the anticipated costs, both direct and indirect, of U.S. participation in the Tribunal.

Subsection (b) provides that the amounts deducted for reimbursement to the Government of its expenses shall be covered into the miscellaneous receipts of the Treasury. The agencies incurring expenses for the operations of the Tribunal will not be able to use any of these funds. Rather, the agencies will be responsible for justifying to the Congress appropriations in amounts necessary to pay their expenses.

Subsection (c) makes clear that the authority to make the deductions provided by this section does not otherwise affect the distribution of amounts received by the Federal Reserve Bank in satisfaction of awards by the Tribunal. After the two percent deduction is made, the balance of the award will be transmitted in full and at once to the successful claimant.

Subsection (d) establishes June 7, 1982 as the effective date of this section. On that date, the Treasury Department issued a directive license authorizing the Federal Reserve Bank of New York to deduct two percent of each amount received in satisfaction of an award of the Tribunal and to pay the balance immediately thereafter to the awardee without further deduction or alteration. Monies so deducted have been deposited in the general funds miscellaneous receipts. This subsection is intended to ratify the Treasury Department's action in issuing the directive license.

Section 4. En bloc settlement

Section 4 provides an exception to the requirement for a two percent deduction in the case of any amount received by 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 exception 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 Treasury Department 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 of New York for its expenses in acting as Fiscal Agent of the United States pursuant to its Fiscal Agency Agreement with the Treasury dated August 14, 1981, in connection with banking arrangements which implement the Algiers Accords. These expenses of the Federal Reserve Bank of New York have been taken into account in the establishment of the level of reimbursement to be deducted from awards under section 3(a) of the Bill. The section is intended to clarify the authority of the Secretary of the Treasury to make such reimbursements in the context of this arbitration, rather than rely on the more general authority of section 1023 of title 31 of the United States Code.●

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 hundreds 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—

> 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 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 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 places, 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:

"(4) 4 cents a mile for the use of a privately owned bicycle or pedal assisted vehicle;".

(b) Section 5707(b)(2) of title 5, United States Code, is amended by striking out "and airplanes" and "and airplane" and inserting in lieu thereof "airplanes, and bicycles and pedal assisted vehicles" and "airplane, and bicycle and pedal assisted vehicle", respectively.

SEC. 2. The amendments made by this Act shall take effect sixty days after date of enactment.

EXCERPTED FROM: REPORT BY THE COMPTROLLER GENERAL OF THE UNITED STATES, ACTIONS NEEDED TO INCREASE BICYCLE/MOPED USE IN THE FEDERAL COMMUNITY (EMD 81-41), JANUARY 19, 1981 (PAGES 32-33)

CONCLUSIONS

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 taken together, far outweigh the reasoning advanced for excluding these vehicles as 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 demonstrates that the costs of owning and operating a bicycle or moped are quite similar to the costs considered in the estabishment 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 totally at odds with on-going Federal efforts to conserve energy, protect the environment, promote personal health and reduce government operating costs. The potential of bicycles to contribute to these programs was also recognized by the Congress in Section 682 of NECPA.

We believe recognition of the bicycle and moped as authorized modes of travel for Federal employees on official business is a necessary step in efforts to increase the use of these vehicles by those working at and visiting Federal buildings, facilities, and installations. In other words, the Federal government should set an example.

RECOMMENDATION TO THE CONGRESS

We recommend that the Congress amend Sections 5704(a) and 5707(b)(2) of Title 5 of the United States Code to provide for an allowance of 4 cents a mile to Federal employees using their privately owned bicycles while on official business. An 8 cents per mile allowance should also be provided for the use of privately owned mopeds. Language similar to that contained in H.R. 6180 (see app. II) could be used.

These allowances would establish the principle of reimbursement for those using their privately owned bicycles and mopeds for official business. Given the limited cost data, the recommended rates of reimbursement are at the low to mid range of the data available and are consistent with existing precedents set by State and local government entities.

Over time, as more cost experience is gained, GSA should be able to validate and refine cost rates and recommend to the Congress appropriate adjustments to the maximum rates.●

By Mr. METZENBAUM:

S. 2969. 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.

FAIR TRADE TAX ACT

● Mr. METZENBAUM. Mr. President, I am today introducing legislation to deny accelerated recovery depreciation deductions and investment tax credits for articles manufactured in foreign countries. This legislation is based on the principle that Americans should not be asked to subsidize through the tax code the purchase of products made abroad.

Today, unemployment is close to 10 percent—a post World War II high. Almost 11 million Americans are without jobs. Millions more have been forced to take part-time jobs or jobs for which they are overqualified.

Unfair foreign competition and this country's dismal record in responding to it are in no small part to blame.

For too long, we in this country have stood idly by and allowed our trading partners to take advantage of us.

We have allowed foreign manufacturers to dump their products in our market below cost.

We have seen foreign governments provide substantial subsidies to export industries.

And we have failed to react in kind when other countries have created arbitrary obstacles to keep our firms out of their markets.

What is worse, we have actually pursued tax policies which have contributed to the Nation's trading problems. Instead of fostering "Buy American" principles, this Government has provided tax credits and accelerated depreciation deductions for purchases of equipment 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 Connelly 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 Manufactures 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 aids and incentives to penetrate the U.S. market in volume, should not have 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 conditions for increased capital formation 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 not important business lost to them when the companies they supply turn to foreign manufacturers? Is not their very 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 serve such counterproductive 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 unconscionable 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 or cause plant closings.

By denying the investment tax credit and accelerated depreciation deductions to goods which are manufactured abroad, this bill will return these tax provisions 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. 2969

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 1954 (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, or

"(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, the Secretary of Commerce, and the United States Trade Representative, that the application of subparagraph (A) to any article or class of articles would—

"(i) result in a net loss in jobs in the United States, or

"(ii) would threaten the solvency of a significant portion of an industry in the United States,

he may by Executive order specify that subparagraph (A) shall not apply to such article or class of articles for the period specified in such Executive order.

"(D) DETERMINATION BY THE PRESIDENT.—The determination by the President of the United States described in subparagraph (C) way 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 by adding at the end thereof the following new paragraph:

"(4) PROPERTY COMPLETED ABROAD OR PREDOMINATELY OF FOREIGN ORIGIN.—

"(A) IN GENERAL.—The term 'recovery property' does not mean property if—

"(i) such property was completed outside 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, or

"(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, the Secretary of Commerce, and the United States Trade Representative, that the application of subparagraph (A) to any article or class of articles would—

"(i) result in a net loss in jobs in the United States, or

"(ii) would threaten the solvency of a significant portion of an industry in the United States,

he may by Executive order specify that subparagraph (A) shall not apply to such article or class of articles for the period specified in such Executive order.

"(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 ordered, constructed, reconstructed, or erected 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 programs for Federal employee organizations; 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 greatest 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 annunitants 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 measure would allow members of the employee 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

that any approved plan would meet OPM minimum requirements relating to benefit levels and premium rates.

Mr. President, the cost of health care is still skyrocketing, despite the abatement of inflation in other areas. The HHS Health Care Financing Administration reports that health care costs rose 15.1 percent in 1981, the second largest increase in the past 15 years. It is generally agreed that more competition is needed in the health care arena to force providers to at least stabilize their fees and costs.

Despite these trends, the Office of Personnel Management seems to prefer closing down competitive avenues for alternative health plans which could save both the Government and the employee money. This preference is exemplified by the open season delays and renegotiations with carriers which resulted in reduced benefits at increased costs, all decided with employee input.

This legislation again gives employee groups the right to offer their own plan and give their members a competitive choice in the costly area of health care benefits. At a time when Federal employees and annuitants are particularly hard hit by decisions affecting their livelihood, the Federal Government should not limit their access to a variety of health plans which offer different benefit levels and premium costs.

I urge the Senate to move expeditiously toward genuine reforms in the Federal employees health benefits program. In the interim, I hope we can take this small step to allow employee groups themselves to offer their members the most cost-effective health plans possible.●

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 "Col. Homer Garrison, Jr., Federal Building"; to the Committee on Environment and Public Works.

COL. HOMER GARRISON, JR., FEDERAL BUILDING

● Mr. BENTSEN. 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 1929. 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, 1968, 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 to be right, never allowing personal emotion 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 deposits 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.

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 proceeds from 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: the assets/liabilities balance sheet. We had closed our eyes to the fact that our Government has plenty of assets—substantially more assets than debits. Yet, there is no reason why we cannot, or 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 be able to raise the $17 billion it anticipates over the next 5 years from surplus land sales. Uncle Sam's attic is brimming with properties it owns, but no longer needs to own. A few examples:

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 Departments 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 redirect 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 three sources: Off-shore 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 proceeds go to retire the debt because offshore leases would easily make up the difference.

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 cited as the "National Debt Retirement Act of 1982."

SEC. 2. Section 204(a) of the Federal Property and Administrative Services Act of 1946 (63 Stat. 388; 40 U.S.C. 485(a)), is amended to read, as follows:

"(a) 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 22, 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 $900 million for the Land and Water Conservation Fund. Revenues from Outer Continental Shelf oil lands will continue to be deposited in the Fund, thus ensuring that the required $900 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. Accordingly, I would appreciate prompt favorable consideration of this legislative proposal.

I am sending an identical letter to the President of the Senate. (Speaker of the House of Representatives.)

Sincerely,

RONALD REAGAN.●

By Mr. BENTSEN:

S. 2974. A bill to authorize local improvements 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.

IMPROVEMENTS IN LOWER RIO GRANDE VALLEY BASIN FLOOD CONTROL PROJECT

● 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 are reflected in 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 continued flood damage. Let me say 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 flooding 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 within the United States, Puerto Rico, and Guam; to the Committee on Armed Services.

ALTERNATIVE TO CONVENTION CONSTRUCTION OF MILITARY FAMILY HOUSING

● Mr. CHAFEE. Mr. President, on behalf of Senator PELL and myself, I am today introducing legislation which would allow the Secretary of Defense to select 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 or aerospace 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 realine 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

● 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 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 programed for real growth, we must be prepared for that 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 insure that this does not occur.

Furthermore, by seeing that new markets, products, and types of employment are assured in the future, this bill makes it easier for national spending decisions to be made 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 bandied 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 clearly defined 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 homebuilding; our space 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.

INDIAN CLAIMS SETTLEMENT ACT OF 1982

Mr. COHEN. Mr. President, I am today reporting legislation to extend the statute of limitations as it pertains to claims of Indian tribes or individuals for monetary damages arising prior to 1966.

Prior to 1966, there was no limitation on the time in which the United States could bring an action for damages either for itself or on behalf of an Indian tribe or an individual. In 1966 the Congress enacted 28 U.S.C. 2415 to establish a time limit of 6 years for claims based on contracts and 3 years for damage claims for most torts. Six years was allowed for trespass or conversion damages affecting lands. There is no time limit on actions to establish the title to, or right of possession of, real or personal property.

In 1972, at the request of the Departments of the Interior and Justice, the statute was amended to extend by 5 years the time in which the United States could bring an action on behalf of an Indian tribe or individual for a claim arising before 1966. In 1977, the statute again was extended by 2½ years to April 1, 1980. In 1980, the statute was extended a third time to December 31, 1982. The 1980 extension directed the Secretary of the Interior, after consultation with the Attorney General, to submit to the Congress legislative proposals to resolve those Indian claims that they believed were not appropriate to resolve by litigation.

Mr. President, to date neither the Department of the Interior nor the Department of Justice has presented the Congress with a single proposal for legislative resolution of any outstanding Indian claim. In September of last year I wrote to the Secretary of the Interior urging compliance with this act in order that the Congress might have adequate time to deal with the complex issues that would arise. I again wrote in December of 1981.

Mr. President, in an effort to stimulate action by the executive branch, the Select Committee on Indian Affairs held oversight hearings on April 1, of this year. This hearing revealed that the Department of the Interior had placed some 17,000 claims on its statute of limitations tracking system and that of these 17,000 claims, only 1,200 remained under active consideration. Many of these claims were disposed of by the simple expedient of deciding that the value of the trespass claim is not as significant as the underlying claim to title to land or a determination that a certain category of trespass such as roadway and utility easements could be considered beneficial to the Indian and therefore to have an offsetting value. The one category of claims the Department was prepared to recommend for legislative solution, that of old-age assistance claims, has never been forwarded to the Congress. The select committee held further hearings on September 16, to determine the current status of progress. Cases which had been referred to Justice for litigation in 1978 and 1979 had been returned to Interior for reconsideration and many of the larger claims simply have not been filed or are still pending decision on litigation.

I do not agree with the conclusion of the Department of the Interior in its communication to this committee on June 25, that legislation to address the old-age assistance category of claims will bring the Government into substantial compliance with the requirements of Public Law 96-217 that the Department of the Interior in consultation with the Department of Justice submit to the Congress legislative proposals to resolve these outstanding Indian claims.

A decision to waive a claim for damages on the grounds that the claim for title to land is not barred does not do justice to either the Indian claimant or the non-Indian who is occupying the land in good faith and under color of title.

