# SENATE—*Thursday, September 24, 1981*

*(Legislative day of Wednesday, September 9, 1981)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The PRESIDENT pro tempore. Our morning prayer will be delivered by Sister Gottemoeller, president of the Federation of the Sisters of Mercy of the Americas, Cincinnati, Ohio.

Sister Doris Gottemoeller, RSM, offered the following prayer:

Let us pray.

God, our Creator, we come to You with grateful hearts: Your mercy and goodness are unending. In time of distress as well as prosperity, You are ever with us. Prompted by your constant love and invitation, we pray for our country: May we continue to offer all men and women—the immigrant and the native, the privileged and the deprived, black and white—the opportunity to make their unique contributions to our Nation's well-being. May we always cherish the weak and seek out the marginated, helping them to lead lives of human dignity. May we use the Earth and its fruits and the products of human enterprise in a spirit of stewardship. May we love the ways of peace and spurn the legislation to violence. May we protect and encourage the churches and religious groups which express Your mercy through works of justice and charity.

We pray especially for this body assembled here, the heir to a living tradition of reverence for human and civil rights. In all of its deliberations, may the successful and the powerful claim no more than the poor, the alienated and the powerless. May the temptations to expediency and personal gain yield to the search for truth and the common good, and may the demands of war and the race for armaments give way to the claims of peace.

May this Senate continue to pursue under Your guidance the blessings of liberty and justice for all. We place our prayer before You, confident of Your providence and committed to make ourselves agents of Your peace and love in the world. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

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

## THE JOURNAL

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I expect that at 10 o'clock today we will seek the consent of the Senate to proceed to the consideration of the continuing resolution, House Joint Resolution 325, as announced yesterday.

## ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders under the standing order and the expiration or yielding back of time allocated to them, and the recognition of a Senator or Senators on special orders as the same has or may be provided for, there be a brief period for the transaction of routine morning business to extend not past the hour of 10 a.m., in which Senators may speak for not more than 2 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

## MILTON FRIEDMAN'S LATEST ADDITION TO THE ANNALS OF ECONOMIC SCHOLARSHIP

Mr. BAKER. Mr. President, I read it first last week, when it appeared in Newsweek magazine. I read it again this morning, as an escape from yet another week of somber economic interpretating.

Milton Friedman's latest addition to the annals of economic scholarship contains perhaps the most valuable, perhaps humble, and certainly realistic explanation of our current fiscal dilemmas that I have yet read.

"The best explanations for the interest-rate puzzle," Friedman writes, "may be the herd instinct and Wall Street's myopia."

I am sure that I am joined by many of my colleagues in this Chamber, Mr. President, in embracing such a perspective, and I ask unanimous consent that the entire article by Mr. Friedman be printed in the RECORD.

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

MILTON FRIEDMAN'S LATEST ADDITION TO THE ANNALS OF ECONOMIC SCHOLARSHIP

Current high interest rates offer a puzzle for which, so far as I can see, we have no satisfactory explanation. While many explanations are glibly offered, all of them are contradicted by past experience.

ABERRANT BEHAVIOR

Since the mid-1960s short-term interest rates have tended to move up and down both with current inflation and, after a lag, with ups and downs in monetary growth. Inflation has been declining for some time now, despite the isolated sharp rise in the consumer price index for the month of July. Similarly, monetary growth declined moderately from April to May and has been relatively stable since. Yet interest rates have stubbornly stayed at record levels.

The chart documents the abnormality of interest-rate behavior during the past year. For each month since 1970 it plots a real interest rate, the difference between the average rate of interest on a three-month Treasury bill and the rate of inflation in consumer prices over the prior three months. This difference is the amount a holder of the bill has left from his interest payment after allowing for inflation. As the chart makes clear, the real rate has been negative for most of the 1970s. Investors—even if they were tax-exempt—have ended up with less purchasing power. Investors who had to pay taxes on the paper interest they received have done even worse.

The real yield not only was negative but was moving around a downward trend. Yet suddenly, in July 1980, it turned positive and zoomed. In the four years prior to July 1980, the real rate was positive in only two months, and even in those months, it was only .3 and .6 percent. In the thirteen months since, the real rate was negative only once, and then only −.4. It was positive in the remaining twelve months, ranging from .1 to 9.3.

Clearly, this needs explanation.

WRONG EXPLANATIONS

And there has been no shortage of proposed explanations. The trouble is, all of them are wrong. Herewith a small sample.

1. Federal Reserve tight money.—This is probably the most widely cited explanation. However, money has not been tight by past standards. Institutional change, notably the explosion in moneymarket mutual funds, has rendered narrow monetary aggregates misleading. A broader aggregate, $M_2$, which includes deposits in money-market funds as well as savings deposits and small-time deposits, grew 9.1 percent in the twelve months prior to July 1981, and 8.9, 9.5 and 8.5 percent in the three prior years. All in all, average $M_2$ growth has been flat for the past four years, though subject to sharp short-term fluctuations. There is a marked contrast between the talk about "tight money" and the reality.

2. High current budget deficits.—Here again, the reality is very different from the talk. The current deficit is not as large as in many past years, if it is measured, as it should be, not in dollars but as a fraction of the national income or gross national product. The deficit (including off-budget items) for the current fiscal year ending Sept. 30, 1981, is expected to be less than 3 percent of GNP. The corresponding percentages were 3.6, 4.5, 2.9 and 2.8 for fiscal years 1975, 1976, 1977 and 1978. Those earlier deficits were associated with T-bill rates of less than 8 percent, and with negative real rates. Why should a similar or smaller deficit now lead to T-bill rates of 15 percent and positive real rates of 5 to 9 percent?

3. Prospect of high future deficits.—Well, it is said, maybe the current deficit isn't so frightening, but what about future ones? Don't tax cuts plus increased military spending mean even bigger future deficits? Whether these fears are justified or not, they

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

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cannot explain current interest rates. Higher future deficits and higher future inflation would lead investors to expect high interest rates in future years. That should make long-term interest rates higher than short-term, yet the opposite is true. In the jargon of Wall Street, the yield curve is negatively sloping, yet this explanation requires it to be positively sloping. So this explanation, too, can be rejected out of hand.

A BUBBLE?

Space does not permit me to discuss four other proposed explanations that I have examined in a fuller analysis. I can only report that they too are wholly unsatisfactory.

The failure to find a reasonable explanation does not mean that there is none. But it does raise the uneasy suspicion that perhaps we have been witnessing a bubble compounded out of uncertainty plus Wall Street's myopia and herd instinct. If that is so, the bubble will soon burst. If it does not—back to the computer.

## FIDDLIN', CALLIN', AND DANCIN'—THE SQUARE DANCE

Mr. BAKER. Mr. President, yesterday, the Senate passed a joint resolution designating the square dance as the national folk dance of the United States. I was pleased that I was able to cosponsor this resolution with 27 of my colleagues. But today, I wish to express my admiration and commendation to my most distinguished colleague and friend the minority leader, Senator ROBERT C. BYRD of West Virginia. For it is the distinguished minority leader, a geographic neighbor, a kindred spirit in the appreciation of American custom and folklore, and an erudite student of our history, who had brought this matter to my attention—through his sponsorship of Senate Joint Resolution 59.

Of course, I must admit, Mr. President, that my original intentions in cosponsoring this resolution was of a more dubious nature. Convinced that a so lively and energetic expression of the American spirit most certainly would have had its origin in Tennessee rather than West Virginia, I was prepared to, shall we say, appropriate this resolution. I must say to the minority leader, however, in the spirit of historical accuracy, that my research in this regard has been disappointing. And it is a disappointment I fear I must deliver to Senator BYRD's State as well. My research indicates square dancing in this country has its roots in neither Tennessee nor West Virginia, but in New England of all places.

Rebuffed on that count, Mr. President, I have nonetheless comforted myself in the knowledge that the "clog dancing" form of the square dance, which as I am sure the minority leader will agree is most artfully performed in Tennessee, is now the vanguard of America's square dancing boom.

Seriously, Mr. President, the square dance is indeed a rich element of our heritage—a reflection of the vitality, resourcefulness, creativity and imagination of our people. That its popularity is increasing throughout our land is as reassuring to me as any other symbol of the continued creativity and vitality in our country.

So finally, Mr. President, with the permission of Senator BYRD, I renew my request that my name be added to this resolution and I would say to my friend, the minority leader, "If he'll do the fiddlin', I'll do the callin' and perhaps we can persuade our friends from New England to do the dancin'."

Mr. President, I have no need for my time remaining under the standing order. I am prepared to yield it to any Senator or to yield it to the distinguished acting minority leader.

## RECOGNITION OF THE ACTING MINORITY LEADER

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

Mr. DIXON. Mr. President, I reserve the remainder of the minority leader's time.

Mr. BAKER. Mr. President, as I have no need for my time remaining, and I judge that the minority has no need for theirs at this moment, I am prepared to yield so that the Senator from Wyoming (Mr. WALLOP) may speak on his special order.

I ask unanimous consent that the time allocated to the two leaders be reserved until after the expiration of that time.

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

## RECOGNITION OF SENATOR WALLOP

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

## REVIEW OF TAPES AND RECORDINGS IN THE MATTER OF SENATOR WILLIAMS

Mr. WALLOP. Mr. President, I rise again to encourage Senators to inform themselves on the matter concerning the recommendation and resolution for expulsion of Senator WILLIAMS.

To date, roughly a third of the Senators have seen the films and heard the tape material, and that is progress which is, obviously, pleasing to the committee. But that still leaves two-thirds of the Senators who have not seen them. The original schedule was for but two more showings of the shortened versions of those on Friday next, this coming Friday. Those will still be shown at 9:15 a.m. and 2:15 p.m. in room 457 of the Russell Building.

We had also at the same time scheduled Tuesday and Thursday of next week for Senators who have requested to see the entire balance of the film. We had requested and reserved the same morning and afternoon hours for that.

What I propose to do now—and I will send a letter to the offices of those Senators who have not taken advantage of the opportunity—is that we again, instead of presenting the remaining tapes, put on four more showings of the same tape material which has been presented this week. I do this because no matter how broadly one tries to sow the seeds of opportunity on the agenda of the Senate, there are still numerous Senators who have a hard time accommodating themselves to those schedules. I think there should be no excuse, then, for Senators not to take advantage of this schedule.

I remind Senators that the opportunity cannot be indefinitely offered to the Senate, partly because of the expense and partly because of the need for that room for other Senate committees.

I think it is wise, frankly, that Senators do avail themselves of this opportunity. We have in front of us a resolution which is historic. Should the Senate be forced to act and should the Senate act favorably on that resolution, it will be the first time since the Civil War that a Member of the Senate has been expelled. It is no light matter and should not be taken lightly by Members of the Senate.

I had one Senator explain to me today that should the judge rule against Senator WILLIAMS that he would then go see the materials. There are two things about which I would remind Senators: One is the judge's ruling is inconsequential to the judgment of the Senate. The judge's ruling is on a matter of due process and for a new trial. The Senate's obligation, by its committee, has been fulfilled on the evidence presented to us and the Senator has been judged by a higher standard than that of the courts.

I invite Senators not to wait on Judge Pratt's ruling. When you have seen the films there is also a good deal of printed material which I think it is the obligation of everybody to become familiar with in order that the judgment of the Senate may be fair, fair to the Senate, fair to Senator WILLIAMS in any case he may present, and fair to the American public which demand that this be done with care, with caution, and with a good deal of informed knowledge on the facts that have been and will be presented.

Mr. President, I will again remind Senators, and a letter will go to the offices of those who have not attended the hearings, suggesting to them that the benefit is more than just being an informed Senator. The benefit is that when we get to the debate, and I am certain we will, the debate will home in on the issues which are the issues for the Senate to judge.

I again point out that it has no relevance as to whether or not Judge Pratt rules or what Judge Pratt rules.

The leadership on both sides, the majority and minority leaders, have given notice to the Senate of their intention to proceed to discharge the Senate's obligation. I expect they will do that. Senators are asked to judge on the basis of information available to the Senate, the arguments of special counsel, and the arguments of Mr. WILLIAMS' counsel in rebuttal.

Mr. President, I thank the Chair and I yield back the remainder of my time.

Mr. BAKER. Mr. President, I thank the distinguished Senator from Wyoming. I commend him and I commend his distinguished vice chairman for the diligence and careful attention to detail which they have demonstrated.

Mr. President, I am advised now that there is no request for time on this side of that time remaining to the majority leader. I inquire of the acting minority leader if he has need for his time.

Mr. DIXON. Mr. President, may I advise the majority leader that the acting minority leader is prepared to yield back the remainder of our time.

Mr. BAKER. I thank the acting minority leader. I yield back my time as well, Mr. President.

## ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of time, not to extend beyond the hour of 10 a.m., for the transaction of routine morning business.

Mr. BAKER. 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 (Mr. SIMPSON). Without objection, it is so ordered.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is concluded.

## CONTINUING APPROPRIATIONS, 1982

Mr. BAKER. Mr. President, in accordance with the order previously entered, and after consulting with the minority leader, I ask that the Chair lay before the Senate House Joint Resolution 325, the continuing resolution.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 325) making continuing appropriations for the fiscal year 1982, and for other purposes.

The Senate proceeded to consider the joint resolution, which was reported from the Committee on Appropriations with amendments.

Mr. BAKER. Mr. President, I understand that the distinguished chairman of the Appropriations Committee has left the committee room in the Capitol and is on his way to the floor of the Senate.

I understand, as well, on the advice of the minority leader, that the distinguished ranking minority member of the committee, the Senator from Wisconsin, is in company with the chairman and will reach the Chamber shortly.

In order to provide time for them to appear, 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. 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, the Senate Appropriations Committee met yesterday afternoon in a well-attended full committee markup session to consider House Joint Resolution 325, the continuing resolution, as well as Senate items normally included in the regular legislative appropriations bill but not provided for in H.R. 4120, the legislative appropriation bill reported by the House of Representatives on July 9, 1981, and incorporated in House Joint Resolution 325 as passed by the House of Representatives. After extended consideration, the committee reported House Joint Resolution 325 with amendments including our Senate items.

In order to bring the bill to the floor as soon as possible, allowing time for Senate floor consideration in conference with the House of Representatives, prior to the end of the current fiscal year, next Wednesday, the committee did not submit a written report on the measure to the Senate.

Instead, I am submitting for the RECORD an explanatory statement of the committee's action, and I shall ask unanimous consent that the statement appear at the close of my remarks. We have also provided copies to be placed on the desk of all Senators.

Mr. President, I ask the indulgence of my colleagues for this unusual procedure. I assure the Senate it will not be a common practice.

In this instance, however, due to the rapidly approaching deadline of September 30 and the desire of the leadership to bring this measure to the floor as soon as possible, it was deemed appropriate.

Mr. President, I will confine my opening remarks to a summation of the continuing resolution's principal provisions and will yield to Senator MATTINGLY, the chairman of the Legislative Appropriations Subcommittee, for an explanation of the committee's action relative to those items normally contained in the regular legislative appropriation bill.

The resolution's principal provisions are as follows:

No. 1, the HUD is covered at the rate and under the conditions of the conference agreement now pending in the Senate.

No. 2, the Treasury and Interior bills are deemed to have been passed in a provision similar to that used by the House of Representatives and the projects and activities in those bills will be funded at the rate of the Senate or House-passed bill, whichever is lower.

No. 3, defense and foreign authorizations continue at the current rate or the budget estimate, whichever is lower.

No. 4, the legislative bill is funded for the full fiscal year.

No. 5, all other bills are funded at the current rate.

No. 6, the expiration date is changed to November 20, 1981.

Mr. President, the committee made every effort to keep this resolution simple and straightforward. It is our view that a continuing resolution should never be regarded as a routine replacement for the 13 regular appropriations bills but instead a stopgap measure, intended for a relatively short interim period to be used only when unusual circumstances dictate.

I think everyone will agree that this year has been replete with unusual circumstances.

First, our hearings on the 1982 budget were delayed 2 months pending the receipt of the President's revisions to the January submission of President Carter. Then the reconciliation resolution, the reconciliation bill, the supplemental rescission bill, and the tax cut, all integral parts of the President's economic recovery program further delayed this bill and House consideration and passage of fiscal year 1982 appropriations bills.

While the Senate committee has expedited its consideration of those bills holding committee markup following House committee action rather than awaiting receipt of the House bill, we cannot report appropriation bills to the Senate prior to referral of the House-passed bill to our committee.

Now we await further revision to the President's budget request which will be presented to the public tonight.

Mr. President, these circumstances have necessitated this continuing resolution, providing funds for ongoing Government functions until November 20 or whichever date is finally agreed to with the House of Representatives in conference and allowing time for the Senate to proceed with the regular fiscal year 1982 bills.

I wish to assure the Senate that the committee does not view this as the normal way of doing our business. Only congressional action on the 13 regular appropriations fulfills our constitutional responsibility to maintain control over Federal spending.

As an aside I might suggest we keep that in mind when we contemplate the seemingly uncontrollable growth of entitlement programs outside the annual scrutiny of Congress in appropriation bills.

In order to avoid the continuing resolution coming to be viewed as a substitute for the regular process, I urge that any amendments to the resolution beyond those essential to the normal provisions of a continuing resolution be withheld for consideration with the regular fiscal year 1982 bills.

I wish to thank my colleagues on the committee for their cooperation in that regard.

While the committee did adopt several issues, specific amendments. I believe they reflect unusual, unforeseen circumstances.

I hope my colleagues here on the floor will follow suit and not unnecessarily delay floor consideration, reserving their amendments for floor action on the regular bills.

I realize that many Senators have strong interests in various appropriation matters, as I do, and I promise that those interests will be given every consideration as the regular process proceeds during the time of this joint resolution.

Mr. President, I wish to especially thank the ranking member of the committee on the minority side, Senator WILLIAM PROXMIRE of Wisconsin.

I really do not believe that I have experienced a more cooperative relationship with any leader of either side of the aisle than I have with Senator PROXMIRE in this committee setting.

This has not been an easy year for any of us. It has been an adjustment on the part of the Republicans in becoming the majority party; it has been an adjustment on the part of the Democrats in becoming the minoriy party after 26 years in the majority status.

Those adjustments in the Appropriations Committee both at the membership level and at the staff level have been a remarkable example of political maturity and political cooperation.

So, not only do I wish to pay tribute to Senator PROXMIRE as representative of the minority but every one of the minority members as well.

Mr. President, also on the majority side I wish to make an observation that we have almost half of the new Republican majority as first termers on that committee.

That is in itself a rather monumental task, to undertake a new committee year with such a high proportion of the majority members as freshmen members on the committee.

We have cases, as in the case of Senator MATTINGLY of Georgia, who won his first election to the U.S. Senate, won a seat on the Appropriations Committee, and acted as chairman of a subcommittee without any experience on that committee before, let alone experience in the Senate, and who has done a remarkable job in performing in that task as a subcommittee chairman, an example of your new subcommittee chairmen who are freshmen members of our committee.

So there we have an example of the tasks we have before us not only dealing with these difficult budgetary questions but in dealing with a committee that was newly formed in terms of leadership.

I also want to pay special tribute to the staff, Mr. President. I do not think we often appreciate the fact that under such crises circumstances under which the Appropriations Committee has been functioning and the Budget Committee and other committees as well, that our staff works far into the night, early in the morning and far into the night, day after day to meet deadlines and to meet requirements set before them by the leadership of the committee.

I know for certain that the staff of the Appropriations Committee, Mr. Keith Kennedy, heading up the majority, and Tom van der Voort, heading up the minority staff, have both spent literally around-the-clock days on staff work and leadership to the general staff in order to bring us not only this continuing resolution but to deal with the rescission packages and to deal with the reconciliation problem and bill, and to deal with all these other matters we have been dealing with.

This has indeed been an extraordinary and unique year. So I think many people deserve credit for the expeditious way in which the committee has been able to act upon this continuing resolution today or yesterday and bring it to the floor today.

(EXHIBIT 1)

EXPLANATORY STATEMENT OF THE COMMITTEE ON APPROPRIATIONS ON HOUSE JOINT RESOLUTION 325 AS REPORTED, WITH AMENDMENTS

The Congress has not yet completed final action on any of the 13 regular appropriations bills for fiscal year 1982. The Committee consideration of these bills has been unusually delayed this year because of the extraordinary circumstances surrounding the budgetary program submitted by the new administration. This includes major budget revisions in the original budget submittal of the former administration which were not finalized until nearly 2 months after Congress normally begins its consideration of the budget. The Congress, furthermore, engaged in an unprecedented review of ongoing statutory authorities for both entitlement and discretionary programs as part of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35). Finally, the President has informed Congress that he will shortly submit yet another major budget revision package to the pending fiscal year 1982 budget requests.

For the foregoing reasons the Committee has suspended consideration of the regular appropriations bills for fiscal year 1982 and it is clear that no regular appropriations bill will be enacted by October 1, 1981, the start of the new fiscal year. This requires that Congress rapidly consider and pass a continuing resolution to maintain the ongoing operations of the Government until Congress has the opportunity to complete action on the regular appropriations bills. It is the firm intention of this Committee to resume consideration of the regular appropriations bills as soon as possible and to report these measures to the Senate within the period allowed by this continuing resolution.

The Committee agrees with, and reaffirms the position contained in the House report accompanying this joint resolution (H. Rept. 97-223) regarding the nature of this measure:

The Committee recognizes, as should others involved in the Federal budget and appropriations process, that continuing resolutions are interim, stop-gap financing devices and are not intended to replace regular annual appropriation bills. The Committee has attempted to keep the continuing resolution as simple as possible and enlists the support and cooperation of the financial officials in administering the orderly operations under the continuing resolution.

The continuing resolution provides temporary financing for Federal programs at restrictive rates until November 20, 1981 or until the regular appropriations bills are enacted. It is based upon the status of the individual bills as of the last day of the current fiscal year. In summary, the operating levels which obtain under the resolution are as follows:

1. Section 101(a) provides continuing authority for nine appropriation bills. Under this section, where the particular appropriation bill has passed both Houses as of October 1, 1981, and the amount as passed by the House is different than that as passed by the Senate, projects or activities are continued under the lesser amount or more restrictive authority. Where the particular appropriation bill has not passed both Houses as of October 1, 1981, the rate of operation shall not exceed the current rate. Where an item is provided in only one version of an Act as passed by both Houses it continues at a rate not exceeding the current rate or the rate permitted by the action of one House, whichever is lower.

2. Section 101(b) provides continuing authority for the Defense and Foreign Assistance programs at the current rate or the rate of the budget estimate, whichever is lower.

3. Section 101(d) provides continuing authority at the current level for certain activities not otherwise provided for.

4. The resolution does not augment appropriations contained in the regular bills for fiscal year 1982. Section 105 provides that expenditures made pursuant to the continuing resolution shall be charged to the applicable appropriation or fund when the regular bill is enacted into law.

5. Section 101(a)(3) as amended provides that bills reported by the Committee, but not passed the Senate as of October 1, 1981 be deemed as having passed the Senate for the purposes of this joint resolution. This amendment will allow those projects and activities funded under the Department of Interior and Related Agencies Appropriation Act, 1982 and the Treasury, Postal Service and General Government Appropriation Act, 1982, to be continued at the lesser of the House-passed or the Senate reported levels.

6. The Committee has also recommended an amendment which will continue the projects and activities financed under the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1982, at the level and in the manner agreed to in conference on that measure, as if that bill were enacted into law. This provision, however, is effective for only the period ending November 20, 1981.

7. As discussed below, the Committee recommends that activities funded under the Legislative Appropriations bill be continued for the full year, with amendments to address Senate items, striking House and House building items, and to modify other joint appropriation accounts.

In addition to the committee amendments discussed in the summary above, the Committee is recommending a number of other amendments which address other critical issues.

The Department of Commerce has announced a reorganization of the Economic Development Administration and reduction-in-force. The reorganization contemplates that 50 percent of the 47 Economic Development Representatives (EDR's) now located in the various States will be offered jobs in EDA's six regional offices (Philadelphia, Atlanta, Chicago, Denver, Austin, and Seattle). The Committee has inserted an amendment (section 110) that will maintain the 47 EDR's in place in the States to monitor the almost $1.1 billion in uncompleted projects that require on-site EDA supervision. In addition the Committee believes that the States ought to have the availability of these long-term economic development specialists whose expertise goes far beyond developing EDA projects. As the States grope for new ways to solve their economic development problems without the previous Federal assistance, the EDR's can be a ready source of technical assistance.

The National Oceanic and Atmospheric Administration (NOAA) has a purchase

option on a Turbo Commander 690 aircraft that expires September 30, 1981. By exercising the option, NOAA can save $1,300,000 over the minimum expected life of the aircraft compared to continued leasing for that period.

Public law requires that purchase of aircraft be specifically authorized in an agency's appropriation. The Committee, therefore, recommends a new provision (section 133) to authorize this purchase.

The Committee recommends an amendment (section 134) to enable the Department of Health and Human Services, the General Services Administration, and the Office of Management and Budget to complete in an orderly manner close-out activities of existing Community Services Administration grants awarded in prior fiscal years, to provide for the termination expenses of CSA employees, and for other appropriate costs. It is currently estimated that $30.1 million will be required for such purposes as severance pay and annual leave costs, GSA expenses, and HHS audit and related close-out activities. This separate authority is required in order that these agencies undertake an array of administrative tasks related to these close-out responsibilities.

The Committee does not intend that any balance of the Rural Development Loan Fund be used for such close-out purposes.

The authority provided by this section is available through the end of fiscal year 1982.

The Committee recommends an amendment (section 135) which prohibits payments to school districts under the impact aid program for the duration of this continuing resolution. The amendment eliminates payments under section 5(b)(2) of Public Law 81-874, the Impact Aid Authorization Act.

Under section 5(b)(2) of the impact aid authorizing legislation, school districts are entitled to receive—within 1 month after the start of the new fiscal year—a so-called preliminary impact aid payment equal to 75 percent of the amount of impact aid they received in the previous year. However, the Committee notes that 75 percent of the fiscal year 1981 impact aid appropriation is $464,000,000, whereas the authorized level for impact aid in fiscal year 1982 is $435,000,000, a difference of $29,000,000.

Without this amendment, the continuing resolution would permit more spending for impact aid in October than the total amount of money authorized for impact aid for all of fiscal year 1982.

The Committee recommends an amendment (section 136) which conforms the continuing resolution to current law with respect to financing the acquisition and transportation of petroleums for the Strategic Petroleum Reserve. In the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35), the Congress mandated that such acquisition and transportation of petroleum be provided from a special, "off-budget" account established by the Secretary of the Treasury. The amendment adopted by the Committee makes it clear that funds provided for this purpose—whether the lower of the House or the Senate—will be made available from this special account in accordance with the law.

Section 137 of the joint resolution authorizes Department of Defense support for the Yorktown Battlefield Bicentennial. Both the Senate and House versions of the fiscal year 1982 authorization bill for the Department of Defense approve such support. The ceremony commemorating the 200th anniversary of this historic event will occur in October, therefore, necessary funding authority for the Department can be provided only through this resolution. This provision merely grants legal authority for Army participation and does not involve any additional spending. The Army will absorb the estimated $750,000 cost of its support.

The Committee recommends a new provision (section 138) directing the Secretary of Agriculture to expeditiously make loan guarantees for alcohol production facilities as authorized under the Rural Development Insurance Fund. The Committee has been advised that it is the interpretation of the administration that such loan guarantees need not be obligated as currently authorized. This view is contrary to congressional intent, and the Committee therefore believes this additional provision is necessary to implement the direction of Congress.

During the consideration by the Committee, there was raised a concern that the language of the continuing resolution would permit the administration to reduce funding allocations to the States below current levels for the Women, Infants, and Children Nutrition program, know as "WIC," and the Commodity Supplemental Feeding Program (CSFP), thereby causing reductions from the current levels of participation in those programs. Such reductions would be clearly contrary to the intent of this joint resolution.

The Agriculture, Rural Development, and Related Agencies Appropriations Act, as passed by the House and as recommended by the Senate subcommittee to the full Appropriations Committee, provides for continuation of the 1981 levels of participation for these programs. The clear intent of the Congress, therefore, will be to maintain current participation levels.

The administration is therefore directed to recognize this intent in carrying out the WIC and CSFP programs in accordance with this resolution.

The Omnibus Reconciliation Act of 1981 altered the funding mechanism of several Federal programs to targeted block grants to States. It is the intent of the Committee that these block grants be implemented with the beginning of the new fiscal year. Since the new block grants continue the same kinds of activities as provided under their predecessor programs, funding of these programs does not constitute a new start.

The level of funding that would be available for the block grants therefore will be the current rate for the combined total of each separate account included in the block grant.

It is recognized also that during the period of this continuing resolution Federal agencies will be reducing their work force as a consequence of the alterations to program operations effected through the Reconciliation Act. Due to these reductions-in-force, it is directed that within the annualized rate as established by this continuing resolution higher-than-average funds availability will be permitted at any one time in order to accomplish the orderly and timely termination of those activities and employees affected by these changes.

The Committee recommends deletion of section 110 in the House passed resolution. The authority granted by this section has already been passed by Congress in a separate bill, which is currently awaiting Presidential approval.

LEGISLATIVE BRANCH

The Committee has included the substance of the Legislative Branch Appropriations Act for fiscal year 1982 in H.J. Res. 325. This eliminates the necessity of working one entire appropriations bill into the crowded floor schedule in the next 2 months. The House of Representatives funded its items for the full fiscal year. In order to insure the enactment of appropriations necessary for the Senate and its administrative provisions, as well as to propose reductions in House recommendations for related agencies, the Committee has also included appropriations for the entire fiscal year in the joint resolution for the legislative branch.

The legislative portion of H.J. Res. 325 includes appropriations totalling $934,616,108 for the Senate, joint items such as joint committees, and associated offices such as the Library of Congress, General Accounting Office, and Government Printing Office. The resolution includes no funding for the House of Representatives, which did not include any Senate items in its resolution.

Following the mandate of the Senate to hold down our own spending, the figure recommended represents a 10-percent reduction in the budget requests considered by the Committee. The figures in this resolution, when added to House items already approved by the other body, represent less than a 5-percent increase in the legislative bill over fiscal year 1981. In contrast, the projected increase for the executive branch is 8.8 percent.

Section 101(c) includes the specific dollar recommendations of the Committee for the entire Legislative Branch, with the exception of the House of Representatives.

The Committee intends that the Secretary of the Senate should use the following guidelines in allocating his appropriations during fiscal year 1982, deviations from which will require reprograming approval:

FISCAL YEAR 1982 GUIDELINES

| Department | SOE lump-sum budget request | Current staffing level | Proposed range for staffing [1] |
|---|---|---|---|
| Legislative/administrative | $2,599,700 | 63 | 62-68 |
| Disbursing Office [2] | 866,600 | 34 | 34-38 |
| Document room | 425,800 | 19 | 18-20 |
| Library | 410,600 | 18 | 18-20 |
| Stationery room [2] | 369,000 | 16 | 16-18 |
| Office of Public Records | 207,800 | 9 | 7-9 |
| Office of Classified National Security Information | 196,200 | 5 | 5 |
| Historian | 159,600 | 5 | 5-7 |
| Curator | 106,600 | 3 | 3-4 |
| Total | 5,341,900<br>[3] 5,342,000 | 172 | 168-189 |

[1] The figures represent full-time professional and clerical staff. They do not include the interns who work from 6 to 10 weeks during the summer months.
[2] Departments now under lump-sum authority.
[3] Rounded figure which does not reflect the committee's recommendation for funding.

The Committee has included an additional $75,000 to transfer two bookbinders from the Government Printing Office to the Office of the Secretary of the Senate. An offsetting reduction was made to the GPO budget.

For the Office of the Sergeant at Arms and Doorkeeper, an amount of $80,000 has been included to accommodate the creation of the Senate Placement Office. This new office is necessitated by the closing of the Congressional Placement Office which was jointly operated by the Senate and the House of Representatives.

The following table sets forth the apportionment of funds under the headings "Contingent Expenses of the Senate," "Miscellaneous items".

MISCELLANEOUS ITEMS APPORTIONMENT SCHEDULE

| Item | Fiscal year 1981 | Budget estimate fiscal year 1982 | Committee recommendation | Committee versus Fiscal year 1981 | Committee versus Fiscal year 1982 |
|---|---|---|---|---|---|
| Office of Senate Legal Counsel | $350,000 | | | −$350,000 | |
| Resolution and reorganization reserve | 236,439 | $275,698 | $265,698 | +39,259 | |
| Miscellaneous items (reserve for contingencies) | 500,438 | 524,000 | 524,000 | +23,562 | |
| Employees fund compensation fund reimbursement | 72,372 | 66,850 | 66,850 | −5,522 | |
| Civil service retirement fund reemployed annuitants | 500,000 | 500,000 | 500,000 | | |
| Commission on Art and Antiquities (S. Res. 382, 90th Congress) | 17,500 | 17,500 | 17,500 | | |
| Committee on Rules and Administration—calendars (S. Res. 520, 96th Congress) | 47,840 | 55,120 | 55,120 | +7,280 | |
| Senators' official office expense accounts (Public Law 92-607) | 5,490,000 | 5,490,000 | 5,490,000 | | |
| Reception of foreign dignitaries | 25,000 | 25,000 | 25,000 | | |
| Foreign travel—Members and employees | 400,000 | 400,000 | 400,000 | | |
| Unemployment compensation—Federal employees | | 1,000,000 | 900,000 | +900,000 | −$100,000 |
| Subtotal | 7,639,589 | 8,354,168 | 8,254,168 | +614,579 | −100,000 |
| Office of the Secretary of the Senate | 278,411 | 273,000 | 245,000 | −33,411 | −28,000 |
| Office of the Sergeant at Arms and Doorkeeper: | | | | | |
| Administrative offices: | | | | | |
| GSA office rental | $3,200,000 | $3,200,000 | $2,844,000 | −$356,000 | −$356,000 |
| GSA alterations | 50,000 | 55,000 | 55,000 | +5,000 | |
| GSA furniture and furnishing | 850,000 | 850,000 | 850,000 | | |
| Commercial offices | 1,800,000 | 1,800,000 | 1,387,000 | −413,000 | −413,000 |
| Telegraph services—committees and official telegrams | 23,000 | 15,000 | 15,000 | −8,000 | |
| Travel (Public Law 94-303) | 13,000 | 13,000 | 13,000 | | |
| Furniture | 125,000 | 125,000 | 125,000 | | |
| Contingencies | 39,000 | 39,000 | | −39,000 | −39,000 |
| Cabinet shop | 32,000 | 32,000 | 32,000 | | |
| Custodial services | 72,000 | 90,000 | 90,000 | +18,000 | |
| Telecommunications department | 4,699,000 | 5,290,000 | 5,257,000 | +558,000 | −33,000 |
| Service department | 3,537,000 | 5,833,000 | 5,014,000 | +1,477,000 | −819,000 |
| Computer center | 16,837,000 | 10,219,000 | 8,708,000 | −8,129,000 | −1,511,000 |
| Subtotal | 31,277,000 | 27,561,000 | 24,390,000 | −6,887,000 | −3,171,000 |
| Total | 39,195,000 | 36,188,168 | 32,889,168 | −6,305,832 | −3,299,000 |
| Less: undistributed reduction | −1,000,000 | | −320,000 | +680,000 | −320,000 |
| Grand total | 38,195,000 | 36,188,168 | 32,569,168 | −5,625,832 | −3,619,000 |

The allocations included in the preceding table are advisory and are to be used by the various components of the Senate to effect cost control and program planning. The Committee is aware, however, that unforeseen circumstances can arise during the year—for example, utility rate hikes—which may necessitate some adjustments to the amounts included in the apportionment table. The Committee expects that the various components affected will notify the Committee in accordance with the customary reprograming procedures.

The Committee has included no appropriations for elevator operators under the heading "Architect of the Capitol," "Senate Office Buildings" and has reduced the appropriation for elevator operators in the Senate side of the Capitol by $99,000 and 9 positions by providing for 15 such positions rather than the 24 positions requested.

For Capitol Grounds under the Architect of the Capitol, specific reductions have been made by deferring the following projects:

| | |
|---|---|
| Replacement of broad walkways | $2,037,000 |
| Capitol Plaza resurfacing | 235,000 |
| Resurfacing concrete paving | 200,000 |
| Replacement of shuttle van | 25,000 |
| Total reduction | $2,497,000 |

For Capitol Buildings, the Committee has included $1,500,000 for a project to replace the Minton tile on the Senate side of the Capitol. The original tile, laid over 100 years ago is extremely worn and is a safety hazard.

For Senate Office Buildings under the Architect of the Capitol, specific reductions are recommended as follows:

| | |
|---|---|
| Replacement of sections of air-conditioning in Dirksen Building | $2,000,000 |
| Covering exposed beams in Immigration Building | 67,000 |
| Elevator modernization | 170,000 |
| Architectural studies—Dirksen and Russell Buildings | 2,000,000 |
| Cafeteria renovating—Dirksen Building | 2,500,000 |
| Equipment procurements | 85,000 |

Under the Government Printing Office's appropriation for Congressional Printing and Binding, the Committee has included the amount requested for printing the United States Code in its entirety.

ADMINISTRATIVE PROVISIONS

Sections 111 through 131 of the joint resolution are administrative provisions. These administrative provisions are printed below, together with a short statement for those provisions not self-explanatory.

SEC. 111. (a) The first section of the joint resolution relating to the payment of salaries of employees of the Senate, approved April 20, 1960 (Public Law 86-426, first section; 2 United States Code 60c-1), is amended—

(1) in the first sentence, by striking out clause (1),

(2) in the second sentence, by inserting "purposes of the Internal Revenue Code of 1954 and for" immediately after "For", and

(3) by striking out the last sentence thereof (as added by section 108 of the Supplemental Appropriations Act, 1979 (Public Law 96-38, section 108).

(b) the amendment made by subsection (a) shall be effective in the case of compensation payable for months after December 1982.

This provision eliminates the traditional full month's compensation payable on December 20 of each year. This will mean that disbursements for salaries for December will be handled in the same manner as for other months.

SEC. 112. (a) The first sentence of the first section of the joint resolution relating to the payment of salaries of employees of the Senate, approved April 20, 1960 (Public Law 86-426); 2 United States Code 60c-1) is amended by striking out "officers (other than Senators) and employees" and inserting in lieu thereof "Senators and officers and employees".

(b)(1) The second paragraph under the heading "SENATE" of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 13, 1884, and for other purposes" (approved March 3, 1883, c. 143, 22 Stat. 632) is repealed.

(2) The eighth paragraph under the heading "SENATE" of the Deficiency Appropriation Act, fiscal year 1934 (approved June 19, 1934, c. 648, title I, section 1, 48 Stat. 1022; 2 United States Code 33) is amended by striking out "monthly".

(c) On and after the effective date of the amendments and repeals made by this section, section 39 of the Revised Statutes (2 United States Code 35) shall not be construed as being applicable to a Senator.

(d) Section 40 of the Revised Statutes (2 United States Code 39) is amended by inserting "(or other periodic payments authorized by law)" immediately after "monthly payments".

(e) The amendments and repeals made by this section shall be effective in the case of compensation payable for months after December 1981.

This provision authorizes the Secretary of the Senate to disburse the compensation of Senators in the same manner as officers and employees of the Senate as provided for by section 60(c)-1 of title II of United States Code.

SEC. 113. Hereafter, the Secretary of the Senate as Disbursing Officer of the Senate is authorized to make such transfers between appropriations of funds available for disbursement by him for fiscal year 1982, as he deems appropriate, subject to the customary reprograming procedures of the Committee on Appropriations of the Senate.

This administrative provision would authorize the Secretary of the Senate, as Disbursing Officer of the Senate, to shift funds from accounts with small surpluses to accounts with small deficits, thus obviating the necessity for small supplemental appropriation requests.

SEC. 114. Effective October 1, 1981, all statutory positions in the Office of the Secretary (other than position of the Secretary of the Senate, Assistant Secretary of the Senate, Parliamentarian, Financial Clerk, and Director of the Office of Classified National Security Information) are abolished, and in lieu of the positions hereby abolished the Secretary is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established by the Secretary shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Secretary for that period of time; and except that nothing in this section shall be construed to affect any position authorized by statute, if the compensation for such position is to be paid from the contingent fund of the Senate.

This provision enables the Secretary of the Senate to set staffing levels and salary levels within the nine functional areas of his Office. A more detailed explanation of the effect of this provision is contained in the discussion of section 101(c), above.

SEC. 115. Effective October 1, 1981, section 105 of the Legislative Branch Appropriation Act, 1979 (2 United States Code, 72a note) is reenacted with the following amendments—

(1) in subsection (a), strike out "October 1, 1978, and ending on December 31, 1980," and insert in lieu thereof "October 1, 1981, and ending September 30, 1986,", and

(2) at the end thereof add the following new subsection:

"(e) All records, documents, and data in the Office for which funds were made available under Senate Resolution No. 570, 96th Congress, are transferred to the Office established by subsection (a).".

This administrative provision reestablishes the Office of Classified National Security Information for a 5-year period beginning October 1, 1981 and expiring September 30, 1986 in the same manner as provided for by Public Law 95-391. The provisions of Public Law 95-391 expired on December 31, 1980 and the Office was continued through September 30, 1981 by Senate Resolution 570, 96th Congress, with the expenditures being paid from the contingent fund of the Senate. The Secretary of the Senate has advised the Committee that this Office is the only repository for top secret and other highly classified documents in the possession of the Senate and has the only room on the Senate side of the Capitol suitably designed for hearings that encompass national security matters that are highly classified. This recommendation has the concurrence of the majority leader, the minority leader, and the chairman of the Committee on Rules and Administration.

SEC. 116. Effective October 1, 1981, all statutory positions in the Office of the Sergeant at Arms and Doorkeeper (other than the position of the Sergeant at Arms and Doorkeeper, Deputy Sergeant at Arms and Administrative Assistant) are abolished, and in lieu of the positions hereby abolished the Sergeant at Arms and Doorkeeper is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established by the Sergeant at Arms and Doorkeeper shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Sergeant at Arms and Doorkeeper for that period of time.

This will enable the Office of the Sergeant at Arms to establish salary levels for various employees under his jurisdiction within certain restrictions. The Committee feels this will assist him in carrying out his responsibilities in a more efficient manner. A similar provision is also recommended for the Secretary of the Senate.

SEC. 117. For each fiscal year (beginning with the fiscal year which ends September 30, 1982), the Sergeant at Arms and Doorkeeper of the Senate is hereby authorized to expend from the contingent fund of the Senate an amount not to exceed $60,000 for;

(1) the procurement of individual consultants at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a committee of the Senate.

(2) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Payments made under this section shall be made upon vouchers signed by the Sergeant at Arms and Doorkeeper of the Senate.

Within the amounts apportioned above, the Sergeant at Arms has requested authority to obligate and expend not more than $10,000 for the purpose of securing the services of firms and individuals to assist in the development and presentation of training seminars. The Committee concurs in this recommendation, with the provision that the rate of pay for the services of any individual procured under this authority shall not exceed the maximum rate allowable by the Committee on Rules and Administration for the procurement of consultant services. The Committee expects to be kept advised of activities conducted with these funds, and to receive copies of all reports.

SEC. 118. Section 103 of the Legislative Branch Appropriations Act, 1978 ( 2 United States Code 59c) is amended to read as follows:

"SEC. 103. Effective October 1, 1981, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus furniture and equipment by trade-in or by sale directly or through the General Services Administration. Receipts from the sale of such furniture and equipment shall be deposited in the U.S. Treasury for credit to the appropriation for 'Miscellaneous items' under the hearing 'Contingent expenses of the Senate'."

This provision will credit all proceeds from sales of furniture and equipment by the Sergeant at Arms to the contingent fund of the Senate. Previously, certain receipts from such sales were deposited in the U.S. Treasury. The Committee intends that such proceeds be used to offset costs of procuring like items.

SEC. 119. (a) Notwithstanding any other provision of law, there is hereby established an account, within the Senate, to be known as the "Expense Allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and for the Minority, of the Senate" (hereinafter in this section referred to as the "Expense Allowance"). For each fiscal year (commencing with the fiscal year ending September 30, 1981) there shall be available from the Expense Allowance an expense allowance not to exceed $2,000 for each of the above specified officers. Amounts paid from the expense allowance of any such officer shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation by him of such expenses. Amounts paid to any such officer pursuant to this section shall not be reported as income and shall not be allowed as a deduction, under the Internal Revenue Code of 1954.

(b) For the fiscal year ending September 30, 1981, and the succeeding fiscal year, the Secretary of the Senate shall transfer, for each such year, $8,000 to the Expense Allowance from "Miscellaneous Items" in the contingent fund of the Senate. For the fiscal year ending September 30, 1983, and for each fiscal year thereafter, there are authorized to be appropriated to the Expense Allowance such funds as may be necessary to carry out the provisions of such subsection.

SEC. 120. For each fiscal year (beginning with the fiscal year which ends September 30, 1892) there is authorized to be expended from the contingent fund of the Senate an amount, not in excess of $30,000, for the conference of the majority and an equal amount for the conference of the minority. Payments under this section shall be made only for expenses actually incurred by such a conference in carrying out its functions, and shall be made upon certification and documentation of the expenses involved, by the chairman of the conference claiming payment hereunder and upon vouchers signed by such chairman.

SEC. 121. Notwithstanding any other provisions of this joint resolution, effective October 1, 1981, the compensation of the Chaplain of the Senate shall be $52,750 in lieu of $10,110.

SEC. 122. Subsection (c) of section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(c)) is repealed effective January 1, 1982.

This section strikes language restricting the percentage of a Senator's Official Office Expense Allowance which can be drawn each month. It does not affect the overall level of this allowance.

SEC. 123. Section 304 of H.R. 4120 is hereby amended to read as follows:

"SEC. 304. (a) Subsections (c) and (d) of section 491 of the Legislative Reorganization Act of 1970 (Public Law 91-510); 2 United States Code 88b-1(c) and (d) are repealed.

(b) Section 303 of the Supplemental Appropriations Act, 1979 (Public Law 96-38) is repealed.".

This section will allow Pages of the Senate and House of Representatives to remain on the payroll during periods of recess or adjournment.

SEC. 124. In applying section 305(c) of H.R. 4120, the term "20 per centum" shall be substituted for "25 per centum".

This section limits payment of bonuses of SES personnel to no more than 20 percent of qualified personnel.

SEC. 125. The first sentence of section 110 (a) of the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12) is amended by inserting immediately before the period at the end thereof the following: "; except that the total amount so transferred from any such balance remaining as of the close of the fiscal year 1981 shall not exceed an amount equal to $15,000 or 25 percent of the amount of such Senator's official office expense account, whichever is greater, as determined under section 506(b)(1) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(1)), for the calendar year 1981".

This section limits the amount that may be transferred from Senators "clerk hire" accounts to office expense allowances to $15,000 or 25 percent of the amount of such Senator's official office expense account, whichever is greater.

SEC. 126. The second proviso of the paragraph of section 101 of the Legislative Branch Appropriation Act, 1974, which appears under the heading "Committee Employees" (87 Stat. 529; 2 U.S.C. 68-1) is amended by striking out "one committee employee" and inserting in lieu thereof "the committee Auditor and the committee Assistant Auditor".

The section allows the auditor and assistant auditor of the Rules Committee to sign vouchers.

SEC. 127. (a)(1) The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the President of the Senate, upon request by such person, United States special delivery postage stamps in such amount as may be necessary for the mailing of postal matters arising in connection with his official business.

(2) That part of the paragraph under the heading "Contingent Expenses of the Senate", relating to the procurement of air mail and special delivery postage stamps by the Secretary of the Senate, appearing under the heading "SENATE" in the Legislative Branch Appropriation Act, 1942, as amended and supplemented (2 U.S.C. 42a), is hereby repealed.

(b)(1) The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the Chaplain of the Senate, United States postage stamps in such amounts as may be necessary for the mailing of postal matters arising in connection with his official business.

(2) That paragraph of the Second Supplemental Appropriations Act, 1976, with the caption "Postage Stamps" and relating to postage allowance for the Office of the Chaplain of the Senate, appearing under the heading "SENATE", in the matter preceding section 115 of such Act (2 U.S.C. 61d-2), is hereby repealed.

SEC. 128. In the event of the death, resignation, or disability of the Sergeant at Arms and the Doorkeeper of the Senate, the Deputy Sergeant at Arms and Doorkeeper shall act as Sergeant at Arms and Doorkeeper in carrying out the duties and responsibilities of that office in all matters until such time as a new Sergeant at Arms and Doorkeeper shall have been elected and qualified or such disability shall have been ended. For purposes of this section, the Sergeant at Arms and Doorkeeper of the Senate shall be considered as disabled only during such period of time as the Majority and Minority Leaders and the President Pro Tempore of the Senate certify jointly to the Senate that the Sergeant at Arms and Doorkeeper is unable to perform his duties. In the event that the Sergeant at Arms and Doorkeeper of the Senate is absent, the Deputy Sergeant at Arms and Doorkeeper shall act during such absence as the Sergeant at Arms and Doorkeeper in carrying out the duties and responsibilities of the office in all matters.

SEC. 129. Of the unexpended balance of the funds appropriated for the Senate under the appropriation account heading "Salaries, Officers and Employees" for the fiscal year ending September 30, 1980, $1,505,000 is rescinded.

SEC. 130. (a) In subsection (a), section 441(1), title 2, United States Code, strike out all after the word "speech," down to and including "year," and insert: or article.

(b) In subsection (a)(1)(A), section 702, title 2, United States Code, after the word "source" where it appears the last time in the paragraph and insert: including speeches, appearances, articles, or other publications.