A decision to administratively resolve rights-of-way claims in a manner that waives a claim for past damages without notification to the Indian whose claim is affected does not reflect the good faith owed by the trustee. Also, a waiver of past damages on water rights claims and claims for degradation of the environment resulting in destruction of fish stocks will almost certainly adversely affect the bargaining position of the United States and the tribes in attempting to reach settlement of these claims.

I would like to say that in granting these various extensions to the statute, there have been three overriding concerns of the Congress. First, is to assure substantial justice to the Indians in the prosecution of their claims.

Second, is to assure substantial justice to innocent third parties by avoiding unnecessary litigation, particularly where settlements might be achieved or where timely review of the cases would establish that a claim lacked merit.

Third, is to assure that third parties who are not wholly innocent and who have reaped the gains through tortious action will bear the costs of that conduct rather than having the burden fall on the United States.

I feel that the dispositions that have been made by the Department of the Interior and the Department of Justice of these claims falls far short of the intent of Congress in enacting Public Law 96-217.

From the information that has come to this committee through our oversight hearings, our correspondence to the Departments of Interior of Justice, and from concerned Indians, I am

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 1979, I asked the then Associate Solicitor for the Division of Indian Affairs, Hans Walker, 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. Krulitz, 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 Land and Natural Resources, Department of Justice, while not conceding liability, acknowledged that there was no question that the Government would be used. On September 23, 1982, a class action law 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 United States 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 damaging 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 the insolvency of such warehouses, 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. This subject 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 110 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 elevators is relatively 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 $20 million to an estimated 200 unsecured creditors—mostly 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 warehoused grain was secured by a warehouse receipt and too much grain was delivered to be paid 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 such 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 elevators. Additionally as Paul Hughes, a constituent of mine, 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 governments must not ignore 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 losses.

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, scale tickets marked for storage, will be among a preferred group of 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 arrangment fall into a nonpreferred 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 under Federal jurisdiction. 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-percent confidence level, this number could range from 173 to 427 warehouses."

Mr. Crowley further added "that the Federal programs, no matter how effective, 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 program is needed that will apply to situations 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 introducing legislation to establish a Federal Grain Storage Insurance Corporation. The program would be financed 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 opportunity to voice their approval or disapproval of the insurance 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 similar checkoff to insure their season's labor.

While some States, like Oklahoma and South Carolina, have already set up statewide insurance programs and many other States are showing interest, 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 requirements for qualification, just as depositors 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 Corporation, the Board can adequately address such legitimate concerns such as these: First, how to deal with variations in business risks; second, how much responsibility the producer should assume; third, how much protection 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 alleviate a problem we find in our agricultural communities. I believe this is a step in the right direction.

I ask that the text of the bill, a summary and highlights of the bill, be printed following my remarks.

There being no objection, the material 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 context clearly requires otherwise—

(1) the term "Board" means the Board of Directors of the Corporation;

(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 Corporation established pursuant to section 3;

(4) the term "Department" means the Department 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, who resides in a State and who is entitled to possession or payment for the grain represented by such ticket, receipt, or other document;

(6) the term "grain" means barley, corn, cotton, dry edible beans, flaxseed, grain sorghum, 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 "warehouse" has the same meaning given to such term under section 2 of the United States Warehouse Act (7 U.S.C. 242);

(8) the term "Secretary" means the Secretary of Agriculture; and

(9) the term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, 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 Corporation". The office of the Corporation shall be located in the District of Columbia.

MANAGEMENT OF CORPORATION

SEC. 4. (a)(1) The management of the Corportion shall be vested in a Board of Directors, subject to the general supervision of the Secretary.

(2) The Board shall consist of—

(A) the manager of the Corporation;

(B) the Under Secretary or Assistant Secretary of Agriculture responsible for the Federal grain storage insurance program;

(C) the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department;

(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 purposes and to represent the interests of the Farm Credit System, as defined in section 1.2 of the Farm Credit Act of 1971 (12 U.S.C. 2002); 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 by, and hold office at the pleasure of, the Secretary. The Secretary shall not be a member of the Board. In order to insure that diverse agricultural interests in the United States are at all times represented on the Board, persons appointed under paragraph (2)(E) shall be appointed 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 appointment 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 employed in the Department shall receive no additional compensation for their services as directors, but may be paid necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia.

(2) Members of the Board who are not employed by the Federal Government shall be paid such compensation for their services as Directors as the Secretary shall determine, but such compensation may not exceed—

(A) the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5, United States Code, when actually employed; and

(B) actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of subsistance expenses, as authorized by section 5703 of title 5, United States Code, for persons in government service employed 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 power and authority as may be conferred upon him by the Board. The manager shall be appointed by, and hold office at the pleasure of, the Secretary.

POWERS

SEC. 5. (a) The Corporation—

(1) shall establish and administer a Federal grain storage insurance program in accordance with this Act;

(2) shall investigate and report to the Secretary on violations of this Act;

(3) shall recommend to the Secretary, from time to time, amendments for the improvement of this Act;

(4) may use the resources, personnel, and facilities of the Agricultural Stabilization and Conservation Service of the Department;

(5) may cooperate with State officials charged with the enforcement of State statutes governing warehouses;

(6) shall have succession in its corporate name;

(7) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(8) may purchase or lease and hold such real and personal property as it considers necessary or convenient in the transaction

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 intervene in any court in any suit, action, or proceeding in which it has an interest, except that no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Corporation or its property;

(10) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner 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, allowed, and paid, without regard to any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government;

(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 or is engaged 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.

PERSONNEL

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 the provisions, chapter, and subchapter described in subsection (a).

MONEYS 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 any notes and other obligations 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 purposes for which securities may be issued under such Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) All money of the Corporation not otherwise used may be—

(1) deposited with the Treasury of the United States or, with the approval of the Secretary of the Treasury, in any Federal reserve or other bank, subject to withdrawal by the Corporation at any time; or

(2) with the approval of the Secretary of the Treasury, invested in obligations of the United States, a State, or a political subdivision of a State or in obligations guaranteed as to principal and interest by the United States.

(c) The Corporation shall at all times maintain complete and accurate books of account and shall file with the Secretary such reports concerning the business of the Corporation as the Secretary may require.

(d) The Corporation, including its franchise, capital, reserves, surplus, income, and property, shall be exempt from all taxation now or hereafter imposed by the United States, a State, or a county, municipality, or local taxing authority.

GRAIN STORAGE INSURANCE FUND

SEC. 8. (a) There shall be established in the Treasury of the United States a Grain Storage Insurance Fund which shall be available, up to an amount determined by the Corporation, without fiscal year limitation—

(1) to pay such insurance claims as may arise under this Act;

(2) to repay any notes or obligations issued under section 7(a); and

(3) to pay such administrative expenses as may arise in carrying out the program established by this Act.

(b) The Grain Storage Insurance Fund shall be credited with such amounts as may be borrowed or collected pursuant to sections 7(a), 9(h), and 11(b).

INSURANCE BENEFITS

SEC. 9. (a) The Corporation shall insure a depositor who has grain stored in a certified warehouse against a loss of such grain sustained by such depositor as a result of such warehouse becoming insolvent, as defined in section 101(26) of title 11, United States Code.

(b)(1) The amount of grain that may be insured under this Act in the case of any depositor is the amount of grain stored by the depositor in certified warehouses and to which the depositor has title or a right to payment.

(2) The amount of grain to which a depositor has title or a right to payment may be proved by a scale ticket, a warehouse receipt, or other original source document issued by the warehouse for the grain.

(c) Grain shall be insured under this Act at the fair market value of the grain (as determined by the Corporation) as of the date of insolvency of the certified warehouse in which the grain was stored.

(d) The Corporation shall determine the date of insolvency of a certified warehouse in which grain was stored.

(e) The amount of insurance payable under this Act in the case of any depositor shall be an amount equal to the product obtained by multiplying the amount of grain which is insured under this Act and stored in the certified warehouse which became insolvent by the fair market value of the grain, less—

(1) any amounts for which settlement has been made;

(2) any expenses for the handling, processing, or disposition of grain which were incurred by the certified warehouse in which the grain was stored and which were authorized by the depositor; and

(3) any unpaid liens against the grain.

(f) The Corporation may require a depositor to file such proof for a claim of loss for grain insured under this Act as the Corporation considers appropriate. If the Corporation is not satisfied that a claim is valid, it may refuse to pay the claim until a final determination of the claim is made by a court of competent jurisdiction.

(g) The Corporation shall pay a claim for a grain loss insured under this Act as soon as possible after the date of insolvency of the certified warehouse in which the grain was stored but in no event shall payment be made later than ninety days after such date or the date of any final determination made by a court of competent jurisdiction, whichever is later.

(h) Upon payment to a depositor for a loss of grain insured under this Act, the Corporation shall be subrogated, to the extent of the payment, to all rights of the depositor against the warehouse in which such grain was stored and against any person providing insurance or a bond for the loss of such grain.

(i) Insurance benefits payable under this Act shall not be liable to attachment, levy, garnishment, or any other legal or equitable process, or to deduction on account of the indebtedness of the insured or his estate to the United States, before payment is made to the insured, except claims of the United States or the Corporation arising under this Act.

(j) This Act shall not be construed to bar any right of recovery—

(1) by a depositor against a warehouse for any fraud or criminal or tortious act committed by such warehouse; or

(2) by a State, warehouse, or depositor against a person providing insurance or a bond for grain losses.

CERTIFICATION OF WAREHOUSES

SEC. 10. (a) A warehouse which is licensed under the United States Warehouse Act (7

U.S.C. 241 et seq.) is a certified warehouse under this Act.

(b)(1) The Corporation shall grant certification under this Act to a warehouse, other than a warehouse described in subsection (a), which—

(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—

(i) the United States Warehouse Act (7 U.S.C. 241 et seq.); or

(ii) a State statute which imposes qualifications for the licensing of 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).

(c) The Corporation may cause examinations to be made of a warehouse which applies for certification or is certified under subsection (a) or (b), including the facilities, grain stocks, books, records, papers and accounts of such warehouse.

(d) Grain stored in a warehouse which is certified under subsection (a) or (b) and which ceases to be so certified shall continue to be insured under this Act for a period of sixty days after the date on which the certification ceases.

ASSESSMENT OF DEPOSITORS

SEC. 11. (a) A certified warehouse shall levy upon a depositor, in a manner prescribed by the Corporation, an assessment based on the amount of grain deposited by such depositor in such warehouse at the time such deposit is made.

(b) A certified warehouse shall remit to the Corporation, in a manner prescribed by the Corporation, assessments made by it pursuant to subsection (a).

(c) The Corporation shall establish and may adjust the rate of the assessment for insurance provided under this Act.

REGULATIONS

SEC. 12. The Board shall, after consultation with the Secretary, the Administrator of the Agricultural Stabilization and Conservation Service, and the Chairman of the Commodity Futures Trading Commission, prescribe such regulations as may be necessary to carry out this Act.

CRIMINAL PENALTIES

SEC. 13. (a) Whoever, being an officer, agent or employee of or connected in any capacity with the Corporation, and whoever, being a receiver of the Corporation, or agent or employee of the receiver, embezzles, abstracts, purloins or willfully misapplies any money, funds, credits, securities or other things of value belonging to the Corporation, or pledged or otherwise intrusted to its care, shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(b) Whoever, with intent to defraud, knowingly conceals, removes, disposes of, or converts to his own use or to that of another, any property mortgaged or pledged to, or held by the Corporation or a depositor shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(c) Whoever, being an officer, agent, or employee of or connected in any capacity with the Corporation, with intent to defraud the Corporation or any other company, body politic or corporate, or any individual, or to deceive any officer, auditor, examiner, or agent of the Corporation or of any department or agency of the United States, makes any false entry in any book, report, or statement of or to the Corporation, or without being duly authorized, draws any order or bill of exchange, makes any acceptance, or issues, puts forth or assigns any note, debenture, bond, or other obligation, or draft, bill of exchange, mortgage, judgment, or decree, or, with intent to defraud the United States or any agency thereof, or the Corporation participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of the Corporation, shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(d) Whoever knowingly makes any false statement or report, or willfully overvalues any property or security, for the purpose of influencing in any way the action of the Corporation shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

(e) Whoever, being an officer, agent, or employee of or connected in any capacity with the Corporation or a certified warehouse speculates in any grain insured under this Act, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such grain shall be fined not less than $10,000 nor more than $20,000 or imprisoned not less than three years nor more than fifteen years, or both.

EFFECTIVE DATE

SEC. 14. (a)(1) Within sixty days of the date of enactment of this Act, the Secretary shall conduct a referendum of farmers engaged in the production of grain to determine whether such farmers are in favor of or opposed to the Federal grain storage insurance program established under this Act. The Secretary shall determine the qualifications grain producers must meet in order to participate in the referendum.

(2) If such program is approved by 50 or more percent of eligible producers voting in the referendum conducted pursuant to paragraph (1)—

(A) such program shall become effective upon the date of such approval;

(B) the Secretary shall appoint the members of the Board pursuant to section 4(a) within ninety days of the date of such approval;

(C) the Board shall prescribe regulations pursuant to section 12 within one year after the date of such approval; and

(D) the Corporation shall reimburse the Secretary, from the Grain Storage Insurance Fund, established pursuant to section 8, for any expenses incurred by the Secretary in conducting the referendum, except for expenses relating to the salaries of employees of the Department.

(3) If such program is not approved by 50 or more percent of eligible producers voting in the referendum conducted pursuant to paragraph (1), such program shall not become effective.

(b)(1) If such program becomes effective pursuant to subsection (a) and subsequently 25 or more percent of depositors petition the Secretary to terminate such program, the Secretary shall conduct a referendum of depositors to determine whether such depositors favor termination of the program.

((2) If more than 50 percent of depositors voting in the referendum conducted pursuant to paragraph (1) vote to terminate such program, the program shall be terminated sixty days after the date of the referendum.

(3) The Corporation shall reimburse the Secretary from the Grain Storage Insurance Fund, established pursuant to section 8, for any expenses incurred by the Secretary in conducting the referendum, except for expenses relating to the salaries of employees of the Department.

BASIC CONCEPTS OF THE FEDERAL GRAIN STORAGE INSURANCE CORPORATION BILL

I. Creates corporation within U.S.D.A. managed by 15-member board.

A. Board

(1) manager

(2) undersecretary responsible for corporation

(3) undersecretary responsible for farm credit programs

(4) 2 persons from grain storage industry

(5) 8 persons actively engaged in farming

(6) private lender from agricultural lender or representative from Farm Credit Act participants

(7) person experienced as a trustee in handling warehouse bankruptcies

B. Corporation shall have responsibility to administer and write rules and regulations

II. Will utilize existing ASCS county offices and personnel

III. Corporation has borrowing authority from Treasury up to $250,000,000.

IV. Insurance Benefits:

A. Corporation will provide coverage to any depositor in a certified warehouse that is involved in a bankruptcy, liquidation or reorganization, or state receivership.

B. Basically settlement will be market price at time of closing minus any liens, conditioning, etc.

C. Pay claim within 90 days of warehouse closing.

V. Certification of Warehouses:

A. All warehouses licensed under Federal Warehouse Act shall participate.

B. State warehouses or any warehouses who meet federal warehouse licensing requirements.

C. Those warehouses not federally licensed may ask to terminate certification.

VI. Assessment:

A. Depositor (farmer) shall pay the prescribed assessment to the warehouse at time of deposit

B. Will be trigger mechanisms to call for additional referenda to protect farmer from excessive costs

VII. Criminal Penalties: All penalties have been increased to deal with grain storage.

VIII. Effective date: A producer referendum shall be conducted by U.S.D.A. of all eligible grain producers. 51 percent needed for approved and implementation of program.

HIGHLIGHTS

1. Allows farmer to have protection against loss of season's labor.

2. Farmer will be paid in short period of time.

3. Grants essentially same protection to farmer as amending bankruptcy code with-

out problems (such as jeopardizing financial lenders and elevators relationship).

4. More and more state legislatures are turning to state funds (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 impossible with state programs.

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. GAO estimates that about 300 warehouses may be considered financially unsound. The problem of bankruptcy is not going away.

10. Allows farmers, 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 dependent agricultural 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 Failing 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 disastrous blow to the livelihood 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, warehouse 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 also avoiding the creation of another large Federal bureaucracy with which farmers must deal.

The insurance fund base will be provided by the farmers themselves by a per-bushel or per-bale checkoff on 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 this 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 for these warehouses, and the strength of our insurance program plus market pressures will encourage their participation. Enactment of this program, however, will not preempt State-licensing schemes, or indemnity or insurance funds in States such as Oklahoma, South Carolina, Maryland, or Ohio.

Lastly, but most importantly, are the broad benefits to the farmers which this bill will put in place. The farmer would be able to avoid being caught in a bankruptcy tragedy. The farmer in a program warehouse would quickly recover 100 percent of the fair market value of his commodities. This would cover grain in storage as well as grain sold to the warehouse, but for which there has been an incomplete settlement. The corporation would accept warehouse receipts, scale tickets, or other original source documents as evidence of covered grain and would be subrogated to the rights of the farmer in the bankruptcy litigation. In short, this bill is intended to protect our grain, bean, and cotton farmers, as many States have already done, and as we have protected our livestock growers under the Packers and Stockyards Act, 7 U.S.C. 181 et seq.

We offer this program to our farmers. If passed by Congress, it would be presented to them to accept or reject in a nationwide farmer referendum. Some of the greatest problems facing our farmers in a warehouse bankruptcy are their unprotected status as creditors for grain sold, the reluctance of some courts to accept warehouse receipts or scale tickets as records of ownership, the tendency of courts to assess expenses such as trustees' fees to bailed property, and the delay in litigation which usually affects commodity prices significantly. We have dealt with these problems in this bill.

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 farm economy 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 addition to the financial loss. This bill is fair to all concerned, and will serve the public interest by instilling a measure of confidence and a good deal more stability into the farmer-grain warehouse relationship. I urge the quick passage of this legislation.

Mr. SASSER. Mr. President, I am pleased to rise today as an original cosponsor 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 59,900,000 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 vast grain pipeline. it is not at all uncommon in Tennessee for barges docked at these elevators to have

greater storage capacity than that offered by the warehouses.

Our farmers use these 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 point means a world of protection to 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 warehouseman who 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 farmers to federally insured 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 come in all shapes and sizes. The acronyms are confusing. There are ESOP's, GSOC's, PAYSOP'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 concerns TRASOP's. In 1975, Congress increased the investment tax credit from 7 to 10 percent. It also offered an extra 1 percent tax credit to any company that would contribute an amount equal 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, a corporation could donate stock, but discover later that it had to forfeit the credit. In such cases, it could not reclaim the stock.

The 1976 Tax Reform Act recognized this problem. It gave the corporation three options. The company could reduce its future contributions to the TRASOP to make up for the lost credit. It could take back its stock. Or it could take a tax deduction for the amount of the lost credit.

In 1977, the Central Hudson Gas & Electric Corp. established a TRASOP. It had not done so previously because of the possibility that it might lose the tax credit. In New York, it is not at all uncommon for a utility to sell interests in generating plants to other utilities as its requirements change. Also, construction projects are sometimes abandoned. Investment tax credits are often recaptured.

In 1978, Congress changed the rules. This is an area of law that seems perpetually unsettled. The rules are amended repeatedly to make employee stock ownership plans more attractive to corporations; at the same time, incentives that were available previously but that are no longer deemed important are revoked. This pattern was not clear then; it is today. The 1978 Revenue Act extended the life of the credit for contributing to TRASOP's for another 3 years until the end of 1983. It had been scheduled to expire at the end of 1980. But the act revoked the right of a corporation that has had its investment tax credit recaptured to reclaim its stock.

Two years later, the Central Hudson Gas & Electric Corp. suffered a reversal in a nuclear powerplant project. The utility had had permission with other utilities to build the Sterling nuclear plant in New York. The State withdrew that permission in 1980. The project had to be abandoned. Consequently, the company's investment tax credit for work on the plant plus TRASOP contributions was recaptured. This amounted to $103,039 in the case of the TRASOP. Central Hudson was able to withdraw $61,316 in stock from the TRASOP, since that 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-fourth percent of company payroll 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 plan to build another nuclear plant called the Nine Mile Point 2 plan in New York. That plant may also have to be abandoned or the company may decide to sell off its interest because 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 most of its stock. At the end of 1980, Central Hudson had given

$1,361,342 in stock or cash to its TRASOP. The two nuclear plants together accounted for $793,116 of the company's TRASOP contributions, or 58 percent of the total.

The bill I am introducing today applies only to electric utilities. It says that there shall be no recapture of the extra TRASOP credit when recapture was triggered by Government or court action, or by the sale of extra generating capacity to another regulated public utility. To limit the revenue loss from the bill as much as possible, I have also restricted it so that it applies only to TRASOP credits that are based on "qualified progress expenditures." The code defines "qualified progress expenditures" basically as progress payments for construction jobs that normally take 2 or more years to finish. The bill is retroactive to 1978 when the provision allowing a corporation that has had its TRASOP credit recaptured to recover its stock was repealed.

The measure makes sense for two reasons. First, when Central Hudson established a TRASOP in 1977, it did so thinking it could reclaim its stock from the TRASOP if the tax credit were ever recaptured. It was unfair to lure Central Hudson into a TRASOP and then change the rules. Second, there is a sound policy reason for requiring the investment tax credit to be recaptured when equipment is sold. Otherwise, a company would sell its equipment, replace it every year, and claim the credit again and again. But there is no similar argument for recapture of the TRASOP credit. The aim of the TRASOP credit was to induce a company to donate stock to its employees. That having been done, what purpose is served by withdrawing the credit? None.

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. 2980

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

SECTION 1. Subsection (b) of section 47 of the Internal Revenue Code (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end a new paragraph as follows:

"In addition, no amount of employee plan credit (as that term is defined in section 48(o)(3)) attributable to 'qualified progress expenditures' (as that term is defined in section 46(d)(3)) shall be required to be recaptured in a transaction to which subsection (a) applies because of a disposition of property owned by a regulated public utility (as that term is defined in section 7701(a)(33)) which is engaged in the furnishing or sale of electric energy, where such disposition is due to legislation, failure to obtain regulatory approval, other regulatory and other governmental action, court order, or a transfer to one or more other such regulated public utilities or to one or more governmental agencies or a combination thereof.".

SEC. 2. Subsection (a)(2)(E) of section 46 of such Code (relating to determination of the amount of credit allowed by section 38) is amended by adding immediately before the last sentence a new sentence as follows:

"Notwithstanding the provisions of subclauses (i) through (iii) of this subparagraph, employee plan percentage shall include an amount equal to any 'employee plan credit' (as that term is defined in section 48(o)(3)) attributable to 'qualified progress expenditures' (as that term is defined in section 46(d)(3)) for property owned by a regulated public utility (as that term is defined in section 7701(a)(33)) which is engaged in the furnishing or sale of electric energy, which credit was recaptured under section 47(a) due to the disposition of such property by the public utility due to legislation, failure to obtain regulatory approval, other regulatory and other governmental action, court order, or a transfer to one or more other such regulated public utilities or to one or more governmental agencies or a combination thereof; *provided, however,* such amount shall be reduced to the extent that the corporation did elect the adjustment set forth in section 48(n)(4)(B).".

SEC. 3. Subsection (n)(1)(A) of section 48 (relating to transfers of employer securities to a tax credit employee stock ownership plan) is amended to read as follows:

"(A) BASIC EMPLOYEE PLAN PERCENTAGE AND RECAPTURED EMPLOYEE PLAN PERCENTAGE.—

"(i) BASIC EMPLOYEE PLAN PERCENTAGE.—The basic employee plan percentage shall not apply to any taxpayer for any taxable year unless the taxpayer on his return for such taxable year agrees, as a condition for the allowance of such percentage—

"(I) to make transfers of employer securities to a tax credit employee stock ownership plan maintained by the taxpayer having an aggregate value which does not exceed one percent of the amount of the qualified investment (as determined under subsection (c) and (d) of section 46) for the taxable year, and

"(II) to make such transfers at the times prescribed in subparagraph (C).

"(ii) RECAPTURED EMPLOYEE PLAN PERCENTAGE.—The recaptured employee plan percentage shall not apply to any taxpayer for any taxable year unless the taxpayer on his return for such taxable year agrees as a condition for the allowance of such percentage—

"(I) to make transfers of employer securities to a tax credit employee stock ownership plan maintained by the taxpayer having an aggergate value which equals any amount of employee plan percentage which represents 'employee plan credit' attributable to 'qualified progress expenditures' which was recaptured under section 47(a), all as referred to in section 46(a)(2)(E), and

"(II) to make such transfers at the times prescribed in subparagraph (C).".

SEC. 4. Subsection (o)(8) of section 48 of such Code (relating to the rehabilitation tax credit) is renumbered subsection (o)(9) and a new subsection (o)(8) is inserted as follows:

"(8) RECAPTURED EMPLOYEE PLAN PERCENTAGE.—The term 'recaptured employee plan percentage' means the additional employee plan percentage as set forth in the second to last sentence in section 46(a)(2)(E).".

SEC. 5. The amendments made by this Act shall take effect as if originally enacted as part of the Revenue Act of 1978 (Public Law 95-600).●

By Mr. MOYNIHAN:

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.