The Committee amendment requires that additional items of income be reported on the annual financial disclosure forms submitted by officers and employees of the Legislative Branch to the clerk of the House and the Secretary of the Senate.

In addition, the amendment removes the aggregate dollar limitation previously imposed on outside earned income of elected or appointed officers or employees of the Federal Government received for such things as speeches and public appearances.

SEC. 131. Sections 111 through 130 of this joint resolution shall be effective without regard to the provisions of sections 102 and 106 of this joint resolution.

GENERAL PROVISIONS

This resolution follows the general provisions of H.R. 4120, the Legislative Branch Appropriations Act, 1982 as approved by the House Appropriations Committee on July 9, 1981, as follows:

Section 301 prohibits the use of funds for the care and maintenance of private vehicles except for such emergency assistance and cleaning as may be provided under regulations issued by the Committee on House Administration. Section 302 is the usual provision that no part of any appropriation contained in this act shall remain available for obligation beyond the current fiscal year unless so provided herein. Section 303 makes permanent any officer or position, not specifically established by the Legislative Pay Act of 1929, appropriated for in this bill, and any change in the rate of compensation or designation of position established in the act. Section 304 authorizes the pages of the Senate and House of Representatives to remain on the payroll during the period between the recess or adjournment of the first session and the convening of the second session of the 97th Congress. Provisions similar to section 304 have been carried in previous appropriation bills. Section 305 provides for a pay freeze for high ranking officials and employees of the legislative, judicial, and executive branches of the Federal Government or in the District of Columbia, and places a limitation on bonuses provided to senior executive service personnel, or under similar personnel systems of no more than 20 percent of those qualified. The Committee recommends concurrence with section 306 which limits contracting funded through the bill to expenditures which are a matter of public record and are available for public inspection.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the joint resolution as amended be considered as original text for the purpose of further amendment, with the understanding that no point of order be considered as having been waived by reason thereof. This is the boilerplate language we offer each time.

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

The committee amendments agreed to en bloc are as follows:

On page 2, after line 16, insert the following:

Agriculture, Rural Development, and Related Agencies Appropriation Act, 1982;

Energy and Water Development Appropriation Act, 1982;

Department of the Interior and Related Agencies Appropriation Act, 1982;

Treasury, Postal Service and General Government Appropriation Act, 1982;

On page 3, line 23, after "1981", insert the following:

": Provided further, That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to a House but not passed by that House as of October 1, 1981, it shall be deemed as having been passed by that House.";

On page 4, beginning on line 3, strike "been passed by only one House", and insert the following:

"not been passed by both Houses";

On page 4, line 6, beginning with "under", strike through and including "Lower," on line 9, and insert the following:

"at a rate for operations not exceeding the current rate";

On page 4, line 12, beginning with the colon, strike through and including line 16;

On page 5, line 23, strike "November 1, 1981", and insert "November 20, 1981";

On page 5, after line 25, insert the following:

Notwithstanding the provisions of sections 102 and 106 of this joint resolution, for continuing projects and activities for which disbursements are made by the Secretary of the Senate, the amounts set forth under the following appropriation account headings for fiscal year 1982:

Under the heading "COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS", $6,932,000; under the heading "EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, AND MAJORITY AND MINORITY WHIPS": For expense allowances of the Vice President, $10,000; President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $2,500; and Minority Whip of the Senate, $2,500; in all, $45,000; under the headings "SALARIES, OFFICERS AND EMPLOYEES", "OFFICE OF THE VICE PRESIDENT", $945,000; "OFFICE OF THE PRESIDENT PRO TEMPORE", $126,000; "OFFICES OF THE MAJORITY AND MINORITY LEADERS", $566,100; "FLOOR ASSISTANTS TO THE MAJORITY AND MINORITY LEADERS", $109,000; "OFFICES OF THE MAJORITY AND MINORITY WHIPS", $264,600; "OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY", $143,100; "OFFICE OF THE CHAPLAIN", $76,640; "OFFICE OF THE SECRETARY", $4,990,000; "CONFERENCE COMMITTEES", $415,350 for each such committee; in all, $830,700; "ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS", $86,016,000; "OFFICE OF SERGEANT AT ARMS AND DOORKEEPER", $23,399,000; "OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY", $583,000; "AGENCY CONTRIBUTIONS AND LONGEVITY AND MERIT COMPENSATION", $13,731,000; under the heading "OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE", $1,020,600; under the heading "OFFICE OF SENATE LEGAL COUNSEL", $495,000; under the heading "SENATE PROCEDURE" for compiling, preparing, and editing "Senate Procedure", 1980 edition, $5,000, to be paid to Floyd M. Riddick, former Parliamentarian of the Senate under the headings "CONTINGENT EXPENSES OF THE SENATE", "SENATE POLICY COMMITTEES", $761,850 for each such committee; in all, $1,523,700; "AUTOMOBILES AND MAINTENANCE", $75,000; "INQUIRIES AND INVESTIGATIONS", $41,224,500; "FOLDING DOCUMENTS", at a gross rate of not exceeding $5.15 per hour per person, $128,000; "MISCELLANEOUS ITEMS", $32,569,168; "POSTAGE STAMPS", for postage stamps for the offices of the Secretaries for the Majority and Minority, $300; Chaplain, $300; and for special delivery postage for the Office of the Secretary, $6,000; Office of the Sergeant at Arms and Doorkeeper, $500; and the President of the Senate, as authorized by law, $1,600; in all, $9,000; "STATIONERY (REVOLVING FUND)", for stationery for the President of the Senate, $4,500, and for committees and officers of the Senate, $38,500; in all, $43,000.

Notwithstanding the preceding provisions of this subsection, no funds are provided thereunder for the House of Representatives or for the House Office Buildings.

For purposes of this subsection, H.R. 4120, as reported July 9, 1981, shall be treated as appropriating the following amounts:

Under the headings "JOINT ITEMS", "CONTINGENT EXPENSES OF THE SENATE", "JOINT ECONOMIC COMMITTEE", $2,250,000; "JOINT COMMITTEE ON PRINTING", $816,000; "CONTINGENT EXPENSES OF THE HOUSE", "JOINT COMMITTEE ON TAXATION", $2,967,000; "OFFICE OF THE ATTENDING PHYSICIAN", $603,000; "CAPITOL POLICE", "GENERAL EXPENSES", $887,000; "EDUCATION OF PAGES", $244,000; "OFFICIAL MAIL COSTS", $75,095,000; "CAPITOL GUIDE SERVICE", $734,000; "STATEMENTS OF APPROPRIATIONS", $13,000; under the headings "OFFICE OF TECHNOLOGY ASSESSMENT", "SALARIES AND EXPENSES", $12,019,000; under the headings "CONGRESSIONAL BUDGET OFFICE", "SALARIES AND EXPENSES", $12,868,000; under the headings "ARCHITECT OF THE CAPITOL", "OFFICE OF THE ARCHITECT OF THE CAPITOL", "SALARIES", $3,760,000; "CONTINGENT EXPENSES", $210,000; "CAPITOL BUILDINGS AND GROUNDS", "CAPITOL BUILDINGS", $10,100,000 of which $1,767,000 shall remain available until expended; "CAPITOL GROUNDS", $2,430,000 of which $10,000 shall remain available until expended; "SENATE OFFICE BUILDINGS", $14,851,000, of which $2,600,000 shall remain available until expended; "SENATE GARAGE", $99,000; "CAPITOL POWER PLANT", $20,916,000,

of which $1,290,000 shall remain available until expended; under the headings "LIBRARY OF CONGRESS", "CONGRESSIONAL RESEARCH", OF CONGRESS", "CONGRESSIONAL RESEARCH SERVICE", "SALARIES AND EXPENSES", $29,000,000; under the headings "GOVERNMENT PRINTING OFFICE", "CONGRESSIONAL PRINTING AND BINDING", $84,843,000; under the headings "BOTANIC GARDEN", "SALARIES AND EXPENSES", $2,311,000; under the headings "LIBRARY OF CONGRESS", "SALARIES AND EXPENSES", $111,989,000· "COPYRIGHT OFFICE", "SALARIES AND EXPENSES", $9,123,000; "BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED", "SALARIES AND EXPENSES", $33,221,000; "COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS (SPECIAL FOREIGN CURRENCY PROGRAM)", $4,405,000; "FURNITURE AND FURNISHINGS", $1,089,000; under the headings "ARCHITECT OF THE CAPITOL", "LIBRARY BUILDINGS AND GROUNDS", "STRUCTURAL AND MECHANICAL CARE", $6,715,000; under the headings "COPYRIGHT ROYALTY TRIBUNAL", "SALARIES AND EXPENSES", $400,000; under the headings "GOVERNMENT PRINTING OFFICE", "PRINTING AND BINDING", $17,888,000; "OFFICE OF SUPERINTENDENT OF DOCUMENTS", "SALARIES AND EXPENSES", $27,120,000; under the headings "GENERAL ACCOUNTING OFFICE", "SALARIES AND EXPENSES", $229,300,000: *Provided*, That no part of any appropriation contained in this or any other Act in excess of the standard level user charge for fiscal year 1981, as established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, shall be available for paying to the Administrator of General Services the standard level user charge for fiscal year 1982 for space and services for the General Accounting Office.

On page 11, after line 2, insert the following:

(e) Notwithstanding any other provision of this joint resolution, except section 102, such amounts as may be necessary for projects or activities provided for in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1982 (H.R. 4034), at a rate of operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (H. Rept. No. 97-222) filed in the House of Representatives on September 11, 1981, as if such Act had been enacted into law.

On page 11, line 19, strike "November 1, 1981", and insert "November 20, 1981";

On page 13, strike line 16, through and including page 14, line 2, and insert the following:

SEC. 110. Notwithstanding any other provision of this joint resolution or any other law, there shall be forty-seven permanent positions designated as Economic Development Representatives out of the total number of permanent positions funded in the Salaries and Expenses account of the Economic Development Administration for fiscal year 1982, and such positions shall be maintained in the various States within the approved organizational structure in place on June 1, 1981, and where possible, with those employees who filled those positions on that date.

SEC. 111. (a) The first section of the joint resolution relating to the payment of salaries of employees of the Senate, approved April 20, 1960 (Public Law 86-426, first section; 2 U.S.C. 60c-1), is amended—

(1) in the first sentence, by striking out clause (1),

(2) in the second sentence, by inserting "purposes of the Internal Revenue Code of 1954 and for" immediately after "For", and

(3) by striking out the last sentence thereof (as added by section 108 of the Supplemental Appropriations Act, 1979 (Public Law 96-38, sec. 108)).

(b) The amendments made by subsection (a) shall be effective in the case of compensation payable for months after December 1982.

SEC. 112. (a) The first sentence of the first section of the joint resolution relating to the payment of salaries of employees of the Senate, approved April 20, 1960 (Public Law 86-426; 2 U.S.C. 60c-1), is amended by striking out "Officers (other than Senators) and employees" and inserting in lieu thereof "Senators and officers and employees".

(b)(1) The second paragraph under the heading "SENATE" of the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes" (approved March 3, 1883, c. 143, 22 Stat. 632) is repealed.

(2) The eighth paragraph under the heading "SENATE" of the Deficiency Appropriation Act, fiscal year 1934 (approved June 19, 1934, c. 648, title 1, sec. 1, 48 Stat. 1022; 2 U.S.C. 33) is amended by striking out "monthly".

(c) On and after the effective date of the amendments and repeals made by this section, section 39 of the Revised Statutes (2 U.S.C. 35) shall not be construed as being applicable to a Senator.

(d) Section 40 of the Revised Statutes (2 U.S.C. 39) is amended by inserting "(Or other periodic payments authorized by law)" immediately after "monthly payments".

(e) The amendments and repeals made by this section shall be effective in the case of compensation payable for months after December 1981.

SEC. 113. Hereafter, the Secretary of the Senate as Disbursing Officer of the Senate is authorized to make such transfers between appropriations of funds available for disbursement by him for fiscal year 1982, as he deems appropriate, subject to the customary reprograming procedures of the Committee on Appropriations of the Senate.

SEC. 114. Effective October 1, 1981, all statutory positions in the Office of the Secretary (other than the positions of the Secretary of the Senate, Assistant Secretary of the Senate, Parliamentarian, Financial Clerk, and Director of the Office of Classified National Security Information) are abolished, and in lieu of the positions hereby abolished the Secretary of the Senate is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established by the Secretary shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Secretary of the Senate for that period of time; and except that nothing in this section shall be construed to affect any position authorized by statute, if the compensation for such position is to be paid from the contingent fund of the Senate.

SEC. 115. Effective October 1, 1981, section 105 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 72a note) is reenacted with the following amendments—

(1) in subsection (a), strike out "October 1, 1978, and ending on December 31, 1980," and insert in lieu thereof "October 1, 1981, and ending September 30, 1986,", and

(2) at the end thereof add the following new subsection:

"(e) All records, documents, and data in the office for which funds were made available under Senate Resolution Numbered 570, Ninety-sixth Congress, are transferred to the Office established by subsection (a).".

SEC. 116. Effective October 1, 1981, all statutory positions in the Office of the Sergeant at Arms and Doorkeeper of the Senate (other than the positions of the Sergeant at Arms and Doorkeeper of the Senate, Deputy Sergeant at Arms, and Administrative Assistant) are abolished, and in lieu of the positions hereby abolished the Sergeant at Arms and Doorkeeper of the Senate is authorized to establish such number of positions as he deems appropriate and appoint and fix the compensation of employees to fill the positions so established; except that the annual rate of compensation payable to any employee appointed to fill any position established by the Sergeant at Arms and Doorkeeper of the Senate shall not, for any period of time, be in excess of $1,000 less than the annual rate of compensation of the Sergeant at Arms and Doorkeeper of the Senate for that period of time; and except that nothing in this section shall be construed to affect any position authorized by statute, if the compensation for such position is to be paid from the contingent fund of the Senate.

SEC. 117. For each fiscal year (beginning with the fiscal year which ends September 30, 1982), the Sergeant at Arms and Doorkeeper of the Senate is hereby authorized to expend from the contingent fund of the Senate an amount not to exceed $60,000 for:

(1) the procurement of individual consultants, or a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate; and

(2) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable basis (with reimbursement payable at the end of each calendar quarter for services rendered during such quarter) of the services of personnel of any such department or agency.

Payments made under this section shall be made upon vouchers approved by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 118. Section 103 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 59c) is amended to read as follows:

"SEC. 103. Effective October 1, 1981, the Sergeant at Arms and Doorkeeper of the Senate is authorized to dispose of used or surplus furniture and equipment by trade-in or by sale directly or through the General Services Administration. Receipts from the sale of such furniture and equipment shall be deposited in the United States Treasury for credit to the appropriation for 'Miscellaneous Items' under the heading 'Contingent Expenses of the Senate'.".

SEC. 119. (a) Notwithstanding any other provision of law, there is hereby established an account, within the Senate, to be known as the "Expense Allowance for the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate and Secretaries for the Majority and for the Minority, of the Senate" (hereinafter in this section referred to as the "Expense Allowance"). For each fiscal year (commencing with the fiscal year ending September 30, 1981) there shall be available from the Expense Allowance an expense allotment not to exceed $2,000 for each of the above specified officers. Amounts paid from the expense allotment of any such officer shall be paid to him only as reimbursement for actual expenses incurred by him and upon certification and documentation by him of such expenses. Amounts paid to any such officer pursuant to this section shall not be reported as income and shall not be allowed as a deduction, under the Internal Revenue Code of 1954.

(b) For the fiscal year ending September 30, 1981, and the succeeding fiscal year, the Secretary of the Senate shall transfer, for each such year, $8,000 to the Expense Allowance from "Miscellaneous Items" in the contingent fund of the Senate. For the fiscal year ending September 30, 1983, and for each

fiscal year thereafter, there are authorized to be appropriated to the Expense Allowance such funds as may be necessary to carry out the provisions of subsection (a) of this section.

SEC. 120. For each fiscal year (beginning with the fiscal year which ends September 30, 1982) there is authorized to be expended from the contingent fund of the Senate an amount, not in excess of $30,000, for the Conference of the Majority and an equal amount for the Conference of the Minority. Payments under this section shall be made only for expenses actually incurred by such a Conference in carrying out its functions, and shall be made upon certification and documentation of the expenses involved, by the Chairman of the Conference claiming payment hereunder and upon vouchers approved by such Chairman.

SEC. 121. Notwithstanding the provisions of this joint resolution or any other provision of law, effective October 1, 1981, the compensation of the Chaplain of the Senate shall be $52,750 in lieu of $40,110.

SEC. 122. Subsection (c) of section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(c)) is repealed effective January 1, 1982.

SEC. 123. For the purposes of this joint resolution section 304 of H.R. 4120 shall be deemed to read as follows:

"SEC. 304. (a) Subsections (c) and (d) of section 491 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 2 United States Code 88b-1(c) and (d)) are repealed.

"(b) Section 303 of the Supplemental Appropriations Act, 1979 (Public Law 96-38) is repealed.".

SEC. 124. For the purposes of this joint resolution in applying section 305(c) of H.R. 4120, the term "20" shall be substituted for "25 per centum".

SEC. 125. The first sentence of section 110 (a) of the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12) is amended by inserting immediately before the period at the end thereof the following: "; except that the total amount so transferred from any such balance remaining as of the close of the fiscal year 1981 shall not exceed an amount equal to $15,000 or 25 per centum of the amount of such Senator's official Office Expense Account, whichever is greater, as determined under section 506(b)(1) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(1)), for the calendar year 1981".

SEC. 126. The second proviso of the paragraph of section 101 of the Legislative Branch Appropriation Act, 1974, which appears under the heading "Committee Employees" (87 Stat. 529; 2 U.S.C. 68-1) is amended by striking out "one committee employee" and inserting in lieu thereof "the committee Auditor and the committee Assistant Auditor".

SEC. 127. (a)(1) The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the President of the Senate, upon request by such person, United States special delivery postage stamps in such amount as may be necessary for the mailing of postal matters arising in connection with his official business.

(2) That part of the paragraph under the heading "Contingent Expenses of the Senate", relating to the procurement of air mail and special delivery postage stamps by the Secretary of the Senate, appearing under the heading "Senate" in the Legislative Branch Appropriation Act, 1942, as amended and supplemented (2 U.S.C. 42a), is hereby repealed.

(b)(1) The Secretary of the Senate is authorized and directed to procure and furnish each fiscal year (commencing with the fiscal year ending September 30, 1982) to the Chaplain of the Senate, upon the request of the Chaplain of the Senate, United States postage stamps in such amounts as may be necessary for the mailing of postal matters arising in connection with his official business.

(2) That paragraph of the Second Supplemental Appropriations Act, 1976, with the caption "Postage Stamps" and relating to postage allowance for the Office of the Chaplain of the Senate, appearing under the heading "Senate", in the matter preceding section 115 of such Act (2 U.S.C. 61d-2), is hereby repealed.

SEC. 128. In the event of the death, resignation, or disability of the Sergeant at Arms and Doorkeeper of the Senate, the Deputy Sergeant at Arms and Doorkeeper shall act as Sergeant at Arms and Doorkeeper in carrying out the duties and responsibilities of that office in all matters until such time as a new Sergeant at Arms and Doorkeeper shall have been elected and qualified or such disability shall have been ended. For purposes of this section, the Sergeant at Arms and Doorkeeper of the Senate shall be considered as disabled only during such period of time as the Majority and Minority Leaders and the President Pro Tempore of the Senate certify jointly to the Senate that the Sergeant at Arms and Doorkeeper is unable to perform his duties. In the event that the Sergeant at Arms and Doorkeeper of the Senate is absent, the Deputy Sergeant at Arms and Doorkeeper shall act during such absence as the Sergeant at Arms and Doorkeeper in carrying out the duties and responsibilities of the office in all matters.

SEC. 129. Of the unexpended balance of the funds appropriated for the Senate under the appropriation account heading "Salaries, Officers and Employees" for the fiscal year ending September 30, 1980, $1,505,000 is rescinded.

SEC. 130. (a) In subsection (a), section 4411, title 2, United States Code, strike out all after the word "speech," down to and including "year." and insert "or article.".

(b) In subsection (a)(1)(A), section 702, title 2, United States Code, after the word "source" where it appears the last time in the paragraph and insert "including speeches, appearances, articles, or other publications".

SEC. 131. Sections 111 through 130 of this joint resolution shall be effective without regard to the provisions of sections 102 and 106 of this joint resolution.

SEC. 132. Effective September 23, 1981, the appropriation "Operations, research, and facilities" of the National Oceanic and Atmospheric Administration for Fiscal Year 1981 is amended by adding "purchase (one)" before the words "maintenance, operation, and hire of aircraft".

SEC. 133. Notwithstanding any other provisions of this joint resolution, such sums as may be necessary shall be available during fiscal year 1982 for close-out expenses of the Community Services Administration.

SEC. 134. 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 81-874.

SEC. 135. Notwithstanding any other provision of this joint resolution, for the acquisition and transportation of petroleum for the Strategic Petroluem Reserve such amount as provided in section 101 of this joint resolution shall be pursuant to and in accordance with section 167 of the Energy Policy and Conservation Act of 1975 (Public Law 94-163), as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35).

SEC. 136. Notwithstanding any other provision of this joint resolution, the Department of Defense is authorized to obligate and expend not more than $750,000 of the funds provided by this joint resolution to support the Yorktown Bicentennial Celebration and to participate in and support such celebration as would be authorized by the Department of Defense Authorization Act, 1982, as passed by the Senate on May 14, 1981.

SEC. 137. Notwithstanding any other provision of law, amounts made available under this Act for loans to be guaranteed under the Rural Development Insurance Fund for alcohol production facilities shall be used expeditiously for the making of loan guarantees to applicants that the Secretary determines are qualified to receive such guarantees.

Mr. HATFIELD. Mr. President, before I yield to the Senator from Georgia for the statement on the legislative branch portion of the bill that is incorporated in this continuing resolution, I yield for the purposes of an opening statement to the ranking minority member.

Mr. PROXMIRE. Mr. President, I have the greatest admiration and respect for the chairman of the Appropriations Committee. I think anybody who was present at yesterday's markup session would have been deeply impressed.

In the years I have been in the Senate, and I have been here for 24 long years, I cannot recall a more difficult time for the Appropriations Committee. The Appropriations Committee was faced with enormous, deep cuts in program after program. I favor those cuts, as do most Members of the Senate. We voted for them. Putting the cuts into effect is an extraordinarily painful and difficult kind of a duty, but we have to do that.

Our tasks are compounded now because the President of the United States is going to speak tonight and advocate further cuts. We, therefore, have to delay the regular appropriation bills, although I think the chairman has done a superb job of persuading members of the subcommittees to get lined up and to act on these bills, and I think we probably would have been able to pass most of the appropriation bills by October 1 if we had not had this change. However it is an understandable change, and I hope, frankly, the President is successful in getting further reductions. But this does complicate the situation certainly, Mr. President.

The demeanor, intelligence, and understanding of the distinguished Senator from Oregon yesterday were something to really behold and were the great unifying strength for both Democrats and Republicans on the committee.

Mr. President, having said that, I think we should recognize that this continuing resolution is a very, very serious mistake, and I say that because this continuing resolution reverses what the Congress did only a few weeks ago.

The most historic achievement of this Congress, perhaps the most historic achievement in this century as far as appropriations is concerned, was our reversal of 50 years of continuous expansion and spending.

As we all know, the President's recommended reductions, including the increase in defense spending, will result in fiscal 1982 in a reduction in real spending by the Federal Government. Now we come to a continuing resolution that is going to have a serious effect on that and we should be well aware of it and sensitive to what it will do.

Only a few weeks ago, Mr. President, the Congress, including the Senate, passed a reconciliation bill that mandated this body to slash 1982 spending—that is, spending that will begin 1 week from Thursday, on October 1, 1981—by billions of dollars below the current year.

Keep in mind that 1982 spending for most of our appropriations, except for the military, will be—indeed, must be—below, and I mean billions of dollars below, spending in 1981.

Now, today we take up this continuing resolution I have spoken to that moves these appropriations measures for 50 days into fiscal 1982 on the basis of the Senate resolution.

So keep in mind that we know that nonmilitary spending in 1982 must be below 1981 in appropriation bill after appropriation bill. In my judgment, the House sent this body a logical resolution. It provides that for the next several weeks spending in each appropriation bill must not exceed the lower of the House reported bill or the 1981 level.

The House will have reported some 11 appropriations bills by October 1. These bills, in aggregate, are far, far below the 1981 appropriations. As a matter of fact, State, Justice, and Commerce is $1 billion below; Agriculture, $2.3 billion below; and Labor and Health and Human Services, $6 billion below. If we add up these three, the House is at a $9.3 billion lower level than 1981.

Now, what this means is that if we take the House language when we enact the continuing resolution, whether or not we accept further cuts the administration intends to propose, all the cuts made by the House thus far will be moved into 1982, without a disruptive and shocking change in the second, third, and fourth quarters of 1982. But that disruptive and shocking change is precisely what will happen if we adopt the resolution as reported by the Appropriations Committee.

Why? Because the resolution would toss out the House proposal to fund each of these appropriations at the lower figures of the House-passed bill or the 1981 level appropriations and settle for the 1981 figures, which are usually higher. The Senate bill goes higher. Maybe we can shock ourselves awake by recognizing this is a Republican Senate with a Republican majority. They go higher than the Democratic House by billions of dollars.

Now, since the 1981 figure is the higher figure in all of the really significant cases—not in all cases, but virtually all cases—that not only means that the Senate would go to conference with the bill billions of dollars above the House, but if the Senate's position should prevail in these areas where we are above the House, we would be funding the agencies provided for in that particular bill at a level that they not only could not sustain but that would require them to cut sharply below the level contemplated even by the administration for the remainder of the fiscal year to make up for the spending in October and early November.

Of course, we may go to conference and give in to the House on most or all of these differences. If the Senate passes this resolution that would be the only wise course. But what a way to go to conference—offering nothing but a white flag of surrender before the conference comes to order.

On the other hand, if the House and Senate conference does what we do so easily and so often, simply split the difference, we would still fund these agencies at levels hundreds of millions of dollars above the level at which the action on the budget resolution constrains us.

There are several ways the Senate might correct the problem. The simplest solution would be to reject the Senate Appropriations Committee amendment and return to the House language. This would limit spending to the 1981 rate or to the House markup level for 1982, whichever is lower.

I realize, Mr. President, that we take pride in this body and we do not like to give in to the other body wholesale on something as important as this. But I hope Senators will march into this resolution recognizing what they are doing. What we are doing is increasing spending for the first 50 days of the year, spending which—because the amount is so great, $9 billion—would increase by hundreds of millions of dollars 1982 spending and make it extremely difficult to adjust in subsequent quarters to this higher level of spending.

Furthermore, Mr. President, we checked this with the committee counsel yesterday and were informed that the administration does not have the power to reduce this spending. They cannot, under the Budget and Accounting Act, impound the money. We had an exchange on that and it was agreed in the Appropriations Committee that the administration cannot slow down that spending or say that we are not going to spend the money. They have to spend the money. They are forced to. So we are putting them in a position where this money is going to be spent.

Another possible solution would be to amend the Senate committee amendment by specifying that in no event shall spending exceed the rates established in the Reconciliation Act.

That seems to me to be an absolute minimum that we can do, in view of the fact that we are constrained by the Reconciliation Act for the whole year. We would, however, be passing appropriation bills that would, in effect, compel spending in the first 50 days of the year at a higher rate. So the logical thing to do would be to constrain ourselves to the Budget Reconciliation Act. Though this would not save us additional money, it would at least prevent the Congress from undoing the savings it thought it established in the reconciliation bill. Still another possibility would be to impose a flat percentage reduction below the 1981 rate. To do that on the floor would be difficult. It is not the most orderly way to proceed.

Mr. President, I regret very much having to raise this issue, because, as I said at the beginning, I do have the greatest admiration and respect for Senator HATFIELD. I think he is a brilliant Senator. I think he did an excellent job, under the toughest kind of conditions, in the Appropriations Committee.

But I would be derelict in my duty if I did not call the attention of the Senate to the fact that this resolution, this continuing resolution, does reverse what we accomplished—the proudest accomplishment, in the view of some people, or the worst accomplishment, in the view of others, of the Senate in cutting spending.

I think if we go home and talk to our people who are concerned about high interest rates and concerned about inflation, I think they would say that the worst thing Congress can do now is to reverse its position and go ahead and increase spending. You can debate whether or not we can cut it further, as the President is going to urge us to do. But for us to do what this resolution does—and I think most Senators perhaps did not realize this—for us to do what this resolution does, increase the level of spending for the first 50 days of 1982, is a very serious mistake.

Remember Wrong Way Corrigan and Wrong Way Roy Riegle? Roy Riegle was the man who picked up the fumble and ran 80 yards the wrong way and lost the Rosebowl game in 1920. Corrigan was the Irishman who presumably took off for California and ended up in England. He took off in New York and flew the wrong way. We are certainly flying the wrong way on this baby. It is a combination of Riegle and Corrigan, and then some, if we follow the policy recommended by the Appropriations Committee.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. I thank the Chair, and I thank the Senator from Oregon, the distinguished chairman of the Appropriations Committee.

Mr. President, the legislative branch appropriations bill for fiscal year 1982, as reported by the committee in House Joint Resolution 325, contains appropriations totaling $934,616,108. That represents a cut of $107,652,892, or approximately 10 percent below the budget requests of $1,042,269,000 considered by the committee.

Major recommendations include—

For Senate items, appropriations totaling almost $216 million. That is a reduction of 6.5 percent or just over $14 million below the budget requests. Included in the bill is the full budget request of $86,016,000 for Senators' clerk-hire accounts.

For the House of Representatives, the committee voted to delete all appropriations. That will put us on an equal footing with the House in conference, since they exclude Senate items.

For joint items, which include joint committees, the physician's office, education of pages, official mail costs, and the

Capitol Guide Service, the committee recommends agreement with the House appropriations totaling $83,609,000. That is $6,167,000 below the budget requests.

For the programs of the Architect of the Capitol, except for Library Buildings and Grounds, the committee recommends appropriations totaling $53,266,000. This is a reduction of $31,834,000 below the budget requests. Of the reductions, $20,292,000 results from deletion of the appropriation for House Office Buildings. Here again, they deleted the appropriation for Senate Office Buildings, so we will work that out in conference.

For Library Buildings and Grounds, the committee recommends appropriations of $8,715,000. That is approximately $14 million below the budget request. The reduction relates to the restoration of the Jefferson and Adams Buildings. The budget request was $18,000,000 for that project, but the committee allowed only $2,650,000 for fire protection improvements and $1,350,000 for detailed architectural and engineering studies before funding the actual construction.

For the Library of Congress, other than the Congressional Research Service, the committee recommends $160 million. That is a reduction of $5.5 million below the budget request and $1.2 million under the House bill.

For the GPO, the committee recommends total appropriations of $129,851,000. That is under the budget request by $32,326,000. But, the major reduction results from the denial of the request of $22.3 million for purchase of land for a new GPO building. That project is not authorized.

For GAO, the bill includes $229.3 million. That is a cut of $15.6 million below the budget request.

For CRS, the bill includes an appropriation of $29 million—a cut of $3,288,000 below the budget request.

For the Congressional Budget Office, $12.9 million is recommended. That is a cut of $1,430,000 below the budget request.

For OTA, the committee reported an appropriation of $12,019,000, the same as the House allowance.

For the Botanic Garden, the full $2.3 million budget request is recommended; for the Copyright Royalty Tribunal, $400,000; and finally, for the Railroad Accounting Principles Board the budget request of $1,000,000 has been denied.

Mr. President, there are numerous administrative provisions included in the resolution which relate to the legislative branch. The explanatory statement of the committee, which accompanies the resolution, provides an explanation of each such provision, so I will not repeat them at this time.

Mr. President, I ask unanimous consent that a table which compares the committee's recommendations for appropriations for the legislative branch versus the House allowances and the fiscal year 1981 appropriations be included in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. MATTINGLY. Mr. President, I would like to refer the Offices of the Senate, as well as the other agencies which receive their appropriations through the Legislative Branch Appropriations Subcommittee, to the explanatory statements accompanying House Joint Resolution 325 for further direction as to what the committee's intent is relative to their 1982 appropriations.

Mr. President, I want to mention one item that is included in the resolution which I strongly oppose. It relates to honorariums that Senators may earn. By a slim vote last night of 10 to 8, the committee adopted an amendment offered by Senator STEVENS which repeals the existing cap of $25,000 on such income. This means that unless we change the language of section 130 of this resolution, there will be no cap on honorariums.

As chairman of the Legislative Branch Subcommittee, I just want to point out we had no hearings prior to that time, and I just do not feel that this is a matter that should be adopted by the Senate without hearings and full debate in the Appropriations Committee.

There will be other items raised today. One will be on lifting partially part of the pay cap, on bonuses earned by some people in the Government.

I think when the President is getting ready to speak to the United States tonight, to all the American people, about more restraint and more cuts we have to make in this budget, the most incentive we could have not only on the outside but by people who work for the Government, who are striving for a balanced budget by 1984, would be to strive for that themselves individually.

I thank the Chair, and I thank the chairman of the committee, and I yield the floor.

Mr. HATFIELD. I thank the subcommittee chairman, and again commend him for the remarkable feat of cutting 10 percent below the budget request which he has achieved with careful scalpel-like action on that budget. He has done a remarkable job.

EXHIBIT 1

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY—FISCAL YEAR 1982

| | New budget authority | | | | Committee compared with— | | |
|---|---|---|---|---|---|---|---|
| | Enacted fiscal year 1981 | Estimates fiscal year 1982 | House action | Senate committee | Enacted | Estimates | House bill |
| TITLE I—CONGRESSIONAL OPERATIONS | | | | | | | |
| SENATE | | | | | | | |
| Compensation and Mileage of the Vice President and Senators and Expense Allowances of the Vice President, the Leaders, and Whips of the Senate | | | | | | | |
| Compensation and mileage of the Vice President and Senators | 6,827,000 | 7,984,000 | | 6,932,000 | +105,000 | −1,052,000 | +6,932,000 |
| Expense allowances of the Vice President, President pro tempore, majority and minority leaders and majority and minority whips: | | | | | | | |
| Vice President | 10,000 | 10,000 | | 10,000 | | | +10,000 |
| President pro tempore of the Senate | 10,000 | 10,000 | | 10,000 | | | +10,000 |
| Majority leader of the Senate | 10,000 | 10,000 | | 10,000 | | | +10,000 |
| Minority leader of the Senate | 10,000 | 10,000 | | 10,000 | | | +10,000 |
| Majority whip of the Senate | 2,500 | 2,500 | | 2,500 | | | +2,500 |
| Minority whip of the Senate | 2,500 | 2,500 | | 2,500 | | | +2,500 |
| Total, expense allowances | 45,000 | 45,000 | | 45,000 | | | +45,000 |
| Total, Vice President and Senators | 6,872,000 | 8,029,000 | | 6,977,000 | +105,000 | −1,052,000 | +6,977,000 |
| Salaries, Officers and Employees | | | | | | | |
| Office of the Vice President | 945,000 | 945,000 | | 945,000 | | | +945,000 |
| Office of the President pro tempore | 140,000 | 140,000 | | 126,000 | −14,000 | −14,000 | +126,000 |
| Offices of the Majority and Minority Leaders | 629,000 | 629,000 | | 566,100 | −62,900 | −62,900 | +566,100 |
| Floor assistants to the majority and minority leaders | 109,000 | 128,000 | | 109,000 | | −19,000 | +109,000 |
| Offices of the Majority and Minority Whips | 294,000 | 294,000 | | 264,600 | −29,400 | −29,400 | +264,600 |
| Offices of the secretaries of the conference of the majority and the conference of the minority | 159,000 | 159,000 | | 143,100 | −15,900 | −15,900 | +143,100 |
| Office of the Chaplain | 64,000 | 64,000 | | 76,640 | +12,640 | +12,640 | +76,640 |
| Office of the Secretary | 5,105,000 | 5,342,000 | | 4,990,000 | −115,000 | −352,000 | +4,990,000 |
| Committee employees | 12,825,000 | | | | −12,825,000 | | |
| Conference committees | 923,000 | 923,000 | | 830,700 | −92,300 | −92,300 | +830,700 |
| Administrative, clerical, and legislative assistance to Senators | 83,379,000 | 86,016,000 | | 86,016,000 | +2,637,000 | | +86,016,000 |
| Office of Sergeant at Arms and Doorkeeper | 24,815,000 | 26,378,000 | | 23,399,000 | −1,416,000 | −2,979,000 | +23,399,000 |
| Offices of the secretaries for the majority and minority | 588,000 | 588,000 | | 588,000 | | | +588,000 |
| Agency contributions and longevity compensation | 14,324,000 | 14,731,000 | | 13,731,000 | −593,000 | −1,000,000 | +13,731,000 |
| Total, salaries officers and employees | 144,299,000 | 136,337,000 | | 131,785,140 | −12,513,860 | −4,551,860 | +131,785,140 |
| Office of the Legislative Counsel of the Senate | | | | | | | |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY—FISCAL YEAR 1982—Continued

| | New budget authority | | | | Committee compared with— | | |
|---|---|---|---|---|---|---|---|
| | Enacted fiscal year 1981 | Estimates fiscal year 1982 | House action | Senate committee | Enacted | Estimates | House bill |
| Salaries and expenses | $1,015,000 | $1,134,000 | | $1,020,600 | +$5,600 | −$113,400 | $+1,020,600 |
| **Office of Senate Legal Counsel** | | | | | | | |
| Salaries and expenses | 390,000 | 550,000 | | 495,000 | +105,000 | −55,000 | +495,000 |
| Senate procedure | | | | 5,000 | +5,000 | +5,000 | +5,000 |
| **Contingent Expenses of the Senate** | | | | | | | |
| Senate policy committees | 1,693,000 | 1,693,000 | | 1,523,700 | −169,300 | −169,300 | +1,523,700 |
| Automobiles and maintenance | 65,000 | 75,000 | | 75,000 | +10,000 | | +75,000 |
| Inquiries and investigations | 35,227,000 | 45,305,000 | | 41,224,500 | +5,997,500 | −4,580,500 | +41,224,500 |
| Folding documents | 128,000 | 128,000 | | 128,000 | | | +128,000 |
| Miscellaneous items | 38,195,000 | 36,189,000 | | 32,569,168 | −5,625,832 | −3,619,832 | +32,569,168 |
| Postage stamps | 7,000 | 9,000 | | 9,000 | +2,000 | | +9,000 |
| Stationery (revolving fund) | 42,000 | 43,000 | | 43,000 | +1,000 | | +43,000 |
| Total, contingent expenses of the Senate | 75,357,000 | 83,942,000 | | 75,572,368 | +215,368 | −8,369,632 | +75,572,368 |
| Subtotal, Senate | 227,933,000 | 229,992,000 | | 215,855,108 | −12,077,892 | −14,136,892 | +215,855,108 |
| Less: undistributed reduction under sec. 109 of Public Law 97-12 | −21,420,000 | | | | +21,420,000 | | |
| Rescissions of fiscal year 1980 appropriations | | | | −1,505,000 | −1,505,000 | −1,505,000 | −1,505,000 |
| Total, Senate | 206,513,000 | 229,992,000 | | 214,350,108 | +7,837,108 | −15,641,892 | +214,350,108 |
| **HOUSE OF REPRESENTATIVES** | | | | | | | |
| **Payments to Widows and Heirs of Deceased Members of Congress** | | | | | | | |
| Gratuities, deceased Members | 121,326 | | | | −121,326 | | |
| **Compensation and Mileage for the Members** | | | | | | | |
| Compensation of Members | 29,254,300 | 29,382,000 | 29,382,000 | | −29,254,300 | −29,382,000 | −29,382,000 |
| Mileage of Members | 210,000 | 210,000 | 210,000 | | −210,000 | −210,000 | −210,000 |
| Total, compensation and mileage for the Members | 29,464,300 | 29,592,000 | 29,592,000 | | −29,464,300 | −29,592,000 | −29,592,000 |
| **House Leadership Offices** | | | | | | | |
| Office of the Speaker | 641,700 | 642,000 | 642,000 | | −641,700 | −642,000 | −642,000 |
| Office of the Majority Floor Leader | 472,500 | 523,000 | 523,000 | | −472,500 | −523,000 | −523,000 |
| Office of the Minority Floor Leader | 572,700 | 573,000 | 573,000 | | −572,700 | −573,000 | −573,000 |
| Office of the Majority Whip | 487,600 | 438,000 | 438,000 | | −487,600 | −438,000 | −438,000 |
| Office of the Minority Whip | 387,400 | 388,000 | 388,000 | | −387,400 | −388,000 | −388,000 |
| Total, House leadership offices | 2,561,900 | 2,564,000 | 2,564,000 | | −2,561,900 | −2,564,000 | −2,564,000 |
| **Salaries, Officers and Employees** | | | | | | | |
| Office of the Clerk | 10,883,000 | 11,057,000 | 11,057,000 | | −10,883,000 | −11,057,000 | −11,057,000 |
| Office of the Sergeant at Arms | 14,665,500 | 15,679,000 | 15,337,000 | | −14,665,500 | −15,679,000 | −15,337,000 |
| Office of the Doorkeeper | 5,517,800 | 5,662,000 | 5,662,000 | | −5,517,800 | −5,662,000 | −5,662,000 |
| Office of the Postmaster | 1,485,100 | 1,544,000 | 1,544,000 | | −1,485,100 | −1,544,000 | −1,544,000 |
| Office of the Chaplain | 52,800 | 53,000 | 53,000 | | −52,800 | −53,000 | −53,000 |
| Office of the Parliamentarian | 292,000 | 305,000 | 305,000 | | −292,000 | −305,000 | −305,000 |
| Compilation of precedents of the House of Representatives | 190,000 | 190,000 | 190,000 | | −190,000 | −190,000 | −190,000 |
| Technical assistant, Office of the Attending Physician | 38,700 | 38,000 | 38,000 | | −38,700 | −38,000 | −38,000 |
| House Democratic Steering Committee | 371,800 | 372,000 | 372,000 | | −371,800 | −372,000 | −372,000 |
| House Democratic Caucus | 108,800 | 109,000 | 109,000 | | −108,800 | −109,000 | −109,000 |
| House Republican Conference | 480,600 | 481,000 | 481,000 | | −480,600 | −481,000 | −481,000 |
| 6 minority employees | 316,500 | 317,000 | 317,000 | | −316,500 | −317,000 | −317,000 |
| L.B.J. interns and former Speakers' staff | 742,900 | 753,000 | 700,000 | | −742,900 | −753,000 | −700,000 |
| Total, salaries, officers and employees | 34,145,500 | 36,560,000 | 36,165,000 | | −35,145,500 | −36,560,000 | −36,165,000 |
| **Committee Employees** | | | | | | | |
| Professional and clerical employees (standing committees) | 29,225,000 | 29,225,000 | 29,225,000 | | −29,225,000 | −29,225,000 | −29,225,000 |
| **Committee on Appropriations (Studies and Investigations)** | | | | | | | |
| Salaries and expenses | 3,669,000 | 3,685,000 | 3,685,000 | | −3,669,000 | −3,685,000 | −3,685,000 |
| **Committee on the Budget (Studies)** | | | | | | | |
| Salaries and expenses | 245,000 | 218,000 | 218,000 | | −245,000 | −218,000 | −218,000 |
| **Office of the Law Revision Counsel** | | | | | | | |
| Salaries and expenses | 521,000 | 525,000 | 525,000 | | −521,000 | −525,000 | −525,000 |
| **Office of the Legislative Counsel** | | | | | | | |
| Salaries and expenses | 2,202,000 | 2,390,000 | 2,390,000 | | −2,202,000 | −2,390,000 | −2,390,000 |
| **Members' Clerk Hire** | | | | | | | |
| Clerk hire | 138,348,000 | 138,813,000 | 138,813,000 | | −138,348,000 | −138,813,00 | −131,883,000 |
| **Contingent Expenses of the House** | | | | | | | |
| **Allowances and Expenses** | | | | | | | |
| Official expenses of Members | 43,049,000 | 43,049,000 | 43,049,000 | | −43,049,000 | −43,049,000 | −43,049,000 |
| Supplies, materials, administrative costs and Federal tort claims | 10,695,000 | 15,137,000 | 11,970,000 | | −10,695,000 | −15,137,000 | −11,970,000 |
| Furniture and furnishings | 2,000,000 | 1,670,000 | 1,670,000 | | −2,000,000 | −1,670,000 | −1,670,000 |
| Reporting hearings | 1,810,000 | 1,511,000 | 1,511,000 | | −1,810,000 | −1,511,000 | −1,511,000 |
| Reemployed annuitants reimbursement | 2,209,000 | 2,300,000 | 2,300,000 | | −2,209,000 | −2,300,000 | −2,300,000 |
| Government contributions | 17,700,000 | 17,709,000 | 17,709,000 | | −17,700,000 | −17,709,000 | −17,709,000 |
| Miscellaneous items | 514,000 | 647,000 | 647,000 | | −514,000 | −647,000 | −647,000 |
| Total, allowances and expenses | 77,977,000 | 82,023,000 | 78,856,000 | | −77,977,000 | −82,023,000 | −78,856,000 |
| **Special and Select Committees** | | | | | | | |
| Salaries and expenses | 41,500,000 | 45,761,000 | 41,761,000 | | −41,500,000 | −45,761,000 | −41,761,000 |
| Total, contingent expenses of the House | 119,477,000 | 127,784,000 | 120,617,000 | | −119,477,000 | −127,784,000 | −120,617,000 |
| Total, House of Representatives | 360,980,026 | 371,356,000 | 363,794,000 | | −360,980,026 | −371,356,000 | −363,794,000 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY—FISCAL YEAR 1982—Continued

| | New budget authority | | | | Committee compared with— | | |
|---|---|---|---|---|---|---|---|
| | Enacted fiscal year 1981 | Estimates fiscal year 1982 | House action | Senate committee | Enacted | Estimates | House bill |
| JOINT ITEMS | | | | | | | |
| Contingent Expenses of the Senate | | | | | | | |
| Joint Economic Committee | $2,207,000 | $2,250,000 | $2,250,000 | $2,250,000 | +$43,000 | | |
| Joint Committee on Printing | 760,000 | 922,000 | 816,000 | 816,000 | +56,000 | −$106,000 | |
| Total, contingent expenses of the Senate | 2,967,000 | 3,172,000 | 3,066,000 | 3,066,000 | +99,000 | −106,000 | |
| Contingent Expenses of the House | | | | | | | |
| Joint Committee on Taxation | 2,759,000 | 2,967,000 | 2,967,000 | 2,967,000 | +208,000 | | |
| Office of the Attending Physician | | | | | | | |
| Medical supplies, equipment, expenses, and allowances | 503,900 | 603,000 | 603,000 | 603,000 | +99,100 | | |
| Capitol Police | | | | | | | |
| General expenses | 834,000 | 925,000 | 887,000 | 887,000 | +53,000 | −38,000 | |
| Capitol Police Board | 915,000 | | | | −915,000 | | |
| Total, Capitol Police | 1,749,000 | 925,000 | 887,000 | 887,0000 | −862,000 | −38,000 | |
| Education of Pages | | | | | | | |
| Education of congressional pages and pages of the Supreme Court | 245,000 | 267,000 | 244,000 | 244,000 | −1,000 | −23,000 | |
| Official Mail Costs | | | | | | | |
| Expenses | 52,033,000 | 81,095,000 | 75,095,000 | 75,095,000 | +23,062,000 | −6,000,000 | |
| Capitol Guide Service | | | | | | | |
| Salaries and expenses | 731,000 | 734,000 | 734,000 | 734,000 | +3,000 | | |
| Statements of Appropriations | | | | | | | |
| Preparation | 13,000 | 13,000 | 13,000 | 13,000 | | | |
| Total, joint items | 61,000,900 | 89,776,000 | 83,609,000 | 83,609,000 | +22,608,100 | −6,167,000 | |
| OFFICE OF TECHNOLOGY ASSESSMENT | | | | | | | |
| Salaries and expenses | 11,183,000 | 13,100,000 | 12,019,000 | 12,019,000 | +836,000 | −1,081,000 | |
| CONGRESSIONAL BUDGET OFFICE | | | | | | | |
| Salaries and expenses | 12,519,000 | 14,298,000 | 13,458,000 | 12,868,000 | +349,000 | −1,430,000 | −1590,000 |
| ARCHITECT OF THE CAPITOL | | | | | | | |
| Office of the Architect of the Capitol | | | | | | | |
| Salaries | 3,327,000 | 3,964,000 | 3,760,000 | 3,760,000 | +433,000 | −204,000 | |
| Contingent expenses | 210,000 | 210,000 | 210,000 | 210,000 | | | |
| Total, Office of the Architect of the Capitol | 3,537,000 | 4,174,000 | 3,970,000 | 3,970,000 | +433,000 | −204,000 | |
| Capitol Buildings and Grounds | | | | | | | |
| Capitol buildings | 7,330,000 | 9,971,000 | 8,937,000 | 10,100,000 | +2,770,000 | +129,000 | +1,163,000 |
| Capitol grounds | 2,264,000 | 4,927,000 | 4,234,000 | 2,430,000 | +166,000 | −2,497,000 | −1,804,000 |
| Acquisition of property as an addition to the Capitol grounds | 11,500,000 | | | | −11,500,000 | | |
| Memorial to Hale Boggs, Architect of the Capitol, 1981 | 7,000 | | | | −7,000 | | |
| Senate office buildings | 11,881,000 | 21,849,000 | | 14,851,000 | +2,970,000 | −6,998,000 | +14,851,000 |
| Senate garage | 104,000 | 99,000 | | 99,000 | −5,000 | | +99,000 |
| House office buildings | 16,560,000 | 20,292,000 | 19,899,000 | | −16,560,000 | −20,292,000 | −19,899,000 |
| Capitol Power Plant (operation) | 19,101,000 | 22,888,000 | 21,348,000 | 20,916,000 | +1,815,000 | −1,972,000 | −432,000 |
| Total, Capitol buildings and grounds | 68,747,000 | 80,026,000 | 54,418,000 | 48,396,000 | −20,351,000 | −31,630,000 | −6,022,000 |
| Total, Architect of the Capitol (except Library buildings and grounds) | 72,284,000 | 84,200,000 | 58,388,000 | 52,366,000 | −19,918,000 | −31,834,000 | −6,022,000 |
| LIBRARY OF CONGRESS | | | | | | | |
| Congressional Research Service | | | | | | | |
| Salaries and expenses | 29,689,000 | 32,288,000 | 31,575,000 | 29,000,000 | −689,000 | −3,288,000 | −2,575,000 |
| GOVERNMENT PRINTING OFFICE | | | | | | | |
| Congressional printing and binding | 82,400,000 | 91,218,000 | 87,918,000 | 84,843,000 | −2,443,000 | −6,375,000 | −3,075,000 |
| Total, title I—congressional operations | 836,568,926 | 926,228,000 | 650,761,000 | 489,055,108 | −347,513,818 | −437,172,892 | −161,705,892 |
| TITLE II—OTHER AGENCIES | | | | | | | |
| BOTANIC GARDEN | | | | | | | |
| Salaries and expenses | 1,644,000 | 2,311,000 | 2,311,000 | 2,311,000 | +667,000 | | |
| LIBRARY OF CONGRESS | | | | | | | |
| Salaries and expenses | 105,089,000 | 115,443,000 | 111,989,000 | 111,989,000 | +6,900,000 | −3,454,000 | |
| Copyright Office, salaries and expenses | 10,201,000 | 10,623,000 | 10,305,000 | 9,123,000 | −1,087,000 | −1,500,000 | −1,183,000 |
| Books for the blind and physically handicapped, salaries and expenses | 34,337,000 | 33,243,000 | 33,221,000 | 33,221,000 | −1,116,000 | −22,000 | |
| Collection and distribution of library materials (special foreign currency program): | | | | | | | |
| Payments in Treasury-owned foreign currencies | 3,175,100 | 4,043,000 | 3,976,000 | 3,976,000 | +800,900 | −67,000 | |
| U.S. dollars | 389,900 | 431,000 | 429,000 | 429,000 | +39,000 | −2,000 | |
| Release of sec. 311 funds | | (300,000) | | | | (−300,000) | |
| Total, collection and distribution of library materials | 3,565,000 | 4,474,000 | 4,405,000 | 4,405,000 | +840,000 | −69,000 | |
| Furniture and furnishings | 1,775,000 | 1,540,000 | 1,039,000 | 1,039,000 | −686,000 | −451,000 | |
| Total, Library of Congress (except Congressional Research Service) | 154,967,000 | 165,323,000 | 161,010,000 | 159,827,000 | +4,860,000 | −5,496,000 | −1,183,000 |

| | New budget authority | | | | Committee compared with— | | |
|---|---|---|---|---|---|---|---|
| | Enacted fiscal year 1981 | Estimates fiscal year 1982 | House action | Senate committee | Enacted | Estimates | House bil |
| ARCHITECT OF THE CAPITOL | | | | | | | |
| Library Buildings and Grounds | | | | | | | |
| Structural and mechanical care | $4,753,000 | $22,718,000 | $8,715,000 | $8,715,000 | +$3,962,000 | −$14,003,000 | |
| COPYRIGHT ROYALTY TRIBUNAL | | | | | | | |
| Salaries and expenses | 470,000 | 500,000 | 461,000 | 400,000 | −70,000 | −100,000 | −$61,000 |
| GOVERNMENT PRINTING OFFICE | | | | | | | |
| Printing and binding | 16,250,000 | 19,380,000 | 17,888,000 | 17,888,000 | +1,638,000 | −1,492,000 | |
| Office of Superintendent of Documents, salaries and expenses | 24,000,000 | 29,279,000 | 27,120,000 | 27,120,000 | +3,120,000 | −2,159,000 | |
| Total, Government Printing Office (except congressional printing and binding and acquisition of site and general plans and designs of building) | 40,250,000 | 48,659,000 | 45,008,000 | 45,008,000 | +4,758,000 | −3,651,000 | |
| GENERAL ACCOUNTING OFFICE | | | | | | | |
| Salaries and expenses | 220,602,000 | 244,878,000 | 233,000,000 | 229,300,000 | +8,689,000 | −15,578,000 | −3,700,000 |
| RAILROAD ACCOUNTING PRINCIPLES BOARD | | | | | | | |
| Salaries and expenses | | 1,000,000 | | | | −1,000,000 | |
| Total, title II—other agencies | 422,686,000 | 485,389,000 | 450,505,000 | 445,561,000 | +22,857,000 | −39,828,000 | −4,944,000 |
| TITLE III—CAPITAL IMPROVEMENTS | | | | | | | |
| GOVERNMENT PRINTING OFFICE | | | | | | | |
| Acquisition of site and general plans and designs of building | | 22,300,000 | | | | −22,300,000 | |
| Grand total, titles I, II and III: New budget (obligational) authority | 1,259,254,926 | 1,433,917,000 | 1,101,266,000 | 934,616,108 | −324,638,818 | −499,300,892 | −166,649,892 |
| RECAPITULATION | | | | | | | |
| Title I—Congressional operations | 836,568,926 | 926,228,000 | 650,761,000 | 489,055,108 | −347,513,818 | −437,172,892 | −161,705,892 |
| Title II—Other agencies | 422,686,000 | 485,389,000 | 450,505,000 | 445,561,000 | +22,875,000 | −39,828,000 | |
| Title III—Capital improvements | | 22,300,000 | | | | −22,300,000 | −4,944,000 |
| TITLE I—CONGRESSIONAL OPERATIONS | | | | | | | |
| Senate | 206,513,000 | 229,992,000 | | 214,350,108 | +7,837,108 | −15,641,892 | +214,350,108 |
| House of Representatives | 360,980,026 | 371,356,000 | 363,794,000 | | −360,980,026 | −371,356,000 | −363,794,000 |
| Joint items | 61,000,900 | 89,776,000 | 83,609,000 | 83,609,000 | +22,608,100 | −6,167,000 | |
| Office of Technology Assessment | 11,183,000 | 13,100,000 | 12,019,000 | 12,019,000 | +836,000 | −1,081,000 | |
| Congressional Budget Office | 12,519,000 | 14,298,000 | 13,458,000 | 12,868,000 | +343,000 | −1,430,000 | −590,000 |
| Architect of the Capitol (except Library buildings and grounds) | 72,284,000 | 84,200,000 | 58,388,000 | 52,366,000 | −19,918,000 | −31,834,000 | −6,022,000 |
| Congressional Research Service, Library of Congress | 29,689,000 | 32,288,000 | 31,575,000 | 29,000,000 | −689,000 | −3,288,000 | −2,575,000 |
| Congressional printing and binding, Government Printing Office | 82,400,000 | 91,218,000 | 87,918,000 | 84,843,000 | +2,443,000 | −6,375,000 | −3,075,000 |
| Total, title I—congressional operations | 836,568,926 | 926,228,000 | 650,761,000 | 489,055,108 | −347,513,818 | −437,172,892 | −161,705,892 |
| TITLE II—OTHER AGENCIES | | | | | | | |
| Botanic Garden | 1,644,000 | 2,311,000 | 2,311,000 | 2,311,000 | +667,000 | | |
| Library of Congress (except Congressional Research Service) | 154,967,000 | 165,323,000 | 161,010,000 | 159,827,000 | +4,860,000 | −5,496,000 | −1,183,000 |
| Library buildings and grounds, Architect of the Capitol | 4,753,000 | 22,718,000 | 8,715,000 | 8,715,000 | +3,962,000 | −14,003,000 | |
| Copyright Royalty Tribunal | 470,000 | 500,000 | 461,000 | 400,000 | −70,000 | −100,000 | −61,000 |
| Government Printing Office (except congressional printing and binding) | 40,250,000 | 48,659,000 | 45,008,000 | 45,008,000 | +4,758,000 | −3,651,000 | |
| General Accounting Office | 220,602,000 | 244,878,000 | 233,000,000 | 229,300,000 | +8,698,000 | −15,578,000 | −3,700,000 |
| Railroad Accounting Principles Board | | 1,000,000 | | | | −1,000,000 | |
| Total, title II—other agencies | 422,686,000 | 485,389,000 | 450,505,000 | 445,561,000 | +22,875,000 | −39,828,000 | −4,944,000 |
| TITLE III—CAPITAL IMPROVEMENTS | | | | | | | |
| Government Printing Office | | 22,300,000 | | | | −22,300,000 | |
| Grand total, new budget (obligational) authority | 1,259,254,926 | 1,433,917,000 | 1,101,266,000 | 934,616,108 | −324,638,818 | −499,300,892 | −166,649,892 |

Mr. HATFIELD. Mr. President, I would just like to make a few brief remarks, because I think the Senator from Wisconsin has raised a very legitimate question, and that is the target figures that have been used or the target levels of funding in comparing the House to the Senate versions of this continuing resolution.

I would say that, No. 1, in all of these matters that have occurred during this session relating to the fiscal crises that we are in. I think we have had a tendency to sacrifice the procedures and the precedents of the institution for the more, I suppose, important, at least it is considered so by some, the important matters dealing with figures—figures that have to be ultimately translated not only into the impact upon people, but the impact upon the institution of the legislative process known as the Congress.

I think we made a lot of sacrifices that we will live to regret in those practices that have been so tested by time to prove very worthy, when we engaged in the reconciliation resolution here only a few weeks ago and yielded the legislative prerogatives, not in terms of grabbing and holding power, but in terms of protecting the public and maintaining a viability of the three branches of Government.

I have felt very constrained to support that only under the crises conditions which we face.

I would say to the Senator that if we had adopted the House language resolution we would have been, therefore, yielding to the House and yielding the Senate role in the whole reconciliation process. At least we now have enough substantial differences in the two resolutions where we can go to conference and in the normal process of conference with the House resolve these differences, yielding and receiving. The House will yield and the Senate will yield as we go through this process of conference.

So I think in this kind of resolution we are preserving more the legitimate role and the accountable role of the Senate in this whole continuing resolution action.

Second, I would like to remind the Senator that we are proposing that we have this continuing resolution on a very short-term basis, 30 days or perhaps 45 days, whatever the final figure is. The House calls for a 30-day life for the resolution, and the Senate calls for a 50-day life of the resolution.

Mr. President, I also recognize that in that period of time there could possibly be some changes in the level of funding, but I want to assure the Senator from

Wisconsin that I think the overwhelming evidence points to the fact that we are not going to have a change in the level of funding during this hiatus which we call the continuing resolution. That is further underscored by the language in the resolution itself as presented to us by the House. I quote from page 3 of the report of the resolution:

The Committee continues to feel that it is essential that officials responsible for administering programs during the period covered by the resolution take only the limited action necessary for orderly continuation of projects and activities, preserving to the maximum extent possible the flexibility of Congress in arriving at final decisions—

That means 1982 appropriation bills, not continuing resolution levels—

Accordingly, the rates of operation for programs and activities under the resolution are to be interpreted as ceilings and not as mandatory spending levels. This is necessary in order to preserve congressional prerogatives in the course of the regular authorization and appropriation process. The Committee expects that departments and agencies will carefully avoid the obligation of funds, for specific budget line items or program allocations on which congressional committees may have expressed strong criticism, at rates which would impinge upon discretionary decisions otherwise available to the Congress.

Here we have not only the strong, explicit language in the report of the resolution, but we have the legislative record indicating that we do not expect those levels of spending to be changed that we are freezing into status quo. Let me remind you that freezing the status quo on continuing the spending levels at 1981 levels will mean a saving in excess of $3 billion a month. I think that is significant. I am hoping that will be more than 1 month because I want to get back to the appropriations process.

Third, Mr. President, I would like to observe that in talking directly with Mr. Stockman, the Director of the Office of Management and Budget, his office has assured us that they will exercise every authority they have under the Budget Act to hold the spending levels during this continuing resolution at the lowest possible level until we can get the bills out and acted upon.

So I think that the fears which have been raised by the Senator from Wisconsin can be answered. I think they are legitimate concerns that he has expressed, but I think there is also evidence that we can meet those concerns and we can hold the line and, therefore, the Senate has preserved as well the senatorial role in the whole appropriations process and the continuing resolution process.

Mr. GARN. Mr. President, on September 10, 1981, the conferees on H.R. 4034 convened and concluded action on the HUD-independent agencies fiscal year 1982 appropriations bill. Section 101(e) of the joint resolution provides for interim funding of the activities and programs under the jurisdiction of the HUD-Independent Agencies Appropriations Subcommittee at the level contained in the conference agreement on H.R. 4034. The conference agreement contains $60,837,970,200 in new budget authority. This is $2,410,482,300 below the administration's request and $3,600,000,000 below the subcommittee's 302(b) allocation

On the outlay side, the Senate version contained an estimated $56,182,000,000 in outlays before conference. Under the terms of the conference agreement, the expected fiscal year 1982 outlays are estimated to be $56,203,000,000 or $373,000,000 above the administration's request and $600,000,000 below the subcommittee's 302(b) outlay target. Two items, VA medical care and the National Consumer Cooperative Bank, account for $320,000,000 of this overage. In both cases, the administration has supported the inclusion of these funds, but has neither modified its budget request accordingly nor has it recommended specific offsetting reductions.

At this point, I might note that in order to achieve the President's objectives of reducing the growth rate in Federal spending, budget decisions must be made that will impact on the long term obligations of the Federal Government. With this in mind, the conference agreement reduces future outlays by about $2,500,000,000 below the administration's recommendations.

The committee also expects to review the September budget amendments in order to determine where additional savings might be realized. Upon completion of this review, the committee will recommend additional cuts when the conference report on H.R. 4034 is considered in the Senate. Until that time, the committee believes that funding should coincide with the latest congressional action, that is, the conference agreement.

Mr. President, before I discuss the specific conference agreements cited in the joint resolution, I would just like to take a moment to compliment the members of the Appropriation Committees. My Senate colleagues on the subcommittee have been particularly supportive of the difficult discussion that we have been asked to make and have made. I know that many members would have liked to see the higher levels of funding for various programs, however, the economic problems besetting this country do not allow us that luxury. The distinguished Senator from Kentucky (Mr. HUDDLESTON) has been a source of great wisdom and knowledge.

I would be remiss if I did not compliment the House subcommittee chairman, Mr. BOLAND, for the spirit of cooperation he has shown throughout this process. Although neither he nor I were totally satisfied with the outcome on each of the items in disagreement, the entire package represents a wholehearted attempt to minimize Federal expenditures in fiscal year 1982.

TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ANNUAL CONTRIBUTIONS

The conferees have agreed to provide $17,939,370,000 in budget authority for annual contributions for assisted housing. Of this $17,939,370,000 in budget authority, $2,354,400,000 will be allocated for public housing new construction. This limitation, however, is not to be interpreted as restricting local public housing authorities from allocating funds between section 8 and low-income housing projects. Rather, local governments will have the discretion of allocating this $2,354,400,000 according to local needs.

Finally, the conferees agreed to provide $916,233,800 in annual contract authority for assisted housing. Of this $916,233,800 in contract authority, $25,112,000 would be allocated for 4,000 Indian housing units.

Since we have had inquiries from the Department on this provision, I would like to expand upon it for a moment. Although the Secretary is required to initially allocate the prescribed amount of funds for public housing development on a national basis, we want to reiterate that this does not prevent these funds from being used for other purposes on the local level. For example, many communities with existing public housing projects which are beginning to deteriorate may well decide that these funds would be better used to modernize those units rather than to build new units. Such shifting of resources is permitted under the authorizing language and would be consistent with the intent of the conferees on appropriations.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

The conferees agreed to provide $148,000,000 for payments for the operation of low-income housing projects. These funds are to remain available until December 31, 1981 in order that public housing authorities will be able to meet increases in operating costs during fiscal year 1981. The conferees intend HUD to allocate these funds in early October and make them available as soon thereafter as possible.

TROUBLED PROJECTS OPERATING SUBSIDY

The conferees agreed to provide $4,000,000 for troubled projects operating subsidy as proposed by the Senate, rather than $50,176,000 as proposed by the House.

TEMPORARY MORTGAGE ASSISTANCE PROGRAM

The conferees agreed to delete language proposed by the Senate which would have provided $75,960,000 for the temporary mortgage assistance program. Although the program was authorized in October 1980, HUD has not yet issued regulations implementing the program.

While denying the request, the conferees expect HUD to continue implementing the regulations for the program. After the regulations have been issued and reviewed by the Appropriations Committees, consideration will be given to providing funds for the program.

MORTGAGE INSURANCE COMMITMENTS

The conferees agreed to limit commitments for mortgage insurance to $40,000,000,000 rather than $39,000,000,000 as proposed by the House and $41,000,000,000 as proposed by the Senate.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

SPECIAL ASSISTANCE FUNCTION FUND

The conferees agreed to establish a limitation of $1,973,000,000, rather than $3,600,000,000 proposed by the House for mortgage purchase commitments under the Government National Mortgage Association's section 8 tandem and tar-

geted tandem programs. The statement of the managers also urges HUD to implement a financing adjustment factor to compensate section 8 projects for higher financing rates.

MORTGAGE-BACKED SECURITIES

The conferees agreed to limit commitments for guarantees of mortgage-backed securities to $68,250,000,000 rather than $67,000,000,000 proposed by the House and $69,500,000,000 proposed by the Senate.

SOLAR ENERGY AND ENERGY CONSERVATION BANK

The conferees agreed to provide $25,000,000 for the Solar Energy and Energy Conservation Bank.

COMMUNITY DEVELOPMENT BLOCK GRANTS AND URBAN DEVELOPMENT BLOCK GRANTS

The conferees agreed to provide $3,666,000,000 for community development block grants and $500,000,000 for urban development block grants.

With respect to this provision, I would like to present a technical clarification. I want to point out that at the time the House bill was passed, the omnibus reconciliation bill had not been enacted. Consequently, the statutory authorizations cited in the House bill referred to the sections of the then existing title I of the Housing and Community Development Act of 1974. The clear intent of the conferees is to provide the appropriations within the authorizations as now enacted and on the basis of the current citations. Therefore, the reference under "Community Development Grants" to "section 103(a)" should read "section 103," and the references to "urban development action grants" to "section 103(c)" should read "section 119(a)."

Of the $3,666,000,000 for the community development block grant program, the conferees agreed that $2,000,000 from the Secretary's discretionary fund will be devoted to the work-study program to aid disadvantaged minority students.

Finally, the conferees agreed to limit total commitments for guarantee loans under section 108 of the Housing and Community Development Act of 1974, as amended, to $225,000,000 rather than $200,000,000 as proposed by the House and $250,000,000 as proposed by the Senate.

POLICY RESEARCH AND DEVELOPMENT

The conferees agreed to provide $23,000,000 for policy research and development, rather than $20,000,000 as proposed by the House and $30,000,000 as proposed by the Senate. Both Houses earmarked $1,000,000 for the Housing Assistance Council, within this account.

TITLE II—INDEPENDENT AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

The conferees agreed to provide $583,747,000 for salaries and expenses as proposed by the Senate, rather than $583,691,000 as proposed by the House. In addition, the conferees agreed with the recommendations contained in the House report with the following changes: Plus $500,000 in program direction for the Office of Air, Noise and Radiation; plus $56,000 in program direction for the Office of Press Services; plus $500,000 in Office of Planning and Management contract studies; minus $870,000 in rent, communications and utilities; and minus $130,000 from the Office of Legislation.

RESEARCH AND DEVELOPMENT

The conferees agreed to provide $181,250,700 for research and development, rather than $191,247,000 as proposed by the House and $180,750,700 as proposed by the Senate.

ABATEMENT, CONTROL, AND COMPLIANCE

The conferees agreed to provide $421,840,500 for abatement, control, and compliance as proposed by the Senate, rather than $422,553,000 as proposed by the House. In addition, the conferees agreed with the recommendations contained in the Senate report with the following changes: Minus $3,000,000 in the clean lakes program; and plus $3,000,000 to be applied at the discretion of EPA in programs proposed for reduction by the Senate. Included in the agreement, by reference, was an additional $1,000,000 for the completion of the Chesapeake Bay study.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY

The conferees agreed to provide $1,044,000 for the Council on Environmental Quality and the Office of Environmental Quality as proposed by the House rather than $1,544,000 as proposed by the Senate.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL ASSISTANCE

The conferees agreed to provide $134,789,000 for State local assistance as proposed by the Senate. With the funds provided in this and the following account, $115,151,000 will be available for civil defense related activities.

EMERGENCY PLANNING AND ASSISTANCE

The conferees agreed to provide $65,456,000 for emergency planning and assistance, rather than $29,010,000 as proposed by the House and $67,456,000 as proposed by the Senate. The $2 million reduction from the level of funding proposed by the Senate should be taken from the earthquake hazard mitigation program.

NATIONAL FLOOD INSURANCE FUND

The conferees restored language proposed by the House and stricken by the Senate providing $373,000,000 for the National Flood Insurance Fund to be used to retire fund indebtedness and urged the agency to continue its efforts to place the fund on an actuarial basis.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

The conferees agreed to provide $1,344,000 for the Consumer Information Center as proposed by the Senate, rather than $1,314,000 as proposed by the House. The additional $30,000 will be used to conduct a study to determine the feasibility of charging customers a handling fee on free publications.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

The conferees agreed to provide $4,973,100,000 for research and development, rather than $4,398,100,000 as proposed by the House and $4,994,500,000 as proposed by the Senate. The $70,000,000 added above the budget request is to be applied only for the solar electric propulsion system, the international solar polar mission, the Shuttle/Spacelab payload development, the upper atmosphere research satellites experiment, technology transfer, materials processing, search and rescue, technology utilization, aeronautical research and technology and the mid-level facility in Hawaii. NASA is directed to apply this $70 million in such a manner and in such amounts as to bring about a meaningful programmatic enhancement of each of these programs.

In addition, the conferees restored language proposed by the House and stricken by the Senate to limit certain programs within NASA's research and development account to the budget request. These limitations may be exceeded only with the approval of the Appropriations Committees.

Finally, the conferees agreed that none of NASA's research and development funds can be used to support the definition and development of techniques to analyze extraterrestrial radio signals for patterns that may be generated by intelligent sources.

CONSTRUCTION OF FACILITIES

The conferees agreed to provide $99,800,000 for construction of facilities, rather than $95,800,000 proposed by the House and $104,800,000 proposed by the Senate.

RESEARCH AND PROGRAM MANAGEMENT

The conferees agreed to provide $1,114,300,000 for research and program management as proposed by the Senate, rather than $1,100,000,000 as proposed by the House.

NATIONAL CONSUMER COOPERATIVE BANK

SELF-HELP DEVELOPMENT

The conferees restored language proposed by the House and striken by the Senate providing $5,000,000 for the self-help development fund, and establishing a direct loan limitation of $14,000,000 for the fund.

NATIONAL CONSUMER COOPERATIVE BANK FUND

The conferees restored language proposed by the House and striken by the Senate establishing $260,000,000 of a direct loan limitation for the National Consumer Cooperative Bank Fund. In addition, the conferees deleted language proposed by the Senate that would restrict the bank from making further loans.

NATIONAL INSTITUTE OF BUILDING SCIENCES

The conferees agreed to provide $1,500,000 for salaries and expenses as proposed by the Senate, rather than $500,000 as proposed by the House. Language, however, proposed by the Senate to make the $1,500,000 available upon enactment of the bill into law was deleted. Instead, the conferees agreed that all the funds should be apportioned during fiscal year 1982.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

The conferees agreed to provide $1,-

040,000,000 for research and related activities, rather than $1,065,000,000 as proposed by the House and $1,024,100,000 as proposed by the Senate. In addition, the conferees included language proposed by the Senate which will limit funding for biological, behavioral, and social sciences to $184,600,000.

SCIENCE EDUCATION AND ENGINEERING ACTIVITIES

The conferees agreed to provide $27,450,000 for science education and engineering activities rather than $35,000,000 proposed by the House and $19,900,000 proposed by the Senate.

NEIGHBORHOOD REINVESTMENT CORPORATION

The conferees agreed to provide $14,-450,000 for payment to the Neighborhood Reinvestment Corporation rather than $13,950,000 proposed by the House and $14,950,000 proposed by the Senate.

DEPARTMENT OF THE TREASURY

INVESTMENT IN THE NATIONAL CONSUMER COOPERATIVE BANK

The conferees agreed to provide $47,-000,000 for investment in the National Consumer Cooperative Bank, rather than $58,000,000 as proposed by the House. In providing this $47,000,000, the conferees included report language stating that the fiscal year 1982 appropriations is the final appropriations for the bank.

VETERANS' ADMINISTRATION

COMPENSATIONS AND PENSIONS

The conferees agreed to provide $12,-881,600,000 for compensation and pensions, rather than $12,914,000,000 as proposed by the House and $12,857,400,000 as proposed by the Senate.

READJUSTMENT BENEFITS

The conferees agreed to provide $1,-638,300,000 for readjustment benefits rather than $1,626,000,000 proposed by the House and $1,658,000,000 proposed by the Senate. In addition, rather than eliminating payments for all flight and correspondence trainees as proposed by the House, the conferees agreed to language which would exempt persons enrolled in flight training on August 31, 1981 and correspondence training on September 30, 1981.

MEDICAL CARE

The conferees agreed to provide $6,966,418,000 for medical care as proposed by the Senate, rather than $6,964,661,000 as proposed by the House. The agreement includes funding of an additional 5,181 staff years, as proposed by the House.

MEDICAL AND PROSTHETIC RESEARCH

The conferees agreed to provide $150,-699,000 for medical and prosthetic research, instead of $153,699,000 as proposed by the House and $145,699,000 as proposed by the Senate. The level of funding agreed to by the conferees will support an average employment of 4,487 an increase of 194 staff years above the budget request.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

The conferees agreed to provide $62,-400,000 for medical administration and miscellaneous operating expenses as proposed by the Senate, instead of $62,-572,000 as proposed by the House.

CONSTRUCTION, MAJOR PROJECTS (DEFERRAL)

The conferees disapproved $35,961,000 of the proposed deferral (D81-98) relating to construction, major projects, as proposed by the Senate, instead of $23,361,000 as proposed by the House. The deferred projects disapproved by the conferees are the nursing home care and garage project in Washington, D.C., and the research and education addition at Long Beach, Calif.

CONSTRUCTION AND OPERATION OF GARAGE AND PARKING FACILITIES

The conferees deleted language proposed by the Senate providing $4,692,-000 for construction and operation of garage and parking facilities. In denying the request of funds for this account, the conferees agree that the Veterans' Administration should continue to fund such maintenance, construction and operational expenses from existing resources.

TITLE IV—GENERAL PROVISIONS

SECTION 409

The conferees restored language proposed by the House and stricken by the Senate which prohibits an agency from using personnel compensation and benefit funds for other purposes without the approval of the Appropriations Committees.

SECTION 413

The conferees deleted language proposed by the House which would limit an agency from spending funds for an activity in excess of the agency's budget estimates without the approval of Appropriations Committees. Instead, the conferees included report language which provides agencies with guidelines on reprogramings.

SECTION 414

The conferees deleted the provision proposed by the House which would prohibit overtime pay for employees above GS-9.

SECTION 415

The conferees deleted language proposed by the Senate which would have prohibited an employee from taking annual leave while on official travel. Instead, the conferees included report language on the use of annual leave in conjunction with official travel.

SECTION 416

The conferees deleted provision proposed by the Senate which would prohibit HUD from making housing assistance payments for section 8 units which are vacant for more than 30 days. Instead, the conferees included language urging HUD to review the benefits of modifying future contracts to provide for a 30 rather than the current 60-day vacancy payments.

TECHNICAL CORRECTIONS IN SENATE REPORT 97-163

On page 93 of the Senate committee report, the total FTE in the nonadministrative expense account for the Federal Home Loan Bank Board should be 914 rather than 915.

On page 83 of the Senate committee report, in the medical care chart for the Veterans' Administration, funding for patients in community nursing homes should be $164,206,000 rather than $145,-453,000 for both the House and Senate recommendations. In addition, in the same chart, funding for equipment supplies and materials should be $1,402,-441,000 rather than $1,267,982,000 for both the House and Senate recommendations.

Mr. STEVENS. I thank the Senator.

Mr. President, it is my intention today to offer two amendments. I might say at the outset that because of the problem I have been informed of, meetings which are occurring in the Capitol, committee meetings that might be disturbed otherwise, it is my intention to ask that the votes if they are requested on the amendments I will offer, take place following the votes already ordered.

It is my understanding that there are two votes ordered to start at 1 o'clock. Unless the debate continues beyond that time, I would hope that if votes are ordered between now and 1 o'clock they be ordered to take place after the two scheduled votes. I will not make that request at this time. I wanted Members to understand that.

UP AMENDMENT NO. 420

(Purpose: Relating to away from home living expenses of Members of Congress)

Mr. STEVENS. 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 assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 420.

Mr. STEVENS. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following section:

SEC. . (a) It is the sense of the Congress that the dollar limits on tax deductions for living expenses of Members of Congress while away from home shall be the same as such limits for businessmen and other private citizens.

(b)(1) The last sentence of section 162(a) of the Internal Revenue Code of 1945 is amended by striking out all after "home" and inserting in lieu thereof a period.

(2) Public Law 471, Eighty-second Congress, approved July 9, 1952 (66 Stat. 464), is amended by striking out the proviso in the second paragraph of the matter under the heading "HOUSE OF REPRESENTATIVES, Salaries, Mileage, and Expenses of Members" (66 Stat. 467; 2 U.S.C. 31c).

The amendments made by this subsection shall apply to taxable years beginning after December 31, 1981.

Mr. STEVENS. Mr. President, it is always difficult on the floor of either body to discuss and have Members vote on items that affect each Member personally. This is one of those amendments. It is an amendment to correct a situation which has developed which is a strange one.

In 1952 there was attached to a legislative appropriations bill an amendment that limited the deductions that a Member of Congress could take as a person away from home. We are away from home when we are here in Wash-

ington; we are away from home when we travel throughout the country on items where there are not reimbursable expenses, so far as the Senate is concerned. Most of us maintain two homes.

The difficulty is this: In 1952 when the limitation of $3,000, which is in existing law, was imposed, the salary of a Member of Congress was $22,500. The difficulty is that the costs have risen to a staggering amount, and yet that figure has never been changed. The reason it has never been changed is that no one could agree on what it should be. The effect of this amendment is to treat Members of Congress the same as all other citizens who are away from home on business.

We have already adjusted the provision concerning State legislators. We have looked at the question for business people in general. At the time it was considered an indirect benefit to Members of Congress because of the $3,000 limit in the 1950's. I might add parenthetically that at that time, and since that time, there has been no necessity to itemize the deductions under the $3,000 but to just claim the $3,000 deduction.

The effect of my amendment is that each Member would have to justify the expenses he or she seeks to claim on their income tax return. As I said, the effect of the change since the time this $3,000 limit was imposed, which was at the time a high figure, has now become such a floor that it is really an item that puts a burden on people.

I think this is much more important to people in the other body, perhaps, than it is to us. Very frankly, there are more people in the House who do in fact commute back and forth.

Just imagine this, Mr. President: Your cost of commuting between your homes is deductible if that cost exceeds reimbursement, but the expenses while you are away from home is not deductible no matter what it might amount to in excess of $3,000.

That, as I said, would limit expenses away from home, whether it is in Washington or anywhere else, when you are on business and do not claim reimbursement.

The impact of this is that I seek to treat Members of Congress the same as all other persons in deducting reasonable and necessary business expenses. The impact of this would be that since our home is, by law, in our State or district, those expenses that a Member wishes to claim as deductions will have to be justified by each Member.

There are many Members who do not seek reimbursement from the Federal Government for such expenses and I believe that it is fair that they should be allowed to deduct them on an individual basis as far as such expenses are concerned.

Mr. President, I know there are going to be arguments that this is an indirect salary increase. It is not an indirect salary increase. It means that expenses that we are incurring anyway will be treated for purposes of the tax law the same as they would be treated for anyone else. That limitation would come off. I am hopeful that Members will realize that this should be done and it should be done now. With the Consumer Price Index up well over 200 percent since the time of the imposition of the limitation of $3,000, it is time, I believe, for us to take this limitation and deal with it on an individual basis according to each Member's particular circumstance.

It is something I would be willing to answer any questions about, Mr. President. It is a matter which I think must be faced and I hope that the Senate will take this action. I know that it is something that is needed. As I said, this item was put on originally in a legislative appropriations bill. It came from a provision in a legislative appropriations bill in 1953. That action was before 1953, the action having been taken in 1952. I hope that Members of Congress, particularly the Senate, today will approve this amendment.

Mr. President, I take it to be a technicality. We passed such a provision affecting State legislators, incidentally, this year, and it was considered a technicality. It is not necessarily identical, because they have per diem and, in the past, we used to tax their per diem and not allow them to deduct the amount of their expenses up to their per diem. We changed that.

I might say, incidentally, that a group of us explored the possibility of the concept of per diem for Members when they are away from home. That involves an increase in expenditures, something that we thought would be not proper and, frankly, not achievable.

These expenses we are incurring now will mean that we shall have a greater portion of our income available to us because we will not be paying taxes and paying those expenses, too, so there is an economic benefit for all Members who seek to claim their deductions in excess of $3,000.

That is an individual decision, Mr. President. Not everyone will claim this as expenses. As a matter of fact, not every business person claims exactly the same type of expenses when they are traveling. It should be an individual matter.

The first portion of my amendment states that it is the sense of the Congress that the dollar limits on tax deduction for living expenses of Members of Congress while away from home shall be the same as such limits for businessmen and other private citizens. I hope that the Senate will agree with me that that type of amendment is timely and it should take place.

Mr. President, we have limitations on our travel expenses now. They are built-in limitations that have become more realistic because of the impact of increased transportation costs.

When I first came to the Senate some 13 years ago, it cost about $350 for me to fly to my State and I was given an allowance for a specific number of trips home. Since that time, the cost has gone up to over $1,300 and the travel allowance is the same. I still make approximately the same number of trips back and forth and those trips are expenses that are, in fact, deductible. I just point that out because the increase in our travel expenses is not limited. They are not considered expenses away from home. They are traveling expenses. Therefore, costs of transportation are deductible.

The increase in the cost of facilities that Members rent to live in while they are here, or that they acquire for the purpose of living while they are here, is just as realistic as the increase in travel expenses. Yet, what, back in 1952, was considered to be a very generous ceiling has now become a floor that is totally unrealistic. I think that, rather than argue about what the level should be, each Member of Congress should decide in his or her wisdom what expenses should be deducted for the purpose of income taxes.

Mr. President, I hope that the Senate will agree. I see my good friend from Georgia on the floor. He, I am certain, feels this is a problem that should not be addressed. This is a continuing resolution. It deals with the legislative item on the basis of a full calendar year. It is the last vehicle we are going to deal with in this Congress, I feel, where it would be in order, since it is the legislative item that is before us. Notwithstanding what I know will be his comments, I hope the Senate agrees with me that it is timely to make this adjustment now.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Once again, Mr. President, I must speak in opposition. I think that, today, we are going to see a series of things brought up in the Senate. The first item is that we in the U.S. Senate and the House of Representatives should have a greater deduction on our expenses.

I think that if we look back over the past few months, when the House first brought up the item, they backed off because of the heat from the public. I hope the heat from the public comes in today. I think that this is the wrong time to bring up this item.

Mr. President, I am chairman of the Subcommittee on the Legislative Branch. This item did not come up in subcommittee; neither did it come up in full committee. I think that it needs to be aired clearly and publicly. If necessary, then it can be made retroactive at that time. But I think this is the wrong time and place.

As I said before, Mr. President, we are going to have several other things we are going to be talking about. One will be lifting the cap on the honoraria that we may earn. We are going to talk about lifting some of the pay caps on Government workers and all at the same time, the President of the United States will come out tonight and talk about the need to cut the budget back. I think at this time, each of us will be asked: Whom are we looking after, the public or us?

I ask that this not be passed by a voice vote but, rather, when the proper time comes, that we do ask for the yeas and nays so we can all go on record and the public will know how we stand.

Mr. STEVENS. Mr. President, the Senator makes a good point, as always. He

has been most consistent in his feelings about some of these items. Again, let me point out that the approaches and the options that were available to Members of Congress other than this all would involve budgetary considerations and we opted not to seek any kind of changes in reimbursement.

As a matter of fact, we have agreed to reduce our reimbursement by 10 percent for official expenses. By doing so, there are more of these items that I have spoken of that are, in fact, incurred that we pay out of our own income that, at the present time, would not be deductible because of the $3,000 limitation.

I feel that at a time when we are saying that we should not spend more of the public's money, that we should reduce the amount of taxpayers' funds that are available to Members of Congress for the operation of their offices and their activities as Members of Congress, we should recognize, at the same time, that these Members of Congress should be treated the same as other business people. We are business people.

Mr. President, Congress, in its wisdom over the years, has treated each of us as a small business person. We get allowances to run our offices. We are not told what salaries we should set. We are not told what priorities we should use. We can determine whether we use those allowances for transportation or telephone or telegraph or other office expenses.

However, when it came to the point of personal expenses back in 1952, in an attempt to deal with the problem of not having had a salary increase for a number of years, Congress, in its wisdom, put in a $3,000 limitation, which I said at the time was in fact an indirect pay increase. It was so debated on the floor. It amounted to a pay increase because Members were able to deduct $3,000, which exceeded the expenses most of them were incurring at the time.

Now we find that the $3,000 is not in that situation. It is way below the amount of expenses that the individual Members incur.

The Senator from Georgia has mentioned the situation in the House. I do not see fit to refer to individual Members of the House, but it is true that Members of the House are very concerned about this and have visited with me about it.

It has impacted Members of the House to the extent that there are even Members of the House living in their official offices. The expenses they have incurred over the years are such that they no longer rent hotel rooms, no longer rent condominiums or places to stay. They actually are living in their offices.

Many of them have split up their families. They do not bring their families to Washington. I should think that the people who do talk about families and the necessity to keep families together should realize the impact on a Member of Congress so far as his or her family is concerned, when it comes to these expenses.

It is impossible to maintain a second home for your family here for $3,000. Yet, every Member of Congress must maintain a home in his or her State. Not only is it necessary to maintain a residence, but also, we spend a great deal of our time at home—and that is our home. For some Members of the House, as I have mentioned, it has meant that they have gone away from the idea of having a second home here because they cannot afford it, under the current expenses they face.

I would rather say to a Member of Congress: "Use as much of your own personal income as you see fit for expenses away from home and deduct them, and face your Internal Revenue Service audit to see if they are reasonable and necessary expenses incurred away from home."

That is what would happen to other people who come here, whether they are labor groups or environmental groups or any other groups that come here to work in conjunction with Congress, whether they be lobbyists or people working on issues that affect Congress. They all deduct their necessary and reasonable expenses away from home.

However, those of us who come here elected by the people to conduct the public's business can deduct only $3,000 because this is an effective limit now. It is not what it was in the beginning.

I recall arguing at one time on the floor that we should create some form of entity to deal with matters concerning congressional pay, congressional allowances, and such items as this, and we should not have to vote on it. As things exist now under the law and under the Constitution, we must vote on these matters. We tried, to the extent we could, with the Pay Reform Act to set up an automatic mechanism to deal with such things, but it has not been automatic.

As a matter of fact, both Congress and the President have disapproved the recommendation, and there is only one way to do it, and that is to face each issue. We are going to face one today, primarily of interest to the House, which is the matter of expenses away from home. One is primarily of interest to the Senate, and that is the honorarium limitation. The other is primarily of interest to the executive branch, and that is the level of salaries paid to members of the executive branch and the effect of what we call compression.

Mr. President, I do not know of anyone who has sought time to speak.

Does the Senator from Vermont wish to speak?

Mr. LEAHY. Mr. President, if the Senator from Alaska will yield, I should like to make sure I fully understand this.

Mr. STEVENS. I yield.

Mr. LEAHY. Under the present law, any Member of Congress can take a $3,000 deduction for living expenses down here, without having to justify a single cent of it. That is the current law.

Mr. STEVENS. It has been my advice that you are allowed to take your statutory deduction for expenses away from home, and they have been presumed to be $3,000.

Mr. LEAHY. Under the amendment of the Senator from Alaska, Members of Congress would be required to justify any deduction they took for expenses while here. Is that correct?

Mr. STEVENS. Each item claimed would have to be justified, even those up to $3,000. That is correct. I just believe that Congress, as a whole, should take notice of what is happening because of the increased expenses of a number of people who have decided that they cannot maintain two homes, who, in fact, have left their family in their home State or district and have come here alone and live here, and some have decided to live in their office. It is not good, in my opinion.

I believe we are people who should have the advantage of family life here for the time we are here. We are spending a great deal more time in our districts and our States since we have reformed matters. We do have the periods we call district work periods or State work periods. We are taking those times to go home. But while we are there, the expenses continue for the living quarters we have here. We still have the expense of rent or a condominium or a house when we take time off for the August period or the Christmas period or the weeks we take off to work at home. There is no question that there are expenses here, extraordinary expenses, that are faced by Members of Congress because they do maintain two homes.

The law today is discriminatory. When it was put into effect in 1952, it was put into effect for the purpose of bringing about a pay increase. The passage of time has made it such that today it is a limitation which has forced a change in living habits for many Members of Congress, which I do not see. I brought my family to Washington with me when I came to the Senate. My family situation has changed, as everyone knows, but I would never dream of attempting to leave my family 4,500 miles away.

The distance should not make the determination. Today, the determination is made by expense. Those people who can get home on Thursday or Friday and come back on Monday or Tuesday are doing that and actually are spending less and less time here on their duties, because they are trying to live at home and to be here on a part-time basis. I believe that this change would have a salutary impact on the whole workload of Congress, if we realize that people should be able to deduct necessary and reasonable expenses of living away from home while they are here in Congress.

Mr. LEAHY. Is it not a fact, I ask the Senator from Alaska, that it has been the experience and testimony here in Congress that most State legislators are actually given a direct per diem when they are in attendance upon the State legislatures?

Mr. STEVENS. That is correct.

I served in the State legislature in my home State of Alaska and for every day that we were away from home on official business we received a per diem in addition to our salary.

Members of Congress have never re-

ceived, so far as I can determine, a per diem for being away from home, even though we are away from home for longer periods than members of the State legislature.

Mr. LEAHY. The irony, if I might tell my good friend, is I know in my own State of Vermont, which is a small State and has a small legislature, I can drive in Vermont from my driveway of my home in Vermont to the parking lot of the State capital in just a matter of minutes, and yet if I were a legislator there I would be entitled to I think somewhere in the neighborhood of $50 or more a day for the expenses of being there, and yet when I come 550 miles from my home in Vermont to the Nation's Capital there is no provision whatsoever for any kind of out-of-pocket expenses while here in the Nation's Capital.

If I have members of the staff from my Vermont office come down here, we can reimburse them for the expenses while being here. If the director of the Farmers Home Administration in Vermont or employees of any of the other Federal agencies were to come down here to work with the parent office for a week, 2 weeks, 3 months, whatever, their per diem will be covered; yet I realize ours are not.

I understand there is nothing in the amendment of the distinguished majority whip that would suggest that we be paid a per diem, although I think a legitimate argument could be made on that question.

But to make sure I fully understand what the amendment says, it is that we will simply be treated the same as any other business people are being treated. If we want a deduction, then we have to justify the deduction. We have to show, indeed, it is related to the fact that we have to be away from home to be here, and then we get that deduction the same as all other citizens in this country would, with the exception of the 100 people who serve in this body and the 435 people who serve in the other body.

Mr. STEVENS. The Senator is absolutely correct.

I might point out that in connection with one item I recall handling here in the Senate there was a group of Alaskans who were here in town for a substantial number of months. Many of them stayed as Government employees who received per diem. A couple of them were here for so long they did rent condominiums and had semihomes away from home. They received per diem. All of their expenses that they incurred were deductible against their total income, including per diem.

But that situation does not apply to a Member of Congress. We do not receive the per diem and also the expenses are not deductible beyond $3,000.

I frankly, as I said, explored the possibility of looking at a per diem in terms of dealing with this problem. But I did not propose per diem because of the budgetary circumstances, because of the feeling that we were cutting expenses in connection with the running of Congress rather than increasing our allowances. I point out we have not increased allowances in any area, despite increased transportation cost, increased cost of all kinds. We have cut those allowances by 10 percent, meaning we will pay more of those expenses that we feel we must incur anyway out of our own pocket. I think they should be deductible. I do believe that making them deductible relieves the pressure of demanding ever-increasing allowances to meet these costs out of the Federal Treasury.

So I believe the amendment is one that should be agreed to.

Mr. MATTINGLY. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I yield.

Mr. MATTINGLY. With reference to this going back home, I feel it is the wrong time and the wrong place to bring this amendment up.

We are trying to look after, really, the House Members because as the Senator said they are severely impacted. Yet they did not put this in their legislative branch bill.

Mr. STEVENS. I think the Senator has already mentioned that. There is a problem that we all know exists from time to time. It develops between committee jurisdiction. It is a problem that has resulted in the House of Representatives not taking the initiative on this matter. It applies to us and affects us as well. I do not want to mislead. That is not something just for the House of Representatives. It would affect Members of the Senate as well as Members of the House of Representatives. It is a matter which I decided to raise. But I do not get into the operation of the other body.

I did that one year and learned that the difference between the House of Representatives and the Senate is as abrupt as the difference between Harvard and Yale. These are many people who think that because they are two Ivy League colleges one can treat them the same.

The difference between the House of Representatives and the Senate is very real when it comes to internal workings, and I respect their judgment that it is not something that they can raise over there. They also have a different circumstance in terms of their rules as to what can be raised there.

This matter can be raised here by a Member who is concerned about it in the Chamber, and it is not possible to raise this in the hall of the House of Representatives in this manner.

Mr. MATTINGLY. It was brought up one time in the House of Representatives.

Mr. STEVENS. In committee.

Mr. MATTINGLY. And they saw fit from the heat to not bring it up and put it in legislation.

Mr. STEVENS. That was in committee. I am not certain it referred to heat. I think it was a jurisdictional matter between committees there as I understood it.

Again I do not see any reason to go into personalities or the matters of dealing with the problems of the House of Representatives. But there are individual Members I feel in the House of Representatives who would raise the matter if they were able to do so in the House of Representatives. They cannot raise this matter in this fashion.

Under our rules, we can, and I have determined that it is a matter that is proper for me to raise.

I have raised several issues of this type in the past, and I do so knowing that there will be some criticism, but as a practical matter this is not going to affect my lifestyle.

As I have said, I brought my family here. I have two homes. I do maintain two homes. I do not maintain, I will say, the big home that I had when I came to the Senate. I moved to a condominium in my home State because of the problems that are associated with this. I regret the day that I had to sell my home at home, but I could not maintain my family here in the way I wanted to maintain them while we were here and at the same time maintain that big house at home. So we did move to a condominium, and it was a matter of this item that caused me to make that decision.

But I made that judgment. My children, except my new little one, are not at home here living with us here. We really do not call this our home. Our home is still in Alaska, and they do go there.

But I do not feel that others who come behind me should have to make that same decision that we had to make at the time we sold that house, and I tell the Senator from Georgia when the day comes that he faces that question because of the impact of restrictive laws like this it makes one think twice about the very necessity to bring his family here and of being involved in public business.

I see more and more Members of Congress are looking at this question.

Just think of this. For the first time in history since Reconstruction days, and I say that advisedly with the two Senators I am facing at this time, there are 54 Senators here who are in their first term. We have had such a rapid turnover in the 13 years I have been here that I am now 20th in seniority in 13 years, and when I came here the person who was 50th in seniority had been here 20 years. We have a rapid turnover, with more retirements at an earlier age in the House of Representatives and the Senate than ever before, and we face them again, and the problem is, as we have been unwilling to look at the problems of living that we face, of having a home in our home State or district and the requirements of expenses of bringing our families here.

I feel more and more people are opting to leave. Fewer people are coming here unless they are absolutely very, very wealthy, and it is becoming a place that more and more people feel they should come here after they have made their mark and made their money that they can afford to come here.

I think that is wrong. I think we should structure our laws so that an average family person can afford to serve in Congress, and that is what this amendment is all about.

We find those people who are living in their homes and have their family at home and living in the House office buildings are people who feel very strongly about the amount of money that should

be available to dedicate to their homes at home, to dedicate to their families, their families' education, and this is an item that impacts that.

Why should a Member of Congress not have available the provisions of general law that apply to people away from home?

The reason is that in 1952 in order to give a salary increase indirectly when they would not face the problem of voting a salary increase they put that high expenses away from home limit which in effect gave them a salary increase.

Today it is so low that it impacts the judgment of many people, in my opinion. That is the lifestyle of Washington, in my opinion, and it ought to be changed.

Mr. MATTINGLY. Mr. President, I respect Senator STEVENS' views on this subject. I am totally on the other side, of course. But I repeat, the House did not see fit to put it in their legislative branch appropriations bill, and I think there is no lack of candidates when you begin to run for office. So I do not think people think they are destitute when they get here.

At the same time, when they voted yesterday to lift the cap from the honorariums, where do you draw the line? So, as I said before, I just feel this is the wrong time, the wrong place, and the wrong signal to send to the public.