FIREARM FELONY ACT OF 1982

● Mr. MOYNIHAN. Mr. President, one of the benefits of standing for reelection 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 violent 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 new Federal criminal offense for carrying a firearm during the commission of a felony. This offense would apply to felonies 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 is exacting from the citizens of 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 society. But no segment of society 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 numbers of aggravated assaults and robberies in the Nation have increased dramatically. In 1981, firearms were involved in 230,228 robberies around the Nation, just over 40 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 talking about, then, 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. I, for one, am a sponsor of a measure to prohibit the sale, manufacture, and importation of so-called Saturday night specials—the Handgun Crime Control Act of 1981, S. 974, introduced by the senior Senator from Massachusetts (Mr. KENNEDY).

If we cannot agree on that measure, surely we can agree that those who commit crimes using firearms should suffer the direst of consequences. My legislation serves that purpose—by more clearly defining the law governing crimes with guns and by making the degree of punishment more certain.

Responsibility for law enforcement will, of course, rest primarily upon the State and local governments. Yet the Federal Government has a role, and one of the best roles it can play is to assure that those who commit felonies with firearms do so at the risk of prosecution for a Federal offense. Such a declaration would both strengthen the hand of those who enforce the law, and it would deter those who might otherwise consider carrying a firearm. Above all, passage of legislation such as mine would send a notice across this land that we will not tolerate the increase in crime, the devastation of lives and destruction of property that has accompanied the proliferation of firearms in our society. No less than the safety and security of a nation is at stake.

Mr. President, the Firearm Felony Act of 1982 would be but one measure this Congress could pass to prove that it is, in fact, tough on crime. There are others. In the 97th Congress, we have developed a compromise measure to reform our sentencing and bail procedures, to provide increased protection for witnesses, and to strengthen our laws dealing with illegal drug trafficking. 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 Omnibus 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 help take devices out of the hands of criminals that often render them immune from capture. Those bills, S. 1815 and S. 2128, would, respectively, regulate the availability of bulletproof vests and bullets capable of penetrating such vests.

What strikes me about the unprecedented attention in this Congress to the issue of crime is the degree of support for these measures from 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, in short time, yield the measures that will do most to control crime.

Mr. President, I offer the thought that the measure I introduce today 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. 2982. A bill to temporarily suspend the duty on certain menthol feedstocks until June 30, 1986; to the Committee on Finance.

S. 2983. 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.

These feedstocks go into the production of synthetic menthol, and are imported from the country of West Germany. There is a duty applied to these feedstocks when 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 more price competitive with 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

the production of a new fiber called PBI. PBI is a unique heat-and-chemical-resistant fiber that can be used as a suitable replacement for asbestos. PBI has a wide range of thermal protective applications such as flight suits and garments for firefighters, boiler tenders, and refinery workers.

As in the case of menthol feedstocks, there is no domestic source of the key chemical ingredient, TAB. Therefore, the suspension of duty on this chemical would not cause injury to any domestic industry.

Mr. President, there are a large number of jobs that are directly related to production of PBI, as well as additional positions resulting from the research, development, and marketing of this product. These jobs hinge on the ability of our domestic industry to produce this product effficiently and at a competitive price for the available markets.

Mr. President, it is extremely important that we do everything in our power to prevent the exportation of American jobs. This is an excellent opportunity to help keep some American jobs at home. For that reason, I am hopeful the Finance Committee and the Congress can favorably consider these bills before the end of this session.

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.

NATIONAL DIABETES MONTH

● 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 and leg 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, and improved 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 due to 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 diabets 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 Juciciary.

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. Some 16 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 disabilities 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" may be proclaimed for December 1982.

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 research and development, market exploration, and cooperation between government, industry, and community;

Whereas the nationwide service which began in March 1980 on ABC, NBC, and PBS is already proving to open up new educational horizons and new avenues toward equal opportunity for this severely disadvantaged population, particularly its children and youth;

Whereas hearing-impaired citizens have personally invested over $17 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. 1298

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. HART) were added as cosponsors of S. 1298, a bill to amend the Internal Revenue Code of 1954 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 robberies or burglaries while armed and providing a mandatory sentence of life imprisonment.

S. 2655

At the request of Mr. FORD, 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. TSONGAS) were added as cosponsors of S. 2655, a bill to provide increased maximim limitations for student loans under part B of title IV of the Higher Education Act of 1965 for certain 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. 2828

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2828, a bill to authorize a demonstration program to provide for housing for older Americans.

S. 2845

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2845, a bill to amend section 202(7)(c) of title III, United States Code.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the junior Senator from New York (Mr. D'AMATO) be added as a cosponsor to S. 2845, 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. 2918

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2918, a bill to permit the investment of employee benefit plans in residential mortgages.

S. 2938

At the request of Mr. BENTSEN, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2938, 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. 2953

At the request of Mr. PELL, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2953, a bill to provide for a program of financial assistance to States in order to strengthen instruction in mathematics, science, computer education, foreign languages, and vocational education, and for other purposes.

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 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. 2957

At the request of Mr. STENNIS, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2957, a bill to repeal the denial of the use of the accelerated cost recovery system with respect to tax-exempt obligations, and the expiration of the authority to issue such obligations.

S. 2961

At the request of Mr. DANFORTH, his name 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.

SENATE JOINT RESOLUTION 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."

SENATE JOINT RESOLUTION 188

At the request of Mr. INOUYE, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 188, a joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day."

SENATE JOINT RESOLUTION 214

At the request of Mr. PERCY, the name of the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor 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."

SENATE JOINT RESOLUTION 225

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 cosponsors of Senate Joint Resolution 225, a joint resolution to provide for the designation of the week beginning on November 21, 1982, as "National Alzheimer's Disease Week."

SENATE JOINT RESOLUTION 237

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. HEFLIN), the Senator from Maryland (Mr. SARBANES), the Senator from Mississippi (Mr. STENNIS), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Ohio (Mr. GLENN), the Senator from Arkansas (Mr. PRYOR), the Senator from Arizona (Mr. DECONCINI), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Nevada (Mr. CANNON), the Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Mr. LEVIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. BURDICK), the Senator from Louisiana (Mr. LONG), the Senator from Illinois (Mr. DIXON), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Indiana (Mr. LUGAR), the Senator from New York (Mr. D'AMATO), the Senator from Vermont (Mr. STAFFORD), the Senator from Utah (Mr. HATCH), the Senator from New Mexico (Mr. DOMENICI), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Kansas (Mr. DOLE), the Senator from Idaho (Mr. MCCLURE), the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 237, a joint resolution designating November 14, 1982, as "National Retired Teachers Day."

SENATE JOINT RESOLUTION 240

At the request of Mr. BOREN, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Colorado (Mr. ARMSTRONG), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of Senate Joint Resolution 240, a joint resolution to authorize and request the President to designate the week of January 16, 1983, through January 22, 1983, as "National Jaycee Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. LONG, the names of 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. DANFORTH), 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 Alabama (Mr. HEFLIN), the Senator from Virginia (Mr. WARNER), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Florida (Mrs. HAWKINS), the Senator from New York (Mr. D'AMATO), the Senator from South Dakota (Mr. ABDNOR), the Senator from Georgia (Mr. MATTINGLY), and the Senator from New Jersey (Mr. BRADY) 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."

SENATE CONCURRENT RESOLUTION 121

At the request of Mr. DOLE, the name of the Senator from Florida (Mr. CHILES) was added as a cosponsor of Senate Concurrent Resolution 121, 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.

SENATE RESOLUTION 458

At the request of Mr. SASSER, his name was added as a cosponsor of Senate Resolution 458, a resolution to express the sense of the Senate that the Export-Import Bank of the United States shall be given sufficient authority and shall provide competitive financing for American exports.

SENATE RESOLUTION 465

At the request of Mr. DOLE, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of Senate Resolution 465, a resolution to express the sense of the Senate that the restoration of U.S. competitiveness in agricultural trade should be pursued through every legitimate means, and without reference to political or economic problems in nonagricultural areas.

SENATE RESOLUTION 472

At the request of Mr. MOYNIHAN, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from Kentucky (Mr. FORD), and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of Senate Resolution 472, a resolution to preserve and protect medicare benefits.

SENATE RESOLUTION 478

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor 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.

AMENDMENT NO. 3620

At the request of Mr. DANFORTH, his name was added as a cosponsor of amendment No. 3620 intended to be proposed to S. 2375, a bill to extend by 5 years the expiration date of the Defense Production Act of 1950.

AMENDMENT NO. 3621

At the request of Mr. METZENBAUM, the names of the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. PRYOR), the Senator from Vermont (Mr. LEAHY), the Senator from Kentucky (Mr. FORD), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Tennessee (Mr. SASSER), the Senator from Illinois (Mr. DIXON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Louisiana (Mr. JOHNSTON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Dakota (Mr. BURDICK), the Senator from New Jersey (Mr. BRADLEY), the Senator from Montana (Mr. BAUCUS), the Senator from Michigan (Mr. LEVIN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Arizona (Mr. DECONCINI), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. BUMPERS), the Senator from Maryland (Mr. SARBANES), the Senator from Nevada (Mr. CANNON), the Senator from Alabama (Mr. HEFLIN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Nebraska (Mr. EXON), the Senator from Colorado (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from Rhode Island (Mr. PELL), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of amendment No. 3621 proposed to House Joint Resolution 599, a joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes.

UP AMENDMENT NO. 1322

At the request of Mr. MOYNIHAN, the names of the Senator from Texas (Mr. BENTSEN), and the Senator from West Virginia (Mr. ROBERT C. BYRD) were added as cosponsors of UP amendment No. 1322 proposed to House Joint Resolution 599, a joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes.

UP AMENDMENT NO. 1323

At the request of Mr. BUMPERS, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of UP amendment No. 1323 proposed to House Joint Resolution 599, a joint resolution making continuing appropriations for the fiscal year 1983, and for other purposes.

SENATE CONCURRENT RESOLUTION 125—CONCURRENT RESOLUTION DESIGNATING MONTANA AS THE GATEWAY TO THE 1988 CALGARY OLYMPICS

Mr. BAUCUS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 125

Whereas the 1988 Winter Olympics will be held at Calgary, Alberta, Canada;

Whereas United States citizens by the thousands will be journeying to Calgary to join the festivities with our Canadian neighbors;

Whereas Montana is contiguous with the entire southern border of Alberta and is a natural passageway to the Winter Olympics in Calgary;

Whereas the State of Montana and the Province of Alberta have long been friendly neighbors; and

Whereas Alberta can be entered from the United States, traveling by land, only by way of Montana: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Montana is declared the "Official United States Gateway to the 1988 Calgary Olympics".

● Mr. BAUCUS. Mr. President, in 1988, the city of Calgary, in Alberta, Canada, will host the Winter Olympics.

We all remember the excitement of the Lake Placid Winter Olympics. There is little that attracts more attention in the sports world, and few events which can compete for sheer drama, competition, and showmanship.

Americans from all States of the Union will be unable to resist the powerful draw of the Olympics, and we can expect them to flock to Calgary by car, bus, train, and plane. We can also expect many foreigners traveling from Asia, Europe, Latin America, and the world over, to flock to Calgary.

When the games are over, or before they begin, many of these foreigners will also visit the beauties of our great country. The tourism industry will thrive, and with it, our balance of payments and international trade. Let us not forget that tourism is one of our biggest revenue gainers and represents 6.5 percent of our GNP. It was, in 1981, a $191 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 over land must pass 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 unit which 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 via Montana can a person 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 Western 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 402(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 consequential damages raised by 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.

SENATE RESOLUTION 485—RESOLUTION RELATING TO INSPECTION OF TAX RECORDS

Mr. HUDDLESTON (for himself and Mr. MATHIAS) submitted the following resolution; which was considered and agreed to:

S. RES. 485

Whereas on March 25, 1982, the Senate adopted Senate Resolution 350, thereby establishing the Select Committee To Study Law Enforcement Undercover Activities of Components of the Department of Justice (hereinafter referred to as the Select Committee) to conduct an investigation and study of 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 received conflicting evidence regarding the distribution of funds paid by undercover operatives of the Government as purported bribes to public officials in the ABSCAM operation;

Whereas in order to investigate the substance of these disputes it is necessary for the Select Committee to inspect and to receive tax returns, return information, and tax-related material, held by the Secretary of the Treasury;

Whereas information necessary for such investigation cannot reasonably be obtained from any other source; and

Whereas under subsection 6103(f)(3) and 6103(f)(4)(P) of the Internal Revenue Code of 1954, as amended, a committee of the Senate has the right to inspect tax returns if such committee is specifically authorized to investigate tax returns by resolution of the Senate: Now, therefore, be it

Resolved, That the Select Committee To Study Law Enforcement Undercover Activities of Components of the Department of Justice is authorized, in addition to S. Res. 350, to inspect and to receive for tax years 1979 and 1980 any tax return (including amended returns), return information, or other tax-related material, held by the Secretary of the Treasury, related to ABSCAM defendants Angelo J. Errichetti, Howard L. Criden, and Louis C. Johanson, including any trusts, sole proprietorships, partnerships, corporations, and other business entities, other than publicly held corporations, in which the above-named individuals have a beneficial interest, and for tax years 1977 through 1981 any tax return (including amended returns), return information, or other tax-related information, held by the Secretary of the Treasury, related to ABSCAM cooperating witnesses Melvin Weinberg, his late wife, Cynthia Marie Weinberg, and his present wife, Evelyn Knight or Evelyn Weinberg, including any trusts, sole proprietorships, partnerships, 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 Secretary of the Treasury related to the above-named individuals that the Select Committee determines may contain infor-

mation directly relating to its investigation and otherwise not obtainable.