With that, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. EAST). Is there a sufficient second?

Mr. STEVENS. Mr. President, I join in the request for the yeas and nays, but we must confer before we can get a unanimous-consent agreement that I wish to obtain.

The PRESIDING OFFICER. There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. I ask for the yeas and nays on this amendment.

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

The yeas and nays were ordered.

Mr. DURENBERGER. Mr. President, I am sympathetic to the intentions behind the resolution offered today by my distinguished colleague from Alaska.

I am sure everyone in Congress receives the same letters I do every day. They come from constituents telling me to give up my chauffeur, my free health care, and my fat expense account. I write back to tell them that I carpool to work, my health plan was better and less expensive when I was in private business, and the only fat is on the cheaper cuts of meat my family now buys.

All of us have made financial and personal sacrifices to be here. We know the cost of maintaining two homes separated by airports and we know the cost of lost hours with our families.

Senator STEVENS' amendment tries to address part of those costs and, as I said, I am sympathetic to his intention, especially having come from private business only 3 years ago.

However, there is one important point my distinguished colleague overlooks. It is, for me, the critical point that will cause me to vote against this amendment.

That point is choice. All of us made the choice to be in public service to our country. We did so for a variety of reasons, but mostly because of our sense of duty to our country and our belief that we could contribute to public policy.

I do not believe that on the day the President of our country will tell us that everyone must do more belt-tightening that we should loosen our belt a notch or two.

Frankly, I am concerned by the increasing image of the U.S. Senate as a millionaires club. I am even more concerned by the economic realities that are denying people of ordinary means the opportunity to seek public office.

We need more people in elective office who have to budget to raise a family, send their kids to college, or buy a home. In other words, we need elected representatives who feel the same pinches as their constituents.

In different ways we have all called on the President to send a signal to Wall Street. Today, we in Congress, by rejecting this amendment, have the opportunity to send a signal to Main Street.

Mr. STEVENS. Mr. President, I ask unanimous consent that this amendment be temporarily set aside so that I might consider a technical amendment.

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

Mr. STEVENS. Mr. President, I suggest the absence of a quorum so I might prepare the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UP AMENDMENT NO. 421

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

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 421.

Mr. STEVENS. 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 4, line 2, after the period, insert the following:

Provided further that except that funds that would be available under H.R. 4121, entitled the Treasury, Postal Service and General Government Appropriations Act, 1982, for the Government payment for Annuitants, Employees' Health Benefits, shall be available under the authority and conditions in H.R. 4121 as reported to the Senate.

Mr. STEVENS. Mr. President, this is an item that is a difficult one but is a technical one in connection with the consideration of the Treasury, Postal Service, and general Government appropriation bill. We took up the problem of the Office of Personnel Management that deals with the payment for newest employees' health benefits and the deficit that is going to occur of $58 million in this year's payment. There is a payment due this month, in September, for which there are no funds available, but the funds are in the 1982 bill.

We seek to have this authority, pursuant to this amendment, to allow the OPM to use the money from the 1982 bill for a payment of this item.

Now, I was informed of this by the Office of Personnel Management, as the chairman of the Civil Service and Postal Service Subcommittee of the Government Affairs Committee. It is necessary to meet a shortfall of funds of the 1981 year, as I indicated. Those estimates for 1981 were made in early 1980 and they turn out to be 7 percent in error, which really is not an extraordinary error, in view of the fact that they were made a full 18 months before and based upon data supplied by contractors.

Incidentally, I might say, at my request, the OPM has gone back to the contractors and demanded that they monitor these items so we have advance notice of such occurrences if they ever occur again.

The shortfall is directly attributable to inadequate actuarial projections that were made in 1980 and the fact that OPM, in its reorganization, now is able to reduce the backlog on claims under this program more rapidly. They have speeded up the processing of claims and, therefore, this fund, which is established to pay insurance carriers under the Federal employees health benefits program, will not have the $58 million necessary now to meet the bill that falls due this month unless they have the authority to use a portion of the fund, that amount, from the 1982 appropriation.

If we do not remedy this shortfall, payments to carriers under the Federal employees health benefit program would have to be suspended until the funds are available for the fiscal year 1982. That would not only result in possible temporary discomfort to those who are entitled to receive the payments, but also it could lead to some lawsuits, as far as OPM is concerned.

I might say to the Senate that this type of shortfall has not occurred before, mainly because, in the process of considering supplemental appropriations in the past, we added sufficient amounts for contingencies in this program. That amount was not included this year because of the budgetary constraints that

we have all been trying to impose on our budget.

This is the only exception that I know of that deals with this type of problem. In order to correct the problem, I offered an amendment in connection with the consideration of the Treasury, Postal Service, and general Government appropriations, and that was unanimously approved in the committee after the explanation.

It is not something that we like to do, but I consider it to be a highly technical amendment. Again, I say it does not have a budgetary impact. It allows them to pay on the 1st of October the bills that were due on Septembr 30, in effect, but from the new appropriation, rather than the old.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President. I would accept this amendment offered by the Seantor from Alaska and take it to conference. But I would like to attach a couple of conditions which I am sure the Senator will agree to.

No. 1, I think we ought to have from OPM information relating to this problem. I think OPM has information that we should have as part of our overall record. Second, I would like to ask GAO why this cannot be covered or why this is not covered under the continuing resolution. I think those two agencies have some accountability to assist us, because frequently we find ourselves in these bail-out roles, and that is really basically what we are doing now is a bail out.

I think, in order to prevent that from happening in the future, the agencies owe to the Congress some explanation in the data and information as to why this reached to this crisis situation before we were called upon to act.

If the Senator would be willing to accept those contingencies, I would be very happy to accept the amendment.

Mr. STEVENS. Mr. President, the distinguished chairman is making a reasonable request. I might say that as far as OPM, I have satisfied myself in connection with my role as chairman of the subcommittee to insure that the information they have does justify this action. I can see no reason why we should not make that a matter of record in the Appropriations Committee.

Second, I also believe it is reasonable to ask GAO if the interpretation given by the executive branch in this situation is correct so that when we go to conference we can inform Members of the House of that fact.

I do believe that the requirements are reasonable and we will communicate them immediately if the amendment is agreed to.

Mr. PROXMIRE. Will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. PROXMIRE. This amendment is one that I was not familiar with until a minute or two ago when it was put in front of me.

It says:

Provided further that except that funds that would be available under H.R. 4121, entitled the Treasury, Postal Service, and General Government Appropriations Act, 1982, the Government payment for annuitants, employee health benefits, shall be available under the authority and conditions of H.R. 4121 as reported to the Senate.

I understand there will be a substantial cost. May I ask the Senator if that is correct. What would the cost be?

Mr. STEVENS. I have previously stated it is a $58 million item that represents the 7-percent shortfall as far as the moneys that were appropriated for 1981. The bills will become due this month. We are asking that 1982 funds be available to pay that bill. It is a bill that came about because of the circumstances of relying upon the contractors, the carriers' estimates of the amounts to become due. We did not appropriate enough money to satisfy this item in the 1981 fiscal year.

In addition, I might point out that the OPM advised me that they have speeded up their processing of these claims and eliminated some of the backlog. As a result, these bills fall due this year. The carriers present them this year and they are payable out of 1981 funds. They must be paid. The estimates I indicated were made in early 1980. They were 7 percent in error because of actuarial projections made based upon the data provided by the carriers. OPM tells me that they will not be able to make the payments due unless they have authority to use the 1982 funds to meet these bills for 1981.

Mr. PROXMIRE. May I ask, is this a wash between 1981 and 1982?

Mr. STEVENS. Yes.

Mr. PROXMIRE. What is the administration's position on this?

Mr. STEVENS. It was presented to me by the head of the Office of Personnel Management and it is my understanding that it is the desire of the administration. It does not have budgetary impact.

Mr. PROXMIRE. OPM has no objection?

Mr. STEVENS. That is my understanding .

Mr. PROXMIRE. Will this require a supplemental in 1982?

Mr. STEVENS. No, it will not be in a supplemental in 1982. They must absorb these funds in 1982. and to do so they will require some changes within the program. It is an item which has been reduced, as the Senator will recall. They must absorb it in that amount.

Mr. PROXMIRE. I have no objection.

Mr. STEVENS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not. the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (UP No. 421) was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT—UP NO. 420

Mr. STEVENS. Mr. President. resuming the amendment which I offered previously, that is automatic, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I ask unanimous consent that the rollcall vote ordered on that amendment not occur until after we have resumed consideration of the continuing resolution following the rollcall votes that are ordered on the foreign assistance bill, and that at that time, when we do resume consideration of the continuing resolution following those votes, there be a period of debate of 10 minutes on this amendment to be equally divided according to normal procedure, and that thereafter, after that 10 minutes, there be a vote on this amendment for the regular amount of time of 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, the minority leader approves this agreement.

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

UP AMENDMENT NO. 422

(Purpose: To impose certain limitations on the "pay cap")

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

The PRESIDING OFFICER. Does the Senator ask that the pending amendment be temporarily set aside?

Mr. STEVENS. I do, under the terms of the unanimous-consent agreement.

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

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself, Mr. CHAFEE, and Mr. WARNER, proposes an unprinted amendment numbered 422.

Mr. STEVENS. 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, after line 12, (at the end of section 101) insert the following new subsection:

( )(1) Notwithstanding the provisions of section 305 of H.R. 4120 (as described in, and incorporated by reference by, subsection (c) of this section), but subject to paragraph (2) of this subsection, nothing in such section (as so incorporated) shall (or shall be construed to) authorize or require that the rate of salary or basic pay, payable to any individual for or on account of services performed after September 30, 1981, shall be limited or reduced to an amount which is less than—

(A) $59,500.00, if such individual has an office or position the salary or pay for which is (i) fixed at a rate which is equal to or greater than the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code, or (ii) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level III (or to a percentage of such maximum rate) by reason of any provision of law (other than the provisions of such section 305, as incorporated by reference by subsection (c) of this section) or congressional resolution;

(B) $58,500.00, if such individual has an office or position the salary or pay for which is (i) fixed at a rate which is equal to or greater than the rate of basic pay for level

IV of the Executive Schedule under section 5315 of title 5, United States Code, or (ii) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level IV (or a percentage of such a maximum rate) by reason of any provision of law (other than the provisions of such section 305, as incorporated by reference by subsection (c) of this section) or congressional resolution; or

(C) $57,500.00, if such individual has an office or position the salary or pay for which is (i) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, or (ii) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law (other than the provisions of such section 305, as incorporated by reference by subsection (c) of this section) or congressional resolution.

(2) The provisions of paragraph (1) of this subsection shall not be applicable to any individual who holds any of the following offices:

(A) United States Senator, Member of the House of Representatives, Delegate to the House of Representatives, or Resident Commissioner from Puerto Rico,

(B) President pro tempore of the Senate, Majority Leader of the Senate, or Minority Leader of the Senate, or

(C) Speaker of the House of Representatives, Majority Leader of the House of Representatives, or Minority Leader of the House of Representatives.

Mr. STEVENS. Mr. President, I have been giving a series of statements on the floor of the Senate dealing with the problem of executive pay and the effects of the pay cap. The effect of that pay cap which we imposed some time ago is that members of the executive branch who are at level grade 14 step 8 are now impacted because of the cap we put on because of the decision not to increase congressional salaries.

First, we considered lifting the pay cap and that did not seem to be consistent with the objectives that the Congress and the administration are seeking.

This amendment has this effect: For those people who make the same salaries as Members of Congress, including Members of Congress and above, there would be no increase in salary permitted.

What this amendment does is that below that level, the levels of compensation would be adjusted so that the compression on the areas below that at an individual level would be relieved.

Currently, the executive 2 schedule level, which is the same as Members of Congress, is the top level. Beneath that is level 3, which has a compensation now of $55,387.50. This amendment would lift that level so that the maximum compensation for executive level 3 would be $59,500.

For level 4, which currently is $52,750, this amendment would raise that limit to $58,500.

The $50,112.50 level of executive 5 would be lifted to $57,500. That is the key level, Mr. President, because today, because of the impact of the pay cap, no member of the executive branch in the career service can earn more than that level. It is because there are so many levels, as I said, from the executive schedule level 5 through senior executive service, all six levels, through the level of the general services from 14, 15, 16, 17, 18, and all of them are capped. But without regard to longevity service or promotions, all members of the executive branch, all of those levels through executive level 5 and 18 receive the same compensation.

It has led to the problems I have mentioned on the floor in the past, the severe exodus. I call it the brain drain from Government.

Last year, 95 percent of those people who were eligible to retire early from the Federal Government really in fact retired. That is the highest level in history and represents a staggering loss of senior career service.

I have been convinced that Congress, in its wisdom, will not adjust its own salary, but we can no longer have a situation where we are losing experienced people in the executive branch because there is no possibility of any compensation increase once you hit grade 14, step 8.

As I said, I have a list of the vacancies that have occurred and still persist in the Government. Let me read just some of them, and I shall ask unanimous consent to have the full list printed in the RECORD, Mr. President.

In the Department of Defense: Director of Air Force's Turbine Engine Division; the Director of Solid State Sciences Division; the Director of mathematical and informational sciences program; the Assistant to the Secretary of Defense (Atomic Energy)/Chairman, Military Liaison Committee; the Deputy Under Secretary of Defense (international programs and technology); the Deputy Under Secretary of Defense (AM); a Staff Specialist for Propulsion in the Office of Engineering Technology; the Assistant Director for Maintenance Management, Office of the Deputy Chief of Staff for Logistics, Department of Army; the Director, study management program, Office of Chief of Staff, Army; and the Army Spectrum Manager, Office of Assistant Chief of Staff for Automation and Communication.

Director, Data Processing Directorate, Ballistic Missile Defense Advance Technology Center; a GS-15 position at the Naval Ocean Research and Development Agency; the top financial position in the Office of Deputy Comptroller of the Navy; the Principal Deputy Assistant Secretary of the Air Force for Research, Development and Logistics: the Deputy Assistant Secretary for Systems; the Deputy Assistant Secretary in Air Force Research and Development; the Deputy Assistant and Principal Deputy Assistant to Secretary of Defense (Reports, Followup and Management); the Technical Director, Space and Satellite Communications Office, U.S. Air Force; the Deputy Director, Submarine Logistics Division; the Director, Procurement Control and Clearance Division; the Assistant Director for Telecommunication and Information Systems, Defense Logistics Agency.

Mr. President, I could go into any number. We have 40 to 60 percent of our senior Foreign Service officers in the Department of State who are now retirees. In the Federal Reserve System—imagine this in this critical period—the positions of 10 officers of the Board of Governors, a small staff, are vacant and remain vacant because no one can be paid in excess of $50,112 in any portion of the career service above Grade 14, Step 8.

In NASA, the Deputy Director of the Kennedy Space Center; the Associate Administrator for Space Science; the Chief, Analysis and Computation Division; and the Director, Space Science Laboratory, George Marshall Flight Center.

At the National Labor Relations Board, 11 of its regional director positions are vacant; 20 of its administrative law judges; and the assistant general counsel of the Washington office.

At the Tennessee Valley Authority, the second ranking executive in the electric power program; the Director of Division of Nuclear Power; the Assistant Director of Nuclear Power; and the Executive in Charge of Engineering Design Organization.

At Treasury, the Director of the Office of International Investment and the Director of the Office of International Energy Policy.

Mr. President, I could go on and on reading this list. I ask unanimous consent that it be printed in the RECORD.

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

DEPARTMENT OF DEFENSE

Director of Air Force's Turbine Engine Division.

Director of Solid State Sciences Division.

Director of Mathematical and Informational Sciences Program.

Assistant to the Secretary of Defense (Atomic Energy)/Chairman, Military Liaison Committee.

Deputy Under Secretary of Defense (International Programs and Technology).

Deputy Under Secretary of Defense (AM).

Staff Specialist for Propulsion in the Office of Engineering Technology.

Assistant Director for Maintenance Management, Office of the Deputy Chief of Staff for Logistics, Department of Army.

Director, Study Management Program, Office of Chief of Staff, Army.

Army Spectrum Manager, Office of Assistant Chief of Staff for Automation and Communication.

Director, Data Processing Directorate, Ballistic Missile Defense Advance Technology Center.

GS-15 position at the Naval Ocean Research and Development Agency.

Top financial position in the Office of Deputy Comptroller of Navy.

Principal Deputy Assistant Secretary of the Air Force for Research, Development and Logistics.

Deputy Assistant Secretary for Systems.

Deputy Assistant Secretary in Air Force Research and Development.

Deputy Assistant and Principal Deputy Assistant to Secretary of Defense (Reports, Followup and Management).

Technical Director, Space and Satellite Communications Office, U.S. Air Force;

Deputy Director, Submarine Logistics Division;

Director Procurement Control and Clearance Division;

Assistant Director for Telecommunication and Information Systems, Defense Logistics Agency.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Director of Laboratory of Molecular Virology.

Director of Bureau of Medical Devices.

Director of Division of Cancer Cause and Prevention, National Cancer Institute.

Director of Center for Research for Mothers and Children. National Institute for Child Health and Human Development.

Director for Division of Heart and Vascular Diseases, National Heart, Lung and Blood Institute.

Director, Office of Financial and Actuarial Analysis, Health Care Financing Administration.

Chief, Office of Actuary, Social Security Administration.

Director of National Cancer Institute.

Chief of Clinical Center's Critical Care Medicine Department.

Associate Commissioner for Operations, Social Security Administration.

Assistant Secretary for Management and Budget, Social Security Administration.

Deputy Director, National Institute of Mental Health.

Associate Commissioner, Office of Systems, Social Security Administration.

Chief of Laboratory of Chemical Biology, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases.

Director of National Heart, Lung and Blood Institute.

DEPARTMENT OF STATE

40 percent to 60 percent of retirees are Senior Foreign Service Officers.

FEDERAL RESERVE SYSTEM

10 officers of Board of Governors.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Deputy Director of Kennedy Space Center.

Associate Administrator for Space Science.

Chief, Analysis and Computation Division.

Director, Space Science Laboratory, George Marshall Flight Center.

NATIONAL LABOR RELATIONS BOARD

11 of its Regional Directors.

20 of its Administrative Law Judges.

Assistant General Counsel of Washington Office.

SECURITIES AND EXCHANGE COMMISSION

Deputy Chief Accountant.

Director of Economic and Policy Research.

General Attorney (Finance), Office of General Counsel.

Corporate Analysis and Examination Officer, Division of Corporation Finance.

Attorney-Advisor (Finance), Executive Staff, Office of the Chairman.

Supervisory Attorney-Advisor (Finance) Associate Director, Division of Market Regulation, Office of Associate Director (Legal Policy and Trading Practices).

POSTAL SERVICE

2 key office Directors in the Information Resources Organization.

2 General Manager positions in the Information Resources Organization.

Regional Director, Mail Processing, Northeast Regional Headquarters.

General Manager, Real Estate Division, Western Regional Headquarters.

General Manager, Accounting Division.

TENNESSEE VALLEY AUTHORITY

Second ranking executive in Electric Power Program.

Director of Division of Nuclear Power.

Assistant Director of Nuclear Power.

Executive in charge of engineering design organization.

Chief Assistant to above executive.

Assistant Director of power plant operations.

Two leaders of coal purchasing operations.

Chief of electric power rate branch.

Head of Nuclear Plant Simulator Training Section.

DEPARTMENT OF TREASURY

Director, Office of International Investment.

Director, Office of International Energy Policy.

NUCLEAR REGULATORY COMMISSION

Chief, Methodology and Data Branch, Division of Risk Analysis.

EXECUTIVE OFFICE OF PRESIDENT

Deputy Assistant, U.S. Trade Representative.

OFFICE OF MANAGEMENT AND BUDGET

Deputy Chief, National Security Division.

ARMS CONTROL AND DISARMAMENT AGENCY

Administrative Director.

CENTRAL EUROPEAN OPERATING AGENCY

Director of Finance.

Mr. STEVENS. What this amounts to Mr. President, is a brain drain of unheard of proportions caused by the impact of Congress saying we are not going to raise our pay and no one in the career service can have a salary in excess of executive level 5. So, since we cannot change that and since we now have a situation where these people have seen everyone below them have three cost-of-living allowances—we are not talking abut a salary increase, we are talking about cost-of-living allowances.

On three separate occasions—really four for some of them—October 1977, October 1978, October 1979, October 1980; now we come to one proposed for October 1981. These people have seen other members of Government receive five cost-of-living adjustments. Yet, at the mid-level of Government, and that is what it is—the 14's to 18's—there have been no increases permitted in that period of time.

There is only one way to get to it, in my opinion. Again, using the staff of the Civil Service Subcommittee and working with the Office of Personnel Management, we have now devised a change in the levels of executive compensation and we have narrowed the brackets below the level that Congress will not raise and we have said, in effect, that in those brackets, they will be entitled to some of the cost-of-living increases that they have been entitled to in the past.

I might state that the impact of my amendment, the expenditures involved, will be some $217 million and it is the intention of the amendment that those expenses will be absorbed in the executive pay that is provided in the continuing resolution. There is is no budgetary impact, because that money is already provided.

We have had studies which have shown that the cost to the taxpayer of the executive branch under the pay cap is more than the cost-of-living expenses would be because we have had early retirements. The minute those people retire, they in fact, under the law, are entitled to their cost-of-living adjustments. They automatically get them. So their pay on retirement exceeds their pay if they had stayed in office.

Second, because of acceleration at the top of these people leaving, there have been promotions in training not only of people prematurely in terms of their career experience, but also training for those who moved up from midmanagement to top management. We have had an increase in the rapidity with which we must train people and the expenses in connection with that expensive program plus retirements, plus cost of resignations—we were told in our subcommittee that that exceeds the savings that might take place because of the pay cap in the career level.

Mr. President, we have had a tremendous change in our economy since October 1979. The Consumer Price Index increased over 140 percent. The hourly earnings index for private sector has increased 135 percent. Private sector executive salaries increased 125 percent, not counting bonuses and fringe benefits. Those under grade 14 have received pay increases of 119 percent due to the cost-of-living adjustments in this period. In that same period, those in the area I have mentioned have received none.

Mr. President, the effect of pay compression on seven distinct levels of management is that they have increased responsibilities and we have the situation where people now are not accepting the promotion that they might have available because it means no increased compensation. It means increased responsibility with no compensation and we have a problem in terms of transferring.

We have very interesting testimony from the FBI, for instance. A person who has a grade 14 position in a smaller office, say, in the West, who has done a good job and is looked at as a good man to take on a very responsible position, as was pointed out, for instance, New York—let us say he was transferred from Arizona or New Mexico to New York. The living costs in Arizona or New Mexico are less. They are transferred to New York where they have increased responsibility. They go from, literally, supervision of about 100 agents to a supervision of 2,000 agents.

The living costs are higher. The transportation costs are higher. We have a situation in which agents are legitimately saying, "Why should we take that change of duty station, in view of the fact that it really is not a promotion?" They, in fact, get a different salary schedule. They might go from grade 14 to 15, 16, 17, or 18; but the numbers mean nothing in terms of increased compensation for the increased responsibilities and increased costs involved in taking that type of job by virtue of the move.

I put in the RECORD yesterday a statement made by one of the people in the Internal Revenue Service, and I call the attention of the Senate to that. I hope Members have reviewed the statements that I have provided to the Senate as a preliminary to the consideration of this amendment.

Again, I know that my good friend from Georgia is going to say, "Why this bill?" The reason is that this is a continuing resolution. This is not an amendment now to the legislative section. This is an amendment to the continuing resolution as such. It affects the whole Government.

It is time we looked at the adverse effects of the pay cap on these people in the career service. The General Accounting Office reported to us that the morale of these people is very low. The GAO has conducted a survey which indicates a widespread, growing dissatisfaction, frustration, and bitterness over this inability to receive even cost-of-living increases, let alone any pay increases.

Many of the Departments have tried ways to get around this situation; and, frankly, it is one reason why I spoke so long about some of the adjustments in the Navy. In the pay schedules of the enlisted people, the uniformed people in the Defense Department, we have taken action. Congress has responded to increase those. But as to the civilian managers—we should remember that this is a Government that insists that civilians must control the military effort—we find vacancy after vacancy after vacancy in the important offices which review military planning, logistics, and control.

We are not going to solve that by assuming that we are going to get executives coming in from the private sector, into a situation where there is absolutely no hope of increased remuneration from the time they enter the Government at level 14. No matter how high they might go in the executive schedule, they would never get an increase.

This is something that has brought about a turnover in the Federal Government of experienced people at a dramatic rate, an alarming rate.

The retirement rate for executives at the pay ceiling increased from 27.6 percent in 1978 to 67 percent in the period that ended on August 31 of last year. The rate of retirement during that period for career executives, as I indicated, in the age group 55 to 59—again, premature retirement, where they are entitled to retire at a decreased retirement—went up to a staggering 95 percent. Ninety-five percent of all executives in this bracket retired once they reached 55 years of age.

The FBI indicated that of 105 respondents, 42 percent indicated that they intended to take advantage of that provision.

I refer now to the GAO's consideration of this matter. We asked the GAO to look at this, and I quote from their report:

> The exodus of valuable and able executives is costly. It results in lost productivity and continuity while the new executive learns how the system works. In today's environment when the government is being asked to do more with less, experienced executives with the knowledge base are in a much better position than new, inexperienced executives to offer and properly execute workable solutions to the ever-increasing demand for better services and increased productivity.
>
> In terms of direct outlays, encouraging competent, experienced executives to remain in the federal work force, instead of retiring, could have the immediate effect of avoiding further increases in federal expenditures. Because executives who retire are generally replaced, total government outlays increase since not only must the replacement's salary be paid, but new training and development costs may be incurred, and a retirement annuity is payable to the former executive. This can best be illustrated by the following examples.
>
> If an executive age 55 with 30 years of services whose salary has been at the $50,112 ceiling over three years retired today, that person would, over the next three years, receive pension payments totaling $92,828. During this same three year period, his/her replacement, assuming no increase in the executive pay ceiling, would receive $150,336 in salary payments. Thus, total salary and pension payments for that period would be $243,164.
>
> In comparison, if the experienced executive received a 16.8 percent salary increase today—

Which is what he would be entitled to under this amendment—

> And continued to work for three more years before retiring, total outlays for the three year period would be $175,593, or $67,573 less than if the executive retired now.

It is because we are paying one in retirement and the other in training that the costs pyramid.

> Further, even if in addition to an immediate 16.8 percent salary increase, the experienced executive received subsequent annual pay and adjustments of 4.8 percent, 7 percent, and 7 percent over the three year period—

As might be provided in this approach—

> Total outlays would still be $48,887 less than if the executive retired now. Thus, raising executive salaries to encourage experienced executives to continue working, instead of retiring, could not only prevent the loss of valuable managerial talent but also be cost effective.

Mr. President, I ask unanimous consent that a series of charts and statements I have be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. STEVENS. Mr. President, I ask the Senate to consider seriously saving the taxpayers' money by doing away with this compression on executive pay levels because we refuse to face the question of whether or not congressional compensation should be adjusted.

I stated last year, and I say again today: I am not seeking to change congressional pay. I do not do that. What I do seek to change is the levels of pay to the executive branch, to adjust those levels so that they will be permitted to creep up the way inflation has, so that the difference between pay grades is less.

I am particularly concerned with the grades 14, 15, and 16, the people in key career jobs, who have to decide whether they are going to stay in Government and finish their career in Government or leave Government and go into the private sector—so that they will have an incentive to stay in Government, so that they will know there can be additional compensation for a job well done and promotion that is really earned. I believe this will bring that about.

I believe that the impact of this in 1981 can be demonstrated graphically, and one of the charts I shall place in the RECORD shows this.

The effect of this will be that there will be $217 million of funds in the bill for executive compensation for the whole executive branch which could be available to pay the cost of living increases which were voted and approved in the past.

Against that would be the impact of the savings that take place by not having these retirements, the cost of the replacements foregone, and the total adjustments over this period would be in excess of the cost of this amendment to the taxpayer.

Incidentally, it seems to me that we have been inconsistent. We have tried our best to keep members of the military from leaving the military with pay increases. Those people, in fact, in the past have received the cost-of-living adjustments, but those above them, those who supervise them from the civilian side, have been denied any increase in compensation at all and have been leaving the Government at this alarming rate.

Again I point out that the cost to the taxpayers is nothing. We are actually going to have a result, and this is the result of the testimony that has been before our subcommittee, that the savings that will occur to the taxpayers will exceed this cost even if we added money to the budget for it. The savings would be more. That is why they tell us they do not want any additional money. They can absorb this and it will be absorbed by not having to pay in the Government those early retirement rates. They will not have the impact of replacement costs and training costs, and the net amount is that the figure that I have would be that there would be a net savings to the Government by doing this because these people stay in place for the last part of their career.

Again I point out I am not just concerned with those at the top of the executive scale; I am even more concerned with the area of true compression in the GS-14, 15, 16, and 17 area.

I should point out that at each Member's desk I will be delivering a copy of this chart which shows the impact of my amendment on the executive branch. There are about 700 people in Government above executive level 5, including that level, and in the senior executive service there are 6,400 people, in the GS level from 15 up there are 25,000 people. This amendment does not totally relieve the compression, I might add. It is not possible to do that without changing the congressional level and, as I said, that is not possible.

Under this amendment of mine, I hasten to point out that these people in the uniformed services who were denied an increase by the bill we passed, those people at lieutenant colonel level and above would in fact receive a portion of their past cost-of-living allowances which they too have been denied, that is, the cost-of-living salary increases which they have been denied because of the past action of Congress.

Mr. President, I know that I am presenting to the Senate some subjects that people in the Senate wish would go away. I see no way to do that and as I think I am the one person in the Senate that can say I have served on this committee that has jurisdiction over civil service since the day I came to the Senate. I have been there 13 years now. I know the impact of these past actions on the

career service. There is no question that unless we change it we are going to have even worse results.

I have made my statement, but let me summarize for those who may not have heard the first part of it. The Office of Personnel Management tells me that in the last 2 years 1,700 career executives have either retired or resigned. The impact of what we have done is we have seen agency losses which if we consider the size of the agencies have just been, in my opinion, staggering.

In the Nuclear Regulatory Commission, with all the problems concerning the nuclear area, 16 executives and 29 GS-15's and above have left them. The Tennessee Valley Authority lost more than a dozen. The National Aeronautics and Space Administration lost 90 senior executives in 1980 alone.

The Federal Reserve Svstem I mentioned examples where they have lost officers. For an agency that size it is just impossible to think that it can function as it should function when 10 of its senior career people have left.

In the Securities and Exchange Commission, 48 GS-15's and above have resigned or retired early, and as I pointed out in the State Department, 40 to 60 percent of the losses due to retirement are from the senior Foreign Service.

In the Department of Energy, 107 senior executive service people left in this period.

And the Department of Defense tells us that their attrition rate has increased 20 percent.

I can think of no action that we can do that is consistent with the judgment of Congress not to deal with the pay levels of our salary above other than to do what I have suggested, and I hope the Senate will listen to those of us who have spent our full career in the Senate dealing with civil service matters when we tell Senators that there is no alternative.

We either adjust these salaries or we see an increase exodus in the coming year, and it is the coming year, not years, when the dissatisfaction of the executive branch and the career level has never been worse. It is not political. It has nothing to do with politics.

It is strictly a matter of economics, and I do not think there is one of us here who would decide to stay in a career having reached mid-career if we knew for the remainder of our lifetime there would be no adjustment under the policy of Congress as it has been enunciated in the past. That is the case from grade 14 step 8 and above.

Once they reach that in the executive branch, under the policies we have had in the past, there is not one possibility of increased compensation unless we either do what I have suggested now or we increase the pay of Members of Congress. Then it would be automatic. Incidentally, if we changed the pay for Members of Congress, this would all happen automatically. We know that is impossible. It is impossible under the current circumstances, but again I point out there is no budget impact from the amendment I offered. It is an adjustment at the discretion of the executive branch to pay salaries necessary to retain our experienced civil servants.

I ask the Senate to heed my advice.

EXHIBIT 1

IMPACT OF STEVENS' AMENDMENT

| | Current salary | Salary under amendment |
|---|---|---|
| Executive schedule: | | |
| I | $69,630.00 | $69,630.00 |
| II | 60,662.50 | 60,662.50 |
| III | 55,387.50 | 59,500.00 |
| IV | 52,750.00 | 58,500.00 |
| V | 50,112.50 | 57,500.00 |
| SES schedule: | | |
| ES 1 | 50,112.50 | 54,755.00 |
| ES 2 | 50,112.50 | 55,670.00 |
| ES 3 | 50,112.50 | 56,585.00 |
| ES 4 | 50,112.60 | 57,500.00 |
| ES 5 | 50,112.50 | 58,000.00 |
| ES 6 | 52,750.00 | 58,500.00 |
| GS schedule: | | |
| GS-15 | 50,112.50 | 52,00.000-57,500.00 |
| GS-16 | 50,112.50 | 54,755.00-57,500.00 |
| GS-17 | 50,112.50 | 57,500.00 |
| GS-18 | 50,112.50 | 57,500.00 |

Note: Leaves 7,000 to 8,000 compressed, Sept. 22, 1981.

GOVERNMENTWIDE LOSSES

OPM figures: Almost 1700 career executives left in last two years; 52 percent of retiree eligibles at pay cap in 1980 retired; and 67 percent of retiree eligibles (age 55-59) at pay cap in 1980 retired.

AGENCY LOSSES

Nuclear Regulatory Commission: 16 executives; and 29 GS-15's.

Tennessee Valley Authority: More than a dozen executives.

National Aeronautics and Space Administration: Lost 90 senior executives in fiscal year 1980.

Department of Health and Human Services: Lists 16 examples of executive losses.

Federal Reserve System: Lists 10 examples of lost officers; and shows 20 percent attrition rate.

Department of Housing and Urban Development: Lost 20 career executives in fiscal year 1980; and lost 55 career executives in fiscal years 1978, 1979, and 1980.

Department of Labor: 14 percent retirement rate.

Security and Exchange Commission: Lost 48 GS-15 and SES individuals since October 1978.

State Department: 40-60 percent of monthly losses to retirement are Senior Foreign Service Officers.

Department of Energy: 107 SES separations in 1980; and 18 percent SES turnover rate.

National Labor Relations Board: Lost ⅓ (11) of their Regional Directors in last 2 years; and lost 20 Administrative Law Judges in last 20 months.

Department of Defense: Attrition rate of approximately 20 percent for last 2 years.

General Accounting Office: Lost 20 of 116 senior executives: and only 4 of executives who are eligible to retire have not done so.

COST COMPARISON OF ADJUSTING EXECUTIVE SALARIES TO RETAINING THE CURRENT CAP

Full catch-up increases of 22.4 percent—$280,000,000:

Relieve some of the pay compression:

Provide needed pay relief to senior executives;

Positive effect on morale, recruitment, and retention; and

Deter voluntary early retirements of executives at the pay cap; they would stay to build their high-3 average salary.

January 1981:

| | |
|---|---|
| Senior executives at pay cap eligible to retire | 5,560 |
| Who will become eligible during the year | +440 |
| | 6,000 |
| Present rate of retirement | ×67% |
| Retirements foregone | 4,020 |
| Tax-free annuity (1st year) | ×$30,000 |
| Cost avoidance-annuities | 120,600,000 |
| Replacements foregone | 4,020 |
| Replacement salary | ×20,000 |
| Cost avoidance-salaries | 80,400,000 |
| (After taxes and other deductions) | 40,200,000 |

Taxes and increased contributions returned to the Government, 50 percent.

Income tax on pay increases, 40 percent.

Retirement contribution, 7 percent.

Life insurance, 3 percent.

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|---|---|
| Replacements foregone | 4,020 |
| Replacement salary | ×$50,000 |
| Cost avoidance-salaries | 201,000,000 |
| Cost avoidance (after taxes and other deductions) | 100,500,000 |

Net first-year cost (savings) to taxpayers:

| | |
|---|---|
| Gross amount of 22.4 percent raise | $280,000,000 |
| Taxes and other deductions which the Government would keep (50 percent) | −140,000,000 |
| | 140,000,000 |

Less:

| | |
|---|---|
| Cost avoidance-retirement annuities (tax free 1st 18 months) | −120,600,000 |
| Cost avoidance-replacement salaries (assuming $20,000 replacement salary) | −40,200,000 |
| or (Assuming $50,000 replacement salary) | −100,500,000 |

Net first-year cost (assuming $20,000 replacement rate), ($20,800,000).

Net first-year cost (assuming $50,000 replacement rate), ($81,100,000).

Savings would be even more over next 2 years if salary increases are permitted in fiscal years 1983 and 1984.

Mr. MATTINGLY. Mr. President, first I wish to commend the Senator from Alaska, because he is a most eloquent spokesman for the Federal workers.

I respect both his knowledge and experience in the Senate on this subject.

But I still have to follow my own feelings and speak out against this amendment.

His amendment he says has absolutely no cost to the Government. It has a cost to the taxpayers. In fact, his own document here says it cost $217.5 million per year, or over $0.5 billion over the next 3 years, when we are trying to balance the budget of our country.

As I said before, the President will come out tonight and speak and will ask for further restraints in the budget, which I am for. I do not think this is restraint. The amendment needs to be rejected.

He spoke out that this was good economics. It is only good economics for those who are the recipients of the passage of this legislation. I think what needs to happen is that this needs to be looked at in full committee hearings, not just abruptly brought up on the floor of the Senate today.

I think that we need to look at the

Federal retirement system. I have placed legislation in our Governmental Affairs Committee to try to cap the pensions. The Senator from Alaska spoke that there were 700 people who were retiring early because of the lack of sufficient pay. I would rather say they are probably leaving early so they can join the lucrative pension system that the Federal Government provides for them.

If we want to look at something constructive to do, we should raise the age limit on retirement for Federal workers.

I am sure that he would agree with that, with a pension system like they currently have, where they spend approximately 20 years in Federal Government service, and they can draw out all they paid in in approximately 18 to 24 months. That is not a bad deal. That is why it should not be passed on today. That is why it should be looked at in the full light of a committee and given full hearings.

The pension system is costly. To give a pay raise at this time would also be costly.

The senior Senator from Alaska refers to the morale of Federal workers as critical. I think the morale of the American taxpayers is critical. I think we need to improve the morale of the taxpayers by cutting the Federal deficits and then worry about the morale of the capped Federal employees.

I think it should be clarified that when we come up for an up-or-down vote with yeas and nays in the light of day we should show that this cost will be over $0.5 billion in the next 3 years. There is no way we can hide that.

As I said before, this is the wrong time and place. We are talking about lifting part of the pay cap, we are talking about changing the expense deductions for the Senate. Last night against my wishes they lifted the cap on honorariums totally in the Legislative Branch Subcommittee, and the next thing you know we will be talking about increasing the bonuses for the Federal employees.

As I said before, it is the wrong time and the wrong place. I do not see why it is politically expedient not to raise our pay but it is politically expedient to raise the pay for Federal employees.

There is much to be said about what we are talking about today. But it is not the time to raise the salaries of Government workers. We need to hold off lifting this pay cap until it can be coupled with a complete revision of the Federal pay system as part of the Federal retirement system.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. KASTEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, as a cosponsor of the measure proposed by the distinguished Senator from Alaska, I wish to associate myself with his remarks this morning and to indicate to my colleagues of the Senate that much of my work in this body relates to national security programs and, in particular, those programs referred to as the black programs; namely, ones which are highly classified and the funding for them is reviewed by a small number of us here in the Senate.

These programs, many of which I have had over a decade of experience in observing their administration, and now relating to the legislative aspects, are operated by individuals who fall directly within the category of persons whom my colleagues from Alaska and others are endeavoring to assist here today by these moves.

While I cannot in specific terms relate to these programs or the individuals, I wish to assure my colleagues that the area of intelligence, highly classified programs, is being severely affected by the loss of these competent individuals who hopefully will be retained if we are successful with the measure submitted by my distinguished colleague from Alaska.

I thank the Chair and I thank my distinguished colleague from Alaska.

Mr. STEVENS. I thank the Senator from Virginia.

Is it my understanding that we are now changing to the consideration of the Foreign Assistance Act, Mr. President?

The PRESIDING OFFICER. At 12:30 we are scheduled to change. We are not quite at 12:30 at this time.

Mr. STEVENS. I yield the floor.

Mr. PROXMIRE. 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. 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.

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## INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will now resume consideration of S. 1196, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 1196) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes.

The Senate resumed consideration of the bill.

### HELMS AMENDMENT NO. 563 TO LUGAR AMENDMENT NO. 562

The PRESIDING OFFICER. The Chair wishes to advise the Senate that the pending question is the amendment of the Senator from North Carolina as a substitute to the amendment of the Senator from Indiana.

Who seeks recognition?

Mr. STEVENS. Mr. President, there is a time specifically set for voting on the pending amendment, is there not?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. What is that time, Mr. President?

The PRESIDING OFFICER. The votes are scheduled to occur at 1 p.m.

Mr. STEVENS. I thank the Chair.

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

Mr. STEVENS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk resumed the call of the roll.

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

The PRESIDING OFFICER (Mr. RUDMAN). Is there objection?

Mr. STEVENS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. A parliamentary inquiry is not in order while the quorum call is in progress.

The clerk will continue the call of the roll.

The legislative clerk continued the call of 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 ask unanimous consent that there be 10 additional minutes for debate and that the time be equally divided between and under the control of the distinguished managers of the bill.

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

Who yields time?

Mr. PERCY. Mr. President, I am pleased to yield 5 minutes to the distinguished Senator from North Carolina, a member of the Foreign Relations Committee.

Mr. HELMS. Mr. President, I thank the distinguished chairman and manager of the bill.

Mr. President, let me emphasize that the Helms amendment does not oppose land reform. Indeed, it is entirely neutral on the subject.

Yesterday I proposed eliminating the phrase about land reform because the United States currently has a statutory provision against using AID money for land reform, either for compensation or for the planning that goes along with land reform.

It seems to me to be bordering on the hypocritical to urge El Salvador to take steps toward a goal which is contrary to U.S. policy under the law.

Notwithstanding that, in order to accommodate the distinguished Senator from Indiana I have no objection whatsoever to inserting the phrase "including land reform" in paragraph (b)(4) after the words "implementing essential economic and political reforms."

It seems to me that this would please both sides in this debate since the distinguished Senators from Connecticut, Rhode Island, and Indiana have all endorsed the concept of land reform.

Any objection, it seems to me, would logically be interpreted as a vote against land reform.

So, therefore, I ask unanimous consent that my amendment be modified as I have indicated.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, it is out of order at this point, but I am willing to debate the issue, and I assume at the appropriate time, once we are back, such a motion could be offered, but I understood——

Mr. HELMS. It is not a motion. It is a unanimous-consent request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. DODD. Mr. President, reserving the right to object, I wish to inquire of my good friend from North Carolina whether or not his views on this issue have changed at all? As of yesterday, of course, the amendment was to strike that particular language from his proposed amendment. I was curious as to whether or not lightning had struck in the last 12 or 14 hours and he had arrived at a different decision than one he held yesterday.

Mr. HELMS. We had fair weather in the last 24 hours.

My position has not changed. The same questions remain in my mind that were there yesterday.

I am simply trying to accommodate all sides on this question so that we can get an up or down vote on essentially the Lugar amendment.

The parliamentary situation that we have now is that if the Helms amendment, which represents the administration's position, is defeated, then the pending business, as I understand it, will be the Lugar amendment as perfected by the Pell amendment.

Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

So I think the administration should have a shot at finding out how the Senate feels about this matter.

I think I have made a reasonable offer to reinsert the words that were excluded yesterday in my substitute amendment.

Mr. DODD. If I could further inquire and further reserve the right to object, as I understand the position of the distinguished Senator from North Carolina, his views on land reform have not changed basically but rather this is a move to merely accommodate the parties involved in the legislative debate?

Mr. HELMS. That is correct.

Mr. DODD. It is more of a parliamentary type of move than a substantive change in his views on land reform?

Mr. HELMS. That is correct.

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

Will the Senator please send his modified amendment to the desk?

Mr. HELMS. I will certainly do that.

The modified amendment is as follows:

In lieu of the language proposed by Mr. LUGAR, substitute the following:

SEC. 707. (a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the Community of American States generally, that the recent civil strife in El Salvador has caused great human sufferings and disruption to the economy of that country, and that substantial external assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process.

(b) It is the sense of the Congress that assistance furnished to the Government of El Salvador, both economic and military, should be used to encourage—

(1) the realization of the United States policy objective of achieving a peaceful and democratic resolution to the strife in El Salvador;

(2) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961;

(3) full respect for all other fundamental human rights, including the right of freedom of speech and of the press, the right to organize and operate free labor unions, and the right to freedom of religion;

(4) continued progress in implementing essential economic and political reforms, including land reform and support for the private sector;

(5) a complete and timely investigation of the deaths of all United States citizens killed in El Salvador since October 1979;

(6) an end to extremist violence and the establishment of a unified command and control of all government security forces in this effort;

(7) free, fair, and open elections at the earliest date, the modalities of which should be negotiated between all groups which renounce and refrain from further military or paramilitary opposition activity in pursuit of an equitable resolution of the conflict;

(8) increased professional capability of the Salvadoran Armed Forces in order to establish a peaceful and secure environment in which economic development and reform and the democratic process can be fully implemented, thereby permitting a phased withdrawal of United States military training and advisory personnel at the earliest possible date.

(c) Within six months after the date of enactment of this section, the President shall report to the Congress concerning the status of his efforts in implementing the United States policy objective of a peaceful and democratic resolution to the strife in El Salvador and shall identify any remaining obstacles to achieving that objective.

Mr. HELMS. Mr. President, I wish to thank my friend from Connecticut and my friend from Rhode Island for their patience and understanding on this, and I also thank our distinguished chairman.

Mr. PERCY. Mr. President, I am gratified that this situation has been resolved because I was concerned yesterday when the distinguished Senator from North Carolina struck out those words that it might be an implication that land reform was not supported by this administration and would not be supported by the Senate.

I think land reform is an essential part of stability and progress in El Salvador.

I was delighted to hear from the distinguished Senator from North Carolina that he concurs, that as it is being done, in the context in which it is being done, it is an element that can help stabilize the government there.

So I am pleased that we have this matter resolved. It is now a case as to whether or not we should have a sense-of-the-Senate resolution aiming for these goals.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

The Senator from Rhode Island has 5 minutes remaining.

Mr. PERCY. Mr. President, will the Senator from Rhode Island yield me 2 minutes?

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 additional minutes.

Mr. PERCY. Mr. President, the essence of the question now is, Do we have a sense of the Senate resolution or do we embody this in the statute?

Mr. HELMS. That is correct.

Mr. PERCY. The judgment of the Senator from Illinois is that it is far better to put it in the statute.

It is like the illustration I used yesterday. If I want to borrow $1 million from the bank, I can say: "I wish to do this on a handshake," or "just tell me how you feel about my paying it back?"

The banker would look at me and say, "Well, that is awfully nice from the borrower's standpoint, but from the lender's standpoint, we would like you to sign this and make it a part of the agreement between us."

So we sign a note. I did not want to, but I did in order to get the money.

All we are saying to El Salvador is, that while we agree on these goals and objectives and we are authorizing these funds for the President's use, because we do not have investigative resources, we want the President to certify twice a year that these goals are being pursued.

I offered, with the administration, to work out a colloquy in the Chamber—and Senator DODD has indicated he would join with me—to remove any problems with this language.

President Duarte said in our room the other day, "You can have conditions, but you cannot tell us what to do."

That is true. But just as when one wants to borrow money from a bank, the banker can say, "Well, if you want that money, then these are the conditions that must be met from our standpoint."

We do not want another Vietnam. We do not want to tell another government what to do. We do want to be certain that we are aiding a government down there that continues to attract support. That is what we are attempting to say in asking for a certification.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. PERCY. I thank my distinguished colleague for yielding.

Mr. PELL. Mr. President, I yield the remainder of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Senator from Rhode Island for yielding.

Mr. President, I simply wish to echo the remarks just expressed by the distinguished chairman of the committee, the Senator from Illinois.

This is really an insurance policy. That is exactly what the Senator from Illinois is talking about.

We are just providing, if you will, the taxpayers of this country with an insurance policy that their funds that are going to be used in El Salvador are going to be used to achieve the agreed-upon goals by everyone.

President Duarte, as the distinguished chairman noted the other day, endorsed every single one of the goals included in the original committee bill without exception. In fact, he applauded the committee for those goals.

The administration agrees with those goals without any hesitation whatsoever.

All we are saying is that we want those goals to be supported and that over the next 2 years on four different occasions over the next 24 months we would like certification from the administration that, in fact, we are moving in that direction.

I do not think that is an unreasonable claim. We have compromised substantially on this proposition, beginning with the original committee language, which only had an open door certification. I think that was a little too broad. So I agreed to this compromise.

I think we have come a great distance. We have eliminated an indefinite period of time and said it would be over the next 2 years, so we have come a long way, and my hope will be that our colleagues today will reject the Helms amendment and support the language that was approved by this body yesterday, the Pell-Dodd language, which includes the certification process.

The language that the distinguished chairman of the Foreign Relations Committee, the Senator from Illinois, has supported is the bipartisan view of the members of this committee. It is the view of the bipartisan colleagues yesterday as was voted upon. We should reject the Helms amendment and support the language we approved yesterday.

Mr. PERCY. Mr. President, if the Senator will yield for one word of comment, I would say that I fully support the language of the committee and the Pell amendment and hope we will vote against the Helms substitute for that reason so we come back to the committee position which I firmly believe is the right position for the Senate to take.

Mr. DODD. I thank the chairman for his comments and I yield back the floor.

Mr. DENTON. Mr. President, the decision that this body will soon make with respect to El Salvador will have implications extending far beyond the legislation now being considered, not least its effect on a friendly government. Indeed, the determination made here today will be an index of the commitment of the United States to insure the stability and integrity of the Western Hemisphere.

The present conditions of turmoil and civil strife that plague El Salvador are alien to our experience. However, failure on our part to understand the dynamics causing these conditions seriously jeopardizes the steps being taken by the Duarte government to work toward the ultimate goal of peaceful democracy. In my view, the action taken on the floor yesterday does not serve the best interests of the United States or El Salvador, and by its very nature undermines the trust and cooperation necessary to return peace and stability to the people of El Salvador.

Linking continued assistance to El Salvador to arbitrary, ill-defined levels of progress severely hampers the ability of the United States to assist a friendly government committed to democratic reform. Moreover, enactment of such constraints fails to take into account actions of Communist supported insurrectionists preventing such reform. It is a documented fact that the leftist guerilla faction in El Salvador continues to receive arms, training, and logistic support from Communist Cuba and the Soviet Union.

To place the blame for terrorism and repression on the Duarte government reflects a lack of understanding that I submit obscures the crucial point in this debate. Contrary to the opinion of some, it is my firm belief that increased constraints on aid to El Salvador will reduce, rather than increase, the prospects for achieving peace and democracy in that nation.

Mr. LEAHY. Mr. President, I am forced to raise the painful and seemingly intractable problem of human rights in El Salvador. Despite firm and frequent assurances by the Reagan administration that the El Salvadoran junta has established a government committed to reform, early return to constituted rule and control of terrorist elements in the Army, we are forced to read each week of a new round of senseless killings of civilians and of the complicity of El Salvador's military forces in many of these murders. We cannot ignore the testimony of religious and philanthropic organizations which report that American military equipment continues to be used to decimate women and children, many of whom have been attacked in the very process of abandoning their homes and seeking sanctuary in Honduras.

The U.S. policy of sustaining the Duarte government remains deeply suspect. A State Department paper prepared after Ambassador White's recall attributing El Salvador's problems largely to foreign-supported Communist insurgency has been disputed and indeed in some crucial aspects been judged inaccurate and misleading. Subsequent reports fail to provide convincing evidence that the human rights situation in El Salvador has improved.

The conduct of the El Salvadoran junta has exacerbated this credibility gap. President Duarte's visits to Washington stir fears in the hearts of those who see a "domino" style collapse of Latin American states in the face of an external Communist threat. But his government still cannot explain why four American missionaries were murdered last winter on a road patrolled by the military, why an investigation conducted by the El Salvadoran Army and assisted by the FBI remains stymied, and why evidence linking six soldiers to the death of the missionaries has not been presented to a judge.

Under questions during his most recent visit to the United States, President Duarte has challenged our credulity by citing a series of conflicting factors which stymies the El Salvadoran legal process. Our own highest officials have gone even further in undermining the character of our involvement in El Salvador by impugning the motives of the missionaries, by dismissing their deaths as perhaps the unfortunate byproduct of gunfire on the road, and by advising the aggrieved relatives to purchase the expensive services of legal counsel in El Salvador.

This will not do. I am well aware that a heritage of reactionary rule in El Salvador, sustained by values and institutions little changed since the colonial era, poses enormous obstacles to any program of reform. I am well aware that a number of civilian leaders in El Salvador are genuinely committed to reform, and that President Duarte himself was once barred from office and forced into exile after winning a Presidential election.

But we are deluding ourselves if we pursue the strategy of downplaying the sanguinary behavior of elements in the National Guard, or assuring ourselves that these elements are now fully responsive to the reform program. And we defy the logic of El Salvador's tragic history by maintaining that, by augmenting the junta's military arsenal and capabilities, we will promote peace and justice for El Salvador.

The United States is now deeply involved in El Salvador's troubled affairs. In fiscal year 1981, the administration pledged $35 million in military aid alone. We are invited to become even more deeply involved by pledging an additional $21 million in fiscal year 1982. I cannot avoid believing that this assistance, fraught with so much danger to our larger foreign policy in Latin America, must be monitored ever so closely. Section 707 of this bill provides a mechanism for guaranteeing that U.S. involvement in El Salvador is dedicated directly to the administration's objectives and for insuring that the responsibilities assumed by the Congress are vindicated.

Unless there is significant progress in controlling gross violations of internationally recognized human rights, unless the unlawful and sanguinary activities of the armed services are curbed, unless progress already made in the field of economic and political reforms is maintained and accelerated, unless free elections are held within a year, and unless the government commits itself to negotiations with dissident groups, there can

be no peace in El Salvador. Without peace, there can be no restoration of democracy in El Salvador. And without the restoration of democratic institutions, our larger aspirations to contain Marxist communism in Latin America and to insure that every nation controls its own destiny will come to naught.

The Congress and the American public cannot be placated simply by assurances that all will be well in El Salvador. We need to impress upon President Duarte our unswerving determination to see the promised reforms implemented, and to impress on the National Guard in El Salvador that violence and mayhem cannot be condoned. The reporting requirement incorporated in the amendment proposed by Senator PELL is central to an effort to avert a tragedy for our own country in El Salvador.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will now report the modified Helms amendment.

The legislative clerk read as follows:

The Helms amendment No. 563 has been modified. Page 2, line 15 in subsection (4) reads as follows: continued progress in implementing essential economic and political reforms, including land reform and support for the private sector;

The PRESIDING OFFICER. All time having expired and having been yielded back, under the previous order, a vote will now occur on the amendment of the Senator from North Carolina, as modified, as a substitute for the amendment of the Senator from Indiana as perfected. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered, and the clerk will now call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER. Are there other Senators in the Chamber wishing to vote?

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

[Rollcall Vote No. 278 Leg.]

YEAS—47

| | | |
|---|---|---|
| Abdnor | Goldwater | Murkowski |
| Andrews | Gorton | Nickles |
| Armstrong | Grassley | Nunn |
| Baker | Hatch | Packwood |
| Byrd, Harry F., Jr. | Hawkins | Quayle |
| | Hayakawa | Roth |
| Cochran | Heflin | Rudman |
| Cohen | Helms | Schmitt |
| D'Amato | Humphrey | Simpson |
| Danforth | Jepsen | Stafford |
| Denton | Kasten | Stevens |
| Dole | Laxalt | Symms |
| Domenici | Long | Thurmond |
| Durenberger | Lugar | Tower |
| East | Mattingly | Wallop |
| Garn | McClure | Warner |

NAYS—51

| | | |
|---|---|---|
| Baucus | Chafee | Hart |
| Bentsen | Chiles | Hatfield |
| Biden | Cranston | Heinz |
| Boren | DeConcini | Hollings |
| Boschwitz | Dixon | Huddleston |
| Bradley | Dodd | Inouye |
| Bumpers | Eagleton | Jackson |
| Burdick | Exon | Johnston |
| Byrd, Robert C. | Ford | Kassebaum |
| Cannon | Glenn | Kennedy |
| Leahy | Pell | Sasser |
| Levin | Percy | Specter |
| Mathias | Pressler | Stennis |
| Melcher | Proxmire | Tsongas |
| Metzenbaum | Pryor | Weicker |
| Mitchell | Randolph | Williams |
| Moynihan | Sarbanes | Zorinsky |

NOT VOTING—2

Matsunaga Riegle

So Mr. HELMS' amendment (No. 563), as modified, was rejected.

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

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

Mr. HELMS. 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. RANDOLPH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from West Virginia is correct. A quorum call is underway, and the Senate will be in order. The Chair requests that Senators clear the well so we may proceed with the quorum call.

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

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

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the motion to table.

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

Mr. BAKER. Mr. President, we have the yeas and nays on something, and I frankly could not hear what. May we have order in the Senate?

The PRESIDING OFFICER. The Chair will please request all Senators to take their seats. Please clear the well. Will staff take their seats at the rear of the Chamber?

The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the amendment was rejected.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—52

| | | |
|---|---|---|
| Baucus | Dixon | Kassebaum |
| Bentsen | Dodd | Kennedy |
| Biden | Eagleton | Leahy |
| Boren | Exon | Levin |
| Boschwitz | Ford | Long |
| Bradley | Glenn | Mathias |
| Bumpers | Hart | Melcher |
| Burdick | Hatfield | Metzenbaum |
| Byrd, Robert C. | Heinz | Mitchell |
| Cannon | Hollings | Moynihan |
| Chafee | Huddleston | Pell |
| Chiles | Inouye | Percy |
| Cranston | Jackson | Pressler |
| DeConcini | Johnston | Proxmire |
| Pryor | Specter | Williams |
| Randolph | Stennis | Zorinsky |
| Sarbanes | Tsongas | |
| Sasser | Weicker | |

NAYS—46

| | | |
|---|---|---|
| Abdnor | Goldwater | Nickles |
| Andrews | Gorton | Nunn |
| Armstrong | Grassley | Packwood |
| Baker | Hatch | Quayle |
| Byrd, Harry F., Jr. | Hawkins | Roth |
| | Hayakawa | Rudman |
| Cochran | Heflin | Schmitt |
| Cohen | Helms | Simpson |
| D'Amato | Humphrey | Stafford |
| Danforth | Jepsen | Stevens |
| Denton | Kasten | Symms |
| Dole | Laxalt | Thurmond |
| Domenici | Lugar | Tower |
| Durenberger | Mattingly | Wallop |
| East | McClure | Warner |
| Garn | Murkowski | |

NOT VOTING—2

Matsunaga Riegle

So the motion to lay on the table the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana (Mr. LUGAR), as amended.

Mr. LUGAR. Mr. President, 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.

The question is on agreeing to the amendment.

The amendment (No. 562) was agreed to.

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

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

The motion to lay on the table was agreed to.

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## CONTINUING APPROPRIATIONS, 1982

The PRESIDING OFFICER. The Senate will continue with the consideration of House Joint Resolution 325, which will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 325) making appropriations for fiscal year 1982, and for other purposes.

The PRESIDING OFFICER. The Senate will be in order. Members of the staff at the rear of the Chamber will please take their seats. The Senate will suspend until there is order.

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

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

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. What is the pending business?

UP AMENDMENT NO. 420

The PRESIDING OFFICER. The pending business is the unprinted amendment by Senator STEVENS, on which there is a time limit of 10 minutes, equally divided.

Mr. PERCY. Mr. President, will the Senator yield for a question?

Mr. STEVENS. I yield to the Senator, and I ask unanimous consent that the time not be charged against my time.

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

Mr. PERCY. Would it be possible—because OPIC dies on Wednesday, and this may be the last chance to enact it—to see if we can get clearance so that we can take up this uncontested bill and pass it?

Mr. STEVENS. I yield to the majority leader.

Mr. BAKER. Mr. President, it is cleared on this side, and I understand that the clearance process is underway on the other side and as yet has not been completed.

So I recommend to the distinguished managers of the bill on both sides that at a later time, after the clearance process has been completed, they might seek, by unanimous consent, to momentarily lay aside the continuing resolution and proceed. I should like to see the bill taken up and disposed of, but it cannot be done at this moment.

Mr. CRANSTON. We will try to clear it, but it cannot be done at this time.

Mr. STEVENS. I yield myself 4 minutes.

Mr. President, the pending amendment provides that it is the sense of the Senate that living expenses of Members of Congress while away from their home—which, by law, is in their district or their State—will be treated the same way as business people or other private citizens are treated under the code.

The amendment goes on to amend the existing law to permit this to take place. This amendment would leave the $3,000 limit on expenses away from home. That limit was imposed in the Revenue Act of 1953.

Mr. President, may we have order? I ask that the time not be charged against our time.

The PRESIDING OFFICER. The Senator from Alaska raises the point that the Senate is not in order.

Mr. STEVENS. I ask unanimous consent that this time not come out of our time. We agreed to a very limited time on each side so that we might debate this matter, and it is not fair to take it out of our time.

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

Will Senators who find it necessary to discuss business please retire from the Chamber, so that the Senator from Alaska can be heard?

Mr. STEVENS. I thank the Chair.

Mr. President, this amendment would remove the $3,000 limit that was imposed by the legislative appropriations bill in 1953, when congressional salaries were $22,000. If we go back and look at the record at that time, we see that the action was complained of because, in fact, it constituted a pay raise for Congress at the time.

Because of the passage of time and some 200-percent change in the cost-of-living index, the $3,000 limit is no longer an advantage. It is a tremendous disadvantage for Members of Congress, because that is the limit for expenses away from home, not only while Members of Congress are in Washington. No matter where they are, that is the limit on expenses away from home—expenses away from your home State.

This amendment would treat every Member of Congress the same as business people are treated. This means that you could deduct the amount you believe is reasonable and necessary for your being away from home. You would not be able to deduct for your family's expenses. I have heard comments here today about people believing it is totally unlimited. That is not true. You can deduct only those expenses which would be reasonable and necessary for you to be away from home, when you are away from your home State or Congressmen are away from their home districts. It would be an individual decision as to how much a Member would claim for expenses away from home.

I will be glad to answer any questions about that. I hasten to assure everyone that this does not mean all the expenses a Member incurs away from home are deductible. It would be only those expenses which are reasonable and necessary, meaning living expenses and those expenses associated with being away from home.

I have offered this amendment because I believe that the existing situation is discriminatory, and we should be on the same basis as any other person who travels away from home, under the general tax concepts.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. STEVENS. I yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I say to the Senator from Alaska that I am not prepared to either support or oppose the proposal, but this is a far-reaching proposal dealing with the compensation of Members of the Senate and the House of Representatives.

I hope that we will not be called upon to decide an issue of this magnitude with 5 minutes of debate.

Mr. STEVENS. I say to the Senator that we debated at length. We were asked to raise it early today so the matter would be debated. We debated it this morning. We sent out word that it was being debated. We agreed at the time to have additional debate. If the Senator wishes to have additional debate this afternoon, I am pleased to accommodate the request, but as a practical matter, this does not deal with compensation of Members.

Mr. HARRY F. BYRD, JR. It deals with giving Members money from the Government of the United States.

Mr. STEVENS. No. I disagree. There will be no payments from the Government of the United States by virtue of the Senator's amendment. This amendment would allow Senators and Members of the House of Representatives to claim if they so desire expenses that they might incur while away from home.

Mr. HARRY F. BYRD, JR. Claim from whom, from the Government?

Mr. STEVENS. Claim it as a deduction from their income tax, the amount that they pay. That is not taking money away from the Government in my mind. It is just not paying the Government as much money, but they are not taking anything away from the Government.

Mr. HARRY F. BYRD, JR. That clarifies a point I was not clear on.

Mr. STEVENS. Mr. President, has my time expired?

The PRESIDING OFFICER. Four minutes of the Senator's time have expired. There is 1 minute remaining.

The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, I agree with the distinguished Senator from Virginia. This is a far-reaching amendment. This is an amendment that would provide that Senators who have large incomes and who have large mortgages might very well be able to deduct expenses where they could not otherwise do so.

Mr. CRANSTON. Is not a mortgage already deductible?

Mr. PROXMIRE. The principal might be deductible.

At any rate, I wish the Senator from Alaska would explain how this amendment would benefit or would not benefit Senators. We have a $3,000 limitation now. We have had no real explanation of this amendment.

Frankly, I never would have consented to a 5-minute limitation on debate on something that affects every Senator in this body and gives us a big benefit, in addition to the benefit we conferred upon ourselves by putting language into the bill yesterday knocking out the $25,000 ceiling on honoraria by a 10 to 8 vote. This is going to be a real Christmas tree for Members of this body.

Mr. STEVENS. Mr. President, I have only 1 minute remaining.

Mr. PROXMIRE. Mr. President, I think before we act on a matter of this consequence it is obviously going to be an issue in every campaign. I have been through eight statewide campaigns in my experience, and I know that my opponent would raise this issue if I voted for this kind of a matter.

We should have it explained in full. After all, we should have the case made that $3,000 is not enough. Should Senators be allowed to deduct $6,000, $10,000, $20,000, $50,000, or how much?

It is true it would simply mean that we would be able to reduce the taxes we pay to the Federal Government. But as we know tax expenditures also affect the revenues of the Federal Government and the deficit of the Federal Government. At a time when we are cutting everything in sight and then some it is wrong for us to be generous in this way with our own measure. I understand that the House of Representatives considered a provision of this kind in marking up their legislative appropriations bill, and that

because it was exposed by the press, discussed by the press, they were embarrassed by the press, and it was withdrawn.

We are asked to carry water for the House of Representatives and the Senate by accepting a rule, allowing 5 minutes debate on each side. It seems to this Senator that is not wise and that is not the way we should proceed. We should know exactly how this is affecting Senators. We should have some examples of Senators that will be able to benefit to the extent of $15,000 or $20,000 or more and why a Senator would need more than a $3,000 limit on his Washington expenses.

Mr. President, I yield a minute to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ordinarily follow the fine leadership of the Senator from Alaska.

Mr. CHAFEE. Mr. President, will the Senator use his microphone.

Mr. STENNIS. Yes.

Mr. President, I think that the setting, though, here on this continuing resolution, right in the midst of the situation of reducing expenditures where we have cut dozens and dozens of items, for us, even though there is much that could be said ordinarily for genuine expense accounts kept properly, it does not fit in with this proposal at all. To the contrary, it is not in keeping with the times, and to that extent I very strongly think that it is inadvisable that we put an amendment as this on a continuing resolution that is a review of the whole Government, of over $600 billion, in a way. This is a resolution for a limited time. To make this permanent law, I believe it would be error and we should oppose it for that reason.

I thank the Senator.

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

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

The PRESIDING OFFICER. One minute to each side remains.

Does the Senator from Alaska desire the floor?

Mr. STEVENS. No.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Does the Senator from Georgia wish time?

Mr. MATTINGLY. Yes.

Mr. PROXMIRE. Mr. President, I yield time to the Senator from Georgia.

Mr. MATTINGLY. Mr. President, we debated this this morning and I do not want to take up that much time as we only have 1 minute remaining so I will not take much time.

I feel this is the wrong time and the wrong place to bring it up. I felt all along that it should have complete hearings in the legislative branch or whatever committee that would be deemed appropriate by the Senator from Alaska.

I think that today what we are talking about is releasing part of the pay cap on Government employees and other financial matters that I think should be considered with the full hearing in the legislative branch and the other appropriate committees.

I think, as many other people said, it does have far-reaching effects. I am not saying that Senator STEVENS may not prevail and be correct in the long run. I just feel that today is not the day this should be brought up.

The PRESIDING OFFICER. All time of the Senator from Wisconsin has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, again I am perfectly willing to extend the debate. The limitation on debate took place because we finished debate and there was no one else here to debate, and we went to another amendment.

If the Senate wishes to debate this, fine with me, but do not accuse me of putting a gag rule on. I take personal offense to that.

Beyond that, this is not something that will permit us to deduct the principal of our home mortgage. We can only deduct the reasonable and necessary expense of being away from home. That is for each Senator and Member of the House of Representatives. It is not for their families. It is just for the Member.

If one has a six-bedroom house, it is not reasonable to think he has to have the six-bedroom house. He can only deduct that portion that is reasonable and away from home as every businessman does and every person, every State legislator, every Government employee, except Members of Congress, make the same judgment when they file their tax return. We do not. Today we just get the expense away from home of $3,000 because that is the limit, and the IRS presumes that we do, in fact, have the expenses that meet the limit.

All I want us to do is to be treated the same as every other taxpayer in the country.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered, and the question is on agreeing to the amendment of the Senator from Alaska.

Mr. PROXMIRE. Mr. President, I raise the point of order that this is legislation on an appropriation bill, that it amends the Internal Revenue Code.

Mr. STEVENS. Mr. President, I wish to be heard on that point of order.

The PRESIDING OFFICER. The point of order is not debatable.

Mr. STEVENS. Mr. President, it is a constitutional question.

The PRESIDING OFFICER. The Chair will entertain debate on its own motion.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, this bill originated in the House appropriation bill. This in fact is a revenue bill and it is a bill that is dealing with revenue now on matters that are not authorized, and I hope that the Senate realizes that there are many items for which authorization bills have not been extended, that this bill in fact takes the place of an authorization bill and an appropriation bill and becomes a revenue bill under the precedents of the House of Representatives and the precedents of the Senate.

The PRESIDING OFFICER. The Chair is prepared to rule. The Chair will state the amendment is legislation on an appropriation bill.

Mr. STEVENS. Mr. President, I then raise the question of germaneness.

The PRESIDING OFFICER. Under the precedents of the Senate if there is no House language on the subject then the Chair must rule on the question of legislation. There is no House language. The point of order is sustained.

Mr. STEVENS. Mr. President, I appeal the ruling of the Chair.

I say again this is a bill that originated in the House. It is a matter that is germane to the whole subject of the bill, which is really the question before this body. We are dealing with a legislative appropriations bill, and this provision originated in a legislative appropriations bill, and I am seeking to take it out in a legislative appropriations bill.

The legislative appropriations bill is, in fact, contained in toto in the continuing resolution and, therefore, it is germane to the legislative appropriations bill. It was the vehicle that created it and it ought to be the vehicle that removes it.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? Debate is not in order.

Mr. PROXMIRE. 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. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Is debate on the Senator from Alaska's appeal from the ruling of the Chair under some limitation?

The PRESIDING OFFICER. It is under the discretion of the Chair.

Mr. BUMPERS. I was just curious as to whether the Senator from Wisconsin would be accorded a similar amount of time if he sought it.

The PRESIDING OFFICER. The Senator from Wisconsin would be authorized to speak.

Mr. BUMPERS. Does the Senator from Wisconsin choose to debate it?

Mr. PROXMIRE. May I say the Chair has stated my position, stated it clearly and correctly, that under the precedents this is not in order. I agree with the position taken by the Chair and I think he stated my position more eloquently than I could. But I thank the Senator from Arkansas.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, point of order.

The PRESIDING OFFICER. The Senator will state the point of order.

Mr. CHAFEE. Does that matter that was appealed, the decision of the Chair, involve both the amendment dealing with the $3,000 limitation and also the matter dealing with certain executive branch officers?

The PRESIDING OFFICER. It does not deal with the latter matter.

Mr. CHAFEE. The second question I

put to the Chair is should the Chair's ruling be sustained on the pont of order concerning the limitation of senatorial deductions, would that same ruling apply to the salaries of certain executive branch officers?

The PRESIDING OFFICER. The Chair is not prepared to rule in advance on amendments that have not been offered.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. RANDOLPH. Mr. President, a point of order. The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia has raised the point that the Senate is not in order. Under the rules of the Senate, the well should be cleared for those Senators who are voting.

The clerk will resume the calling of the roll.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Michigan (Mr. RIEGLE), are necessarily absent.

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

The yeas and nays resulted—yeas 44, nays 54, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—44

| | | |
|---|---|---|
| Baucus | Exon | Metzenbaum |
| Bentsen | Ford | Mitchell |
| Biden | Glenn | Moynihan |
| Boren | Grassley | Nunn |
| Bradley | Hart | Pell |
| Bumpers | Heflin | Percy |
| Burdick | Heinz | Pressler |
| Byrd, Harry F., Jr. | Huddleston | Proxmire |
| Byrd, Robert C. | Kassebaum | Randolph |
| Cannon | Kasten | Roth |
| Chiles | Kennedy | Sarbanes |
| DeConcini | Leahy | Sasser |
| Dixon | Levin | Schmitt |
| Durenberger | Long | Stennis |
| | Mattingly | Zorinsky |

NAYS—54

| | | |
|---|---|---|
| Abdnor | Goldwater | Murkowski |
| Andrews | Gorton | Nickles |
| Armstrong | Hatch | Packwood |
| Baker | Hatfield | Pryor |
| Boschwitz | Hawkins | Quayle |
| Chafee | Hayakawa | Rudman |
| Cochran | Helms | Simpson |
| Cohen | Hollings | Specter |
| Cranston | Humphrey | Stafford |
| D'Amato | Inouye | Stevens |
| Danforth | Jackson | Symms |
| Denton | Jepsen | Thurmond |
| Dodd | Johnston | Tower |
| Dole | Laxalt | Tsongas |
| Domenici | Lugar | Wallop |
| Eagleton | Mathias | Warner |
| East | McClure | Weicker |
| Garn | Meicher | Williams |

NOT VOTING—2

Matsunaga Riegle

The PRESIDING OFFICER. On this vote, there are 44 yeas and 54 nays. The decision of the Chair does not stand.

Mr. JOHNSTON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSTON. Mr. President, do I understand the effect of this ruling to now be to reverse that 1979 ruling so that henceforth if there is a question of germaneness, that germaneness question is submitted immediately to the Senate for a vote without the Chair ruling upon that point of order?

The PRESIDING OFFICER. That is not the issue. The issue was whether or not this amendment was legislation on an appropriations bill.

Mr. STEVENS. Mr. President, I beg to differ with the Chair. I did raise the question of germaneness. Following that question, the Chair ruled that under the precedents of the Senate the matter of germaneness, in effect, was not involved because of the prior ruling in 1979, as I understood it. Under those circumstances, by having raised the question of germaneness, I was denied the right of submitting that matter to the Senate on germaneness by the effect of the Chair's ruling. So in this Senator's opinion, this does mean that a Senator would have the opportunity to submit the question of germaneness to the body if it is raised at the appropriate time.

Mr. THURMOND. Mr. President, the pending amendment by the distinguished senior Senator from Alaska, Mr. STEVENS, is one that I cannot support.

The practical effect of this proposal would be to increase the net compensation for most Members of Congress. While the amendment would not entail any increase in spending, it would probably diminish Federal income tax revenues, and thereby make it more difficult to balance the budget. At a time when the President and Congress are asking for sacrifice from others who receive benefits or payments from the Federal Government, it is neither fair nor wise to take any action that has the effect of benefiting Members of Congress from the Federal Treasury.

Mr. President, under current law the amount of tax deductible expenses incurred by Members of Congress in living away from their home States is limited to $3,000 annually. This amendment would remove that $3,000 cap, allowing Senators and Representatives to deduct the full amount of reasonable and necessary expenditures associated with living in Washington, D.C., while serving in Congress. While arguments can be made in favor of treating Members of Congress similar to other commuting business persons for tax purposes, I believe this is the wrong time to be taking this action.

Congress needs to set an example for the rest of the Nation by exercising the utmost restraint with respect to the cost of its own operations, including the compensation for Members. We know that further, substantial cuts must be made in Federal spending if we are to maintain the course toward a balanced budget by fiscal year 1984. This objective must be achieved if we are to get inflation under control and bring interest rates down. While this amendment may have only a limited fiscal impact, nevertheless, it sends the wrong signal to the country, and I must oppose it at this time.

Mr. President, while I am opposed to the Stevens amendment on its merits, on the previous procedural vote I voted to overturn the ruling of the Chair because I felt it would have established too broad a precedent with regard to what constitutes legislation on an appropriations bill.

The PRESIDING OFFICER. The question now is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii (Mr. MATSUNAGA) and the Senator from Michigan (Mr. RIEGLE), are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

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

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—50

| | | |
|---|---|---|
| Abdnor | Gorton | Melcher |
| Andrews | Hatch | Murkowski |
| Armstrong | Hatfield | Packwood |
| Baker | Hawkins | Percy |
| Baucus | Hayakawa | Quayle |
| Chafee | Hollings | Rudman |
| Cranston | Huddleston | Specter |
| D'Amato | Humphrey | Stafford |
| Denton | Inouye | Stevens |
| Dixon | Jepsen | Symms |
| Dodd | Johnston | Tower |
| Dole | Laxalt | Tsongas |
| Domenici | Leahy | Wallop |
| Eagleton | Long | Warner |
| East | Lugar | Weicker |
| Garn | Mathias | Williams |
| Goldwater | McClure | |

NAYS—48

| | | |
|---|---|---|
| Bentsen | Exon | Nickles |
| Biden | Ford | Nunn |
| Boren | Glenn | Pell |
| Boschwitz | Grassley | Pressler |
| Bradley | Hart | Proxmire |
| Bumpers | Heflin | Pryor |
| Burdick | Heinz | Randolph |
| Byrd, Harry F., Jr. | Helms | Roth |
| Byrd, Robert C. | Jackson | Sarbanes |
| Cannon | Kassebaum | Sasser |
| Chiles | Kasten | Schmitt |
| Cochran | Kennedy | Simpson |
| Cohen | Levin | Stennis |
| Danforth | Mattingly | Thurmond |
| DeConcini | Metzenbaum | Zorinsky |
| Durenberger | Mitchell | |
| | Moynihan | |

NOT VOTING—2

Matsunaga Riegle

So Mr. STEVENS' amendment (UP No. 420) was agreed to.

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

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 422

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from Alaska.

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

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

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

The yeas and nays were ordered.

Mr. STEVENS. On this amendment we previously discussed, there are other

Senators who wish to discuss this amendment.

This amendment is an amendment to adjust the pay schedules of the executive branch. What it does is—and there is a letter on each Member's desk to explain it—that because we could not get an agreement on raising the congressional pay, which would automatically eliminate the compression in the general schedule, I point out to you it is now down to grade 14, step VIII.

We tried to find a way to alleviate the problem of compression and stop the exodus that is taking place from the executive branch because pay is frozen now at grade 14, step VIII, all the way up through 15, 16, 17, 18, executive 6, 5, 4, 3, 2, and 1, and then the executive schedule V, IV, III, and II. In other words, all of those schedules, the pay is the same because the beginning salary of those grade levels is impacted by our decision not to raise the congressional salary.

Having tried to deal with that last year on that matter, and being unable to get the Congress to change its mind on that level, which is the executive II level, all Members of Congress and executive II level receive the same amount of pay. We determined—and I did hold a hearing on this to see if there was general acceptance of it, and there was, and we determined—to attempt to allow the cost-of-living raises to go into effect by lifting the pay schedule generally.

In other words, again as I pointed out before, the pay level III right now is $55,387, approximately $5,000 less than that of a Member of Congress.

Level V is $50,112, and that is the affected impact level. What we did was to raise those salaries up so that instead of having a $5,000 difference between the brackets, we have approximately a $1,000 difference between the brackets. The effect of that is down at the bottom of the scale there are some 25,000 people on general schedule at grade 14 and above who have not had any of these cost-of-living allowances, the raises that have been taking place now for the last 4 years.

The effect of this amendment is that they will in fact get a portion of the cost-of-living allowance they were entitled to by decreasing the distance between each grade level compensation in the executive schedule up to that of the Member of Congress, but it will not—and I repeat this will not—affect Members of Congress.

It will not affect anyone in the executive branch above the level or at above the level of the Member of Congress. It will not affect judges. It affects only those who are in the general schedule, the career service, plus those in executive schedule level III, IV, and V which are below those of that level of Members of Congress. We will not touch the congressional pay level.

(At this point there was a statement by Mr. HARRY F. BYRD, JR. and a colloquy with Mr. MOYNIHAN, which is printed later in today's RECORD. Thereafter the proceedings continued as follows:)

Mr. STEVENS. Mr. President, we again resume consideration of the amendment I have offered to deal with the primary problem of those 25,000 civil servants who are in the level of grade 14, 15, 16, 17, and 18 who have not received their cost-of-living adjustments that were provided in the October of 1977, October of 1978, October of 1979, and October 1980.

I might say that the impact of this would be that they would not get the 4.8 this year either, which is going to be the amount that the general schedule will be raised, because the levels that we set in this amendment, of necessity, will not accommodate any further adjustment.

I would urge the Senate to consider the statements I have made, which indicate we have this tremendous brain drain. We are losing people. Again, I point out that it is in the technological and scientific areas in which we are hurting, in defense, NASA, throughout the Government where we have highly capable people in the area of advanced technology and science. Those people cannot afford to stay in Government at this level of Government unless they can look forward to some kind of increased remuneration if they in fact accept a promotion.

Every Member of the Senate, I think, has to ask himself what he would do if he was offered a job with a great deal of responsibility, which required a move to another town, at a different level, to go from a 14 to a 17. That is possible. Would you take that additional responsibility, the impact on your family of not having as much time available, and impact on your own finances with the increased costs? I have to tell you that the answer of the people affected, most of them, is no.

I did put into the RECORD the statement of a distinguished public servant, an Internal Revenue Service regional representative who did make that judgment, who did do it. He came down to our hearings and documented very vividly the experience of himself, as far as he was concerned, as far as his family was concerned, and the cost they incurred in taking additional responsibilities.

We have similar testimony from members of the FBI. They are impacted in the same manner as these scientific and technical agencies. We know that they are highly qualified people, accountants, lawyers, who go into these jobs because they are interested in them. They start at a lower level and suddenly they find that having entered the Government at grade 11 once they hit grade 14 there is no more increase in compensation available, none.

We have to adjust this pay schedule. I urge the Senate to do that. I understand my good friend from Georgia wants the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. I thank the Senator from Alaska. As I said earlier today, I respect his position, but I disagree with him. I think this is the wrong time and the wrong place, in the Senate, to try to lift the pay cap on Government employees when, in fact, this amendment that is being offered will cost the taxpayers $217.5 million a year, and over the next 3 years that will be over one-half billion dollars.

When the President speaks tonight he will be asking us to make further restraints on the Federal budget, with which I agree. But at the same time, I think everybody needs to have restraints, even Federal employees.

A lot of the so-called brain drain has been due, again, to the retirement system that encourages people to depart early. I believe this package needs to go into a full hearing on pension and pay, going before the proper committees, and then let the Senate make a wise decision.

As I said earlier today, this is the wrong time, I feel, to bring this up. I think we need to retain the pay cap. I think we need to show restraint here, as we are asking Americans everywhere to show restraint.

Mr. President, I do not desire to speak any further on this issue. I ask my senior colleague from Alaska if we could ask for the yeas and nays at this time on the amendment.

Mr. STEVENS. We have the yeas and nays.

The PRESIDING OFFICER. The Chair advises the Senator that the yeas and nays have been ordered.

Mr. MATTINGLY. Mr. President, I ask that we proceed with the vote.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. We are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska. 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 New Hampshire (Mr. HUMPHREY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN), the Senator from Hawai'i (Mr. MATSUNAGA), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

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

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—50

| | | |
|---|---|---|
| Baker | Hatch | Packwood |
| Baucus | Hatfield | Pell |
| Bentsen | Hayakawa | Percy |
| Boschwitz | Hollings | Quayle |
| Chafee | Inouye | Randolph |
| Cochran | Jepsen | Rudman |
| Cohen | Kennedy | Sarbanes |
| Cranston | Laxalt | Specter |
| D'Amato | Leahy | Stafford |
| Danforth | Long | Stevens |
| Denton | Lugar | Symms |
| Dole | Mathias | Thurmond |
| Durenberger | McClure | Tower |
| Eagleton | Melcher | Tsongas |
| Garn | Moynihan | Wallop |
| Goldwater | Murkowski | Weicker |
| Gorton | Nunn | |

NAYS—45

| | | |
|---|---|---|
| Abdnor | Domenici | Mattingly |
| Andrews | East | Metzenbaum |
| Armstrong | Exon | Mitchell |
| Biden | Ford | Nickles |
| Boren | Grassley | Pressler |
| Bradley | Hart | Proxmire |
| Bumpers | Hawkins | Pryor |
| Burdick | Heflin | Roth |
| Byrd, | Heinz | Sasser |
| Harry F., Jr. | Helms | Schmitt |
| Byrd, Robert C. | Huddleston | Simpson |
| Cannon | Jackson | Stennis |
| Chiles | Johnston | Williams |
| DeConcini | Kassebaum | Zorinsky |
| Dixon | Kasten | |
| Dodd | Levin | |

NOT VOTING—5

| | | |
|---|---|---|
| Glenn | Matsunaga | Warner |
| Humphrey | Riegle | |

So Mr. STEVENS' amendment (UP No. 422) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

UP AMENDMENT NO. 423

(Purpose: To provide funding for the United States' contribution to the Multinational Force and Observers)

Mr. KASTEN. 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 Wisconsin (Mr. KASTEN) proposes an unprinted amendment numbered 423.

At the appropriate place in the Joint Resolution insert the following new section:

"Notwithstanding any other provision of this Joint Resolution, $125,000,000 shall be available for expenses necessary for the participation of the United States in a Multinational Force and Observers to implement the Treaty of Peace between Egypt and Israel."

Mr. KASTEN. Mr. President, this matter was discussed yesterday in the full Appropriations Committee, and at the request of the Chairman of the committee, Senator HATFIELD, I agreed to postpone offering this amendment until today for consideration on the floor of the Senate. Before getting into the merits of this amendment, I would like to express my appreciation to the chairman of the full committee for his cooperation and his statement yesterday indicating that he would support this amendment. I appreciate this because I know his strong desire, which I agree with, to have a continuing resolution which is as clean as possible.

Mr. Preident, the amendment now before the Senate will provide the funding necessary for U.S. participation in the Sinai peacekeeping efforts which are part of the Camp David Peace Accords. The administration views this particular amendment as absolutely necessary, a position illustrated by the fact that it included this language in its draft of the continuing resolution as one of the very few exceptions to the normal continuing resolution framework. Another indication of the urgency with which it views this matter is the communication and proposed budget amendment which was sent to the chairman of the committee yesterday by the Office of Management and Budget. I ask unanimous consent that that material be printed as part of the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KASTEN. Mr. President, I do not believe there is a need to take much time to discuss this amendment, although I am prepared to do so in detail. However, let me make the following points with respect to this matter:

In early August of this year Israel and Egypt entered into an agreement formally establishing and governing the operations of a multinational force and observers to play the peacekeeping role originally envisioned for the United Nations in the 1979 treaty of peace. The United Nations indicated in April of this year that it would be unable to fulfill that function. As part of this August agreement, the United States has committed itself, subject to congressional action, to furnish 60 percent of the startup costs for this organization, and beginning in fiscal year 1983 one-third of the operation costs.

Under the peace treaty, this force in the Sinai must be in place by March 20, 1982, with the final Israeli withdrawal taking place on April 25, 1982.

In trying to meet these dates, the multinational peacekeeping forces are already well behind schedule due to delays in funding.

Egypt and Israel have each provided $20 million.

The administration has reprogramed $10 million of fiscal year 1981 funds, which, together with the funds provided by Egypt and Israel will be exhausted by mid-October.

If we do not include this matter in the current legislation, the procurement of necessary items for peacekeeping operations and for the protection and safety of peacekeeping personnel will have to be deferred.

If funds are not available by mid-October, according to the administration, the peacekeeping forces will be forced to tell the contractors now working to stop work.

Mr. President, the points I have just made are practical problems which would arise without this amendment. In addition, more importantly, there are a number of significant political and foreign policy considerations which, I believe, strongly weigh in favor of including this special provision. Again, while I am prepared to discuss those in detail, let me just say that the Israeli Government is fully committed to withdrawal from the Sinai by April 25, 1982, as called for in the treaty, and I do not believe we want to forgo an action which might cause that government problems in fulfilling this commitment. As well, President Sadat has staked his personal and political reputation on full recovery of the Sinai, and obviously any delay, perhaps caused by our inability to fund these peacekeeping operations, could seriously damage him.

Mr. President, at the urging of the chairman of the committee, my subcommittee and the Department of State searched for other ways to do this, but the only possible avenue, reprograming, falls far short of requirements due to a provision in the law which does not allow transfer of more than $10 million into this activity. Much of this money which would be provided by this amendment would be used in the first month.

EXHIBIT 1

OFFICE OF MANAGEMENT AND BUDGET,
*Washington, D.C., September 23, 1981.*

Hon. MARK O. HATFIELD,
*Chairman, Senate Appropriations Committee, U.S. Senate, Washington, D.C.*

DEAR MARK: The President believes that the Multinational Force and Observers (MFO) for the Sinai is an extremely important project which must go forward in October. Consequently, I hereby request special treatment for this program in the first Continuing Resolution for fiscal year 1982. Attached for your information is the budget amendment for this project which the President intends to transmit to the Congress soon.

Sincerely,

DAVID A. STOCKMAN.

FUNDS APPROPRIATED TO THE PRESIDENT

| 1982 budget appendix page | Heading | 1982 budget request | 1982 amendment pending | 1982 proposed amendment | 1982 revised request |
|---|---|---|---|---|---|
| | INTERNATIONAL SECURITY ASSISTANCE | | | | |
| I-D6 | Foreign military sales credit (In the appropriations language under the above heading delete "2,572,600,000" and insert in lieu thereof *3,063,500,000.*) | $850,000,000 | $631,800,000 | −$490,900,000 | $990,900,000 |
| I-D8 | Peacekeeping operations | 19,000,000 | | 125,000,000 | 144,000,000 |

This proposal provides funds to pay the 1982 cost to the United States of the Multinational Force and Observers in the Sinai. This force must be in place before the final stage of the Israeli withdrawal can take place next April as envisioned in the Camp David agreement. This proposal would not increase total 1982 outlays as it is offset by a reduction in the proposed direct loan program for foreign military sales.

Mr. KASTEN. Mr. President, I urge my colleagues to adopt this amendment and I now yield to the distinguished chairman of the full committee, the senior Senator from Oregon.

Mr. HATFIELD. Mr. President, I thank the Senator from Wisconsin for yielding and for raising this issue.

The Senator has very succinctly stated the problem that we face at this time.

We do have a letter which constitutes a budget request which we did not have when this matter first was brought to our attention yesterday afternoon.

I do not think there is any question that this is one of those emergency situations that, as unhappy as it may make us to have to legislate on an appropria-

tion measure, we are on a continuing resolution which is up against a deadline; therefore, I think we have really little choice but to follow the lead of the chairman of the Subcommittee on Foreign Operations.

Therefore, I accept the amendment on that basis.

Mr. KASTEN. 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.

This matter has been discussed with the full committee and that was the understanding of the full committee expressed yesterday.

So, I am ready to accept the amendment of the Senator from Wisconsin. I thank him for his leadership.

Mr. KASTEN. I thank the chairman of our Appropriations Committee. I wish to point out to the Senate that I have discussed this amendment with the Senator from Hawaii, the ranking minority member of the Foreign Operations Subcommittee of the Appropriations Committee. I have also consulted with both the majority and the minority on the Foreign Relations Committee. They all understand the urgency of this particular amendment, and we have unanimous support among that group of Senators.

Mr. President, I move the adoption of this amendment.

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

The amendment (UP No. 423) was agreed to.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I yield to the distinguished Senator from Maryland.

UP AMENDMENT NO. 424

Mr. MATHIAS. Mr. President, I have two very short noncontroversial amendments at the desk. I believe they have been cleared on all sides. With the indulgence of the Senator from Florida, I wish to call them up at this time. They are already at the desk.

The PRESIDING OFFICER. Does the Senator from Maryland wish the amendments to be considered en bloc?

Mr. MATHIAS. Mr. President, I send these two amendments to the desk and ask unanimous consent that they be considered en bloc and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, the amendments of the Senator from Maryland will be considered en bloc.

The amendments will be stated.

The bill clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) for himself and Mr. FORD proposes en bloc unprinted amendment No. 424.

Mr. MATHIAS. 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 18, line 23, insert the following: Before the colon add the phrase: "with the prior consent of the committee on Rules and Administration."

On page 21, line 6, insert the following: Strike the period after "chairman" and add the language: "and by the committee on Rules and Administration."

Mr. MATHIAS. Mr. President, both these amendments refer to sections in the continuing resolution, and they merely require that the appropriations provided in those sections will only be made with the prior consent of the Committee on Rules and Administration. That is the only purpose of the amendment.

Mr. CHILES. Mr. President, does the Senator know whether they have been cleared on this side of the aisle?

Mr. MATHIAS. Yes; they have been cleared. They have been cleared, I was told, by the minority leader and by the Senator from Kentucky, who is in the Chamber, the ranking minority member of the Rules Committee. I believe he has approved these amendments.

Is that true?

Mr. FORD. The statement of the Senator from Maryland is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment en bloc of the Senator from Maryland.

The amendment en bloc (UP No. 424) was agreed to.

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

Mr. FORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 425

(Purpose: To prohibit the use of funds by the Comptroller of the Currency in connection with interstate operation of trust companies by national banks)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES), for himself, Mrs. HAWKINS, and Mr. BENTSEN, proposes an unprinted amendment numbered 425.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

None of the funds available to the comptroller of the Currency may be used to review, process, or approve an application the effect of the approval of which would be to permit a national banking association to open, branch, or acquire trust companies on an interstate basis: *Provided*, That subsection (c) of section 712 of Public Law 96-221 is amended by striking out "October 1, 1981" and inserting in lieu thereof "October 1, 1983": *And provided further*, That this paragraph shall cease to be effective upon the enactment, after the date of enactment of this Act, of legislation relating to interstate acquisition, ownership, or operation of trust companies by national banking associations.

Mr. CHILES. Mr. President, the amendment that I am proposing is a very straightforward amendment. It simply extends for 2 years an existing moratorium against interstate branching or acquisition of trust companies by national bank associations. The current prohibitions contained in section 712 of Public Law 96-221 are scheduled to expire on October 1 of this year, and on behalf of myself, Senator HAWKINS, and also as a cosponsor, Senator BENTSEN, I wish to propose this amendment.

Interstate trust company expansion or acquisition is certainly not a new issue. In fact, the Senate has already taken a strong stand on it. In 1979, when we considered the Depository Institutions Deregulation Act, we overwhelmingly approved an amendment that prohibited bank holding companies from branching or acquiring trust companies across State lines. When the bill went to conference, an 18-month moratorium was agreed to since the House version of the bill contained no similar provision.

The reason for the initial prohibition was a move by the Comptroller of the Currency to allow interstate trust branching without congressional approval. When Congress passed the Financial Institutions Reform Act (FIRA) in 1978 it included section 1504 to affirm the Comptroller's authority to issue national bank charters limited to trust powers within a State. There was nothing in this amendment, however, intended to allow the Comptroller to approve these charters across State lines. This can be clearly seen in an August 14, 1979, letter from the then chairman of the Senate Banking Committee, Senator PROXMIRE, along with his counterpart in the House, Congressman REUSS, to the Comptroller expressing their concern and indicating in no uncertain terms that they know of no intention by either the Senate or House Banking Committees to provide the Comptroller with the authority to charter trust operations on an interstate basis.

Even though this letter spells out the intent of Congress in this matter, some banks filed applications to establish interstate trust operations and the Comptroller ruled that since trust companies did not take deposits or make loans, they were not banks as defined by the Douglas amendment to the Bank Holding Company Act of 1955. Congress reacted to the Comptroller's ruling by including limited trust charters in the definition of a bank under the Douglas amendment and approved the moritorium against interstate trust branching or acquisitions. I think it is important to remember that the Senate overwhelmingly voted for an outright prohibition and the 18-month moritorium was a creature of the conference committee on the bill.

In my view, the moritorium makes good sense and needs to be extended. It keeps in place a competitive balance in the industry pending a review of the many other issues involved in the interstate banking and merger question. For years we have viewed competition as a positive element of our dual banking system and I am very concerned that we may allow the moritorium to lapse before

Congress has had the opportunity to consider the impact of interstate trust operations on Florida and many other nonmoney center States. Since the Comptroller has pending before him many applications to establish such operations once the moritorium ends, I think it is important to look at what local bankers would have to contend with, at least in Florida.

The banking and trust assets of just a few of the large bank holding companies tower above those of Florida's institutions. First, the total banking assets of the money-center banks attempting to do business in my State amount to a little over $37 billion. Second, the trust assets of the money-center operations have the potential to be equally overpowering in any other State. Also keep in mind that if the big bank holding companies are allowed to go and do business as they please, they will certainly have a large competitive advantage over smaller, local banks and could very well capture much of the local trust business.

This means that money that would ordinarily stay in a locality or State would end up going to the home office of one of these big money-center banking operations. In an economic era when the big seem to get bigger and the small seem to get smaller, this would strike just one more blow against a free enterprise system which is heavily dependent upon local lending institutions making adequate credit and money available to small farms, small business, and young people just getting started in life.

I do not think there is any doubt that interstate trust branching or acquisition concerns are part of the larger interstate banking and merger question. As many of you know, a congressionally mandated review of this issue was only released earlier this year but because of the many changes that have taken place, the Senate Banking Committee has not had the opportunity or time to carefully review this report or the interstate banking issue generally. I understand that the distinguished chairman of the Senate Banking Committee, Senator GARN, is presently putting the finishing touches on a legislative package that will address many of the issues involved in interstate banking and I would imagine that it may be difficult to overlook the trust question during committee consideration of this bill.

Since we are getting close to revising some aspects of the interstate banking issue, I think it would be unwise to allow the present moratorium to lapse on October 1 and in effect settle a major interstate banking question on an ad-hoc basis without the benefit of congressional review or action. I would hope my colleagues agree with me on this point and support my amendment to extend the moratorium in order to give the Congress ample time to carefully review this important question. It may well be that we act to approve some sort of interstate banking, say on a regional basis. OK. But we have got a lot at stake here and we should remember that what we are considering is a major overhaul of our banking system that has served this country very well over the years and has given us the most competitive banking structure in the world.

In my mind this may be one of the most important issues we deal with this year and I would hate to see an important element of this issue resolved without Congress having a say in it. Consequently, I urge my colleagues to support this amendment, which would extend the current moratorium against interstate trust branching or acquisition for a period of 2 years.

I would say to the distinguished chairman of the Banking Committee, who is now on the floor, that we also provide in the amendment that this paragraph, which is the extension paragraph, that it shall cease to be effective upon the enactment, after the date of enactment, of this act or of legislation relating to interstate acquisition, ownership or operation of trust companies by national banking associations.