SENATE RESOLUTION 486—RESOLUTION RELATING TO THE ANNIVERSARY OF THE RESERVE OFFICERS ASSOCIATION

Mr. THURMOND (for himself, Mr. STENNIS, 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 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;

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 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.

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 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 toward dedicating 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, 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.

SEC. 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. MATSUNAGA 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 on a course leading toward 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 would involve the use 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-Scyuz 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 be lost irretrievably were space to be made into yet another East-West battleground; and

Whereas allowing space to become an arena of conflict without first exerting every effort to make it into an arena of cooperation would amount to an abdication of governmental responsibility that would never be forgotten: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(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).

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. MATSUNAGA. Mr. President, I am today introducing legislation that calls upon the President of the United States to initiate talks with the Soviet Union, and with other nations 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. Mr. President, if we are concerned about the cost of defense now, imagine what levels the defense budget will reach when the arms race goes into orbit—literally and figuratively. A space arms race could effectively militarize the national budget. Yet we will find ourselves forced to fund open-ended space weapons programs of unprecedented scope if we wait until their activation becomes a matter of national survival. That is why I believe we have a responsibility to head off a space arms race now, while we still have a choice in the matter.

If a space arms race comes, the vehicle will be a permanently manned orbiting space platform, employed initially for testing weapons, such as both we and the Soviets are contemplating. If history is any guide, we will wait until the Soviet program is well underway; then, in an atmosphere of crises, with national survival at stake, we will launch a crash program to "catch up." And, once again, we will succeed. But by then we will have passed the point of no return. We will be trapped midst the infinite possibilities for military advantage offered by the infinite reaches of space. The cost will be stupendous. The budget process will risk complete militarization. Yet we will have no choice. So I believe we have an urgent responsibility to consider ways 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 not approved of 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

is whether the methods we have been employing are the best available. I believe that a joint space station, with its emphasis on working together toward a concrete objective, has advantages over the methods employed so far.

Second, but is such a belief realistic with regard to the Soviets? 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 precisely the reverse is true. Such 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, they will explode.

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 will be able to hit missiles 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 becomes 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 a joint effort), whoever 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-a-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 easier.

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 not 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 who cling more rigidly to their differences than the Soviets and the Americans, the Arabs and the Israelis certainly qualify. Yet Sadat correctly perceived that the key to the problem lay not in this or that bone of contention, but in a climate of overruling any mistrust, which governs the attitudes of the antagonists, 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 and to build up from there. 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? Some might argue that cooperative activities with the Soviets always have been less a cause of détente 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 at irregular intervals, I have no doubt that our differences would be exaggerated by an order of magnitude. The time for a cooperative overture is now.

Seventh, assuming that cooperation is desirable and realistic and the timing is ripe, is a joint space station the best vehicle? The advantages of this project are many. First, it would interrupt the momentum toward a hopeless arms race in space. Second, it would build on the most successful United States-Soviet cooperative venture so far, the Apollo-Soyuz mission, a 4-year project which led to a dramatic joint docking in space. Third, it could be conducted without undue risk to our national security: Rather than reduction in armament, with all the risks and problems involved in verficiation and definitions of parity, this project involves a commitment not to begin a new phase in the arms race—a step far easier to negotiate. Fourth, if successful, it could be easily expanded. That is the great advantage of space: It is virgin territory, free from the ensnaring web of rivalries that makes fresh overtures on planet Earth so difficult to sustain. Fifth, it offers a constructive outlet for the latent energies of the superpowers. Rather than a freeze on activity, it would permit the unleashing of whole new technologies in a decongealing climate of shared purposefulness—and hope.

Surely, Mr. Presdient, the concept is worth exploring. My resolution merely calls upon the President to initiate discussions—talks—a dialog with the Soviets. Surely we owe that much to future generations. Allowing space to become an arena of conflict without first exerting every effort to make it into an arena of cooperation would amount to an abdication of governmental responsiblity that would never be forgotten.

Finally, Mr. President, I ask unanimous consent that as an article on this subject which I authored and which appeared in the July 4, 1982, issue of the Washington Post be printed in the RECORD at this point. The article contains information which may assist my colleagues in judging the merits of my resolution.

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

SPACE STATIONS: FOR WAR OR PEACE?

(By Senator Matsunaga)

Our best—and perhaps last—opportunity to reach a workable accommodation with the Soviets appears on the verge of being lost before it is properly recognized.

While disarmament talks and negotiations must necessarily continue, the greatest opportunity appears to lie not in the narrow confines of 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 begun.

But why two hostile space stations? Space—the last and most expansive frontier—will be what we make it. Must we make it into another "real world" lining on the brink of self-annihilation? Must we play the same old unwinnable game in space, too?

A more appealing alternative, it seems to me, is to 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 tension-reducing alternative available here on earth.

Space is virgin territory, insofar as weapons are concerned.

By converting what most otherwise inevitably 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 captured them. Even more significantly, 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 agreement signed by President Nixon and Premier Kosygin in Moscow on May 24, 1972. Two days later, Nixon and Kosygin signed a strategic arms pact.

The two documents bore an instructive difference.

Whereas the strategic arms pact called for open-ended discussion in gilded conference rooms, the space agreement involved a no-nonsense design and construction timetable targeted toward a specific objective—a joint docking in space in 1975.

The tangible objective locked both sides into a train of technical imperatives which, in turn, influenced 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 integrate, astronauts to train, joint docking systems, joint tracking systems, joint life-support systems.

As the timetable ticked off, the Soviets opened up to an unprecedented extent. Scientists and technicians from both nations became wholly absorbed in the project, integrating distinctly different operational styles under the pressure of a shared deadline and a shared professional commitment to make the project work.

Thus, in mid-1973, an American delegation was admitted to the previously top secret Soviet mission control center—again, for the technically-required purpose of coordinating communications and tracking. Looking out across the consoles, world maps, wall clocks, they saw, typed on the giant center screen: "Welcome American Colleagues."

The following year, American astronauts lived and trained at the Soviet space center outside Moscow, Soviet cosmonauts trained in Houston, and American public affairs officials successfully sold the Russians on live TV coverage for the event. All were firsts.

Before the project concluded on July 17, 1975, with a successful docking in space the Soviets and Americans had negotiated and signed 133 working documents—an unprecedented achievement.

Neil Hutchinson, the U.S. flight director of Apollo-Soyuz, summed up what was probably the project's most important contribution and what also turned out to be its greatest frustration for those involved:

"I wish there was another one of these flights. We've gone to all this trouble to learn how to work with these people. . . . I could run another Apollo-Soyuz with a heck of a lot less fuss than it took to get this one going."

So no one can say it can't be done. Not only that, but the stage is already set: In the seven years since Apollo-Soyuz, U.S. and Soviet space activities have followed strikingly complementary paths.

The Soviets have concentrated on long-duration space flights aboard orbiting house-trailer Salyut space stations (like our short-lived Skylab) serviced by manned Soyuz spacecraft and unmanned Progress resupply vehicles. Soviet cosmonauts have logged a solid two years of spaceflight, including a world record stint of six months.

The U.S. meanwhile, has concentrated on quick, easy access with a reusable space vehicle. As the first takeoff-and-landing space vehicle, the shuttle is more sophisticated than anything the Soviets have developed. But flight duration for the shuttle is limited to seven days with present power systems and a maximum of 30 days with adjustments.

Clearly, the Soviet and American space programs are in synch. From the perspectives of science, engineering and economics, both nations would benefit immensely from combining their efforts at this point.

Inevitably, there is the question of politics. The political drawbacks include concern about technology transfer (we are ahead in micro-electronics 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 rein 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 continue—Trident, MX, CX, BI, RDF, whatever our hearts desire. Arms control negotiation could continue. We might even continue antisatellite 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 seeding it, wouldn't it be worth a try?

Tom Stafford, American flight commander for Apollo-Soyuz, said that when he opened the Appollo 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 Staffords and Leonovs of this world a chance.

AMENDMENTS SUBMITTED FOR PRINTING

ADDITIONAL NATIONAL SCENIC AND HISTORIC TRAILS

AMENDMENT NO. 3622

(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. HEFLIN) submitted an amendment intended to be proposed by them to the bill (H.R. 861) 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. 3623

(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 enter 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. 3623: PROVIDING "STANDBY" AUTHORITY TO ESTABLISH ALL-VOLUNTEER FORCE EDUCATIONAL INCENTIVES PROGRAM

Mr. CRANSTON. Mr. President, I am today submitting for printing amendment No. 3623 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 MATSUNAGA, DECONCINI, HART, MITCHELL, PROXMIRE, and RIEGLE. The purpose of this amendment is to provide to the President the authority to determine the effective date and termination date of the All-Volunteer Force educational assistance program that would be established under my proposal.

I am submitting the amendment not because I anticipate movement on 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. 2936, 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 22 and 23, 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. For

the first 6 months of this fiscal year, each of the four branches has exceeded its recruiting goals. The dropout rate is down sharply; 43 percent of those who finished first hitches in 1981 decided to reenlist—a level unmatched in peacetime history. Some experts expect both trends to continue for at least the next few years. Average troop intelligence is also rising. 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—ages 17 to 21—is projected to decline dramatically over the next decade, from 10.8 million in 1978 to barely 9 million in 1990. Competition among the military, colleges, and industry 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 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 involved in educational incentives and their relationship to the needs of the All-Volunteer Armed Forces is not when, and if, recruitment and retention problems again reach emergency proportions.

STANDBY AUTHORITY

Thus, the amendment I am submitting for printing to my measure—and which I intend to offer, with appropriate conforming changes, to any peacetime GI bill measure brought before the Senate—would provide for a triggering on by the President of a peacetime GI bill educational incentives program. Under my amendment, the educational assistance program would become effective when the President, upon the recommendation of the Secretary of Defense made after receiving the views of the Secretaries of the military departments, makes certain specified findings—and the Congress does not disagree—that the program is necessary to assist in meeting recruitment and retention goals. After Presidential notice to the Congress 60 days before invoking the trigger, Congress by resolution—adopted by each House under an expedited consideration process modeled on the Budget Act expedited process for impoundment resolutions—could disapprove the establishment of the program. In this way, although a standby program would be on the books, it would not become effective until needed and not disapproved by the Congress. In addition, my amendment would provide for the program to be "triggered off" in the same manner when the need for it as a recruitment and retention device was clearly no longer necessary.

The provision in my amendment for a congressional role in the making of these determinations is very important, Mr. President. It seems to me that what is involved here would be the delegation by the Congress to the President of a legislative decision. It is the province of the Congress to establish effective dates for programs. This is a very important responsibility, especially where large expenditures are at stake, as they are here. Hence, as a matter of fiscal and legislative prudence and consistency with the Budget Act, Congress should be guaranteed a fair opportunity to participate in making, and, if it wishes, to disapprove of, any triggering determination by the President.

This congressional participation is fundamental to the standby approach I am proposing. Without an assured congressional role, I believe this would be an unwise and possibly unconstitutional delegation of legislative branch authority to the executive branch.

Mr. President, this approach, which is designed to take a forward-looking approach to the issues of providing for our national defense in the years to come, recognizes the current and likely future recruitment and retention situations and 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 all benefits are to be funded from appropriations to the Department of Defense. I came to this conclusion last September when preparing for a markup, which was ultimately canceled, of educational incentive legislation by the Veterans' Affairs Committee, and circulated such an amendment to committee members in preparation for that markup. 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 readjustment benefit—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. 3623

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:

"(a) 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 by way of reimbursement, with necessary adjustments for overpayments and underpayments.".

On page 19, strike out all on lines 16 and 17 and insert in lieu thereof the following:

SEC. 8. (a)(1) Subject to subsections (c), (d), and (f) and except as provided in subsection (e), the amendments made by sections 2 through 6 shall take effect on the date determined by the President, upon the recommendation of the Secretary of Defense, in accordance with the provisions of paragraph (2).

(2)(A) In making a determination pursuant to paragraph (1), the President (i) shall take into account (I) the projected costs of establishing the improved program of educational assistance for men and women entering active duty in the Armed Forces that would be established under chapter 30 of title 38, United States Code (as added by section 2(a)), (II) the recruitment and retention experiences of the Armed Services in the preceding fiscal year and the projected recruitment and retention performances of the Armed Services for the fiscal year in which such determination is made and the next four fiscal years, and (III) other alternatives and their projected costs to enhance such recruitment and retention, and (ii) shall determine a date for the establishment of such program upon finding that the establishment of the program on such date is, in terms of the factors specified in clause (i), necessary in the national interest of the United States in order to achieve the purposes of such chapter 30.

(B) Prior to making a recommendation under paragraph (1), the Secretary of Defense shall consult with the Administrator of Veterans' Affairs and obtain and review the recommendations of the Secretaries of the military departments in terms of the considerations specified in subparagraph (A).

(b)(1) Subject to subsections (c) and (d) and except as provided in subsection (e), no person shall be eligible for benefits under chapter 30 of title 38, United States Code (as added by section 2(a)), who enters a period of active duty in the Armed Forces after the date determined by the President, upon the recommendation of the Secretary of Defense, in accordance with the provisions of paragraph (2), to be the date for termination of eligibility for benefits under such chapter.

(2)(A) In making a determination pursuant to paragraph (1), the President (i) shall take into account (I) the projected costs of continuing the improved program of educational assistance established under chapter 30 of title 38, United States Code, (II) the recruitment and retention experiences of the Armed Services in the preceding fiscal year and the projected recruitment and retention performances of the Armed Services for the fiscal year in which such determination is made and the next four fiscal years, and (III) other alternatives and their projected costs to enhance such recruitment and retention, and (ii) shall determine a date on which continuation of such a program is, in terms of the factors specified in clause (i), no longer necessary in the national interest of the United States in order to achieve the purposes of such chapter 30.

(B) Prior to making a recommendation under paragraph (1), the Secretary of Defense shall consult with the Administrator of Veterans' Affairs and obtain and review the recommendations of the Secretaries of the military departments in terms of the considerations specified in subparagraph (A).

(c) On each December 1 after the date of the enactment of this Act through 1987, the President shall make a determination pursuant to subsection (a)(1) or subsection (b)(1), as appropriate, and shall, not later than 30 days thereafter, submit to the Committees on Armed Services and Veterans' Affairs of the House 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 date other than December 1.

(d)(1) Not later than 60 days prior to a date determined by the President pursuant to subsection (a) or (b), the President shall submit to the Committees on Armed Services and Veterans' Affairs of the House of Representatives and the Senate written notice thereof, together with a report explaining the reasons for the determinations.

(2) For the purposes of computing the 60-day period referred to in paragraph (1) and the 30-day period referred to in subsection (c), there shall be excluded—

(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(B) any Saturday and Sunday, not excluded under the preceding clause, when either House is not in session.

(e)(1) The amendments made by sections 2 through 6 shall not take effect on the date determined pursuant to subsection (a) if, prior to such date, the House of Representatives and the Senate each adopt a resolution disapproving such determination.

(2) The period for acquiring eligibility for benefits under chapter 30 of title 38, United States Code (as added by section 2(a)), shall not terminate on the date determined pursuant to subsection (b) if, prior to such date, the House of Representatives and the Senate each adopt a resolution disapproving such determination.

(3) The provisions of sections 1017(b), (c), and (d)(1), (2), and (3) of the Impoundment Control Act of 1974 (Public Law 93-344; 88 Stat. 332 et seq.), shall apply to a resolution under paragraph (1) or (2) which expresses only the disapproval of the House of Representatives or the Senate of such a determination in the same manner that such provisions apply to an impoundment resolution (as defined in section 1011(4) of such Act), except that the first reference in such section 1017(b) to "the committee" shall be deemed to be a reference to "the Committee on Armed Services" and the references in such section 1017(b) to "proposed deferral" shall be deemed to be references to the determination involved.

(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 a new educational assistance program for persons who enter the Armed Forces after a date to be determined by the President, and to modify the December 31, 1989, termination date for the Vietnam-era GI Bill; and for other purposes."

RESEARCH IN WATER RESOURCE DEVELOPMENTS

AMENDMENT NOS. 3624 THROUGH 3626

(Ordered to be printed and to lie on the table.)

Mr. TSONGAS submitted three amendments intended to be proposed by him to the bill (S. 2443) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs, of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, September 30, at 9:30 a.m., to receive a State Department top secret briefing on Taiwan arms sales.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 30, at 4:15 p.m., to receive a secret briefing from the State Department on the U.S. Marines in Lebanon.

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

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, September 30, to consider the nominations of Fowler West to be a Commissioner of the Commodity Futures Trading Commission, and Orville Bentley to be Assistant Secretary of Science and Education, USDA.

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

SUBCOMMITTEE ON FORESTRY, WATER RESOURCES, AND ENVIRONMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Water Resources, and Environment, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, September 30, at 10 a.m., to hold a hearing on marihuana on public lands.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 30, at

2 p.m., hold a State Department consultation on export of helium-3 (dual-use nuclear export) to South Africa.

The PRESIDING 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 this bill—which is to shift attention to interest rates instead of monetary aggregates. I welcome his important contribution to the serious and pressing debate.

Mr. 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 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 factories, by our farms, 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. Unfortunately, the last economic indicator to change with economic recovery is unemployment—the most important. There are positive signs with a drop in inflation rates and the prime rate, but our battle on unemployment must be won.

Mr. President, I am not one to seek a single cause or scapegoat for the Nation's economic ills. I know entirely too well that, over the years, Federal budget deficits have contributed mightily to inflation and high interest rates. Although some progress has been made the past 2 years in reducing the rate of increase in the Federal spending, Congress has not shown the type of courage needed to bring these problems under control.

Despite this caveat, Mr. President, I do not think we can in any way ignore the effect of current monetary policy on keeping interest rates at historic high levels and inhibiting economic recovery. Many commentators and forecasters are now suggesting that the Federal Reserve Board has eased its tight monetary policy, and that, therefore, interest rates will continue 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 as follows: "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 downturn 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 financial disaster that high interest rates would have otherwise caused.

Mr. President, I must repeat today the questions I asked 6 months ago: Can we have an economic recovery with a monetary policy that pays no attention to interest rates? What will interest rates climb to when loan demand picks up at the first sign of economic recovery? What type of economic growth can we expect with a prime rate of at least 13.5 percent and mortgage rates at 15 percent and higher?

Mr. President, the prognosis as I see it is not terribly encouraging. I simply do not think the economy can remain stable, much less grow, when interest rates are at current levels. I think it would be disastrous if we saw another spike in interest rates when the economy starts to grow and loan demand becomes more healthy.

In these circumstances, Mr. President, I believe it is imperative that we reexamine our monetary policy. We cannot make thousands of jobless workers, bankrupt businesses, and foreclosed farmers the guinea pigs of an academic theory on monetary policy. We must take responsible steps to reverse the economic trends of the last 18 months.

Mr. President, last March I proposed a simple resolution calling on the Federal Reserve Board to target real interest rates at a level approximating their historical average. Others would support a much more specific directive to the Fed and would write that directive into law. My friend JACK KEMP would subordinate the policy of targeting real interest rates to that of protecting a stable level of prices. The common theme of all these proposals is obviously a call for the Fed to pay more attention to real interest rates.

Mr. President, in today's economy this shift in focus is of paramount importance. I fear that the continuation of the current recession could lead us to an economic disaster from which it would be extremely difficult to recover. In these circumstances I would urge the Fed to work with the Congress to do all that is necessary to bring real interest rates down even further. If such a policy involves economic tradeoffs, I would still insist on the importance of lowering interest rates. Economic recovery no longer seems possible in the absence of such a trend.

In conclusion, Mr. President, 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 fallen by 3 percent 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 focus 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 rules of the Senate as they now exist, 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 commonsense—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 FILIBUSTER RULE

(By Joseph L. Rauh Jr.)

The Posts "Liberal Filibuster" 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 1950s and '60s to curb the filibuster and make it possible for a majority to get to a vote on pending bills, I accept the challenge to justify what The Post calls "this Great Turnabout."

Of course, a majority of the Senate should have the right, after 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 perilous, but to debate and never vote is imbecile." Or, as Alexander Hamilton put it in "The Federalist" 100 years or so earlier, "If a pertinacious minority can 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 to require more than a majority (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, filibusters 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, constitutionally intended and historically vindicated, what is the justification for the liberal use of the filibuster today against legislation that would outlaw abortion, permit prayer in the public schools, strip the courts of jurisdiction and the like? The answer was given by the late great senator from Oregon, Wayne Morse, who would put a rose in his buttonhole, walk on the floor of the Senate to start a filibuster and announce that he was prepared to put his talkathon aside if the Senate would take up Rule 22 and amend it to outlaw filibusters. But Morse also made clear that, if those on one side of the ideological spectrum, the conservative side, were going to use the filibuster as a weapon against legislation they didn't want, he saw no reason why the other side, his side, should not do likewise.

That is exactly how I feel. I am as much against the filibuster 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 next Congress to change Rule 22 so that a majority of the Senate, after a reasonable time, can cut off debate and get to a vote, count me in.

The Post's editorial, quite fairly, reminds everybody of the intense arguments the anti-filibuster groups made at an earlier time that "preventing an issue from being voted on on the floor was an outrage against democracy and the people's right to a decent, straightforward government." That's still true. But the answer is not for conservatives to use the filibuster 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 filibustered bill requires 60 votes before it can pass. If there is no filibuster, 40 to 50 senators (a majority of those on the floor) can pass a bill. Thus, if the conservatives continue to use the filibuster against liberal legislation, it will take 60 senators to pass a liberal bill. On the other hand, if liberals forswear the filibuster, conservative legislation can be passed with 40 or 50 votes. How in heaven's name can anyone justify 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 of one sort and another standard for measures of a different ideology. Criticism of the use of the filibuster 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. WEICKER. Mr. President, October 8 will be an important day for the State of Connecticut and its 350,000 disabled citizens for 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 Kosloski, assistant director. The foresight and fortitude of both of these men is the reason why the agency has come so far in eliminating environmental and attitudinal barriers which have long stood in the way in 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, they deserve our commendation and our thanks. Special thanks is also owed to Robert Melandor, 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 speak 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, not its carefully developed public relations image, before they appropriate more hard-earned tax money to this organization.

Mr. President, I ask that the aforementioned columns be printed in the RECORD.

The articles follow:

[From the Chicago (Ill.) Daily News, Aug. 19, 1982]

TRUTH-IN-ABORTION

(By William F. Buckley, Jr.)

The Planned Parenthood people are featuring a full page ad of a bed, with three people under the covers sitting upright, unsmiling. On the left the young woman, in her nightie. On the right, the young man in pajamas. Between them, dressed in a business suit, a grim-faced middle-aged man. The headline: "The Decision to Have a Baby Could Soon Be Between You, Your Husband and Your Senator."

The brief textual message warns that the U.S. Senate will soon vote on a bill which "could deprive you of your most fundamental personal rights: the right to have the number of children you want. When you want them. Or to have none at all." And it continues: "Sponsoring the bills are Jesse Helms, Orrin Hatch and other right-wing U.S. Senators who will stop at nothing to impose their particular religious and personal beliefs on you."

Now, we live in an age when people will publicly swear to it that to be refreshed you need only a glass of Coca-Cola, or to be nourished a cupful of Wheaties, or to live vigorously a tablespoonful of Geritol; and we smile at our own commercial exuberance. But along the way a lobby in America crystallized that began to insist on certain restrictions. They tend to crowd under the generic heading of truth-in-selling. What galls is that the very same people who are mobilizing to resist outrageous hyperbole by corn-flakes vendors sponsor, and tolerate, the kind of disingenuous, hypocritical blather for which the Planned Parenthood association should be driven out of business.

The Hatch Bill seeks to return to the states the powers they exercised up until 1973. It is that simple. The bill in question is indeed sponsored by those who disapprove of abortion. To reason from the disapproval of abortion an aggessive desire to regulate the size of a family is as reasonable as to charge that any senator who opposes infanticide aggresses against the sovereign right of the parents to decide on how large a family to have. One would not think it necessary to lecture to Planned Parenthood on alternative ways of regulating the size of a family than by abortion.

And then the sly business about senators who "will stop at nothing to impose their particular religious and personal beliefs on you." What is that supposed to mean? What beliefs is a legislator supposed to act upon? Elvis Presley's? If a legislator believes that it is religiously wrong, let us say, to kill one's aged grandparent, is he exercising sectarian aggression in acting on that belief by voting against euthanasia? Sen. Helms is a Baptist, Hatch a Mormon. Are we supposed to ask what is the religion of the Planned Parenthood people, and are they "acting" on that religion in insisting that the newly discovered (1973) right to terminate the life of an unborn child be guaranteed by the federal government?

What gets you about the pro-abortion people, when all is said and done, is their persistent refusal to face up to the only serious question involved in this heated controversy. It is as if, 150 years ago, slave-owners had taken out full-page ads asking whether you wanted the Congress of the United States to decide whether you could own property. No, no, no, the abolitionists said. It isn't a question of whether people should be permitted to own property. It is a question of whether black people can qualify as property. Well, the right-to-life people are saying no, no, no, the question isn't how large a family the parents desire, the question is whether the implementation of that right should include the right to kill a substance which is more accurately described as human life than as animal life.