So, Mr. President, although we are making a 2-year extension or moving that in this bill, we have the further proviso that should Congress enact legislation in this field that that would terminate the extension, and I feel that certainly would give the Banking Committee the leeway that they need, and I wish them well in their taking up of the whole question in regard to reform of the banking institutions.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I must rise in opposition to this extension of the moratorium. The Secretary of the Treasury, Federal Reserve Board, and the Comptroller of the Currency oppose the extension of the moratorium.

The operation of a trust company is a nonbank activity, and there are no other restrictions on interstate activities of nonbanking activities of bank holding companies, except this one.

Savings and loan holding companies and investment banking firms are able to operate trust activities on an interstate basis, and it seems unfair to me to deny equal freedom to banks.

No hearings were held before the moratorium was imposed in 1980. This spring, in April and May, the Banking Committee held 7 days of hearings on the financial services industry. The transcript of those hearing, some 2,000 pages of text, detail the revolution that is occurring in the financial services industry. Those hearings clearly show the wisdom of letting the moratorium expire on October 1.

Those hearings have just been printed, and they are probably the most detailed hearings that have ever come out of the Banking Committee. As I say, there are 2,000 pages of them.

Within 2 weeks we will be starting more hearings on specific legislation to deal with the problems of the many banking and savings and loan institutions whose problems have been brought forcefully to the forefront by the high interest rates, and I expect, before this year is over, for not only the Banking Committee but for the Senate to pass an omnibus banking bill that will deal with many of these problems.

So I cannot in good conscience consider a 2-year extension of this particular moratorium which, I think, is highly discriminatory, primarily aimed at one State.

Section 712 of the Depository Institutions Deregulation and Monetary Control Act of 1980, Public Law 96-221, created an 18-month moratorium on the further establishment or acquisition of trust companies by a bank holding company in any State other than the State in which the holding company has its principal office. The moratorium is scheduled to expire on October 1 of this year. The moratorium does not represent sound public policy, and its extension should be rejected.

MORATORIUM IS CONTRARY TO LONG-ESTABLISHED FEDERAL FINANCIAL REGULATORY POLICY

Neither the Congress nor the Federal financial regulatory agencies has ever recommended or seriously considered the imposition of geographic constraints on the operation of nonbank, financial subsidiaries of bank holding companies. The imposition of geographic constraints has always been directed solely at the banking subsidiaries of these companies. The Bank Holding Company Act of 1956 defines a bank as:

> . . . Any institution . . . which (1) accepts deposits that the depositor has a legal right to withdraw on demand, and (2) engages in the business of making commercial loans. . . .

Under clearly defined regulatory policy of the Federal Reserve Board, bank holding company trust subsidiaries are expressly prohibited from taking deposits and making commercial loans—their operations are limited to the provision of traditional trust and fiduciary services. Institutions chartered by the U.S. Comptroller of the Currency under a limited charter for trust companies are similarly restricted in their activities.

Accordingly, under well-established Federal regulatory policy, trust company subsidiaries of bank holding companies are true nonbank enterprises. Not only has Federal regulatory policy consistently avoided the establishment of geographic constraints on the nonbank functions of bank holding companies, it has in fact been the policy of the Federal Reserve Board in the case of acquisitions of nonbank activities by larger bank holding companies to encourage such acquisitions to occur outside a holding company's "home market." A provision such as the moratorium contained in Public Law 96-221 thus flies directly in face of existing Federal financial regulatory policies that have been designed to stimulate and enhance competition.

MORATORIUM IS HIGHLY DISCRIMINATORY TO BANK HOLDING COMPANIES

The moratorium on interstate trust operations is applicable solely to bank holding companies. Its practical effect is to create an unjustified discriminatory barrier to bank holding companies in their competitive relationships with other diversified financial enterprises. For example, the self-same act which created this moratorium on interstate

trust operations of bank holding companies expressly authorized federally-chartered savings and loan associations to offer trust services. Having no statutory geographic constraints on their operations, savings and loan holding companies will enjoy a clear competitive advantage over bank holding companies so long as the moratorium remains in effect.

Likewise, there is growing evidence that investment banking firms will be moving into corporate trust operations, and these companies do not have any geographic constraints on their marketing activities. One major New York-based investment banking firm has recently acquired a trust company in Massachusetts, and another New York-based securities firm is operating a trust company in New York City under a charter from the U.S. Comptroller of the Currency and several trust companies in Florida under State charter. Because of these developments, the application of the moratorium to bank holding companies is patently discriminatory.

MORATORIUM IS ANTICOMPETITIVE IN ITS EFFECT

The practical effect is to limit the optimal competitive conditions for the provision of trust and fiduciary services. It serves to protect less efficient trust companies from the natural competition that will otherwise occur from market extension by aggressive and efficient trust operations. Protection against undue competition or monopolistic behavior is already amply provided in the Federal antitrust laws and through the provisions of the Bank Holding Company Act administered by the Federal Reserve Board.

The moratorium's blanket prohibition on interstate trust operations even prohibits the establishment of a de novo trust company by a bank holding company outside the boundaries of its home State. Market extension through establishment of new facilities is pro-competitive in nearly every conceivable market circumstance.

MORATORIUM WAS ENACTED WITHOUT ADEQUATE CONGRESSIONAL CONSIDERATION

The fact that the Congress approved in 1980 a moratorium which in its practical operations is both discriminatory and anticompetitive, can best be explained on the basis of grossly inadequate legislative review.

In the initiating body, the U.S. Senate, no committee hearings were held with respect to moratorium provisions. In the House of Representatives, a limited amount of testimony was received in the course of a hearing which dealt with an array of proposals affecting bank holding companies.

The moratorium has been consistently opposed by the Federal Reserve Board, which has the principal authority for regulating bank holding companies, and by the Comptroller of the Currency, which has the authority to issue national trust company charters. The Congress should not consider the extension of this moratorium, in any form, unless that consideration is preceded by full and adequate public hearings in the appropriate committees of the Senate and House.

Mr. President, to repeat, as chairman of the Banking Committee, I cannot favor this amendment for a 2-year extension period. I must oppose it. I do not feel that it is good public policy. It sets up some arbitrary barriers to competition that only apply to this one very narrow segment of the financial services industry.

As I have pointed out, it is contrary to the regulatory policy and specific provisions in H.R. 4986 of last year that gave this authority to savings and loans.

I regret that I have to oppose my distinguished colleagues from Florida, both of them, but I urge the Senate to defeat this amendment.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I think certain things should be made clear. One is that we have never allowed branching across interstate lines of trust companies. That has been the law since we set up the banking laws that we have allowed. We prohibit that from happening.

We have also not allowed in the banking community, as opposed to Federal savings and loans, which are different institutions, we have not allowed interstate branching of the regular banking facilities, of the mortgage facilities, and also of the trust facilities.

Congress never intended to do that. There was an act passed in 1979 in which the Comptroller of the Currency, because of a definition that was put in for trust companies, seized on that and said: "Aha, we could now have some branching across State lines." When he did that, the then chairmen of the Banking Committees in both the House and the Senate wrote him and said: "You're off base. You should not do this. This is not a provision of the 1979 amendment. There was no intent to do this."

But the Comptroller persisted. And when he did, this body overwhelmingly, by a vote of 60 to something, said: "We do not intend to have branching, interstate branching of trust companies. We do not intend to allow the money center banks in about three States in this country to come into the rest of our States and suck the money out of the trust and take it all up to those money center banks."

This does apply to Florida. Certainly, we have 17 applications for interstate banking or trust companies in Palm Beach County in my State. Is that not remarkable that they would be in Palm Beach County, where there are some big estates and some big trusts, that they want to come down there and suck that money out?

But they are going to do that in all of the rest of the States. So the Senators better be alert that what they are talking about here now is whether they are going to have their States have New York and the money center banks coming down and opening up a trust operation, which is a giant vacuum cleaner.

It is going to be down there and sucking the money out and sucking it back up into the money centers, because that is exactly what this means. It is something that Congress has never allowed. Only the House, and that is where that moratorium language came from, because the Senate had an outright prohibition. That is what the Senate voted. That has always been the law of the land. But the House set the moratorium on and, of course, it was felt at that time that within 18 months there could be comprehensive legislation with regard to this whole subject. That just did not happen. We have not had a chance to do that.

What this amendment says is that until that happens or until 2 years passes, we will continue the existing law which has been the law of the land since we first started setting up our banking laws; that we are not going to allow interstate banking or trust companies or interstate trusting branches or trust companies.

I yield to my distinguished coleague from Florida, if she has any remarks to make at this time.

Mrs. HAWKINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mrs. HAWKINS. Mr. President, this moratorium passed in 1980 was a return to prior law. Prior to 1978, I understand there was little interstate operation of trust entities by either banks or bank holding companies because it was made illegal by the McFadden Act and the Douglas amendment. In 1978, in an amendment to the Financial Institutions Regulatory Act, the Office of the Comptroller of the Currency was authorized to issue a national bank charter which was limited only to trust powers. It is important to note that it was not the intent or purpose of the amendment to authorize national banks to open offices across State lines. Interstate trust operations were legal for 2 years until 1980 when the Federal trust moratorium was enacted. There must not be another change in this banking law until Congress has given it full consideration.

Local State banks can best serve the interests of local residents. As my colleague from Florida has said, we know the banks in Florida provide extraordinary service to Floridians. If the moratorium is not extended, the OCC has announced that it will approve the issuance of limited bank charters regardless of the place of business of the parent holding company.

This amendment will extend the moratorium by prohibiting the use of funds by the Comptroller of the Currency in connection with interstate operation of trust companies by national banks for the 2 years that we have talked about, which seems adequate. It seems like everything here has to move by crisis and it is a crisis in that it expires October 1.

We feel that this is an adequate period of time to enable Congress to review the national banking system. I know they have had hearings, extensive hearings, but the banks in our State would like some time to examine the results of those hearings and have sufficient time to find out the advantages and disadvantages of interstate trust operations.

We would like to have further hearings, then we could make an informed decision on this issue. We must not decide this issue by simply allowing the moratorium to expire. I speak in support of the amendment.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island

Mr. CHAFEE. Mr. President, I rise in opposition to the extension of the moratorium. I would say that this is not a case of big money center banks, as has been suggested. There is a bank in my State that is 130th in size in the Nation. It is hardly a national money center bank. It is a modest-size bank. As we all know, the difference between a bank that is 130th in size and, say, a bank that is 50th in size is very, very substantial.

Interstate bank holding companies, of course, are nothing new. To the contrary, for obviously procompetitive reasons, the Fed has encouraged holding companies making acquisitions, to do so out of their natural market area.

It seems to me this is a very simple case. What we are trying to do here is to permit those banks that have had long customer relationships to be able to continue those customer relationships.

I might say that many other kinds of financial institutions provide trust services and these are unaffected by the moratorium that is suggested here today. American Express, for example, has recently acquired a trust company in Massachusetts; Bessemer Securities, a New York securities firm, is operating several trust companies in Florida; and even Sears, which has recently stated its intent to become a one-stop financial service institution, could, if it chose to, operate a trust company notwithstanding this amendment.

So, Mr. President, I do want to stress that this is a case of big fellows. If we want some legislation solely against big fellows, let us so design it. But this legislation hurts a lot of little fellows, while leaving many large financial institutions unaffected.

I was looking over a list of those banks which have applications pending. I see Lincoln First Banks of Rochester which hardly fits the description of a big money center bank. Among those already conducting interstate trust activities, I see Central Bankshares of the South, which is an Alabama institution. I see Northwest Bancorporation and First Bank System, both of Minnesota. None of these are big money center banks either. In my own State we have hospital trust, which is as I mentioned 130th in size.

Hospital trust has developed longstanding relationship with its customers, many of whom have retired to other parts of the country. They desire to continue to service those customers. Indeed, the customers want them to continue that service.

I think we have to look at it both ways, if it is beneficial to the people and do the people want to continue that relationship.

Mr. President, I am opposed to the amendment. I notice that the Treasury Department is also opposed and so wrote the Banking Committee during the 1981 oversight hearings on this matter.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I rise in opposition to continuing the moratorium on interstate acquisition of trust companies by bank holding companies. The administration in a letter dated September 16, 1981, has gone on record against extending the moratorium. Let me also quote from testimony given to the Senate Banking Committee:

We, meaning the administration, do not favor continuation of the moratorium. The administration believes the Government should not restrict free market activities unless there is an overriding policy reason for doing so. In this instance we find none. We would like to join with Congress in an early review of the appropriate interstate activities of all depository institutions.

The Banking Committee will review financial institutions and will look into this issue. I urge my colleagues to let the Banking Committee study this issue and make a recommendation to this body.

Let me suggest that it is totally inappropriate to move for this kind of relief at this point in time. There was ample opportunity to do so before the Banking Committee. To tack this legislation on at this time perpetuates something which is an inequity under the guise that the big, bad banks from the Northeast are going to come in and acquire or take over or knock out some of the little guys. That kind of speechmaking rhetoric has persisted for far too long. It is doing great damage to the economy of our Nation and to the free flow of capital. We are not going to restrict it. Money market funds are here. We have more institutions doing banking business which are not legitimate banks. We should do something to correct that situation.

But, Mr. President, we do not do it by continuing the moratorium. So I am opposed to the amendment.

I deeply respect my colleague from Florida and his problems vis-a-vis the parochial interests. Again I will say if I were there, I might look for the same kind of an amendment, but I am not. I have to look at the bigger picture.

We must determine what foreign banks in this country will be permitted to do, and then compare that with what we allow our own banks to do in this Nation. We unduly restrict the economy of this Nation.

So, Mr. President, I rise in strong opposition to this proposal.

Mr. CHILES. 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. HATFIELD. Mr. President, I would not dare suggest that there is virtual consistency here in the Senate on matters of procedure, but I think this is clearly a matter of legislation on an appropriation measure. Therefore, to get a clarification of whether this is just a single person's opinion or not, I would ask the Chair to rule on a point of order as to whether or not this constitutes legislation on an appropriation measure.

The PRESIDING OFFICER. Does the Senator from Florida wish to be heard on the point of order?

Mr. CHILES. I will await the ruling of the Chair.

The PRESIDING OFFICER. The amendment attempts to amend section 712 of Public Law 96-221, and it is certainly legislation on an appropriation bill. Therefore, the point of order is sustained.

Mr. CHILES. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is, Shall the decision of the Chair stand as the judgment of the Senate? 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 Maine (Mr. COHEN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Ohio (Mr. GLENN), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

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

The result was announced—yeas 60, nays 32, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—60

| | | |
|---|---|---|
| Abdnor | Gorton | Murkowski |
| Andrews | Grassley | Nickles |
| Armstrong | Hart | Packwood |
| Baker | Hatch | Pell |
| Boschwitz | Hatfield | Percy |
| Bradley | Hayakawa | Pressler |
| Burdick | Helms | Quayle |
| Chafee | Jepsen | Roth |
| Cochran | Kassebaum | Rudman |
| Cranston | Kasten | Schmitt |
| D'Amato | Kennedy | Simpson |
| Danforth | Laxalt | Specter |
| DeConcini | Levin | Stafford |
| Dixon | Long | Stevens |
| Dole | Lugar | Symms |
| Domenici | Mathias | Thurmond |
| Durenberger | Mattingly | Tower |
| East | McClure | Tsongas |
| Garn | Melcher | Wallop |
| Goldwater | Moynihan | Weicker |

NAYS—32

| | | |
|---|---|---|
| Baucus | Evon | Mitchell |
| Bentsen | Ford | Nunn |
| Biden | Hawkins | Proxmire |
| Boren | Heflin | Pryor |
| Bumpers | Hollings | Randolph |
| Byrd, Robert C. | Huddleston | Sarbanes |
| Cannon | Inouye | Sasser |
| Chiles | Jackson | Stennis |
| Denton | Johnston | Williams |
| Dodd | Leahy | Zorinsky |
| Eagleton | Metzenbaum | |

NOT VOTING—8

| | | |
|---|---|---|
| Byrd, Harry F., Jr. | Glenn | Matsunaga |
| Cohen | Heinz | Riegle |
| | Humphrey | Warner |

So, the ruling of the Chair was sustained as the judgment of the Senate.

UP AMENDMENT NO. 426

(Purpose: To provide such amounts as may be authorized and requested for EPA Wastewater Construction Grants not exceeding $2,400,000,000 for fiscal year 1982)

Mr. GARN. 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 legislative clerk read as follows:

The Senator from Utah (Mr. GARN) proposes an unprinted amendment numbered 426.

Mr. GARN. 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 add a new section as follows:

SEC. . Notwithstanding any other provision of this joint resolution, $2,400,000,000 shall be provided for necessary expenses to carry out Title II of the Federal Water Pollution Control Act, as amended: *Provided*, That the budget authority shall not be considered to be appropriated nor may funds be expended, until the authorizing legislation, including necessary reforms in the program as requested by the President are enacted, and a fiscal year 1982 budget request is received: *Provided further*, That the amount obligated under this section shall not exceed the amount contained in a fiscal year 1982 budget request.

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

The PRESIDING OFFICER (Mr. GORTON). The Senate will be in order. Senators will please clear the well.

Mr. GARN. Mr. President, I have sent an amendment to the desk that addresses a time critical issue affecting all of the States. As my colleagues are well aware, the President has indicated the intent to forward $2,400,000,000 for EPA wastewater construction grants program during fiscal year 1982. At this time, there is a total unobligated balance of $2,300,000,000 nationwide for this program. Although this may seem a substantial sum of money, I call my colleagues attention to the fact that over 20 States are projected to have used over 90 percent of the available funds allocated to them by September 30 and, in fact, 4 States will be completely out of funds by the end of this month (Florida, Tennessee, South Dakota, and Utah.

The administration is awaiting the enactment of reforms before submitting their request for funding. I recognize the need to continue to press for meaningful programmatic reform, and I certainly do not intend to propose anything here today that would undercut that effort. In particular, I would like to lend my strong support to the work being done by the Senate Environment and Public Works Committee under the able leadership of the distinguished Senator from Rhode Island (Mr. CHAFEE) in implementing some of these reforms. I am concerned, however, that we assure project continuity by providing a funding vehicle at this time rather than waiting for the completion of the authorizing process and the submission of a request.

I have included in the amendment a reference to both the enactment of authorizing legislation and the submission of a request as a precondition for funding. Thus I am merely attempting to set in place a mechanism to assure that there will be no unnecessary hiatus in the construction grants program due to our inability to expeditiously provide the required funding.

I would remind the Members of this Chamber that we are not talking about just one or two isolated instances but literally 11,400 wastewater construction programs in some stage of funding. The cost of stopping these projects dead in their tracks and then restarting them at a later time is incalculable (conservatively estimated at $25,000,000 a month).

Currently, there are 21 localities under Federal court order to implement wastewater treatment improvements in order to conform to Federal standards. In addition, there are approximately 50 to 70 other communities under State court order. All of these communities will be seriously impacted by any delay in the wastewater construction grants program.

This amendment has three qualifications in it. The first one is that these funds could not be expended until an authorization bill was passed.

Second, that the President has sent up a budget request for these funds. And third, the reforms he asked for in the construction grants program have been approved.

This amendment is necessary so that States, more than 20 of them, are not cut off from receiving funds after September 30. However, I assure my colleagues that the funds will not be expended until all the conditions I cited above take place.

It is my understanding that the amendment has been agreed to by both the minority and the majority.

Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. CHAFEE) be added as a cosponsor of the amendment.

Mr. CHAFEE. Mr. President, I am pleased today to join my colleague Mr. GARN in proposing this amendment. As the Senator has stated, the Public Works Subcommittee on Environment Pollution has been working diligently to be responsive to the President's charge to reform the construction grants program to reduce the future Federal exposure.

Earlier this year during the reconciliation process, the authorization for 1982 was zeroed out. Subsequent to that, the President sent to Congress a package of reforms which he asked to be considered before he would request funding in 1982. I am pleased to say that under the able leadership of Senator STAFFORD, yesterday, the Environment and Public Works Committee reported out legislation that satisfies the President's request.

It is not the intention of our subcommittee to stop projects or to delay completion of needed facilities. On the contrary, we want this program to move forward smoothly and to function properly. This amendment will help us achieve that goal. Once a bill is passed by the Congress and sent to the President, necessary funding will come forth.

I want to make it clear to everyone that this amendment will not diminish our reform efforts. Very clearly the amendment protects the right of Congress to continue working expeditiously on those reforms. If nothing else, this amendment will keep the pressure on the Congress to respond to the President's mandate.

I also assure my colleagues that the amendment will not be operable until the President actually puts his signature on reforms. Until that time, the cost of this amendment is zero.

I urge my colleagues to support this amendment just as in a few weeks I will be urging them to support reforms. This amendment is necessary to insure that upon enactment of those reforms, funds will be made available to keep our efforts to clean up the Nation's waters moving forward.

Mr. HATFIELD. Mr. President, I point out that, like so many things we do on a continuing resolution, we are pressed up against a time factor that always creates a lot of bad procedure.

I point out that this is one of those situations that may be very necessary, and I am willing to accept the amendment. However, I am constrained again to make a record here that this action is contingent action—appropriating without a budget request and without authorization.

Both of those will be prospective actions before this amendment will take effect. Thereby, we do have that protection, but I do feel that it is unfortunate we find ourselves in that circumstance because I do not think it is really the best way to legislate or to appropriate either.

But having made that observation, I am willing to accept and ready to accept the amendment.

Mr. PROXMIRE. I accept the amendment.

Mr. HATFIELD. Mr. President, the minority party has been consulted on this and has agreed to accept it.

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

The amendment (UP No. 426) was agreed to.

Mr. GARN. 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.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

UP AMENDMENT NO. 427

(Purpose: to achieve budget savings by eliminating unnecessary executive travel)

Mr. SASSER. Mr. President, I send to the desk an amendment 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. SASSER), for himself, Mr. DECONCINI, and Mr. MITCHELL, proposes an unprinted amendment numbered 427.

Mr. SASSER. 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 add the following section: "Notwithstanding any provision of this joint resolution, for the purposes of Section 101(a)(1) any amounts made available for travel, except by the Federal Bureau of Investigation, the Secret Service, the Customs Service, the Drug Enforcement Administration, and the Immigration and Naturalization Service shall not, in the aggregate, exceed ninety-five percent of the fiscal year 1981 rate."

Mr. SASSER. Mr. President, the purpose of my amendment is to reduce the travel budgets of nondefense agencies by 5 percent.

I emphasize that this reduction does not affect the travel budgets of the various defense agencies. This amendment will have the effect of cutting Federal spending by $79 million on an annual basis.

Frankly, travel in the executive branch has risen astronomically despite the efforts of this Congress and preceding Congresses to reduce excessive travel as part of the Government agencies.

The travel of all nondefense agencies have increased more than $400 million in the last 2 years alone.

Today the total travel budgets of executive agencies, not counting the Department of Defense, is $1.5 billion. Travel costs are increasing at a rate 33 percent faster than the Federal budget as a whole.

I point out that this amendment proposed on behalf of myself and Senator DECONCINI excepts defense travel and also excepts travel by the Federal Bureau of Investigation, the Secret Service, the Customs Service, the Drug Enforcement Administration, and the Immigration and Naturalization Service.

We propose to leave their travel untouched because we wish to make sure that there are adequate funds for proper law enforcement to be prosecuted.

Mr. President, we are committed to reducing wasteful Federal spending, and this amendment reduces spending in an area where there has been waste and there has been abuse.

We have heard a lot said in the Chamber today and on previous days about sending the right signal to the American people. We must send the right signal to the American people that we are serious about getting the house of the Federal Government in order with regard to nonessential and nonproductive and in many cases frivolous travel, that we are serious about cutting out waste in Federal spending, and, frankly, I know of no better way to send the right signal that we want to cut out waste in the Federal Government than by cutting out unnecessary Government travel.

UP AMENDMENT NO. 428

(Purpose: To continue the minimum social security benefit for current recipients)

Mr. CHILES. Mr. President, I send to the desk an amendment to the amendment of the Senator from Tennessee and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GORTON). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Florida (Mr. CHILES), for himself, Mr. RIEGLE, Mr. ROBERT C. BYRD, Mr. RANDOLPH, Mr. HUDDLESTON, Mr. CANNON, Mr. BRADLEY, Mr. EXON, Mr. BURDICK, and Mr. HEFLIN, proposes an unprinted amendment numbered 428.

Mr. CHILES. 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:

MINIMUM SOCIAL SECURITY BENEFIT

SEC. . (a) Section 2201(h)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "with respect to" and all that follows, and inserting in lieu thereof the following: "only with respect to benefits payable for months after October 1981, and only in the case of individuals who initially become eligible for benefits under title II of the Social Security Act after October 1981.".

(b) Section 1622 of the Social Security Act is repealed.

Mr. CHILES. Mr. President, this amendment will restore the social security minimum benefit for all current beneficiaries.

I think that it will return peace of mind to 3 million social security beneficiaries, most of them very old—most are over age 70, and 25 percent are over age 80, and most of them women (75 percent are women)—who have been worried about what was going to happen to them ever since this Congress repealed the minimum benefit just a short time ago.

My position has always been that the minimum benefit can and should be phased out, and that we can safely eliminate it for all future beneficiaries. But I have argued many times before, and I will again, that: it is not fair to eliminate a social security benefit for any current recipient in such a drastic way; and it is cruel to eliminate the benefit for the 1 million or more of these beneficiaries who have very little or no income other than the minimum benefit.

There are at least that many now receiving the minimum benefit who are at or below the poverty line. This is the group I am most concerned about. We cannot even identify fully who these people are, but we know they are very old, most are women, and they are living in poverty.

The Congressional Budget Office recently estimated that 1.3 million current recipients of the minimum benefit will suffer a loss of income because of the repeal we recently enacted into law.

Some, apparently, have incomes from other sources, such as annuities or private pensions. The CBO estimates that about 360 thousand of the 1.3 million are in this category.

But we do not know how large these other sources of income are. Most of them may be very small amounts. As a matter of fact, as the CBO Director pointed out in recent testimony to the Ways and Means Committee: "Since most State and local government pensions are not indexed to keep pace with inflation, older retirees are more likely to have small annuities."

So here we have many of the so-called windfallers—the double dippers—who are now receiving the minimum benefit. They are also very old, mostly women, and probably have very small annuities.

Another one-half million people who will suffer a loss of income, according to the Congressional Budget Office, already have incomes low enough to qualify for SSI; but, for whatever reason, they do not now participate in the SSI program.

The argument for repealing the minimum benefit for these people was that the loss of income would make no difference to them, because the difference would be made up through the SSI program. But how can we assume this to be the case, if they could be receiving SSI benefits now and have chosen not to? We will never be assured that these people—however many there are—will be taken care of. They would not go on "welfare" before. Now we are telling them they have to in order to survive.

And we really do not know what the income situation is for the other 500,000 minimum benefit recipients who may have some other source of income just high enough to disqualify them for SSI. How many of these people also have incomes very close to the poverty level? How many have virtually no other income at all, but have some possessions which would disqualify them?

I will ask the question again.

Do we really want to eliminate a very minimal social security benefit for 3 million people—when we do not even know for sure what the effect will be?

There have been other approaches to this problem proposed. Some would argue that the minimum benefit should be restored just for those who are at the poverty level.

That sounds fair—and if we could know for sure just who those people are—if we could accurately identify them—I might agree that this is what we should do.

But we cannot do that. We do not know.

Any half-way measure to restore the minimum benefit for just a single subgroup of current recipients would also be an administrative nightmare.

The administration has already told us that. During Committee on Aging hearings earlier this year, the Undersecretary of the Department of Health and Human Services testified that it would take "upwards of 9,000 manyears" to just identify the so-called "windfallers" who were receiving the minimum benefit. This argument was used to justify the administration's proposal to eliminate the minimum benefit altogether—for all current as well as future recipients.

To separate them out, according to the Undersecretary, would be "much more administratively complex" than just eliminating the benefit for everyone—and "would take upwards of 9,000 manyears to accomplish."

The Finance Committee agreed today that some restoration was necessary. Everyone now agrees that what the Congress did before was a mistake.

The only argument left for doing it

any other way than what this amendment calls for is to say "We can't afford to restore the benefit for all current recipients because we can't afford the cost."

But if you accept the administration's own estimate of the administrative complexity involved in a half-way restoration measure—it would cost more to restore it for some recipients than to restore it for all current recipients.

Even if we leave the repeal the way it is in current law—eliminating the benefit for all current and future beneficiaries—it is not going to save much money.

The Congressional Budget Office estimated less than $1 billion would be saved by the current law in fiscal year 1983. That is because there would be additional Federal SSI and medicaid costs of anywhere between $400 million and $750 million. These "offsetting" costs do not even include increased State SSI and Medicaid payments which would have to be paid because of the loss of the minimum benefit. Nor does this estimate include the increased administrative costs just to implement the new law. We could actually find ourselves with no difference at all.

As a matter of fact, the House Committee on Aging recently estimated that, over the 5-year period 1982 to 1986, the Federal "offsetting" costs for administrative expenses and increased Federal expenses for medicaid and SSI would actually exceed the savings to the social security fund by about $2 million. That would be the case if the current law worked the way its proponents say it will—if everyone who would be eligible for SSI—and therefore for medicaid—as a result of elimination of the minimum benefit actually applied for the SSI program. And again, even these figures do not take into account increased State costs for SSI State supplements and for the State share of medicaid.

No matter how you look at it—it just does not make any sense to approach this problem in any way other than what we are proposing in this amendment.

Mr. HATFIELD addressed the Chair.

Mr. CHILES. I have not yielded the floor.

The PRESIDING OFFICER. The Senator had not yielded the floor.

Mr. HATFIELD. I do not want to intrude.

Mr. CHILES. I now yield the floor.

UP AMENDMENT NO. 427

Mr. HATFIELD. Mr. President. I want to comment, first of all. on the amendment offered by the distinguished Senator from Tennessee (Mr. SASSER). Mr. SASSER is a member of the Appropriations Committee and has been giving very diligent leadership to the proposition which has been incorporated in this amendment, namely, of setting a general reduction and tightening up the travel allowances being administered by the various and sundry agencies. I think this is, of course, in line with his traditional view and his traditional efforts on this committee.

Mr. President, I would like to point out that administratively the travel allowances have been reviewed, and there has been a general trend downward. The Appropriations Committee itself has been in a context where we can more effectively deal with these travel problems agency by agency rather than this kind of an across-the-board proposal that is contained in this amendment. I think that procedure really bears more results and is a more responsible way to attack this problem than to take this approach at this time.

I have encouraged Senator SASSER as chairman of the committee, and I continue to encourage his leadership along this line. But I do feel it would be much more appropriate to handle this through the process that has brought about this reduction trend and will certainly continue to support Senator SASSER's effort within the context of the Appropriations Committee.

Mr. SCHMITT. Mr. President, will the Senator yield in that regard?

Mr. HATFIELD. Yes, I yield.

Mr. SCHMITT. First of all, I would like to support the distinguished chairman's statement about the specific travel expenses stimulated not in small part by the Senator from Tennessee. Certainly in the Labor, Health and Human Services appropriation bill, and in all the subcommittees I sit on, there has been a very fine surgical effort to cut travel in the specific accounts where it is clear that such cuts are appropriate.

In the case of the Labor, Health, Human Services, and Education bill the recommendation the subcommittee has made to the full committee does cut travel in all the departmental management accounts covered by the bill, and also specifically cuts travel in Labor-Management Services Administration, Employment Standards, in OSHA and MESA, so I think we are doing that, and I again commend the Senator for his efforts to make sure that we do it.

But the across-the-board cut does make it very difficult to handle, and the process can, I think, be more appropriately done and more extensively done within the budgets themselves.

UP AMENDMENT NO. 428

With respect to the question of the minimum benefit, in preparation for the subcommittee markup of the Labor, Health and Human Services, and Education bill it became obvious that we need to try, we are going to have to try, to figure out, if at all possible, what the future costs to the SSI would be with the repeal of the minimum benefit.

We spent a number of hours and there was a lot of discussion with the Health and Human Services Agency, the Social Security Administration, and the Finance Committee and others trying to figure out just what that cost will be and, frankly, Mr. President, we could not figure that out. So it was decided to recommend to the subcommittee and, in turn the subcommittee agreed to recommend to the full committee, that we establish a moratorium on the implementation of the minimum benefit until the Finance Committee and the Ways and Means Committee of the House could come to a conclusion, a final conclusion, on the best way to handle this issue of the minimum benefit.

I would strongly recommend to my colleagues that we proceed in that vein, at least to the markup at full committee level so that we can deal with this issue in a context, deliberative context, outside the situation we are faced with here today.

I think it is clear that the issue is far broader than has been presented and as is presented by this amendment. I know the distinguished Senator from Kansas and his committee are looking very carefully at this issue and will have recommendations to the Senate and, in fact, it may not be necessary even to follow through on the moratorium suggested by our subcommittee to the full committee.

But I think the appropriate way to do it is within the committee's discussion in cooperation with the Finance Committee, and to decide just what is the best way to handle this and not do it on the floor at this time.

Mr. HATFIELD. I thank the Senator for his clarification and for his contribution.

Mr. DOLE. Mr. President, will the Senator yield to me?

Mr. HATFIELD. I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I am happy to report to everyone here that we just acted on the minimum benefit in committee. By unanimous vote of 19 to 0 we have restored about 85 or more percent of the minimum benefit. It now will affect only a very small number of people, those with pensions in excess of $300. Everybody else will receive their minimum benefit, and even those there will be a dollar-for-dollar offset. That has just happened within the last 5 minutes.

We have just walked out of room S-224. Senator LONG was there. We had a nearly full attendance, as I have indicated. In addition to that we adopted a provision for interfund borrowing and reallocation of taxes, and we also adopted two provisions to pay for the restoration of the minimum benefit.

We are prepared at the earliest opportunity—and I assume that will come very soon, knowing that that feeling is about to expire—to offer this as a committee amendment, and we believe it will redress the concerns of the distinguished Senator from Florida.

I know of his concern in this area, and I appreciate his concern. But we believe we have just resolved it in the full Finance Committee less than 5 minutes ago.

I hope, therefore, we will not now cloud the action taken. I think I am correct in saying it was unanimous, is that correct?

Mr. LONG. Yes.

Mr. DOLE. Mr. President, I ask unanimous consent that a summary of the proposal for Finance Committee consideration relating to social security be printed in the RECORD.

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

SUMMARY OF PROPOSAL FOR FINANCE COMMITTEE CONSIDERATION RELATING TO SOCIAL SECURITY[1]

[In billions of dollars]

| | Cost or savings in calendar year— | | | | | |
|---|---|---|---|---|---|---|
| | 1982 | 1983 | 1984 | 1985 | 1986 | 1982–86 |
| Reallocation and interfund borrowing authority | | | | | | |
| Restoration of minimum benefit to present beneficiaries, with certain limitations | +0.8 | +1.1 | +1.1 | +1.1 | +1.1 | +5.3 |
| Extend payroll tax to first 6 months of sick pay (increased receipts) | −.4 | −.4 | −.5 | −.6 | −.6 | −2.5 |
| Extend disability maximum family benefit to retirement and survivor cases | −.1 | −.5 | −.6 | −.8 | −1.0 | −3.0 |
| Net cost (+) or savings (−) in trust funds | +.3 | +.2 | ---------- | −.3 | −.5 | −.2 |

[1] Prepared by the staff of the Committee on Finance.

PROPOSAL AS TO REALLOCATION OF SOCIAL SECURITY TAX RATES AND INTERFUND BORROWING

(1) The combined tax rates for OASDI and HI would be left the same as present law in all future years.

(2) The tax rate allocated to OASI would be increased for 1982 and after (see attached table).

(3) The tax rate allocated to DI would be reduced for 1982 and after (see attached table).

(4) The tax rate for HI would be reduced for 1982–85, would remain the same for 1986–89, and would be increased for 1990 and after (see attached table).

(5) Interfund borrowing would be allowed as between the OASI and DI Trust Funds, in amounts and times at the discretion of the Managing Trustee (the Secretary of the Treasury). The loans would be repayable with appropriate interest.

*Present law.*—Under present law, the largest of the three trust funds supported by the social security payroll tax is the Old-age and Survivors Insurance (OASI) fund. This fund is responsible for the basic retirement and survivors benefits program. The assets of this fund are now quite low in relation to its annual benefit obligations and action is required to assure that payments can continue through 1982. By contrast, both the Disability Insurance and Hospital Insurance funds have assets which should be adequate for a somewhat longer period. Under present law, however, the funds cannot be interchanged in such a way that a deficit in one fund could be met by a transfer from the other funds.

*Proposal.*—To lengthen the period over which benefits obligations of the OASI fund can be met, the allocation of the social security tax collection among the three trust funds could be changed in such a way as to place a much greater proportion of the overall tax in the OASI fund and a lesser portion in the HI and DI funds. In effect, this would result in a drawing down of the this would result in a drawing down of the HI and DI fund balances in order to strengthen the OASI fund over the next ten years. The proposal includes a further change in allocations to take effect in 1990 when the situation in the cash benefits funds becomes more favorable so as to return to the HI fund much of the amounts which are now being diverted to the OASI fund. These changes would be accomplished by a statutory change in the tax rates and allocations applicable to these funds but would involve no change in the overall social security tax rate.

In order to provide additional flexibility in meeting benefit obligations over the next ten years, the proposal would also give the Secretary of Health and Human Services authority to further modify the allocation of taxes as between the OASI and DI funds so as to enable these two funds, in effect, to borrow from each other. Such action would be necessary only if the present projections as to the relative demands on those two funds prove incorrect. This interfund borrowing authority would expire at the end of 1990 and it would involve only the two cash benefits funds.

The following table shows the proposed statutory reallocation among the funds.

POSSIBLE REALLOCATION OF SOCIAL SECURITY TAX RATES FOR EMPLOYERS AND EMPLOYEES, EACH

[In percent]

| Calendar year | OASI | | DI | | HI | | Total | |
|---|---|---|---|---|---|---|---|---|
| | Present law | Proposal | Present law | Proposal | Present law | Proposal | Present law | Proposal |
| 1982–84 | 4.575 | 4.985 | 0.825 | 0.655 | 1.30 | 1.06 | 6.70 | 6.70 |
| 1985 | 4.750 | 5.150 | .950 | .650 | 1.35 | 1.25 | 7.05 | 7.05 |
| 1986–89 | 4.750 | 5.100 | .950 | .600 | 1.45 | 1.45 | 7.15 | 7.15 |
| 1990 and later | 5.100 | 5.150 | 1.100 | .750 | 1.45 | 1.75 | 7.65 | 7.65 |

Note: The above allocations are based on preliminary actuarial calculations and are intended to show the general nature of the tax rates under the proposal. However, it is believed that the results from the final calculations will differ only slightly.

PARTIAL RESTORATION OF THE MINIMUM BENEFIT

Present law.—The minimum benefit will be eliminated for all people who become eligible for benefits for the month of November 1981 and later. The minimum benefit will be eliminated for all other beneficiaries beginning with benefits for March 1982.

Proposal.—Restore the minimum benefit for all people who are eligible for benefits before November 1981 and who are residents of the United States.[1] Minimum beneficiaries with governmental pensions would have their minimum benefit reduced dollar-for-dollar for the portion of their governmental pension above $300, but not below the amount of the benefit based on their actual earnings. Notwithstanding the provisions of the Tax Reform Act of 1976, the Social Security Administration would have the authority to use the reports of pension income transmitted to the IRS by pension plans.

Members of religious orders would continue to receive the minimum benefit for 10 years under certain circumstances.

The pension offset provision is effective June 1, 1982.

[1] Residents of the 50 States, District of Columbia, Puerto Rico, Guam, Virgin Islands, and American Samoa.

COSTS

[In billions of dollars]

| | Calendar year— | | | | |
|---|---|---|---|---|---|
| | 1982 | 1983 | 1984 | 1985 | 1986 |
| Short range | 0.5 | 0.8 | 0.8 | 0.8 | 0.8 |
| Long range (percent of taxable payroll) | .01 | ---------- | ---------- | ---------- | ---------- |

EXTEND SOCIAL SECURITY PAYROLL TAX TO FIRST 6 MONTHS OF SICK PAY

Present law.—Sick pay is subject to social security taxes and is treated as covered earnings unless it is either: (1) paid under a qualified plan or system or (2) paid more than 6 months after the last month the employee worked. A plan or system is "qualified" if it applies to the employees of a firm generally (or to classes of employees) and has definite standards both for eligibility, and for duration and amount of benefits. If the employer's plan or system is qualified, the payments are excluded regardless of whether they are made from the employer's regular wage or salary account or from a separate fund or insurance.

Proposal.—Remove exclusion of sick pay under a plan or system during the first 6 months the employee is off work if the payments are made from the employer's regular wage or salary account. This provision would be effective for sick pay paid in January 1982 and thereafter.

ADDITIONAL INCOME

[In billions of dollars]

| | Calendar year— | | | | |
|---|---|---|---|---|---|
| | 1982 | 1983 | 1984 | 1985 | 1986 |
| Short range | 0.4 | 0.4 | 0.5 | 0.6 | 0.6 |
| Long range (percent of taxable payroll) | .02 | ---------- | ---------- | ---------- | ---------- |

Note: The cost effects over the long range represent an excess of increased OASDHI revenue over benefit outlays. In the short range the primary effect would be increased OASDHI revenues.

EXTEND DISABILITY MAXIMUM FAMILY BENEFIT TO RETIREMENT AND SURVIVOR CASES

Present Law.—There is a limit on the amount of monthly benefits that can be paid on the earnings record of one worker. This limit is known as the maximum family benefit (MFB). In retirement and survivor cases, the MFB ranges from 150 percent to 188 percent of the PIA (primary insurance amount). In disability cases, the MFB can be no more than 85 percent of the worker's average indexed monthly earnings (AIME) or 150 percent of the PIA, but, in any case, no less than 100 percent of the PIA.

Proposal.—The present law disability max-

imum family benefit formula would be extended to retirement and survivor cases, for workers reaching age 62 or dying after 1981.

SAVINGS

[In billions of dollars]

| | Calendar year— | | | | |
|---|---|---|---|---|---|
| | 1982 | 1983 | 1984 | 1985 | 1986 |
| Short range | 0.1 | 0.5 | 0.6 | 0.8 | 1.0 |
| Long range (percent of taxable payroll) | .10 | | | | |

MOTION TO TABLE UP AMENDMENT NO. 427

Mr. HATFIELD. Mr. President, at this time I move to table the Sasser 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 of the Senator from Oregon (Mr. HATFIELD) to table the amendment of the Senator from Tennessee (Mr. SASSER). 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 Maine (Mr. COHEN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Ohio (Mr. GLENN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Michigan (Mr. RIEGLE), and the Senator from Mississippi (Mr. STENNIS) are 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 46, nays 44, as follows:

[Roll Vote No. 284 Leg.]

YEAS—46

| | | |
|---|---|---|
| Abdnor | Grassley | Packwood |
| Andrews | Hatch | Percy |
| Armstrong | Hatfield | Proxmire |
| Baker | Hayakawa | Quayle |
| Boschwitz | Helms | Roth |
| Chafee | Jepsen | Rudman |
| Cochran | Kassebaum | Schmitt |
| D'Amato | Kasten | Simpson |
| Danforth | Laxalt | Stafford |
| Denton | Long | Stevens |
| Dole | Lugar | Symms |
| Domenici | Mathias | Thurmond |
| Durenberger | Mattingly | Tower |
| East | McClure | Wallop |
| Garn | Murkowski | |
| Gorton | Nickles | |

NAYS—44

| | | |
|---|---|---|
| Baucus | Exon | Mitchell |
| Bentsen | Ford | Moynihan |
| Biden | Hart | Nunn |
| Boren | Hawkins | Pell |
| Bradley | Heflin | Pressler |
| Bumpers | Hollings | Pryor |
| Burdick | Huddleston | Randolph |
| Byrd, Robert C. | Inouye | Sarbanes |
| Cannon | Jackson | Sasser |
| Chiles | Johnston | Specter |
| Cranston | Kennedy | Tsongas |
| DeConcini | Leahy | Weicker |
| Dixon | Levin | Williams |
| Dodd | Melcher | Zorinsky |
| Eagleton | Metzenbaum | |

NOT VOTING—10

| | | |
|---|---|---|
| Byrd, Harry F., Jr. | Goldwater | Riegle |
| Cohen | Heinz | Stennis |
| Glenn | Humphrey | Warner |
| | Matsunaga | |

So the motion to lay on the table UP amendment No. 427 was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate will be in order.

The tabling of the first-degree amendment carries the second-degree amendment with it. Therefore, the joint resolution, is, once again, open to amendment.

Mr. HATFIELD. Mr. President, I am attempting to locate the majority leader. I yield momentarily to the Senator from Idaho.

Mr. McCLURE. Mr. President, I thank the Senator for yielding. I think the Senator from Ohio, the Senator from Vermont, and I would like to make a comment for the RECORD with respect to the Office of Special Counsel in the Department of Energy. We have had private discussions throughout the day with respect to the personnel staffing of that office and I have solicited from the Secretary of Energy and received from him a letter addressed to me today, in which he outlines the number of personnel——

Mr. METZENBAUM. Mr. President, may the Senator from Idaho have order so he may be heard?

The PRESIDING OFFICER. The Senator from Ohio is correct. The Senate will be in order so the Senator from Idaho may be heard.

Mr. McCLURE. Mr. President, I thank the Chair. I thank the Senator from Ohio.

The Office of Management and Budget has, today, signed off on an additional 250 positions to be made available to the Department. The Secretary, in a letter, describes the manner in which those positions will be used, together with the assurance that the activities within the Office of Special Counsel will be maintained. I think with that assurance from the Secretary, the continuing resolution funding would be adequate, together with this guarantee that an appropriate level of activity during the period of the continuing resolution is in effect.

Mr. METZENBAUM. Mr. President, this issue revolves around the matter of the Office of Special Counsel in the Department of Energy, which shares the responsibility of recovering billions of dollars of excess charges made by the oil companies. As the Senate will recollect, the President made——

Mr. FORD. May we have order, please, Mr. President, so the Senator may be heard?

The PRESIDING OFFICER. The Senator from Kentucky makes a valid point. The Senate will be in order.

Mr. METZENBAUM. Mr. President, this has to do with the fact that the President indicated at an early point that that office would be cut down to a budget of $11 million. The issue then became one in which the House had set a figure of. I believe it was, $47 million or $44 million and the Senate bill has a figure of something around 11.

Mr. McCLURE. May I indicate to the Senator that the budget request for this office was $6 million. The amount has been increased to 11.1 in the Senate. The House figure is, I believe, $28 million, with the Office of Special Counsel. So the matter will be in conference.

Mr. METZENBAUM. But the matter still has to come to the floor of the Senate. I know the Senator from Vermont and I expect to question the exact amount that is included in the bill, but because the way this was drafted, the figure would be set at the level already set in the bill as it came out of committee. Because we had reservations about that, this letter serves, I believe, to resolve the matter to indicate that Mr. Edwards is committed to have no further reduction in force until such time as the committees have had an opportunity to deal with the matter, with a firm commitment that, for a period of 6 months in fiscal year 1982, there would be no reductions and that, in all probability, there would be none for the second half of the fiscal year 1982, although that is not as firm a commitment.

I believe the letter gives us an adequate opportunity to resolve this issue when the matter comes to the floor appropriately.

I appreciate the cooperation of the Senator from Idaho. I believe that in our joint actions, it will assure that the Department of Energy Office of Special Counsel, which is charged with the responsibility of recovering the billions of dollars of oil company overcharges, will not be cut back until the Senate has an opportunity to deal with it in a proper manner.

Mr. McCLURE. Mr. President, I ask unanimous consent that the letter addressed to me, dated September 24, 1981, signed by Secretary James B. Edwards, be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
*Washington, D.C., September 24, 1981.*

Hon. JAMES A. McCLURE,
*Chairman, Subcommittee on Interior and Related Agencies, U.S. Senate, Washington, D.C.*

DEAR SENATOR McCLURE: I understand concerns have been expressed concerning the Administration's policies regarding execution of the Department of Energy's Compliance Program.

Let me assure you of my strong commitment to aggressively pursuing this program to an orderly completion in a manner which will assure no general amnesty for violators of regulations under the Emergency Petroleum Allocation Act. To this end the Director of the Office of Management and Budget recently provided 250 additional positions to the Department, and we have determined to allocate these positions to enhance the Compliance Program. This addition would bring the budgeted manpower level for the compliance activity to a total of 479 for FY 1982. In addition, I am committed to allocate additional resources as may be necessary from within the Department to meet our program objectives.

As a result of the actions described above, I do not anticipate the need for a general reduction in force in the Compliance Program within the next six months and possibly at any time during FY 1982 due to resource constraints. Of course, some localized reductions could be necessitated by organizational or workload adjustments.

I intend to closely monitor developments in this program during the coming months to assure that it is adequately staffed to meet these commitments.

Sincerely,

JAMES B. EDWARDS.

Mr. LEAHY. Mr. President, will the Senator from Idaho yield?

Mr. McCLURE. I yield.

Mr. LEAHY. Mr. President, I also express my appreciation to the Senator from Idaho in helping us work out this stopgap measure. It will be far more appropriate to have this matter taken up when the bill itself is before us and not now.

Mr. President, the continuing resolution before us today funds the Office of Special Counsel at the Senate Appropriations Committee approved level of $11.1 million. While I do not today intend to offer my amendment to alter this level, I want to make it clear in the strongest terms that this is not the last word the Senate will speak on this matter.

I fully expect that the Senate will debate the Interior and related agencies' appropriations bill (H.R. 4035) in the near future and at that time, I fully intend to offer an amendment to raise the level of funding for this Office.

The Office of Special Counsel audits, investigates, and prosecutes the 35 largest domestic oil refiners for alleged pricing violations that may have occurred during the period petroleum product price controls were in effect. In fiscal year 1981, this Office settled more than $2 billion in overcharge cases resulting in a direct rebate of more than $200 million to taxpayers. The fiscal year 1981 budget for this office was $37 million. I do not intend to let the Office of Special Counsel continue at a level of $11.1 million.

This Office is a necessary program of the Federal Government. There have been violations of the law. These outstanding cases can and must be resolved. We would otherwise achieve false economy at the expense of the American consumer and small businessmen, and to the advantage of the 35 largest oil refiners in this country.

The continuing resolution is a temporary, short-term measure and should not be interpreted by DOE as the final word of the Senate on this matter.

Mr. McCLURE. I thank both Senators who participated in this colloquy for their assistance in this matter and for handling it in this manner on this continuing resolution.

SCHEDULE

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time, with my apologies to the distinguished Senator from Wisconsin, to inquire of the majority leader what the plans are for the remainder of today and tomorrow.

Mr. BAKER. I thank the minority leader.

Mr. President, I should like to ask the Senate to continue with the consideration of the continuing resolution, notwithstanding the briefing going on now. A number of Senators, I believe, have felt it necessary to attend that briefing. Notwithstanding, I believe that the distinguished chairman of the Appropriations Committee and the ranking minority member will continue with the deliberations on this measure. I wonder whether the Senate would be agreeable to stacking any votes that are ordered from now until 7:30 p.m.

Mr. METZENBAUM. I have to object to that.

Mr. BAKER. I had understood that we might. I will not, therefore, make the request. But I suggest that the managers of the bill go ahead and take up those amendments.

Mr. President, I am aware of two amendments on which I believe time agreements have been arrived at. I should like to put this request now. We will see how it works out.

I understand that there is a Senate staffing amendment to be offered by the Senator from Wisconsin, the distinguished ranking minority member of the committee. Would the Senator from Wisconsin be agreeable to accepting a short-time limitation—say, 10 minutes equally divided?

Mr. PROXMIRE. I will be happy to accept 5 minutes on a side. It is quite simple. It is a limitation on Senate staffing and a limitation on new Senate office buildings—in one package.

Mr. BAKER. Mr. President, I ask unanimous consent that there be a time limitation on the Senate staffing amendment, to be offered by the Senator from Wisconsin, of 10 minutes.

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

Mr. BAKER. If there is any question about it, I am not trying to impose a time on anybody. I withdraw the request for the time being.

Mr. ROBERT C. BYRD. Mr. President, I withdraw the reservation.

Mr. BAKER. Mr. President, I understand there is an objection on our side now. I withdraw the request.

I understand that there is another amendment, dealing with honoraria limitations, also to be offered by the Senator from Wisconsin. I will not now ask for a time limitation on that. I think we are sort of caught betwixt and between here.

I suggest, if I may, that Senators continue with the debate on these two amendments, and we will see what can be done after that.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAKER. First, let me answer the question of the minority leader.

I hope we can finish this bill tonight. That may not be possible. But these are the only two amendments of which I am aware. Other statements are to be made, including one, I believe, by the distinguished chairman of the Budget Committee (Mr. DOMENICI).

I believe it is entirely possible that we could complete this bill at a reasonable time and decent hour—say, 8 or 8:30 in the evening. I yield to the judgment of the distinguished chairman of the committee, the manager of the bill, and the ranking minority member as to whether they wish to do that. If they do, it will be my intention tomorrow to ask the Senate to proceed to the consideration of the debt limit. If we do not finish the bill tonight, we will be on this bill until we do.

Mr. ROBERT C. BYRD. Will the majority leader say how long he plans to be in tomorrow?

Mr. BAKER. I would not expect tomorrow to be a late day. I hope we can get in a good day's work tomorrow. The leadership on this side has no intention of asking the Senate to stay in late.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BAKER. I yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I ask the majority leader if he will explore the possibility that we might have the debate on the first Proxmire amendment and then set it aside and have the debate on the second Proxmire amendment; then go back to the vote on the first one, rather than to stack votes? That way, we will save time. I do not believe we are going to get the unanimous-consent agreement to stack votes, but I believe we could dispose of the debate within this period of time and have the votes occur in that fashion and actually save time.

Mr. BAKER. The Senator from Alaska makes a good point.

Let me put the request in a different way. Let me include both amendments and then a time certain to vote on those amendments or any other votes ordered.

I ask unanimous consent that on an amendment to be offered by the distinguished Senator from Wisconsin on staffing, there be a time limitation of 10 minutes, equally divided; that on an amendment to be offered by the Senator from Wisconsin on honoraria, there be a time limitation of 20 minutes, to be equally divided.

I further ask unanimous consent that on both those amendments, any second-degree amendment be limited to 5 minutes, equally divided; that any motion or appeal, if the same is submitted, be limited to 5 minutes, equally divided.

Mr. ROBERT C. BYRD. Would the amendments in the second degree be required to be germane to the amendments in the first degree?

Mr. BAKER. I include that in my request.

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

Mr. BAKER. I also ask unanimous consent that no vote occur on either of those amendments and that after debate is concluded on them, they be set aside in sequence until 7:30 p.m., at which time the votes will occur back to back.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, I advise the majority leader that I would have no objection, provided that we in the Senate were accorded what I believe to be appropriate consideration.

As I see it, we are sitting around here now waiting while a number of Members saw fit to go downtown to the White House, for reasons best known to them.

If the majority leader can secure the agreement of the Members of the Senate to handle the Proxmire amendments and such other amendments as are available and bring them to a vote certain by 7 o'clock, and agree to have a final vote with respect to this measure by 7:30, then I would have no objection.

Mr. STEVENS. I say to the Senator that it is going to take more time than that, in terms of the amendments we know are coming.

Mr. METZENBAUM. We thought there were only two amendments.

Mr. STEVENS. We have not foreclosed other amendments.

Mr. METZENBAUM. Are there other amendments?

Mr. STEVENS. There have been some discussed.

Mr. HART addressed the Chair.

Mr. STEVENS. The Senator from Colorado seeks recognition.

Mr. BAKER. Mr. President, I have a request pending. Then I am willing to yield to the Senator from Colorado.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. METZENBAUM. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Mr. President, now I yield to the Senator from Colorado.

Mr. HART. Mr. President, I rise only to inform the majority leader that I may offer an amendment. I would not consider debating it at length. I do wish to reserve the possibility of offering that after the two he is discussing. I wish to put him and other Senators on notice of that possibility. I will let the majority leader know it.

Mr. BAKER. I thank the Senator from Colorado, and, of course, either request I put will include other amendments. I am grateful to the Senator giving me that advance notice.

Mr. President, I guess there is no likelihood that we can get an agreement for the time being.

With the hope that the managers will proceed as best they can, I yield the floor.

## APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 79-565, appoints the Senator from Nebraska (Mr. ZORINSKY) to the U.S. National Commission for the United Nations Educational, Scientific and Cultural Organization.

## UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, I renew the request I previously made in respect to a time limitation on two amendments to be offered by the Senator from Wisconsin and renew the request that the votes thereon be stacked and occur beginning at 7:30 p.m. back to back.

Mr. STEVENS. Mr. President, reserving the right to object, and I shall not object, it is my understanding that time on either Proxmire amendment could be used in that period of time that would expire no later than 7:30 p.m.

Mr. BAKER. Let me amend it in that way.

Mr. President, I ask unanimous consent that the time between now and 7:30 p.m. be equally divided between the Senator from Wisconsin and the Senator from Oregon and devoted to debate on the two amendments to be offered by the Senator from Wisconsin under the same terms and conditions in respect to control, the second-degree amendment and germaneness, and the like previously scheduled.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. Mr. President, will the Senator yield for a question on his unanimous-consent agreement?

Mr. BAKER. I yield.

Mr. PROXMIRE. It is my understanding that the Senator from Montana (Mr. MELCHER) may have an amendment and Senator Hart has indicated that he may have an amendment, and I would not want to agree to a limitation that would prevent them from having time to debate their amendments.

Mr. BAKER. The Senator from Wisconsin is correct. I believe there may be one or two, perhaps even three other amendments, and I have not included in this request any limitation on the right of any Senator to offer amendments. This is solely for the purpose of establishing a time in which the two Proxmire amendments to be offered and debated and the time certain to begin the votes, back to back votes, on those two amendments.

Mr. PROXMIRE. Very good.

Mr. METZENBAUM. Mr. President, reserving the right to object, and I shall not object, but if the Proxmire amendment debate time, if debate has been concluded, will Senator HART or Senator MELCHER or any other Member be in position to call up their amendment before 7:30? Will the amendment be set aside so they might?

Mr. BAKER. Yes.

By unanimous consent another amendment could be called up but in the formulation I have just put to the Chair and which is now pending all of the time between now and 7:30 p.m. would be committed to debate on these two amendments.

Mr. METZENBAUM. I have no objection.

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

## THE LTV TAKEOVER OF GRUMMAN

Mr. HARRY F. BYRD, JR. As one who has long been concerned both with the need for a strong defense and the need for restraint in Government spending, I was concerned this morning when I read that the LTV Corp., a conglomerate with major defense contracts, has just announced a plan to acquire Grumman Corp., another large defense supplier.

Should the takeover become a reality, the resulting firm would be tied for seventh place among defense contractors in terms of dollar volume.

I fully recognize that there are times when companies must come together for survival, and sometimes after merger they are able to produce better products for less cost.

But the reverse is also true.

Frankly, I am concerned about the implications of this particular takeover.

In a pluralistic democracy, all of us need to be on guard against excessive concentrations of power—be it concentration of economic power in giant companies and labor unions.

More particularly, in the economic sphere, I am especially concerned when large firms with billions in sales in a single industry join forces—namely, when giants gobble giants.

Certainly, I do not favor mindless trustbusting, which I would describe as indiscriminate breaking up of large but efficient companies already in being and performing a valuable service within the bounds of the antitrust laws. But at the same time I think that proposed consolidations of giants in the same industry must undergo closest scrutiny.

My concern is heightened when the firms involved do a substantial share of their business with the Government.

In the case of the takeover plan announced yesterday, LTV through its Vought subsidiary, holds major defense contracts, including a new multibillion dollar multiple launch rocket system for the Army. Grumman Corp does three-fourths of its business with the Pentagon and is producing five major aircraft for the Navy.

Right now no problem is of greater concern, or ought to be of greater concern, than that of paying for defense.

Over recent years the Soviet Union has carried out the most massive arms buildup in human history, and it is essential that our defense capabilities be upgraded to meet the challenge posed by this unprecedented armament program.

But there is one inescapable limitation to what we can do: we cannot buy what we cannot afford. In defense, cost relates directly to capability. As costs soar, we are constrained to buy less, and that reduces our potential strength.

Sixteen years of experience on the Senate Armed Services Committee have taught me that this Nation needs more defense contractors, not fewer. We have too little competition for most weapons systems now. The merger of huge contractors could further reduce that competition and inevitably raise prices.

It is important to bear in mind that the reduced competition would not only apply to major contracts but also to subcontracts. LTV and Grumman both compete as subcontractors, and this competition would be totally eliminated.

There has been a long-term trend toward consolidation of firms in defense industry, which almost certainly has contributed to higher defense cost increases. Already the rate of increase in defense procurement costs is running at about double the inflation rate for goods and services generally.

Yet another consolidation could add to

the upward pressure on defense costs and make matters worse.

In addition—and importantly—beyond the issue of cost competition is the reduction in research and development capability which takes place when big defense contractors are swallowed up by still bigger ones.

Where once there were two independent R. & D. centers, after the takeover there is one. That means a loss in independent research and creativity which we can ill afford.

It seems clear to me that there are major national security implications in the LTV proposal to take over Grumman.

Secretary of Defense Weinberger has stated that he will look into the impact of the proposed takeover on the Nation's defense interests, and I welcome the Secretary's statement.

I think the Senate Armed Services Committee should convene a hearing on this matter to see what are the likely effects, in terms of national defense, if LTV and Grumman become a single entity.

Of course there would be no effort on the part of the Armed Services Committee to intrude into the domain of the Judiciary Committee's antitrust jurisdiction. I would hope that the Judiciary Committee would hold hearings on the antitrust aspects.

The administration is now wrestling with the problem of how to pay for defense without busting the budget. The same question, a very difficult one, is likewise very high on the list of priorities for the Congress.

An LTV-Grumman consolidation could have important effects on the cost of our defense effort. It needs close study.

Mr. MOYNIHAN. Will the Senator yield?

Mr. HARRY F. BYRD, JR. I am delighted to yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to associate myself with the extraordinarily forceful and pointed remarks of the senior Senator from Virginia. The news that the LTV Corp. intends to buy the Grumman Corp. is indeed cause for great concern on the part of those of us who care about the defense of the Nation.

My concern about the lack of competitive bidding in arms procurement programs, which has grown of late as the President has begun to speak of reducing defense spending in order to balance the Federal budget, has been heightened further by the news that these two major defense contractors may merge. Defense Secretary Weinberger has made clear that he shares that concern. But it remains unclear how he will be able to increase competition in this area. What would he do—what could anyone do—with respect to the Trident submarine, for example, there being but one firm in the country that could bid?

With this proposal to merge LTV with Grumman we face precisely the same prospect in the areospace industry: greater concentration, fewer bidders and, inevitably, higher costs. It is now entirely possible that when the next aircraft procurement program begins—the day is not far off—there may be but one bidder because competing groups will have merged. We will soon confront a problem of precisely this nature, should LTV succeed in its attempt to take over Grumman: the two today compete as subcontractors, and this competition will surely disappear.

Mr. President, what is the meaning of the incentive to investment and development that we thought was the foundation of the President's tax program, when all that seems to have happened in the consequence is that oil companies are merging with chemical companies, and defense contractors with defense contractors? What have we done?

I would hope that the Armed Services Committee would hold hearings. I would hope that the Judiciary Committee would hold hearings.

Congressman DOWNEY, of New York, and I are today writing Secretary Weinberger to ask: Does the Department of Defense think this is in the interest of the Armed Forces? We are also raising the matter with other officials of the Government. I would hope the Attorney General would not let the matter escape his attention.

The question of mergers for financial purposes and not for any industrial or competitive purpose is looming once again in this economy. I very much share the concern of the Senator from Virginia.

(Mr. SYMMS assumed the chair.)

Mr. HARRY F. BYRD, JR. Mr. President, I thank the able and distinguished senior Senator from New York for his strong words today.

I think this is a very serious matter which could—maybe it will—which could have severe implications for our entire national defense program.

Now, if a hearing were held before the Senate Armed Services Committee, maybe facts will be brought out which would indicate that a merger would be helpful. I would doubt that it would work out that way, but it very well could work out that way. In that case, this Senator would not object on the ground of national defense.

When it gets to the question of antitrust, two giants in the same industry, then that is a matter that I think also needs to be considered by the Congress and, as the able Senator from New York said, by the Department of Justice.

I would hate to see this country get into a position where we have so few defense contractors that we have to go overseas to buy our weapons systems to protect the United States of America. That would be a ridiculous situation for the United States to get in.

We need more defense contractors. We need more companies doing business with the Government rather than less. We need more competition between companies for the business of the Government of the United States.

Mr. MOYNIHAN. I thank the Senator from Virginia. I hope the business community will hear this from the floor of the Senate; if profits mean so much that the vitality of the American Government means less, then the most agonizing choices are going to face not just this Chamber but this Nation.

I thank the Senator very much.

Mr. HARRY F. BYRD, JR. I thank the Senator.

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## CONTINUING APPROPRIATIONS, 1982

UP AMENDMENT NO. 429

(Purpose: Strikes section 130 which removes cap on honorarium income for Members of the Senate)

Mr. PROXMIRE. Mr. President, I have an 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 Wisconsin (Mr. PROXMIRE) proposes an unprinted amendment numbered **429.**

Mr. PROXMIRE. 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 24, strike lines 18 through 24.

Mr. PROXMIRE. Mr. President, at the Appropriations Committee meeting yesterday on the continuing resolution the Appropriations Committee by a closely divided, 10-to-8 vote decided to take out the $25,000 limitation on honoraria which Senators are now allowed to earn.

Mr. President, this amendment restores the $25,000 limitation on honoraria that Senators can earn.

As I say, by a closely divided 10-to-8 vote in committee that limitation was stricken. Of course, this would probably be an item that would not be in conference in the House of Representatives inasmuch as it would not affect the House of Representatives. If this prevails in conference, it would mean Senators could earn $50,000 to $100,000, no limitation.

Many of us in the Senate have taken advantage of this, including this Senator, and have made $25,000 and in the past before there was this limitation have made more than that.

But I think we have to recognize this is the year of the big cuts, this is the year, the only year, in the last 50 years in which the President has persuaded Congress to reduce spending in real terms in the following year compared to what it was last year.

We have cut spending for education of poor children. We have cut spending for health programs. We have cut spending for nutrition programs. I voted for all those cuts. I think we had to make them. For us in this year to turn around and provide, in effect, an ending to the ceiling of $25,000 so Senators cannot only have a $60,000 salary but a $25,000, $30,000, $40,000, or $50,000 honoraria income and already be about to lift the limitation we have had in the past on their expenses here in Washington so they could get not $3,000, as they have in te past, as a limitation, but $6,000, $10,000, $15,000 or more, this bill is becoming a Christmas tree bill for Senators. Furthermore, this is the Rules Committee jurisdiction.

This is not the place for us to pass on an amendment of this kind. It is not within the jurisdiction of the Appropria-

tions Committee. It is within the jurisdiction of the Rules Committee and the Rules Committee should have an opportunity to have hearings on it and to bring to the floor a report on it, and not have it brought up as it was brought up just the day before we act on the floor of the Senate.

Furthermore, Mr. President, there is plenty of time to consider whether or not we should permit this limitaton to go back to the $9,000 which the permanent law would limit honoraria to.

The permanent law passed by the Rules Committee and by the Congress provides that the honoraria shall not exceed 15 percent of the aggregate amount of salary of the Senators and, of course, that is now about $9,000.

However, we lifted that ceiling and made that lift effective until January 1, 1983.

So in the event the Senate should want to preserve the $25,000 ceiling and not have it go back to $9,000 we would have a full year, we would have the jurisdiction of the Rules Committee and hearings in the Rules Committee and a formal recommendation brought to the floor of the Senate so we could discuss it.

Furthermore, Mr. President, I think this is a highly discriminatory provision. Some Senators are capable of earning $100,000 or $150,000 through outside honoraria. Some Senators do not get that opportunity, and we have already made a discriminatory provision by lifting the $3,000 limit on expenses that could be deducted here in Washington. So here we are creating a situation in which we have a basic salary of $60,000 where some Senators are going to make $40,000, $50,000, $100,000 in honoraria, and have a reduction in their taxes because of the limitation on the reduction of their expenses while they are here in Washington.

So I hope, Mr. President, that the Senate will agree with the eight members of the Appropriations Committee who voted against lifting this ceiling, and restore the $25,000 ceiling, which is what my amendment does.

Mr. STEVENS. Mr. President, will the Senator from Oregon yield time to me on this matter?

Mr. HATFIELD. I yield whatever time the Senator needs.

(Mr. DANFORTH assumed the chair.)

Mr. STEVENS. I thank the Senator.

Mr. President, I seem to have been involved in these matters considerably today, and I am constrained to remark that it is probably because my new young daughter awakened me at 3 o'clock in the morning that I had a nice, long time to think of the issues that should come before the Senate today. This is one of the issues that is before the Senate because of the action taken by the Appropriations Committee yesterday.

The existing rules of the Senate that pertain to outside income are, I would say to my friend from Wisconsin, discriminatory to begin with. The limitation on outside earned income does not include advances on books that come under contract terms, royalties from books, proceeds from creative or artistic works, the buyout of partnerships, income from family enterprises, a distributive share of partnership income or the income that is received from investments made by Members of the Senate.

When we look at this, the real problem is that the existing situation comes from, as far as the limitation on income, outside income, from speeches or public appearances, from the basic law which sets a limitation of $25,000.

The committee amendment does not remove the $2,000 limitation on public appearances or speeches. I might say I think it probably should because we have a strange circumstance that if a Member does not go to a convention but writes an article for the convention journal or magazine he can receive any amount of money he wishes because those are the proceeds of a creative or artistic work. But if he goes and makes a speech, if he is not someone who writes articles but makes a speech, the limitation is $2,000 and the total limitation is $25,000 annually.

If a Member of Congress, and particularly the Senate, is wealthy and makes investments there is no limitation at all. If he or she is capable of writing books and having them sell—and many of our Members have that ability—there is no limitation at all.

The difficulty comes for those people who do get involved in a very extensive demand that comes on all of us to make speeches, to be on the so-called Chautauqua circuit, and make speeches throughout the country before groups that seek the appearance of a Member of Congress, particularly the Senate.

I might say I think the Senate is involved in this much more than the House of Representatives. But, it does apply to the House, too.

The difficulty I found with this was that for those people who decide to make appearances rather than write, there is a limitation. For those people who have their own money there is no limitation. For those people who have talents, and they come from public speaking—it is part of the talent of our business to be involved in public speaking—we have arbitrarily put a limit on that.

I will state for the RECORD, and be happy to prove it for anyone who wants to question it, that I have never received $25,000 a year in honoraria for the simple reason that I live so far from the Senate that it takes 10 to 12 hours each way to travel to and from Alaska. Therefore, my time is consumed in travel, and I do not have time to conduct my business here, be home as often as I want to, and make income from this source.

It may be that sometime in the future that opportunity might be available, but it certainly has not been the case in the past. This amendment is not going to affect me personally, of that I can assure the Senate. But, it does affect by judgment of the way the Senate should operate to see this discrimination built into the law and into our rules against those people who do earn income in this fashion.

Let me mention to you, two distinguished Members of the Senate who, during the time when they were in the majority, earned in excess of $100,000. Hubert Humphrey and, I believe, Senator Muskie were good speakers on the circuit and they were very much in demand. There was no reason to put a limitation on the income from that source upon the new people who take their place. People who occupy both sides of the aisles, I might say. I am not sure they are equally talented now, but they could become equally talented in terms of delivering the kind of address that these gatherings wish to have throughout the country, which by the way takes their personal time. It is personal time that Members of Congress take to these areas in order to make speeches, and it is something that members of associations and conventions throughout the country really desire and appreciate.

As a matter of fact, some of the worst exchanges I have had since I have been in the Senate have been with people who asked me to come and make a speech and I have told them I just could not do it because of the restrictions imposed by the Senate. I think other Members of the Senate have had the same kind of exchanges. Many people believe it our duty, and it is not our duty, to go Saturday night or Sunday and fly all night from one place to another and make this kind of a speech.

If one wants to make income in excess of $25,000 a year one must work hard to do it. You take time away from your family to do it, but people who do that are people who do not have investments from which they can derive income; they are people who do not have writing ability. They do not normally write the articles the books from which income is derived, and they are people who do not have family partnerships and enterprises to get income from to supplement their income.

The Senator from Wisconsin mentioned the budgetary impact. This does not affect the budget. On the contrary, a Member who has honoraria income pays taxes, which in turn increases the revenues to the U.S. Government, it does not decrease it.

There is not one single budgetary impact from this or any other amendment I have offered today. The amendments I have offered are not amendments that deal with the budget; they do not cost the taxpayers money. As a matter of fact, this is one of the items that takes the pressure off a request for increased income from being a Member of Congress, specifically being a Member of the Senate.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. STEVENS. Yes, I am happy to yield.

Mr. JOHNSTON. Is it correct that if we do not adopt this amendment or some other similar action dealing with the same provision, that at the end of this Congress the honoraria amount reverts to $8,600? Is that correct?

Mr. STEVENS. The honoraria limit is $8,600 and is suspended for a 2-year period. It would still have to be doubled, by the rules. But, without this amendment,

the Senator is correct; I am certain that it will revert back.

Mr. PROXMIRE. Will the Senator yield on that?

Mr. STEVENS. Yes.

Mr. PROXMIRE. It is my understanding, and I am positive that this is correct, that you would go back to the $9,000, 15 percent of our salary, in any event, whether my amendment carries or whether the Stevens amendment which is in the bill, prevails. In any event, it would go back in 1983, under the Senate rules.

I have a copy of the rules here. Effective January 1, 1983. That was the rule that the Senate adopted and this would not affect that rule. The language in the continuing resolution that is now there would not affect the rule, either.

Mr. JOHNSTON. I thank the Senator.

Mr. STEVENS. It was this Senator's amendment to the rule that accomplished that. The Senator, as Mammy Yokum would say, "is essentially correct." But the debate on that rules change centered around the limitation in the law which we are now removing. It is my judgment, and has been my judgment, that we will not change the rule again without changing the basic law.

We are facing that problem and the only vehicle to be available in this Congress to do so in time is the legislative appropriation bill that does pertain to Members of Congress on both sides.

Incidentally, there would have to be a similar change in the House rules. It would not be automatically effective, if that is what the Senator is saying. This will not lift the ceiling for the honoraria automatically. It is a problem which must be dealt with by the rules but, under the rules, we could not lift the ceiling until we faced the law first. I am sure my friend from Wisconsin would agree with that.

We were not able to do it before. We would have taken out the limitation before but we cannot do it and, as a consequence, we seek to take out the limit now.

Mr. PROXMIRE. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. PROXMIRE. It is my understanding that before January 1, 1983, we will have to make a decision, one way or the other. If we do nothing, then the rule which we have put into effect until January 1, 1983, would again prevail.

Now, the Senator makes an excellent point. If we change the law now, it may well be that the Rules Committee will say: "Well, the law is there is no limitation, so we are not going to act."

But, in either event, it would seem clear, in view of the action taken by the Committee on Rules, we would have a $9,000 limitation after January 1, 1983.

Mr. STEVENS. As one who was involved in the consideration of the rule, the reason the $25,000 limitation is in rule 36 is because of the statute. It was required by the statute that it could not be in excess of $25,000.

Later, the problem came about with regard to the desire to set that at 15 percent of the aggregate of the salary of a Member of the Senate, and that was done later.

But all I am saying is if the $25,000 limitation is going to be removed, it must first be removed from the law, in the judgment of this Senator. I believe when we do this, we will face the question then of what do we do with the rule. The rule presently is suspended, as the Senator knows. The rules do provide the limitations of 15 percent. The Senate, I think, in its wisdom, listened to the argument then, at the time we suspended that, because of its impact on those people who are one, not wealthy; are not talented in writing; and do not have family enterprises from which they earn money and they are exempt from the outside earnings limitation and do not have a distributive share of the income from the partnership or business that they were involved in before they came here. I am sure the Senator knows there are many situations like that.

Incidentally, I never had one of those, either. This does not affect me personally. But, to me it is a question of what do you do about the people who are not in those categories. They ought to be able to earn outside income. And if you do not face that question, you must face the question of changing the compensation of Members of Congress. And it has been decided Congress is not going to do that.

So, since we are not going to do that, why not take the pressure off the motivation to do that? And that motivation comes because there are Members in this body—and I will admit there are few in number—who are capable of earning substantial amounts of moneys as speakers.

Now, that, obviously, is not this Senator, but it is a talent that Members have here and they should not be denied that talent if they do not have the business wherewithal to make investments and have investment income or be able to come within these other exemptions. That was the reason for offering this.

I might also say to my good friend that it just makes sense to me to get some stability back, in terms of this Senate, as to what can or cannot be done and to eliminate some of these built-in discriminations that have come because of past snowballs that rolled across the floor here to put limitations on some people that did not affect others at all. It did not affect Members of the Senate who are very wealthy to limit outside income, earned income, because they do not have outside earned income. They have outside unearned income. It did not affect those who write books, because they have those royalties and they have those proceeds from their writing ability and they still get it. It did not affect those who had buyout arrangements from previous businesses, because that was made before they became Members of the Senate and that was outside income from past work.

But it does affect those who are here now who have this ability and want to use it. I personally believe we should encourage it. I think it takes the time of a Member to answer this need, to answer this demand for those who can give the kind of speeches that people want. They will not get very far unless they are making speeches that are informative and are in demand, because I can assure you no Member will be invited back to give speeches under other circumstances.

So I say to the Senate that it would be wrong to maintain this discrimination in the law. It will not lift the ceiling on us today, I will admit that. We will have to have a change in the rule which, as the Senator says, is within the jurisdiction of the Rules Committee to pursue. We will pursue that course of action. If they do not do it, I will tell the Senator that I will bring it to the floor myself before too long, because I think this discrimination must be changed.

It is time for the Senate and the Congress as a whole to face up to this attempt to belittle the abilities of some Members. Those who attack this and try to limit the people who have the ability to make speeches when they, themselves, on their own abilities, are not constrained, I think are making a very serious mistake. I believe that the Senate should lift this honoraria limitation, even though it will not make one single bit of difference to me in terms of my personal situation.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I would just say a word or two more before we go to the next amendment.

In the first place, the orderly way to act on this amendment, as on any issue of this kind, is to act on the proper committee of jurisdiction, where they have the expertise, where they can have the hearings, where they have laid down the rules, and where, in the past, they have governed the rules. That is the Rules Committee.

The Appropriations Committee should not take this up, especially on a continuing resolution, and clutter up the continuing resolution with this kind of a special action.

Furthermore, I cannot resist pointing out to my good friend from Alaska that one of the reasons why Members of the Senate—and I am one—are invited to speak is because we chair a committee or we chair a subcommittee, because we have clout in this body. Let us face it, we do not get asked strictly on the basis of talent or because somebody is eloquent. We get asked because a special group wants to hear us and also would not mind paying us, knowing that they would like to have our ear.

I think that the overwhelming majority of people who go out on these matters handle them with complete ethical behavior. We have full disclosure. It is available to the whole country, including all of our constituents in our States, the information on the groups to whom we speak and how much they pay us.

But, Mr. President, there is not any question that if a Senator is in a position of power, he is going to be asked to speak. And that power is conferred on him not because of any ingrained talent. It is conferred on him because he is a Member of this body and because, through seniority and so forth, he has worked up into a position of influence and authority. Part of that is being purchased when he goes to make a speech.

I think, as long as it is disclosed and it is within limitation and it is limited

to $25,000—which is a reasonably moderate amount these days, particularly—it seems to me it is all right. If we go above that, take the limit off entirely, we certainly should give the Rules Committee the responsibility for holding hearings and coming forward with a report, making findings, and determining whether or not we should proceed with something like this on which all of us know we are going to provoke criticism and concern on the part of our constituents.

Mr. President, unless the Senator has something further to say, I want to bring up my amendment.

Mr. STEVENS. Will the Senator allow me to correct one error?

Mr. PROXMIRE. Surely.

Mr. STEVENS. I meant to say that in 1983 the rule will revert to the approximately $8,600 limit. There is no limit now. The 15 percent is not in effect. The honorarium limit would be taken off for 1982. But it would go to $8,600 at the end of this Congress if we do not amend the rule.

Mr. PROXMIRE. In either event, regardless of how we act tonight, it would revert to the lower figure unless we amend the rules.

Mr. STEVENS. That is correct. But the effect of our action would be to take the ceiling off where there is no ceiling now under the rule. We would have to amend the rules, as the House will, too, before the end of this session, if we wish the next session not to be covered by the $8,600 limitation.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield.

Mr. BOSCHWITZ. I would like to engage in a colloquy with Senator PROXMIRE. First, I will point out that I voted against the amendment that would increase the deduction for Senators to $3,000. I voted against that because I felt it was a private matter that should not be beyond our constituencies, that this was not a matter that was reported. However, now we are dealing with a matter which we must report to our constituencies. I have a difficult time in determining what the differences are between the incomes which are reportable and those which are not reportable. Why put a limit on the income that is reportable?

I quite agree with the Senator from Wisconsin that it is not our talent which gets us invited to give speeches but, rather, the supposed power that comes to us as seniority grows.

I might also point out that I have made a number of speeches and have received very few honorariums, giving most of them to charity. Actually, my position is such that I am able to do that.

But it is my understanding that there are all kinds of other activities that a Senator can engage in which are not restricted.

For instance, if he writes an article for the same association to whom he would go out and speak and receives an honorarium for that article, that does not come within the $25,000 limitation. Is that correct?

Mr. PROXMIRE. The Senator is correct. It seems to me the Rules Committee might very well consider that. I am not a member of the Rules Committee. However, they decided to let you earn all the royalties you could on the writing of a book.

But certainly on a matter of outside investment or earnings, you get that regardless of your position in the Senate. I think a book is kind of a halfway in between.

Mr. BOSCHWITZ. I am not talking about a book.

Mr. PROXMIRE. Let me just say that most of the speeches that Senators give are given before various groups. Of course, we have to report who those groups are. If you speak before a group which has an interest in a committee in which you have jurisdiction, it seems to me it is clear and you should be realistic and honest about it that the reason you are there is because you have that jurisdiction and that power. If you write a book or an article, it may be true to a lesser extent.

Mr. BOSCHWITZ. The Senator is straying from the question. I agree that a Senator is invited to these affairs because of positions on various committees, and so forth. My question is this: Suppose I say I will not go and they say, "Why don't you write an article for our monthly magazine and we will send you an honorarium?" That is not within the $25,000 limitation, as I understand. Is that correct?

Mr. PROXMIRE. I think the Senator makes a good point. I think this is something on which the Rules Committee may very well provide a limitation. They chose not to do it. Because they have chosen not to do it. it seems to me hardly a reason for us to say that there should be no ceiling on a speaking honorarium.

Mr. BOSCHWITZ. I was just asking why there should not be a limitation.

Mr. PROXMIRE. I have no idea why there should not be.

Mr. BOSCHWITZ. In any event, if a Senator has an outside income on investments he has made and spent a good deal of his time and effort in order to gain outside income from investments, there is no limitation on that, is there?

Mr. PROXMIRE. There is no limitation on that. It seems to me that is clearly in a different category because that has nothing to do with a position of influence or authority which the Senate has conferred.

Mr. BOSCHWITZ. It does have something to do with one's duties in the Senate. I was somewhat surprised when I came here and found how all consuming duties here in the Senate were. I also was surprised, very frankly, at the cost of living here in Washington. It exceeded my expectations. Again, I am personally forunate in that regard. I am able to cover whatever deficiencies might exist.

I might say that despite the fact that I have four children, 40 percent of my income is deducted and I do not even have local insurance here. I continue my local insurance with my own company, which is far better.

Be that as it may, I find myself very busy here. If I had to supplement my income and go out and start trading in commodities, stocks, real estate, other things, that work could become all time consuming, as this job is. I think that would have a bearing on what we are able to achieve. That does fit into the same type of situation that the Senator suggests, because of our position and because we are Members of this body, probably having opportunities to invest, opportunities to find investments that others might not be able to find.

Yet the Senator from Wisconsin is seeking to restrict the one element of income that is out in the open.

Mr. PROXMIRE. Let me say to my friend from Minnesota that what I am trying to do is to keep the status quo, and if it is changed to have it changed in an orderly way. Let the Rules Committee proceed and act as they have in the past on this matter. They have the expertise, the authority, the jurisdiction. Let them do it. We should not take it up on the floor of the Senate with four or five Senators here.

It is an interesting issue which the Senator from Minnesota has made. This is exactly why this is something that ought to be done in an orderly way by a Senate committee, with a record, with a transcript, to be made available for Senators to work on, with the press reporting what is publicly done rather than to slip it through in a day or two in the Appropriations Committee on a continuing resolution in a few minutes on the floor of the Senate.

Mr. STEVENS. If the Senator will yield, and if it is all right with the distinguished chairman, the Senator makes reference to the Rules Committee. The Rules Committee cannot lift this limitation. We can take this matter to the Rules Committee and all they can do is to continue the status quo, which is if the rule is suspended and we are living under the law, we must change the law to change the rule. All we did at the time we suspended the rules was to put into effect the limitation of the law. The Rules Committee cannot recommend to this Senate anything which violates the law. That law is the $25,000 limitation. I do not know how to articulate it any better than that to the Senator from Wisconsin.

Mr. PROXMIRE. I think the Senator knows that there is no reason in the world why the Rules Committee cannot make a recommendation to the Senate that we change the rule, and we can change the rule.

Mr. STEVENS. But you could not change the rule to allow compensation in excess of $25,000.

Mr. PROXMIRE. There is no reason why the Rules Committee cannot recommend a change in the law.

Mr. STEVENS. This came out of a joint effort, if the Senator will remember, from three committees. In the time we dealt on this before, we had three committees involved in this, not just one. As a matter of fact, it becomes four, under the new division of responsibility. There are the Rules Committee, the Governmental Affairs Committee, the Finance Committee, and the Appropria-

tions Committee. I chose one of those, the Appropriations Committee.

Mr. PROXMIRE. I understand what the Senator has done, but nevertheless what we have before us is an amendment to the continuing resolution to act on this provision on which, as I say, the Rules Committee has a great deal of expertise.

He agrees that the Rules Committee has done a great deal of consideration and has the expertise and has a heavy responsibility.

Mr. BOSCHWITZ. But the Rules Committee cannot report out such legislation as the Senator speaks of. That is my understanding. As I watch to see who runs, as I watch to see new Senators coming into this body, I so often see, and more and more see——

Mr. PROXMIRE. Mr. President, may I ask the Senator what he means when he says the Rules Committee cannot report out a change?

Mr. BOSCHWITZ. It is my understanding that the Rules Committee cannot report out such a change.

Mr. STEVENS. It is within the jurisdiction of both, as I understand it. It is within the jurisdiction of this committee, too, and we reported it out.

Mr. PROXMIRE. Mr. President, we reported it out without any hearings. I was there when the Senator brought this up. We had a very short debate, we had a vote, a 10-to-18 vote. I am saying we ought to have some input from other committees that have jurisdiction, particularly the Rules Committee.

Mr. BOSCHWITZ. As the Senator knows, I have been here only 2½ years. This matter has been debated and redebated. Perhaps some new issues have come up and probably just this evening, when the President will call upon us to be economical, is not the right moment to defend the expansion of a Senator's ability to go out and earn additional honoraria.

But to restrict the income of a Senator in the only area where he has to make a meaningful report of that income, so that his constituents can observe what he is doing, what he is about, is anomalous. It is not the area to restrict. There are so many ways around that. There is no restriction on a Senator's spending virtually his whole time going out and seeking other forms of income, whether it be from real estate investments or even seeking other forms of income, I suppose, in the connections that he makes, from his service in the Senate.

Mr. President, I have voted against lifting the limit quite consistently. But I see some Senators coming into a body who are almost, by necessity, independently financed in one way or another, it is important that we not restrict access to this body.

A Senator coming here and having limitations of this type imposed upon him creates a difficulty, a hardship. As the Senator from Alaska said, it is not going to change his habits much at all, if at all. The same would go for me. But I think we can find better ways to restrict and to make more open the elements of income, if that is the Senator's desire.

Mr. President, this is an area where there is complete disclosure. I repeat, I voted against expansion of the $3,000 deduction on the basis that there really is no disclosure there. But inasmuch as these honoraria are matters of public record for all to see, for all to criticize—and the Senator knows that you would be criticized when you run for reelection, if you took them—I think this is the wrong area to make restrictions.

Mr. PROXMIRE. Mr. President, I thank my good friend from Minnesota. I point out that the Rules Committee—I have a copy of the rule that governs this matter we are discussing now. The Rules Committee not only sets the limitation on the amount that the Senators can earn by honoraria; it says that an officer or employee of the Senate covered by paragraph 1 shall not receive honoraria in excess of $300 for each appearance, speech or article. That is our staff. They can only get $300, $1,500 in the aggregate in any 1 calendar year. We limit them to $1,500.

For us to pluck it out of that rule and put it into this continuing resolution and debate it for a few minutes on the floor and take off the limit completely for ourselves—do nothing about the staff, do nothing about any other aspect of this particular rule—it seems to me indicates why the Senate is wrong in acting in this particular way. It should be done by the Rules Committee comprehensively. It should be done affecting all people who are restrained and constrained by this action, not simply Members of the Senate.

Mr. President, the Rules Committee, as I say, has had hearings on this. They have made the findings. They are the appropriate body to act.

Mr. GRASSLEY. Will the Senator from Wisconsin yield?

Mr. PROXMIRE. I am happy to yield to my friend from Iowa.

Mr. GRASSLEY. Mr. President, in support of Mr. PROXMIRE's position—and I am going to vote for his amendment—I should like to say that there is one significant difference between the income that our friend, the Senator from Minnesota, said is not reported, as opposed to that which is reported. The difference is based on the public perception people have of the income we receive from speaking. Whether it be reported or not, is of relative importance when compared to the public's perception of that income.

My concern—and it is one that I hear verified by my constituents—is that whenever the public reads that we are collecting fees for speeches, they obviously get the impression that we are not very attentive to our duties.

I think this is a possibility even when there is a limit of $25,000. But the extent to which you go beyond that $25,000 by raising the limit or removing it only serves to reinforce the perception that we are not going to be as attentive to our duties.

I think it simply boils down to this, Mr. President, that in this body, I think we have to do what we can to leave the public with the impression—and I hope it is a real, honest impression; I would have to say candidly that it might not always be—but that we leave the impression that we are here tending to our duties, doing those things that are part of being a Senator for the people of our State and, hence, not do those things that tend to detract from the credibility of this institution. One only had to see a recent Gallup poll to see that we are only a few points above the Members of the other body as far as our credibility with the people. We are low among public officials generally.

I would think that whatever we can do to enhance that image that we have is going not only to strengthen our position with the public at large, but the institution that we represent here, the Congress of the United States. I think that is a worthy goal. If that is something that can come from keeping this limit on, then I think we ought to do that.

Mr. President, one way to do that today would be to keep this limit at its previous level of $25,000. That is the way I am going to vote.

Mr. PROXMIRE. I thank my friend from Iowa for what I think is an excellent statement. I think it makes a good deal of sense. I have another amendment I want to call up, Mr. President.

Mr. STEVENS. Mr. President, I have one last statement if the Senator will permit me.

What the Senator from Iowa says makes a lot of sense about this public perception. I want to say that the two Members of Congress in my experience who had the highest income from this activity had the greatest acceptance as Members of the Senate with the public, who had knowledge of that. That was the time when Senator Muskie and Senator Humphrey were involved extensively in speechmaking throughout the country. Their incomes were disclosed. They saw fit to do it, to their credit, at the time, even though they were not required. It did not detract one iota from the public perception of the two Members who sought that income.

On the contrary, the Members of the Senate who take the time and have the time to do it, in my opinion, help the image of the Senate throughout the country by going and facing the questions that come from the press wherever they go, facing the questions of small groups at conventions, when they do make a convention speech, addressing issues of great interest to the members of the convention.

Contrary to the public impression that is assumed, in my opinion, those Members who do go on these speaking tours do more for the Senate than those who do not. But the problem is that those who do not do so put the limitation of $25,000 on that activity.

Mr. HART. Mr. President, I support the amendment offered by the distinguished Senator from Wisconsin. The Senator has taken what is most certainly an unpopular position with many of his colleagues, and he is to be congratulated for his courage. This issue has a long and controversial history in this Chamber, and the Senator from Wisconsin has never wavered in his be-

liefs that reasonable limits should be placed on Senators' outside earned income.

In fact, the Senate debated this issue at length a little over 2 years ago when a resolution was quietly passed—without debate and on a voice vote—suspending the effective date of an earlier resolution which would have limited a Senator's annual outside earned income to $8,628. I led the battle shortly thereafter to force this issue to a rollcall vote, so I have a good deal of sympathy for the Senator's position today.

Mr. President, in many cases those of us who oppose any repeal or heightening of the outside earned income limit do not do so because we begrudge our colleagues the right to be compensated for their talents in public speaking or article writing. Indeed, we all recognize that, with the rigors of travel and the incidental expenses that Members of Congress often must absorb, many of us rely on this outside earned income as a vital portion of our overall income.

But the issue here is accountability to the general public, and it becomes a matter of ethics for Senators. As we all know, the honoraria received by Senators for their services are frequently—if not almost exclusively—provided by individuals, groups or other entities which are directly or indirectly affected by legislation this body must consider. Certainly reasonable limits are not out of order for such income, and the Senate has, after exhaustive debate, repeatedly determined that $25,000 per year is an adequate limit for a public servant to earn from outside sources.

Our constituents deserve to know exactly how each of us feel about this issue, and I thus urge the Senate to consider this amendment with a rollcall vote.

Mr. President, the Senate is a consentual body, and gains achieved by short-term parliamentary devices—in effect, passed quietly and with little or no debate—erode not only the integrity of this Senate tradition, but the confidence of the public in the Senate.

I urge my colleagues to support the amendment of the Senator from Wisconsin.

Mr. THURMOND. Mr. President, this amendment would delete from the continuing resolution section 130. This section contains language which would remove the current $25,000 cap on outside earned income from speech honoraria permitted Members of Congress and other Federal employees.

As the former vice chairman of the Special Committee on Official Conduct in the 95th Congress, I was closely involved in the background and process of changing the Senate rules to encourage higher ethical standards.

After extensive hearings, our committee made a number of recommendations which became a part of the Senate rules. I felt strongly about the key provisions in the ethics code then, and still do today. One of these was the limitation on outside earned income.

This particular issue was probably the most controversial of the then-proposed code of official conduct. This is a difficult question. In a country where free enterprise is recognized as the foundation of our economic system, why should not an individual, even though he or she may be an elected official, be able to earn as much income as possible because of personal abilities or talents? At first, probably no one would disagree with that notion. However, elected officials are really different. That is why I could not agree with those who felt Members of Congress should be able to earn as much outside income as they wanted.

We are elected to Congress for one purpose: to serve our constituents. Someone who is spending too much time involved in outside speaking engagements or business activities cannot give the voters the representation they expect when they elect us. Outside speaking engagements for an honorarium on an occasional basis should be allowed, but limitations in the current statute should be retained.

Mr. President, when the Senate first adopted the code of official conduct as part of its permanent rules, it voted to limit outside earned income, including speaking honoraria, to 15 percent of a Senator's salary. Later, against my wishes and votes, the 15 percent limitation was vitiated in favor of the present $25,000 cap on outside earned income applicable to all Federal employees. The action of the Senate Appropriations Committee yesterday would completely remove the current ceiling on honoraria income, a step that I believe is most unwise, especially at this time.

This is a period in which all those who have been on the receiving end of Federal expenditures are being asked to sacrifice in order that we can bring the Federal budget into balance as soon as practicable. While removal of the ceiling on honoraria income may not have any direct fiscal impact, it certainly gives the wrong impression to those whom we are elected to serve. Now is definitely not the time to be taking any action that gives the appearance of enriching our own pockets and those of other Federal employees. Rather, we should be setting the example by exercising the utmost restraint and fiscal discipline in all internal congressional operations and especially in matters pertaining to our own compensation.

In closing, Mr. President, I shall always remember the words of my father on the subject of one's conduct. He said: "One must not only be right, one must appear right." That in short is what is involved here. Members of Congress should refrain not only from conduct that is illegal, morally wrong, or self-enriching, but avoid as well conduct that may appear to be so. I hope the Senate will adopt this amendment.

UP AMENDMENT NO. 430

(Purpose: Placing a "CAP" on Senate staff and prohibiting any more Senate Office Buildings)

Mr. PROXMIRE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. PROXMIRE) proposes an unprinted amendment numbered 430.

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:

On page 26 after line 14 insert the following two new sections:

SEC. 138. None of the funds appropriated in this Act shall be used to fund in excess of 8,037 full-time officers and employees of the Senate of the United States and full-time officers and employees in the Office of the Architect of the Capitol who are assigned to the Senate. The Committee on Rules and Administration, in cooperation with the Committee on Appropriations in the Senate, shall establish rules and regulations for the equitable allocation among the offices and committees of the Senate and the Office of the Architect of the Capitol of the total number of full-time officers and employees established by the preceding limitation.

SEC. 139. None of the funds appropriated in this Act shall be used for the development, initiation, or implementation of plans drawings, architectural engineering work, design work, site preparation or acquisition for or the construction of any new Senate office building or addition to existing Senate office buildings. This provision does not apply to construction and completion of the Philip A. Hart Senate Office Building currently under construction.

Mr. PROXMIRE. Mr. President, I am offering this amendment on behalf of Senator DECONCINI, Senator SASSER, and myself.

This amendment does two things: It places a ceiling of 8,037 on full-time officers and employees of the Senate and of the Architect of the Capitol assigned to the Senate.

The second part will be particularly interesting to the present Presiding Officer, the Senator from Missouri (Mr. DANFORTH).

It prohibits the use of funds provided in this bill for the development of plans, design work, or construction of any new Senate office building after completion of the Hart Building.

Why is this amendment needed? The Architect of the Capitol, in phase III of his master plan for future development of the Capitol grounds and related areas, indicates, among other things, that if congressional staffs continue to grow even at one-half the rate experienced over the past 20 years, Congress will need another 5-million square feet of space, including another Senate office building and as many as five new House office buildings, at an estimated cost of $500 million.

I might say that $500 million is a masterpiece of understatement. I believe we could multiply that by 10 and be conservative. At any rate, that is a half-billion dollars down the road, if we fail to control staff proliferation.

My amendment would take the crucial first step by placing a ceiling on full-time Senate staff and Architect of the Capitol staff that deals primarily with the Senate. I hope that my colleagues in the House will follow suit, especially

since they are next in line for a new building.

Second, this amendment will prohibit the use of legislative appropriations to begin planning, design, or construction of any new Senate office building or additions to existing office buildings. This amendment would not affect work on the Hart Building. This prohibition, coupled with the cap on staff should slow the momentum of the Architect's master plan and put both staff and construction on "hold" for at least the next fiscal year.