It could be that the Achilles' heel of the pro-abortionists is marvelously revealed in such an ad as this one. Their argument, you see, is reduced to a level so ridiculous, it would be hard to find an African witch doctor who wouldn't be embarrassed by the use of it. There simply aren't that many Americans who really believe that what threatens in Washington is a senatorial presence in the bedchamber. If they can believe that, they can believe anything, including the proposition, manifestly preposterous, that 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 preliminary injunction to stop this law from being enforced because it "unduly burdens the right of minors to freely make and effectuate 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 program "Up To The Minute" several months ago, Harriet Pilpel, general counsel of the Planned Parenthood Federation of America, declared flatly: "Every Planned Parenthood affiliate I know makes every effort to involve the parents with any adolescent who consults 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, executive director of Planned Parenthood Associates 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 clarification on that still hasn't been clearly delineated."

Me: But your suit clearly implies that an absolute right of privacy already exists for minors. When has the Supreme Court ever so ruled?

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 distinction among minors, I ask: Are you really 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 go absolute one way or the other I suppose I would be pushed into that position yes."

McFarren says that the difference between us is that I seem to be able to "very easily" distinguish what ought to be absolute whereas she views the world as "a little more complex than that." She adds that while parental involvement is prefereable in "most situations," there are times when such involvement is "detrimental" to both parents and "the patient" (this is 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 their minor daughter was about to get an abortion this would complicate the situation. But even so, in my judgment, all parents of all minors should still have this right. After all, what is at stake here is simply prior notification, not parental permission.

The fascinating thing is that the Ann McFarrens of the world can see the possibility of problem parents, but they never seem to consider the possibility of problem abortionists. And they do exist. A series of articles in the Chicago Sun-Times in 1978, titled "The Abortion Profiteers," revealed the following about Windy City clinics:

Dozens of abortion procedures were performed on women who were not pregnant;

An alarming number of women suffered such severe internal damage that all their reproductive organs had to be removed;

Some doctors performed abortions in only two minutes not even waiting for the anesthetic 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 to a disreputable Detroit abortionist whose dog, to one couple's horror, accompanied a nurse into the operating room and lapped blood from the floor.

It is into this potentially monstrous maelstrom that the Planned Parenthood crew would hurl our minor daughters without even letting us know.

What the Planned Parenthood mindset represents is a throwback to the Dark and Middle Age concept of children as "miniature adults"—a dangerously naive notion written about in horrifying detail in a new book "The Disappearance of Childhood" (Delacorte Press) by 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 economic boycotts of TV sponsors, civil libertarians have taken the curious position that it is better to have Procter & Gamble's moral standards control television's content than Queen Victoria's. In any case to the extent that a political philosophy can influence cultural change, the liberal tradition has tended to encourage the decline of

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 and mine. To finance it 188 U.S. affiliates, Planned Parenthood has gotton $248.3 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 something.●

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.

The September 15 edition of the Elizabeth City (N.C.) Daily Advance carried an interesting account of Patricia's accomplishments. It was written by the paper's Chowan County correspondent, Ken Kinion.

Mr. President, I ask that the article by Mr. Kinion be printed in the RECORD at the conclusion of my remarks.

The article follows:

THE LIGHTS OF BROADWAY SHINE ON EDENTON'S OWN

(By Ken Kinion)

Patricia Mooney Parker, a native of Edenton, will make a lifelong goal a reality when she makes her debut on Broadway, September 23 in the musical "A Doll's Life." Patricia is the daughter of Mr. and Mrs. Jack Mooney.

The musical is directed by Harold Prince who has won numerous Tony Awards and is presently considered the "King of Broadway" by many theatre-goers. The book and lyrics are by Betty Comden and Adolph Green. Music for the production is by Larry Grossman. Appearing in the leading roles will be George Hearn and Betsy Jolson. The Mark Heldinger Theatre on Broadway and 51st Street in New York City is the location of the upcoming musical.

"A Doll's Life" is a musical sequel to Henrik Johan Ibsen's play "A Doll's House" of 1879. In "A Doll's Life," a play within plays, all the characters have several roles. Patricia plays four character roles, all musical with one exception. Her character is listed on the program as "Woman in Black." Patricia excitedly commented that the play is "so new and creative with constant changing of dialogues, thus making each character stronger."

Patricia has recently returned to the East Coast after having been cast in the off-Broadway play in Los Angeles for three months. She was quite pleased with the response of the play in California and is very optimistic for the success of the upcoming Broadway performance.

A lyric soprano, Patricia initiated her career goals at a very early age. Her musical talent was nurtured by her mother, a music teacher. Having set her goals, Patricia designed a plan of training, hard work, education, dedication, persistence and a high consistent level of self-discipline. When questioned if luck is essential in climbing the performance ladder of success, she quickly added, "A lot of luck is always involved, but one must plan his luck. Luck just doesn't come to one. You must plan it. It's part of the career plan strategy."

Patricia attended Edenton Elementary School. In the early 1960's her parents moved to Raleigh and she attended Broughton High School. In high school 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 auditioned for the North Carolina Symphony and was chosen as the youngest vocalist.

A graduate of Converse College Conservatory of Music, she majored in voice performance and won numerous vocal competitions. She also sang with the opera workshop. She received her master's degree at the Eastman 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 operas, 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 in the fantasy world of 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 of "A Doll's Life." Mr. Mooney stated, "Throughout the years I told Patricia it was a long, hard road in musical and theatrical success and she would probably be over 40 before she reached her goal. Now, she is on her way to one of the ultimate steps of success several years ahead of time. She's worked hard for many years to attain this level of performance and we are really proud of her. September 23rd will be one of the most exciting events in our life."●

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 appears to be operated by the taxpayers for the exclusive use of a single corporation.

This article focused on the Kaskaskia Waterway in Illinois, which the Post-Dispatch describes as essentially the private preserve of Peabody Coal Co. The company uses the waterway to ship coal to a powerplant in Missouri. The existence of this "free" waterway had the effect, the article notes, of reducing by $2.50 a ton the per-ton shipping cost of moving the coal to the powerplant.

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 River coal to operate and amortize the waterway.

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 BLEEDS 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 tows 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 becaue the project hasn't generated the business that was promised and because the total cost of the project is expected to reach $162 million by the time it is completed.

Jill Greenbaum, 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 businessman'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 indicative of the canal's value.

Stanley Reeble, director of the Kaskaskia Regional Port District, said of the project: "It's the best thing that ever happened to this area. With the river, this area has ev-

erything. 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 did favor some form of user fees on the canal.

Wayne Ewing, president of Peabody's Illinois division, said the canal would pay dividends to the area far in the future.

"The coal business has been slow, there's no denying that, because our primary customer is the electricity industry and it has grown-little or none at all in the last few years," Ewing said. "But I see slow growth in coal sales, and in movement down the Kaskaskia, for many years and this will add up to significant growth by 1990."

Ewing said the coal now moving down the Kaskaskia provided jobs for about 1,000 people at four or five mines and support facilities. The company spends about $50 million 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 sizable cut in spending for water projects. In response to this directive, the Corps of Engineers compiled a "hit list" of 35 projects, including the Kaskaskia. Each was to be shut down. So far, none of the projects has been closed, though operations at several have been curtailed. And the Kaskaskia project was removed from the list, at least temporarily, at the request of Congress.

The Reagan administration wants to establish a system of user fees that would make federal water projects at least partly self-supporting, and the 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 southewestward to the Mississippi River 12 miles north of Chester. Enroute it drains 600 square miles of fertile central Illinois farmland and passes through one of the largest coal fields in the world.

In the 1960s it became the focus of a huge development program, promoted and built by the Corps of Engineers, primarily with federal funds. The program included the construction of two high dams, Shelbyville and Carlyle, and the navigation project.

The navigation project was by far the most ambitious part of the program. It required the construction of a single lock and dam and massive excavations which coverted 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 for the navigation project. The cost of all the work on the Kaskaskia will be about $280 million.

When the navigation project was put before Congress in the early 1960s, 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 2.8 million tons moved down the river, almost all of it going to the power plant at New Madrid. Last's year's tonnage was depressed by the coal strike. This year's tonnage 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 its coal via the canal, the power plant's operator, Associated Electric of Springfield, Mo., this year was estimated to have saved $2.50 a ton. This figure is based on the elimination of the rail segment of the route previously used for movement of the coal. At that rate, according to an Associated 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 company, 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 Peaboby, 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 Florence. The plant, owned by Soyland Power Cooperative of Decatur, will use 1.2 million tons of coal per year. The coal will be taken to Florence by Peabody's barge line, Mid-America Transportation Co.

A Soyland spokesman, Tom Seng, assistant to the general manager, said that barge transport of the coal was chosen because it was "somewhat cheaper" than rail transport. He would not disclose the price of the coal or the cost of its transportation.

Reeble, director of the Kaskaskia Regional 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 development promoter. Reeble said he could not divulge names and dates yet, but said that the plant could be "twice as big" as the Soyland plant.

Reeble, 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, Methacoal Corp, of Dallas, which converts natual gas and coal into an oil fuel substitute, will build a plant on the canal.

Leonard Keller, Methacoal's president told the Post-Dispatch that the lack of financing is holding up construction of a plant on the canal near Baldwin, Ill. The plant would employ 100 to 200 people, use 1.5 million tons of coal per year and produce the equivalent of 5.7 million barrels of crude oil a day for use in power plants in the Eastern U.S. and Europe. Presumably the company would ship its fuel down the canal.

It costs Associated Electric $2,30 to ship a ton of coal down the Kaskaskia to New Madrid. At the 1981 rate of shipping on the canal each ton of coal costs taxpayers $5.18, based on the project's annualized cost of $14.5 million, which includes maintenance, operations and interest (at 7⅝ percent) on the $162 million.

The increase in the cost of the Kaskaskia navigation project (from $67 million to $162 million) was caused partly by inflation and partly by design changes made necessary by unforseen problems. Most of the remaining $43 million needed to open the 17-mile stretch of the canal from New Athens to Fayetteville will be spent dredging silt from the previously-cut ditch and lining its banks with rock riprap.

The entire canal is silting far faster than the Corps had expected. The corps recently completed at Fayetteville a $1.3 million dam-like structure aimed at slowing siltation. The rock riprap, too, is supposed to slow bank erosion and siltation of the channel.

USERS OPPOSE WATERWAYS FEE

(By Tim Renken)

When the Reagan administration directed the U.S. Army Corps 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 Kaskaskia River and Missouri River waterway projects.

In addition to reducing revenues, the administration 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 million a year—the same sum that the administration would have saved by closing the projects.

The user fee philosophy was voiced by Secretary of Transportation Drew L. Lewis Jr. in testimony given Feb. 4 before a Senate subcommittee.

"It seems to be only simple justice that profitmaking businesses should pay for the facilities they use rather than having 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 waterway projects with tax money "amounts to a subsidy that the taxpayers have been bearing without any real good reason."

Everyone does not agree with that statement. Waterway users, including barge lines, energy companies and farmers, constitute a powerful coalition of interests that opposes such fees. And, as Dickey said, user fees "don't have a constituency—other than taxpayers."

Many in Congress are not opposed in principle 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 instrumental in getting the Kaskaskia project removed from the "hit list" this spring.

David Carle, an aide to Simon, said that Simon's opposition to the administration'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 recovering 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 towboats. But the tax does not begin to pay for operation and maintenance of the waterway system.

"The pressure for budget cutting is extremely 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 hearings scheduled in either house of Congress on the administration's bills.

"I think that something may be done eventually," he said. "The need for new revenue is very strong. I think the best chance for some kind of fees is in new projects, such as the second lock on the Mississippi at

Alton. When waterway users want something new, they are more likely to agree to a system of fees."●

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 rally was an 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 candles were being lit, the Alamo mission bell—symbol of a heritage of freedom and religious faith—was presented to the audience by Mr. Louis Ingram, representing the bell's sponsor, Mr. J. Evetts Haley. Mr. President, Mr. Ingram's remarks brought a message of courage and faith that deserves to be prayerfully remembered. For that reason I ask that the text of his remarks be printed in the RECORD at this point.

The remarks follow:

PRESENTATION OF THE ALAMO MISSION BELL AT SCHOOL PRAYER DAY 1982

I thank God for the opportunity to represent my dear friend J. Evetts Haley, who is one of contemporary America's great patriots, and for the opportunity to represent Clem Barns and the other trustees of The Nita Stewart Haley Memorial Library in Midland, Texas. The Haley Family and the Library are delighted to share with us here tonight this very special bell.

The bell from the religious Mission San Antonio de Velero, or the Alamo, as it is better known, is not just a relic from another time and another place. It is spectacularly relevant to us today.

In its three hundred and fifty years of development America has had many heroes, great and small. Every man and woman who has marched off to war in the cause of Liberty is a hero. But in general, they had a statistical probability of marching home. Not so, with the men who stood at the Alamo.

Crocket, Bonham, Bowie and the one hundred and eighty men who stepped across Travis' line had no statistical probability of marching home. Their choice was certain death at the hands of the murderous Santa Anna. Why they chose to die is why the Alamo bell is relevant today. Those men knew that their sacrifice would ignite the flame of Liberty among their fellow Texans.

They knew that Liberty was presupposed in God's creation of willful Man. They knew that to choose Life in preference to Faith and Duty was to surrender for ever their right to Liberty. That is why the Alamo bell is relevant to us today.

The devotion of Crocket, Bonham, Bowie and Travis and their courageous men is the autheisis of the modern moral decay bespoken in the phrase "better red than dead" which perfectly represents humanist thinking from whence cometh also antagonism to prayer which is antagonism to God Himself. For the wretched non-believer, it is an uncomfortable fact that the act of Prayer first of all recognizes the existance of God.

Just before the final onslaught by Santa Anna, Travis dispatched his last military communique at the end of which he appended a personal note. It began "Take care of my little boy."

Ladies and Gentleman, there are little boys and little girls across the width and breadth of this land who need us to care for them in the sense, at least that we reestablish meaningful religious freedom which means that they may pray, if they choose, in any public place—in school.

The Alamo bell has not always had the loving care it now receives and it no longer can be rung. Nevertheless, it stands as a resolute symbol of Liberty including religious Liberty. But you must be its voice.

This issue is your Alamo. You can cut and run with Moses Rose or you can step across the line and join Travis and the heroes who have gone before and fight to the victorious conclusion of our just cause. The choice is yours, the choice is now.

For those who have come here tonight who are going to stay in the fight God Bless you. God Bless America.

—LOUIS WILSON INGRAM, Jr.●

DEFENSE PRODUCTION ACT

● Mr. DANFORTH. Mr. President, I am pleased today to join as a cosponsor of S. 2961 and its companion amendment No. 3620 to S. 2375. This legislation would provide the Defense Department with $50 million in borrowing authority under title III of the Defense Production Act of 1950. This authority could only be used for purchase 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 Zambia 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 cobalt 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 foresighted one, 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 acquisition 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 taxpayers would thus not be, as they are now, indirectly footing the bill for part of these corporate takeover games."

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

(By Edgar 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, including voices of leading businessmen in the United States, that "enough is enough."

As one industrialist quoted in The Wall Street Journal said, summarizing a widespread frustration: "Maybe there's something wrong with our system when these four companies line up large amounts of 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 common stock, while Seagram became Du Pont's largest stockholder—slightly over 20 percent of the merged company.

I must point out, not in a self-serving way, that I believe all three shareholding groups, and certainly the Seagram shareholders, were delighted with the results, as am I.

But what of the general economy?

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, billions of dollars have been borrowed on a 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 worse hazard than recession and is thus loath to increase the money supply—to print more money. High interest rates have been called by many 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 home 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, productivity, new products, 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 revenue would be increased and the average taxpayers would thus not be, as they are now, indirectly footing the bill for part of these corporate-takeover games.

All activity in the field of mergers or acquistions 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 unfriendly takeovers would become discouragingly expensive and bank credit would not be used to enrich a few shareholders, discharged executives, arbitragers, 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 laissezfaire economic trend.

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 SCS 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 Public Law 83-566. The projects are: Little Calumet River, Ill.; South Zumbro River, Minn.; Upper Mud River, W. Va.; and Mozingo 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 Related Agencies Appropriations bill, 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 own belts, I cannot 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 the first certified culinary instructor in Rhode Island. Born in the Philippines, Socrates Inongo 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 delivered a truly excellent speech on citizenship and its responsibilities. In this regard, I ask that this speech be inserted in the RECORD.

The speech follows:

SPEECH OF JUDGE ANTHONY A. GIANNINI

On September 17, 1787, one hundred and ninety-five years ago today, the delegates who had met over the preceding four months in Philadelphia to draft a National Constitution completed their work and disbanded. One wonders whether any one of them had the vision to foresee that their efforts would sustain, for the next two centuries a nation in which the rights of the individual are considered paramount to the rights of those who seek to govern. One suspects that they were looking beyond the thirteen States that then formed our Union to the 220,000,000 people who are spread across the broad expanse of this land today. One is led to believe that they were convinced that the freedoms which their charter was designed to insure would draw people of all nationalities to these shores in years to come. We can speculate tonight about what was in the minds of those 55 convention delegates when they settled upon our great Constitution but there is one fact which is beyond repudiation—it is that no nation has enjoyed the freedoms that have been ours in the last two hundred years.

Thirty years ago the Congress of the United States designated this day as "Citizenship Day." It's function is to dignify and emphasize the significance of citizenship. On this day of annual renewal, it seems to me that it is an appropriate time for us, native and naturalized citizens alike, to pause and reflect upon the concern of our Founding Fathers, expressed in the preamble to our Constitution, "To secure the blessings of liberty to ourselves and our posterity" because it has been our good fortune to see the realization of that purpose to the very present.

The liberties we enjoy have not come at a small price. They were preceded by a long revolutionary war. The Constitution which enshrines them was tested and maintained by a bloody civil war less than eighty years after its adoption. Those who bore the cost of its birth and preservation had the keenest appreciation of its value. You and I—the posterity of which the preamble speaks—have had to do little so far to assure ourselves and our posterity that those liberties will continue to exist. Although it has cost us nothing, it is a priceless charter of freedom. We should not lose sight of the fact that other peoples of the world yearn for the dignity of the human personality which is recognized by our Bill of Rights. The liberties which we casually accept are but dreams to the politically oppressed. No matter what course our lives may take, no matter what success or fame we may achieve, it will all be for naught if we do not secure the blessing of liberty to ourselves and our posterity.

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 defenses are impregnable from without. It may, nevertheless, perish in an hour, by the folly or corruption or negligence of its keepers, the people. Republics fall when the wise are banished from the public counsels, 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 reread 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. Although the words will always be the same, you will see a different facet with each reading. Our Founding Fathers set out not only the limits of governmental powers but underscored the importance of the freedom of the individual by the eight amendments which we call 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 associates, respond to our consciences in religious matters, be secure in our persons, homes, papers and effects against un-

reasonable searches and seizures, to be informed of the nature and cause of any accusation of crime, to be entitled to a public and speedy trial by a jury and to have the assistance of counsel at that trial.

Everyone knows about their freedoms of speech, press, religion, and assembly. Unfortunately, a large majority 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 limits. Whether it be in the name of the common good or for some ulterior purpose, there is an inclination on the part of those who govern to intrude upon personal liberties. Recent history needs no recitation here to prove that point. It strikes me as plain commonsense that if you are to prevent that from happening to you. You must have a fair understanding of what your rights are.

Keep informed about the affairs of government. We elect public officers to attend to the day-to-day business that is necessary to achieve State and national objectives. It is imprudent to pay no attention to what they are doing after we elect them. Before assuming the duties of their office, each one of them commits himself by oath or affirmation that he will preserve, protect and defend the Constitution of the United States. It is in our own self-interest to see that that commitment is faithfully observed. We can do this most simply by keeping abreast of the news. An informed populace is vital to the lawful operation of our Government. The business of the executive, legislative, and judicial branches of Government is public business which is widely reported by the news media. If you have not done so up to now, develop the habit of reading about public affairs. It is only in this fashion that you will be able to assess whether those who govern do so in the public interest.

Participate; at the very least, this means that you should register to vote and then exercise that franchise at every election. Your registration as a voter will also render you eligible to participate in the administration of justice because persons are called for jury duty from the voting registers. It should be obvious that only by casting a ballot do we have a direct choice in who shall govern us. That such a small percentage of those who are of voting age exercise that right should be a source of concern to all of us. Do not be taken in by the line that your single vote doesn't mean anything. I have been witness to an election in my own representative district that resulted in a tie vote.

In addition to voting for others, think about voting for yourself. That means you should consider becoming a candidate for elective office. In spite of what some may say, politics is a noble undertaking—to say nothing of the fact that it is absolutely essential for the maintenance of this free society. If you have neither the time nor the inclination to run for office, lend your active assistance to some candidate.

My final suggestion to you is—be law-abiding. That is not easy as it sounds. Being law abiding goes beyond adhering to a set of rules when you have nothing to lose. The test comes when obedience to law runs counter to some personal interest. The variety of circumstances by which we might be tested are infinite but in each instance the issue to be resolved is the same: Should I do what is right or should I do what is most expedient for me. Unquestionably, there are times in our lives when we are confronted with that choice. If you reflect upon it for a moment, I think you will agree that which of the options we choose dictates to a great degree the kind of society in which we live.

Citizenship must be for us more than a legal status. It is not enough to content ourselves with the claim to American citizenship. When the legions of Rome had conquered much of the known world, the pround boast was "I am a Roman citizen." And yet the indifference of those very citizens caused their majestic 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 Constitution. 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 tomorrow.

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 Senators will be recognized on special orders 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 morning business to extend not longer than 10 minutes in which Senators may speak for not more than 2 minutes each.

Mr. President, during the day tomorrow 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 convenience 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 exclusive 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, objections, 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 Senator from Ohio.

Mr. METZENBAUM. Mr. President, I rise only for 1 minute to say that there are those who know the names of the majority leader and the minority leader, and the respective parties in the Senate, but the world has no comprehension 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 drudgery in this body.

I want to say I pay my respects to both for their diligence. They are doing things that nobody pays any attention 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 deeply 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 Senate.

Because of his diligence and understanding of the essence of this procedure, this compliment is all the more rewarding to me.

Mr. ROBERT C. BYRD. Mr. President, I join the majority leader in expressing appreciation to the Senator from Ohio (Mr. METZENBAUM). He is a man of supreme dedication, who has an unlimited amount of brass, and a head full of commonsense. I appreciate 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 probably 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 conference 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 consideration 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. Without 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 advanced from 9:15 to 9:30 a.m. tomorrow.

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 Constable, 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 Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

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 Panama.

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 the Republic of Seychelles.

Sharon Erdkamp Ahmad, of the District of Columbia, a Career Member of the Senior Foreign Service, class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

John Blane, 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 the Republic of Rwanda.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

Lt. Gen. Charles C. Blanton, U.S. Air Force, age 52, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE NAVY

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.

To be admiral

Adm. Harry D. Train II, [redacted]/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601, and to be Senior Navy Member of the Military Staff Committee of the United Nations in accordance with title 10, United States Code, section 711:

To be vice admiral

Rear Adm. Arthur S. Moreau, Jr., [redacted]/1110, U.S. 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

Vice Adm. Edward S. Briggs, [redacted]/1110, U.S. Navy.

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, 1986.

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 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. Robert T. Herres, [redacted]FR, U.S. 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

Maj. Gen. William J. Campbell, [redacted]FR, U.S. 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

Lt. Gen. Larry D. Welch, [redacted]FR, U.S. Air Force.

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

Maj. Gen. Sloan R. Gill, [redacted]FV, 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

Lt. Gen. John L. Piotrowski, [redacted]FR, U.S. 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

Maj. Gen. Robert D. Russ, [redacted]FR, U.S. Air Force.

Lt. Gen. James H. Ahmann, U.S. Air Force, age 51, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE ARMY

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 lieutenant general

Lt. Gen. Harold F. Hardin, Jr., [redacted], age 54, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Donald M. Babers, [redacted], U.S. Army.

The following-named Army National Guard of the United States officer for appointment to the grade of brigadier general as a Reserve commissioned officer of the Army under the provision of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Paul J. Kopsch, [redacted].

The following-named Army National Guard of the United States officer for appointment to the grade of brigadier general as a Reserve commissioned officer of the Army under the provision of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Col. Philip B. Finley, [redacted].

The following-named officer for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be brigadier general, Chaplain's Corps

Col. Paul O. Forsberg, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, sections 3036 and 3040, to be appointed as Assistant Surgeon General (Dental), United States Army:

To be assistant surgeon general (Dental), U.S. Army

Brig. Gen. Hubert T. Chandler, [redacted] Dental Corps, U.S. Army.

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 lieutenant general

Lt. Gen. James B. Vaught, [redacted], age 56, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by

the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Louis C. Menetrey, xxx-xx-xxxx, U.S. Army.

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 lieutenant general

Lt. Gen. John Rutherford McGiffert II, xxx-xx-xxxx, age 56, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Edward Allen Partain, xxx-xx-x... xxx-..., U.S. Army.

IN THE NAVY

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.

To be admiral

Adm. George E. R. Kinnear II, xxx-xx-x... xxx-.../1310, U.S. Navy.

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.

To be vice admiral

Vice Adm. John D. Johnson, Jr., xxx-xx-x... xxx-.../1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. James A. Sagerholm, xxx-xx-x... xxx-.../1120, U.S. Navy.

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. Crielly, 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. Crielly, 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 27, 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 27, 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 27, 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 27, 1982.

Air Force nominations beginning Walter A. Aichel, and ending Michael J. Zachek, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 27, 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 ARMY

Army nominations beginning Irwin Berman, and ending Dale G. Martin, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of September 8, 1982.

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.

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 27, 1982.

IN THE NAVY

Navy nominations beginning Craig D. Batchelder, and ending Kermit R. Booher, 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.