Finally, by putting a ceiling on Senate employment and saying "no" to future Senate office building construction, this committee will be sending a signal to the American taxpayers that the Senate of the United States is not exempting itself from the tough economy measures that must be imposed in order to bring Federal employment and spending under control.

Why the ceiling, and why do I arrive at the figure I do? The figure is 8,037. Back in March of this year, I submitted Senate Resolution 97, which would do essentially what I am proposing to do today. That resolution contained a ceiling of 7,372 positions, including full-time Senate employees of 6,550 and 822 full-time Architect of the Capitol personnel, either directly or indirectly assigned to Senate functions.

As of April 30, Senate employment stood at 6,477 according to the Senate Disbursing Office. That is the latest figure. So this is a very reasonable ceiling. In fact it is far above the present level.

As of May 30, 1981, full-time Senate staff had jumped to 6,767; by the end of June to 7,215; and by the end of August, full-time Senate employment had dropped back to 6,668. A large part of this fluctuation in full-time staff is due to the inclusion of summer interns in the full-time Senate staff figures. Senate Disbursing does not separate out interns from permanent full-time Senate staff. Therefore, the August figures are probably a more realistic estimate of actual permanent full-time Senate employment.

Nevertheless, in arriving at my ceiling of 8,037 contained in this amendment, I used the end of June employment figure of 7,215 and then added the same 882 Architect of the Capitol employees assigned to the Senate that I used in Senate Resolution 97 to reach the "cap" of 8,037. Since the figure of 7,215 probably included 400–600 interns, I consider my ceiling to be a generous one, with plenty of room for additional hiring by the Senate before hitting my proposed "cap."

In fact, you could have more than a 10-percent increase without hitting the cap I propose here and a 10-percent increase over the maximum that the Senate has had at any time in the past year.

My intention is not to give the Senate license to grow but, for the first time, to provide a precedent, a lid, on Senate staff which will prevail throughout fiscal 1982; and it is hoped that in the future we can follow this precedent and continue to put a lid on and have an up-and-down vote in the future on how much we expand the Senate staff.

The reason I do this is that the only way you are going to put a limit on new Senate and House office buildings is to limit the staff. What happens is that we build an office building and increase our staff—our committee staff and our personal staff. The staff grows and grows, and the argument is that we have to quarter them all over town, that it is inefficient to have them a distance from the place where the Senator works; so we need a new Senate office building. Then we build the new Senate office building and expand the staff further.

In the last 20 years, the staff has grown at such a rate that we are going to need 5 million square feet of space in the future to house the staff.

So if we are realistic and honest about passing legislation that will limit office buildings, we, unfortunately, will also have to put a limit on our staffs.

Mr. President, I realize that any limitation is going to be difficult because, how are you going to do it? We do not want to do it by saying—certainly not freeze it into the statute—that a particular Senator will have to have a limit of a certain number of staff people. So the amendment reads:

> The Committee on Rules and Administration, in cooperation with the Committee on Appropriations in the Senate, shall establish rules and regulations for the equitable allocation among the offices and committees of the Senate and the Office of the Architect of the Capitol of the total number of full-time officers and employees established by the preceding limitation.

That would mean that we would have flexibility here. Senators from larger States, of course, have to have larger staffs. They receive more mail and have to respond to that mail. But each Senator would have his or her staff and the committee staff adjusted.

Of course, this is only a limitation that would apply perhaps for a year or two.

After that, if the Senate decided it should increase its staff, it could do so. It could do so with its eyes wide open and recognize that when we are doing that, we are going to increase the burden on the American taxpayer not only for staff but also for space, which is enormously expensive.

The PRESIDING OFFICER (Mr. ABDNOR). Who yields time?

Mr. HATFIELD. I yield time to the Senator from Alaska.

Mr. STEVENS. I thank the Senator.

Mr. President, unfortunately we do not know the demands that are going to come from those new facilities; and until we know the demands, this is like telling your wife, when you have an income of $5,000 more, that she can have $2,500 of it because it is not there.

This is an iffy amendment. We are not anywhere near this limitation now. We have no intention to go near it. But the impact of putting it there means that should the time ever come, God forbid, it would be another hurdle for someone to get over, such as the other things we have been addressing today.

I oppose the amendment, because I believe we should face realistic problems and answer those problems on a current basis. We have done that with our staff now.

Since the beginning of the year, we have reduced our staff. We are doing so on a voluntary basis, with the cooperation of every Member of the Senate. I cannot understand why we should adopt an amendment which indicates that we have not.

The effect of this amendment is to tell the American people we are going to limit our employees far above the level that we have already achieved by reducing them.

I hope the Senator from Oregon will oppose this amendment. It is not, in my opinion, timely legislation.

I really do not understand its genesis. I would be happy to have the Senator from Wisconsin explain to me why it is necessary to put a limit on employees of the Senate that far exceed the number we employ now when we are under a voluntary discipline program not to do so and everyone will say, "Oh, look, there, the Senate has limited its employees to an increase of $x$ number."

It is sort of like advertising that we are going to do so. It is wrong. The psychology is wrong.

Mr. PROXMIRE. The Senator asked me why I did this and the genesis of this. The genesis is that we have gone through these new Senate office buildings over and over and over again. We come to it and we say, "Why do we do it?"

We are all against it, but we have that much money in the pot. We have the plans for it.

The Architect has a master plan. He is telling us he is going to build another office building. He has plans now. He is working for it.

We limit the amount of money he will have available for it.

Why do we have the plans for further office space? Because our staffs grow and grow geometrically.

As I pointed out, in the event the staffs grow at only half the rate they have in the last 20 years, we are going to need three new office buildings and another new Senate office building costing another $100 million or more.

So that is the genesis of it.

We wanted to put a stop to this colossal growth here in the Senate.

The Senate is a different kind of a body than being an executive.

A Senator functions better if he has a small staff and does his own work. We know that, but somehow it gets out of control and our staffs grow enormously and our committee staffs grow immensely. We have to house them. The cost to the taxpayer is hundreds of millions of dollars, and will probably go now to $1 billion for Congress. That is too much money.

Mr. STEVENS. Mr. President, I say what the Senator states is not true since we started limiting the functions of the Senate. Since we started that on a voluntary basis, we have, in fact, reversed the trend of 20 years, and we have done so by our going to each Senator and saying, "We are going to hold the line, here are your funds." We have actually given

them the funds and urged them not to spend at least 10 percent of it. To my knowledge, everyone is doing that. To my knowledge, the concept of fiscal management and being able to say, "I have the funds and I will manage it, I return so much money," is holding on.

Mr. PROXMIRE. Hurrah.

Mr. STEVENS. And we will save more.

We are today, at less than we were a year ago.

Mr. PROXMIRE. Exactly.

Mr. STEVENS. A year ago was less than the year before that.

Mr. PROXMIRE. That is right.

Mr. STEVENS. The Senator mentioned the trend of building up through the constant buildup during the period of the Vietnam war days and all the things that occurred from the days of Korea through Vietnam war days. We reversed that trend.

He wants to let the public think we are thinking about hiring more than 8,600. We are now at a level of 5,800.

Mr. PROXMIRE. May I say to my friend that I do not want the public to think that at all. I want to let the public know we are not going to go along with the master plan we are told by the Architect of the Capitol that he has.

This is not any theory he is spending on. He is spending money designing.

Let me read what the memorandum said:

> It is generally agreed in the planning profession that the realistic limit for reliable planning projections is 50–75 years, as demonstrated by the 78 year old McMillan plan, and it is to this "middle range future" that the Capitol Hill Master Plan study has been addressed. Accordingly, based upon rates of growth of Congressional employment of approximately one half that actually experienced in the last 20 years, the Phase II report, of which a copy is attached, suggested sites for buildings that would accommodate such growth needs for the next 50–75 years.

This is not my idea. This is the Architect of the Capitol. It is what he tells us he indicates is going to happen.

The Senator is right. I commend the majority in the Senate today. The Republicans have done an excellent job of telling Senators to hold down their staffs, and we have complied. For how long though? For a matter of months?

Any realistic appraisal of this would make us recognize that with the Senate going back and forth between the Democrats and the Republicans, as time goes on we are going to start increasing our staffs again as we have in the past. Let us be realistic about this and recognize it.

We have not reached that millennium that we are going to go down and reduce the size of the Senate for very long. The Senator knows that.

Mr. STEVENS. I will not accept the Senator's position on that. As a matter of fact, the facts are to the contrary. There is no money in this fiscal year budget for any master plan. We have fought the question of the new building, and that has been settled.

The effect of the Senator's amendment would be to limit the number of people who might be in the new building.

Mr. President, let me tell you if I am fortunate to get any additional space because of the new building, I just will relieve the crowded conditions in my own office.

If the people who serve in my office were in the executive branch or were in any area covered by OSHA, do you know that each one of them would have an average of three times the space we allocate to them today in the Senate?

The staffs have already grown. The building is necessary in order to properly house them.

I contemplate no increase in staff if additional space is available. I will just make it so I do not have six young people in an office which was made for one.

I remember the first time I came to this Senate and walked down the hall and met Senator O'Mahoney, and I met one of his assistants and he was sitting in a room all alone with a nice, big fireplace. I entered there and I was impressed with the interview I had with him.

Mr. President, do you know who has that office now? I do. Do you know how many people are in there now? Six.

That is the problem with this building. It is not a question of more staff. There again, I have great respect for my friend from Wisconsin, but the impression he gives people is we are building the new building in order to increase staff, and nothing is further from the truth. Nothing is further from the truth.

We are building that building to adequately house the people we have now.

Again I say if it were not for the fact we exempt Congress from the laws we pass that apply to every other person in the country, you could not keep the people in your office and I could not keep people in mine for health reasons, for OSHA reasons, for safety reasons, and everything else.

It is not right what we are doing. That is why everyone who attacked the new building has lost.

We are building the new building in order to accommodate the people who are here now.

Mr. PROXMIRE. Mr. President, I am not talking about the new building. I am not talking about the Hart Building. That is a fait accompli. I fought the new building. I opposed it. I voted against it. I worked against it, but I lost, and that money is expended. It is going to be opened in a few months.

What I am talking about is a master plan that we have already paid for, a master plan of the Architect of the Capitol. I read:

> A Master Plan for future developments within the U.S. Capitol Grounds, for the future enlargement of such grounds through the acquisition and development of areas in the vicinity thereof ... in order to provide for future expansion, growth and requirements of the legislative branch....

That has already been provided. It has already been appropriated. The money has already been spent. And that is their plan.

That is why I think it is necessary for us to step in and stop it.

Mr. President. I think you and I know and all of us know that if we do not arrest this growth in staffing in the Senate, we are going to have great pressure to house our people by building another new Senate Office Building, which. I as I say, the Architect already plans to construct, and three new House Office Buildings, or five new House Office Buildings. It is interesting.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. 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 ask for the yeas and nays.

Mr. STEVENS. On each amendment or one?

Mr. PROXMIRE. On each of the two amendments en bloc.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to have both votes at the same time.

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

Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. How many Senators have to respond for the request for the yeas and nays?

The PRESIDING OFFICER. One-fifth of the Senate body present constitutes a sufficient second.

Mr. GOLDWATER. About 11? There are not 11 here.

Mr. STEVENS. There are 10.

Mr. HATFIELD. We had five a while ago to constitute a sufficient second.

Mr. STEVENS. If there are not enough, we will get them out of the cloakroom.

Mr. PROXMIRE. We have some additional Senators here now.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HATFIELD. Does the Senator need a sufficient second?

Mr. PROXMIRE. The yeas and nays have been ordered on each amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. HATFIELD. On both?

Mr. PROXMIRE. On both.

Mr. President, I suggest the absence of a quorum because we agreed not to vote until 7:30.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. 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. GOLDWATER. Mr. President. I ask unanimous consent that we proceed with the vote.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. The Senator asks unanimous consent that we proceed with the vote now.

Mr. HATFIELD. I have to object because, on behalf of the leadership we reached a unanimous-consent agreement 1 hour ago—I am ready to vote, I have been here ready to vote—but I would be reluctant not to object at this time on behalf of the leadership, and I object.

The PRESIDING OFFICER. Objection is heard.

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 be rescinded.

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

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

UP AMENDMENT NO. 429

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to unprinted amendment No. 429, offered by the Senator from Wisconsin (Mr. PROXMIRE), relative to limits on Members honoraria. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. TOWER (when his name was called). Mr. President, I have a pair with the Senator from Maine (Mr. COHEN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "no." I, therefore, withhold my vote.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Ohio (Mr. GLENN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Michigan (Mr. RIEGLE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

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

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

The result was announced—yeas 43, nays 45, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—43

| | | |
|---|---|---|
| Abdnor | Burdick | Exon |
| Andrews | Byrd, Robert C. | Ford |
| Baucus | Cannon | Gorton |
| Boren | Chiles | Grassley |
| Bradley | DeConcini | Hart |
| Bumpers | Dixon | Heflin |
| Helms | Metzenbaum | Sarbanes |
| Jackson | Mitchell | Sasser |
| Kasten | Moynihan | Schmitt |
| Kennedy | Nunn | Stafford |
| Leahy | Pressler | Thurmond |
| Levin | Proxmire | Williams |
| Long | Pryor | Zorinsky |
| Mattingly | Randolph | |
| Melcher | Rudman | |

NAYS—45

| | | |
|---|---|---|
| Armstrong | Garn | McClure |
| Baker | Goldwater | Murkowski |
| Boschwitz | Hatch | Nickles |
| Chafee | Hatfield | Packwood |
| Cochran | Hawkins | Pell |
| Cranston | Hayakawa | Percy |
| D'Amato | Hollings | Quayle |
| Danforth | Huddleston | Roth |
| Denton | Inouye | Simpson |
| Dodd | Jepsen | Specter |
| Dole | Johnston | Stennis |
| Domenici | Kassebaum | Stevens |
| Durenberger | Laxalt | Symms |
| Eagleton | Lugar | Wallop |
| East | Mathias | Weicker |

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Tower, against.

NOT VOTING—11

| | | |
|---|---|---|
| Bentsen | Cohen | Matsunaga |
| Biden | Glenn | Riegle |
| Byrd, Harry F., Jr. | Heinz | Tsongas |
| | Humphrey | Warner |

So Mr. PROXMIRE's amendment (UP No. 429) was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

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

Mr. EXON. Mr. President, I object to the rollcall vote for reconsideration if it is in order.

The PRESIDING OFFICER. The Senator cannot object to laying it on the table, but be may ask for the yeas and nays on the motion to table.

Is the Senator asking for the yeas and nays on the motion to table?

Mr. EXON. Mr. President, I believe I heard a motion to lay that motion on the table.

The PRESIDING OFFICER. The Senator is correct and it is in order.

Mr. EXON. I object.

The PRESIDING OFFICER. An objection is not in order.

The question is on agreeing to the motion to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 430

The PRESIDING OFFICER. The question is on agreeing to unprinted amendment No. 430, offered by the Senator from Wisconsin relating to staff. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Hampshire (Mr. HUMPHREY), and the Senator from Virgina (Mr. WARNER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Michigan (Mr. RIEGLE), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

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

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

The result was announced—yeas 76, nays 15, as follows:

[Rollcall Vote No. 286 Leg.]

YEAS—76

| | | |
|---|---|---|
| Abdnor | Ford | Moynihan |
| Andrews | Garn | Murkowski |
| Armstrong | Glenn | Nickles |
| Baucus | Gorton | Nunn |
| Boren | Grassley | Pell |
| Boschwitz | Hart | Percy |
| Bradley | Hatch | Pressler |
| Bumpers | Hawkins | Proxmire |
| Burdick | Hayakawa | Pryor |
| Byrd, Harry F., Jr. | Heflin | Quayle |
| Byrd, Robert C. | Helms | Randolph |
| Cannon | Huddleston | Roth |
| Chafee | Jackson | Sarbanes |
| Chiles | Jepsen | Sasser |
| D'Amato | Johnston | Simpson |
| Danforth | Kassebaum | Specter |
| DeConcini | Kasten | Stafford |
| Denton | Laxalt | Stennis |
| Dixon | Leahy | Symms |
| Dodd | Levin | Thurmond |
| Dole | Lugar | Tower |
| Durenberger | Mattingly | Wallop |
| Eagleton | McClure | Weicker |
| East | Melcher | Williams |
| Exon | Metzenbaum | Zorinsky |
| | Mitchell | |

NAYS—15

| | | |
|---|---|---|
| Baker | Hatfield | Mathias |
| Cochran | Hollings | Packwood |
| Cranston | Inouye | Rudman |
| Domenici | Kennedy | Schmitt |
| Goldwater | Long | Stevens |

NOT VOTING—9

| | | |
|---|---|---|
| Bentsen | Heinz | Riegle |
| Biden | Humphrey | Tsongas |
| Cohen | Matsunaga | Warner |

So the amendment (UP No. 430) was agreed to.

Mr. PROXMIRE. 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 (Mr. SCHMITT). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if I may take a few minutes, I wish to have a colloquy with Senator ANDREWS.

The Amtrak Board of Directors is meeting tomorrow in Chicago. During that meeting, a decision will be made regarding the future of the Cardinal, and the board may decide to terminate it. The continuing resolution provides for the continued operation of numerous programs and activities at current levels. Could Senator ANDREWS clarify for me, please, as chairman of the Transportation Appropriations Subcommittee, if this provision applies to Amtrak's operation of the Cardinal along its existing route?

Mr. ANDREWS. Yes, it does. Under the terms of the continuing resolution, funds will be made available to Amtrak to continue its current activities. Since the Cardinal is a current activity, Amtrak would be allowed to operate the train along its existing route under the terms of the resolution.

The Senator from West Virginia, a member of the Subcommittee on Transportation Appropriations, has written me to the effect that the continuance of the Cardinal will be an issue at the appropriations markup.

Mr. ROBERT C. BYRD. I thank the Senator from North Dakota, who, I am sure, would not want such an issue pending before his committee to be preempted by a premature administrative action, especially since it will be only a very few weeks before Congress decides this question.

So, again, I thank my distinguished colleague for this clarification, and I appreciate the interest he has shown in the Cardinal.

Mr. President, I ask unanimous consent that information regarding the Cardinal's increasing ridership over the last several years be printed in the RECORD.

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

The Cardinal's ridership has grown consistently and significantly over the last several years. In fiscal year 1978, the train's ridership was 58.9 PM/TM. In fiscal year 1980, the Cardinal's ridership climbed to 87.5 PM/TM. Growth has continued in fiscal year 1981. Ridership figures recently provided by Amtrak clearly indicate steadily improving ridership on the Cardinal. For the year from May, 1980 to May, 1981, ridership increased by 32.8 percent. More significantly, the Cardinal met the congressionally mandated criteria of 150 PM/TM in June and July. In June, the PM/TM was 150.7, and in July, it was 164.7 PM/TM.

Mr. SASSER. Mr. President, I support this restoration of the minimum benefit. Many, many Tennesseans depend on this benefit. Most are elderly women below the poverty line. Others are farmers, and still others are clerics.

We made a mistake and repealed the minimum benefit during reconciliation. I opposed that action.

The House of Representatives corrected that action and made an overwhelming vote 404 to 20 to restore the minimum benefit.

The House recognized the need to correct this inequity, and we can move now to also correct this inequity.

In my State, some 50,000 individuals receive the benefit. They receive $122 per month or about $1,400 per year. For many this is their lifeline. This enables them to keep their heads above water even though all too many are below the poverty line.

We know some restoration of the minimum benefit will occur.

But let us act now and stop scaring all those who are duly entitled to the minimum benefit. Let us keep our rightful promise to them to keep the minimum benefit.

Let us join our Republican and Democratic colleagues in restoring the minimum benefit.

Mrs. KASSEBAUM. Mr. President, I should like to address a question to the chairman of the Defense Subcommittee of the Appropriations Committee on a matter that directly affects a major unit of the U.S. Air National Guard, which is based in Wichita, Kans.

I am referring to the 184th Air National Guard Tactical Fighter Group, which is based at McConnell Air Force Base in Wichita, Kans. That unit is the largest in the entire Air National Guard and performs the essential mission of training all Air National Guard air crews on the F-4 fighter-bomber, which is now coming into the Air National Guard in increasing numbers.

As the Senator knows, no military unit can operate properly, let alone be "ready," without skillful and experienced maintenance and support. Of course, this is all the more true of air units which operate difficult-to-maintain aircraft, such as the F-4. The 184th is having a unique and seriously troublesome experience in this regard.

In the Wichita area are several civil aviation manufacturers, including Boeing's largest plant in the United States which is virtually a short walk from the facilities of the 184th. Boeing and other civil aviation manufacturers are able to offer extraordinarily attractive salaries to the maintenance personnel of the 184th for similar jobs. As a result, this very important Air National Guard unit has lost many of its most qualified people to these civilian producers.

That is only part of the problem. These maintenance personnel are Federal wage-grade employees. The level of their pay grades is set by biannual wage-rate surveys which compare their salaries to those of civilians doing similar jobs in the area. "Comparability" is the objective. Unfortunately, the latest wage-rate survey in the Wichita area underestimated the going rate for comparable jobs in the area to the extent that the 184th's maintenance personnel are not only not receiving pay comparable to their civilian counterparts, but also are not getting pay comparable to their wage-grade counterparts in other areas where the cost-of-living is at least the same. Other military bases have been advertising in the Wichita area newspapers to acquire many of these maintenance personnel.

The result is that the 184th has lost approximately 160 personnel in the past 2 years. This is happening at a time when the unit should be expanding to accommodate its new, expanded mission. Furthermore, the experience level of the personnel still in the unit has dropped dramatically.

Hopefully, the new Wichita area wage-rate survey will return the Wichita area to its appropriate place in pay rates. However, even when this is done, it will be impossible to actually raise the pay of the affected personnel because of the legislatively imposed pay raise cap which has been a part of the congressional continuing resolution for the past 2 years and which continues to be in effect.

I do not intend to remove or cripple that pay raise cap. Nor do I intend to meddle in the complicated and delicate Federal wage-grade system. However, I do strongly believe that the affected employees at the 184th in Wichita deserve to be brought up to comparability.

I had intended to offer an amendment to effect the appropriate legislative change to repair this problem and yet not to disrupt the complicated wage-grade system and the pay raise cap. I have been assured that administrative procedures exist to resolve the problem; however, I am concerned that they may not be able to be effected promptly and broadly enough to address the serious retention problem at this unit at McConnell Air Force Base.

I would very much appreciate the comments and support of the chairman of the Defense Appropriations Subcommittee as to whether this administrative solution can be pursued aggressively and promptly enough to bring prompt and real relief. I hope I will not have to pursue the legislative route unless absolutely necessary.

Mr. STEVENS. Mr. President, I have discussed this problem at some length with the Senators from Kansas. Their concern over the problem of retaining skilled employees at the 184th Tactical Fighter Group in Wichita is serious enough that I asked the subcommittee staff to investigate it. I commend the Senators for their determination to solve this problem. But I do not believe an amendment to statutory law, particularly in a continuing resolution, is necessary.

We have learned that there is existing statutory authority for the Secretary of Defense to address this problem. Although there is a pay cap on wage-grade employee pay, the Secretary clearly has the authority to adjust these wage scales when it can be shown that such adjustments are necessary to attract and retain qualified skills.

The problem here is that wages under the current pay cap are no longer competitive with those of private industry in Wichita and certain other areas. I would call on the Secretary of Defense as a part of the legislative history on this resolution to take immediate steps to correct this apparent wage disparity under the statutory authority he currently has. I would also urge the Secretary to make every effort to streamline the cumbersome procedures that I understand serve to delay quick action on matters such as these.

I further say to the Senator from Kansas that I am prepared to support formal language in the statement of the managers when we go to conference on this continuing resolution. It is my hope, therefore, that no further statutory language is needed, and certainly no additional appropriations are needed to bring these wage-grade employees back to comparability in Wichita and other sections.

Mrs. KASSEBAUM. I thank the Senator, and I hope his remarks reflect the full committee's position.

Mr. HATFIELD. Mr. President, let me say that the Senator from Alaska has accurately stated the case. I support his remarks, and I shall be happy to seek strengthening language in the conference report on the continuing resolution.

Mrs. KASSEBAUM. I appreciate the committee's continuing interest in resolving this problem.

Mr. KENNEDY. Mr. President, section 955(a) of the Omnibus Reconciliation Act of 1981 extended and expanded

the adolescent pregnancy program that was authorized under title VI of the Health Centers amendments of 1978, which was funded at $10 million in 1981. Is it the Senator's understanding that, under the committee amendment to House Joint Resolution 325, only the existing adolescent pregnancy program will be continued at the current rate?

Mr. HATFIELD. Yes. Under the provisions of the committee amendment, funds will be available to the Office of Adolescent Pregnancy to carry out only the existing program activities authorized under title VI of the Health Centers Amendments of 1978 at the current rate.

Mr. KENNEDY. I thank the Senator.

Mr. GORTON. Does the appropriation bill, as reported, require HHS to continue in operation those Public Health Service hospitals for which a plan for transition to local control or of financial self-sufficiency has been or will be approved by the Secretary of HHS?

Mr. SCHMITT. Yes, and it is the intention of the committee to support either on the regular Labor-HHS appropriations bill or on any additional continuing resolution that may be required, the continued operation of those hospitals for which the Secretary approves a local transition plan, as provided by the Reconciliation Act. The only issue for which the chairman cannot give a definite answer is how much money is justified for activities over and above those required for continued operation. This narrower issue must be resolved by further interaction between the committee and HHS and other Members of the Senate.

Mr. GORTON. Does the appropriations bill—and I refer here to section 101 of the continuing resolution—allow HHS to close those hospitals for which a plan has not ben approved pursuant to the Reconciliation Act of 1981?

Mr. SCHMITT. It is believed that under the continuing resolution HHS may be able to close hospitals that do not have approved plans since this is an activity that was contemplated by the 1981 Rescission/Supplemental Appropriations Act and therefore is regarded as a continuing activity. However, this judgment is subject to legal interpretation by the General Counsel of HHS and, therefore, no conclusive statement can be made at this time.

Mr. ABDNOR. This continuing resolution merely continues the prohibitions and provisions in effect at the current time.

The Supplemental Appropriations and Rescissions Act of 1981 (Public Law 97-12) contained language explicitly forbidding the Department of Treasury from using any funds to implement any changes in the time for, or mode of payment of excise taxes. I am extremely concerned that the Department of the Treasury may not understand the ramifications of a continuing resolution.

The House passed bill making appropriations for fiscal year 1982—which may be considered by the Senate as early as next month—also contains the same electronic fund transfer prohibition that appears in the Supplemental Appropriation Act.

Mr. President, the Department of the Treasury should also be aware that this continuing resolution (H.J. Res. 325) as passed the House contains a provision, section 101(a)(4), which states essentially that funds are available under the authority and conditions provided in applicable appropriations acts for the fiscal year 1981. One of the conditions in the applicable appropriation act for fiscal year 1981 is the prohibition against implementation of the electronic fund transfer program and thus that prohibition is continued into 1982. The continuing resolution as reported by the Senate Appropriations Committee contains language in section 101(a)(3) which is even more restrictive than that contained in the House passed bill.

I take this occasion to send a message to the officers and lawyers of the Department of the Treasury that if, irrespective of current law and this continuing resolution, they take it upon themselves to violate the public law with respect to the time or mode of payment of excise taxes, they do so at their peril.

Mr. BUMPERS. Mr. President, during the Appropriations Committee markup yesterday, I offered an amendment to the continuing resolution which would have assured the continued funding for the Hope Migrant Labor Center in Hope, Ark., for fiscal year 1982. In deference to the distinguished chairman of the committee, Senator HATFIELD, I withdrew the amendment with the understanding that I would offer it on the floor of the Senate today absent a firm commitment from the Department of Labor to fund this vital project.

I am pleased to announce, Mr. President, that I have now received that commitment, and I ask unanimous consent that the letter from Donald E. Shasteen, Deputy Under Secretary for Legislation and Intergovernmental Relations, U.S. Department of Labor, be inserted in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. BUMPERS. Mr. President, the Hope Migrant Labor Center is funded with CETA title III section 303 funds. The 1981 level has been $170,000. This center has been there for 21 years serving migrant laborers on their way from Texas to other parts of the country, primarily the Northeast and Midwest. About 45,000 migrants and their families stay there overnight each year. The center provides sleeping and cooking facilities, showers, and restroom facilities, and a laundry. Each room has four beds, and the rate per room is $1 a night. The farmworkers pay this nominal amount because usually they are too proud to stay for free.

There is vigorous local support for the center. The city council for the city of Hope, Ark., recently passed a resolution of strong support for continued funding, and the Southern Baptist Convention has funded a $35,000 program to provide counseling, food, and entertainment to the migrants. The center thus allows local organizations and individuals to provide needed support and services to these itenerant laborers as they journey to orchard and fields in other parts of the country.

By providing migrant farmworkers with a place to stay while on the road, the Center encourages productive work. Continued funding of this project is consistent with sound immigration policy as well; the migrants who stay there overnight are Mexican Americans and must produce a social security card to register. To my knowledge, this center is the only one like it in the country. It is a sound expenditure of a relatively small amount of public funds for a necessary and humanitarian purpose. These farmworkers toil in the fields and orchards of this Nation to provide the fruits and vegetables all of us enjoy each day. The decision to provide continued funding for this program is a victory for decency and good sense, and I would like to commend the Department of Labor for exercising the good judgment to provide the commitment to fund it again in fiscal year 1982.

EXHIBIT 1

U.S. DEPARTMENT OF LABOR,
*Washington, D.C., September 24, 1981.*

Hon. DALE BUMPERS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR BUMPERS: This is to inform you that the Hope Migrant Labor Center in Hope Arkansas will be funded at the level of $170,000 when the grant cycle comes up.

Sincerely,

DONALD E. SHASTEEN,
*Deputy Under Secretary for Legislation and Intergovernmental Relations.*

WIC AND FOOD STAMP FUNDING IN CONTINUING RESOLUTION

Mr. EAGLETON. Mr. President, during consideration of the continuing resolution by the Appropriations Committee, I offered an amendment which would have specifically required the Secretary of Agriculture to maintain current levels of participation in the commodity supplemental feeding program (CSFP) and the women, infants and children nutrition program (WIC). I withdrew my amendment, however, after having received the assurance of the distinguished chairman of the Appropriations Committee that any effort by the administration to reduce current levels of participation during the effective period of the continuing resolution would be totally inconsistent with the intent of that resolution.

The current total program level for CSFP and WIC is approximately $970 million. President Carter's original budget for fiscal year 1982 had called for a total spending level of $1,068,100,000 for WIC and CSFP. President Reagan's March 10 budget revisions called for a significantly reduced level of activity. Since President Reagan's March 10 budget submittal, in every action taken by the Congress on President Reagan's budget, through the reconciliation process, through the first concurrent resolution, and including action by the full House as well as the Senate Appropriations Subcommittee on the Agriculture, Rural Development and Related Agencies appropriations which funds these pro-

grams, the Congress has rejected the reduced levels of funding and, consequently, it has rejected reduced participation levels for these programs.

Mr. President, it is quite clear, therefore, that not only would an action by the administration to reduce participation be inconsistent with the terms of the continuing resolution, it would also clearly be inconsistent with all of the legislative history as to the intent of the Congress on the continuation of these highly successful nutrition programs.

We are talking here about low income, pregnant, and post partum women and their infants who have been found by a competent health professional to be at nutritional risk. To cut these individuals off from the supplemental food they receive through these programs would be unconscionable from the human aspect and would be shortsighted from a budgetary standpoint.

Studies have shown that CSFP and WIC reduce the incidence of low birth weight in infants, thus reducing the potential for serious physical and mental handicaps in children, and that for each $1 spent in the prenatal component of WIC, $3 in health costs are saved.

Let me turn briefly to one other program whose level of benefits should not be affected by this resolution—that being the food stamp program. As is the case with all other programs funded by this resolution, the food stamp program should be continued under this resolution at the current rate of operations.

Since we have not provided for a full year's appropriation under this resolution, the Secretary may not implement across-the-board benefit reductions as provided for in section 18(b) of the Food Stamp Act of 1977, since a determination to reduce benefits under that section must be based on the level of funding provided for an entire fiscal year. The Congress has not yet decided at what level it will support the food stamp program for entirety of fiscal year 1982. Therefore, any action to decrease benefits at this time would certainly be premature.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

Mr. JOHNSTON. Mr. President, I share the serious concerns about funding for child feeding programs expressed by the distinguished Senator from Missouri, Mr. EAGLETON. Two programs, in particular, are critically important to the well being of poor children in Louisiana, WIC which operates throughout the State and the commodity supplemental food program, which operates in Orleans Parish.

Study after study has shown that these programs, which provide specific packages of nutritious foods to pregnant and postpartum women, their infants and preschool children, are cost-effective. For each $1 spent on these programs, an estimated $3 in health costs in the prenatal portion of the program alone are saved. That is, by providing a nutritionally sound diet for expectant mothers, the incidence of low birth rates is significantly reduced, decreasing hospitalization costs and, most important, significantly reducing the potential for serious mental and physical handicaps in these children.

These packages have also been sited as one of the significant factors in helping reduce the rate of infant mortality, which is particularly significant to my State which had the dubious distinction of having the highest such incidence in the Nation in 1970. We have made progress in reducing infant mortality in Louisiana, but key to continuing this trend is providing steady, certain nutrition assistance.

Initially, the Reagan administration proposed deep cuts in both these programs, recommending funding for WIC at $720 million and for CSFP at about $20 million. Both of these suggested cuts were soundly rejected, through bipartisan efforts, in the Budget Committees and in the appropriations action on the fiscal year 1982 bills to date.

Nonetheless, I am informed that the administration plans to resubmit these cuts at an even deeper level in this new round of budget estimates, recommending that WIC be funded at $633 million and CSFP at $19.5 million. This funding level would force 50-percent cuts in the current rate of participation, cuts which would seriously jeopardize the future of these programs and which I have no doubt would seriously injure the progress we have made to date in improving the health of our children.

It is my clear understanding that the Appropriations Committee, in adopting the language for USDA programs to be operated at not to exceed the current level intends that the current participation rate in these programs will be the benchmark. Given the clear congressional directives adopted by bipartisan majorities on the fiscal year 1981 second revised concurrent budget resolution, the fiscal year 1982 first concurrent budget resolution, the Omnibus Reconciliation Act, the Department of Agriculture and Related Agencies Act of fiscal year 1982 and the omnibus farm bill of 1981, I am certain that the administration understands the commitment we have made to maintaining the current participation rates in these programs. Nonetheless, I believe it is critically important that this commitment be underlined and understood as the intent of this funding measure for the next 6 weeks.

Mr. President, unlike other programs, any drop—however temporary— in WIC or CSFP participation cannot be made up later in the year. Once women and children are ripped out of these programs, they are not easily reentered.

Moreover, the health benefits are gained as a result of steady, daily nutritional improvement, not on-again, off-again diet improvements. Moreover, in Louisiana the vast majority of participants have annual income well below the official cutoff points and reducing funding would therefore not result in taking those at the upper levels of eligibility off this program. Instead, I am told that it would inevitably result in many, many poor mothers and children no longer receiving this modest, yet effective, assistance.

A continuing resolution is a temporary, emergency measure which is meant to do nothing more—or less—than maintain the status quo. That is my understanding of the impact of this resolution on WIC and CSFP—that it will maintain the current participation status quo and I am confident that with this clarification, that is precisely what the administration will do.

WIC, CSFP AND FOOD STAMP FUNDING

Mr. LEAHY. Mr. President, although I think the intent in the continuing resolution is clear, I want to emphasize for the RECORD that the continuing resolution does not contemplate any cutbacks in current services for WIC, CSFP—commodity supplemental food program—and food stamp participants.

As far as WIC and CSFP, the current operating level in fiscal year 1981 is about $970 million. House Joint Resolution 325 contemplates that these programs would continue to operate at least at this level. My understanding is that no cut whatsoever in WIC or CSFP caseload should occur.

Under the continuing resolution, no reductions in food stamp benefits could occur under section 18(b) of the Food Stamp Act of 1977. Congress has not yet made a decision on food stamp funding levels for the full fiscal year. Until such time, the Secretary of USDA lacks the authority to implement benefit reductions.

Mr. RUDMAN. Mr. President, I have a question with regard to the continuing resolution.

Mr. HATFIELD. I yield to the Senator from New Hampshire.

Mr. RUDMAN. Mr. President, section 101(a)(3) of the resolution states, in part:

> That for the purposes of this joint resolution, when an Act listed in this subsection has been reported to a House but not passed by that House as of October 1, 1981, it shall be deemed as having been passed by that House.

It is my understanding that this statement applies to any act once it is reported by the Appropriations Committee and that, even if the Senate decides to recommit a previously reported act to enable the committee to reconsider some of its previous decisions, that act will still be deemed as having been reported and, therefore, as passed. Is this correct?

Mr. HATFIELD. Yes, this is my understanding.

NUTRITION PROGRAM IMPLICATIONS OF CONTINUING RESOLUTION

Mr. DOLE. Mr. President, while we have this continuing resolution before us for consideration, the Senator from Kansas would like to clarify the funding situation for some vital nutrition programs that are covered by the language of H. J. Res. 325. As chairman of the subcommittee on nutrition, it is my understanding that the intent of this continuing resolution is to provide for full funding for the food stamp program, the special supplemental food program for women, infants, and children (WIC), and the commodity supplemental food program (CSFP).

Although further budget cuts remain a possibility for the food stamp program for fiscal year 1982, I wish to reiterate at this time that Congress, as well as the administration, fully intends to support funding to accommodate current services for these programs. The operating level for fiscal year 1981 for WIC and CSFP is about $970 million, with about $11.5 billion for food stamps.

In addition, under the provisions of the continuing resolution, no reductions in food stamp benefits should occur under section 18(b) of the Food Stamp Act of 1977. As my colleagues are aware, the Senate already passed food stamp reauthorizing legislation last June, and program reforms and significant savings measures were incorporated in the Reconciliation Act. We are now waiting for the House of Representatives to authorize appropriations for the next fiscal years in conjunction with the farm bill that is pending. However, I just want to make it clear that, until the Congress decides on food stamp funding levels for the full fiscal year, the Secretary of Agriculture does not have the authority to implement benefit reductions for the food stamp program during the time the continuing resolution is in effect.

ST. JONES RIVER BRIDGE

Mr. ROTH. Mr. President, the St. Jones River Bridge is located on U.S. route 113 in Delaware serving the only major highway between the Wilmington and Philadelphia metropolitan areas and the Delaware-Maryland beaches. The Delaware Department of Transportation had been planning to dualize this last remaining two-lane section of U.S. 113 over several years but several emergency closures of the bridge during peak travel times this past summer have made it evident that replacement cannot be delayed much longer.

The national bridge inventory list of November 1980 reflected a sufficiency rating of 6.0 which indicates an extremely deteriorated condition, bordering on closure. The closure of the bridge prior to completion of the replacement span would have severe effects. U.S. 113 at this location is a defense highway, being just several miles from Dover Air Force Base. There are no suitable alternative or detour routes, only secondary rural routes involving some small town residential streets. Thus a forced closing would have serious defense implications as well as impacts on Delaware tourist and agricultural industries.

Finally, the cost of replacement is estimated to be between $10.8 and $13.3 million, depending upon the choice of design alternatives. Delaware's fiscal year 1981 apportionment of bridge replacement and rehabilitation funds was only $2.3 million. Thus the cost of replacing the St. Jones River Bridge is greater than $10 million and greater than twice the State's annual bridge apportionment.

It would appear that this project is one that not only requires immediate attention but one which precisely meets the criteria which Congress intended to be used as a basis for the Secretary of Transportation's allocation of moneys from the discretionary highway bridge replacement and rehabilitation fund.

I would like to ask the chairman of the Appropriations Subcommittee on Transportation if my understanding of the intended use of this fund is correct and if so is it appropriate to assume that the Secretary of Transportation should allocate moneys from the discretionary highway bridge replacement and rehabilitation fund for the replacement of the St. Jones River Bridge.

Mr. ANDREWS. Mr. President, the Senator is correct in his understanding of the Congress intent. This project is among those that should be funded and I hope that the Secretary will include it in his list of priorities.

## ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I am prepared to say that there will be no further votes tonight. I hope we will be able to complete this bill shortly after we convene on tomorrow. As soon as I confer with the minority leader, I will have a further statement to make with regard to the schedule.

## ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, at this time I ask unanimous consent that there be a brief period for the transaction of routine morning business, not to extend beyond 8:55 p.m., during which Senators may speak.

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

## SOCIAL SECURITY MINIMUM BENEFIT

Mr. ROBERT C. BYRD. Mr. President, in July, President Reagan, in a nationally televised address, pledged the following:

> In any plan to restore fiscal integrity of Social Security, I personally will see that the plan will not be at the expense of you who are now dependent on your monthly Social Security checks.

This statement directly contradicts the President's May 12 social security plan and his budget-cutting plan of February 18.

In those plans, among other things, the President proposed eliminating the minimum retirement benefit currently received by 3 million of the Nation's elderly. He proposed delaying the date on which social security benefits are adjusted for inflation.

We have already had five rollcall votes in the Senate this session regarding the administration's repeal of the social security minimum benefit. There has been extensive debate, and none of us here can claim to be unfamiliar with the issues involved in restoring the payment for current beneficiaries.

The Democrats have stood firmly against creating the precedent of cutting social security benefits as part of the Federal budget-cutting process. Senate Democrats have stood firmly against taking promised social security retirements benefits away from retired Americans already depending upon those benefits. We are against elimination of the minimum benefit for current retirees, and we are ready to continue our fight against the repeal.

By repeated party line votes, my friends on the other side of the aisle have steadfastly supported the President's proposal to cut the benefit for retired Americans, a proposal which has been consistently and forcefully advocated by the administration.

In sharp contrast, the House has not treated this matter as a partisan question; it voted 404 to 20 to restore the payment.

All of us here know that the reconciliation act takes away the minimum monthly benefit from some of the very poorest social security retirees—in many cases, from people who have depended upon those monthly checks for years. In light of this fact, I do not know how the President can continue to promise that he "will not stand by and see" retired Americans deprived of their social security benefits.

The President cannot continue to assure the American people that their social security benefits will not be cut, when as a result of the administration's budget victory, the President signed the bill into law which eliminates the minimum benefit for 3 million retirees.

The amendment before the Senate would restore the social security minimum benefit for current beneficiaries. I urge all Senators to vote for the pending amendment.

## NATIONAL SCHOOL LUNCH PROGRAM IN JEOPARDY: ALREADY DOWN TO KETCHUP, PICKLES

Mr. SASSER. Mr. President, as we see the shape of the second round of budget cuts taking shape, I am shocked to learn that the administration may be recommending further cuts in the national school lunch program.

This program, established in 1946, pledged the National Government to the goal of providing sound nutrition to our Nation's school children.

The school lunch program was approved when it was discovered that the major reason for the rejection of men and women examined for service in our Armed Forces was that they were unfit physically because of malnutrition. They had not had the proper foods as children. That is the background and justification for the school lunch program—the need to assure children the proper nutrition.

A number of educators and nutritionists have testified that the school lunch program is necessary to assure the health and well-being of our Nation's school children. It has helped them to grow up as sound human beings mentally and physically, rather than being afflicted with deficiencies caused by lack of sufficient nutrition. Also, the school lunch program enables them to be better students by giving them the nutrients they need to perform their school work.

Yet, despite these findings, we have

seen a massive assault on the school lunch program. In the recent round of budget cuts, $1.4 billion was cut from the school lunch program despite repeated warnings from a number of sources—including this Senator—that such budget cuts would cause so many paying students to drop out of the school lunch program that many schools would simply have to close their programs down, depriving all students of a hot lunch.

In debate on the budget reconciliation bill, I offered an amendment that would have restored some $450 million to the school lunch program in 1982 and 1983. I did so because Tennessee school food service professionals told me that nearly 70 percent of Tennessee students might have to drop out of the program because of the prohibitive cost increases. This would be especially burdensome to many rural school districts who need a high rate of school lunch participation to maintain their programs.

My amendment, unfortunately, was defeated by a vote of 35 to 54. My amendment would have helped more school lunch programs survive the massive budget cuts.

But the administration has not been content to cut funds from the school lunch program, it also wishes to reduce the quantity and nutritional quality of food offered in school lunches.

We see daily allotments of milk reduced from 8 ounces to 6 ounces. We see new regulations that will permit local school lunch programs to serve catsup and relish as two vegetables in a hot school lunch. And now we find that schoolchildren will be treated to "topless" hamburgers because schools are having to cut back on the amount of bread that they can serve with their meals—from eight to five slices per week.

But the most disturbing fact of all is that the most recent Department of Agriculture school lunch regulations will sharply cut the nutritional content of our school lunches. Such lunches once could provide at least one-third of a child's nutritional requirements. We now find that under the new regulations, school lunches may be served that may provide only 17 percent of a child's basic nutritional requirements

That fact, Mr. President, is outrageous.

Our priorities are distorted. What happened to the children in the budget shake and shuffle?

First, we cut funding for the program. Then the Federal Government says to hard-pressed local food service personnel: Now cut the quantity and the quality of the food we serve.

Raise the price. Reduce the supply. Cut the quality. Feed the children less bread and less vegetables and meat—load them up with catsup and pickles. That is what the administration has already done to the program, Mr. President, and that is a national outrage. I cannot believe this is happening in 20th century America where supposedly we have learned a few things about nutrition and the importance of proper nutrition to children.

But, now in his perverse zeal, Mr. Stockman wants to go further. He wants to cut more. Perhaps he wants to substitute mustard for meat and mayonnaise for milk. That way, you can give the children one small pad of meat substitute on one slice of bread and condiments—and that is it.

Mr. Stockman wants to lop off another $500 million for the school lunch program. Another $500 million in cuts, Mr. President, which will bring funding down for the Nation's 27 million children down to $2.2 billion.

I must assume that if Congress approves such cuts, we are in for another round of these absurd pickle, catsup type of regulations that would further reduce the nutritional content of school lunches.

The school food service personnel in my State work very hard to maintain the nutritional quality of the school lunch. So far, they tell me they have been successful. But I am worried that the pickle and catsup regulations may be too much even for their dedicated efforts.

As the administration cuts funding, it adds more pressure on school food personnel to further cut the quantity and quality of food put into school lunches. In effect, the administration is out to get the school lunch program.

And this is being done without ever having a full-scale debate on the national school lunch program. Does the Congress think that the national school lunch program is obsolete? Do we not have an obligation to provide sound nutrition to our school children? Do we believe that all of our school children can find sound nutrition without the school lunch program?

These are questions that the administration certainly does not propose to answer, Mr. President.

They just send up the budget cuts and propose new regulations that reduce the nutritional value of school lunches. And mark my words, Mr. President, if we continue down the path of budget cuts and regulations that reduce the quality of school lunch programs, we are going to wake up one day and find that there is no more national school lunch program.

If some in this body think that is progress, I draw attention to the "1946 Congressional Declaration of Policy" on the school lunch program:

> It is declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the states, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

Speaking as one Senator, I am deeply saddened by the administration's abandonment of their commitment in 1946. I intend to stand by the school lunch program, and I urge my colleagues to do the same.

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## FUNDING FOR THE BARNWELL NUCLEAR FUEL PLANT

Mr. THURMOND. Mr. President, because the Department of Energy will be funded for the start of fiscal year 1982 by a continuing resolution, I want to call the Department's attention to the fact that the current R. & D. program at the Barnwell Nuclear Fuel Plant in South Carolina should be continued under this resolution on an uninterrupted basis.

On September 11, the Energy and Water Development Subcommittee of the Senate Appropriations Committee approved continuation of the Barnwell program through fiscal year 1982 at a level of $10 million. The House has already voted to appropriate the same amount and the Senate Energy and Natural Resources Committee, under the leadership of Chairman McCLURE, has authorized continuation of the Barnwell program through fiscal year 1982.

I ask unanimous consent that a copy of my recent letter to Chairman HATFIELD, which outlines the reasons why I believe it is essential to continue the Barnwell program for 1 more year, be printed in the RECORD.

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

COMMITTEE ON THE JUDICIARY,
*Washington, D.C., September 10, 1981.*

Hon. MARK O. HATFIELD,
*Chairman, Subcommittee on Energy and Water Development, Committee on Appropriations, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: It is my understanding that the Subcommittee on Energy and Water Development of the Committee on Appropriations plans to begin markup of H.R. 4144, the Energy and Water Development Appropriation Bill of 1982, on Friday of this week. The purpose of this letter is to inform you of my interest in continuing funding for the current research program at the Barnwell Nuclear Fuel Plant in South Carolina through FY'82.

As you are aware, the House has appropriated $10 million for a FY'82 program at Barnwell. The same amount was approved in the Omnibus Budget Reconciliation Act. The Senate Energy and Natural Resources Committee authorized the Secretary of Energy to continue the Barnwell R&D program through FY'82 at a level that would maintain this national asset. Secretary Edwards has also indicated his interest in seeing that Barnwell is maintained in its current status and his intention to spend the $10 million efficiently and effectively, if appropriated by Congress.

The proposed program for FY'82 at Barnwell would, for example, involve further research into sophisticated nuclear safeguards systems. Training courses would be held at Barnwell during FY'82 to train experts from other nations on procedures and technology essential to the safeguarding of special nuclear materials.

Continuing the Barnwell program at $10 million will provide an additional year necessary for the Department of Energy, the owners of Barnwell, and other private investors to come together with a plan to operate this facility. As you know, President Reagan favors a resumption of private reprocessing activities. It will take time, however, to license this facility and establish the waste management programs necessary for Barnwell to operate.

Having closely followed and supported the development of the Barnwell Plant for the last 13 years, I have a strong interest in seeing that Barnwell is used for its intended purpose of reprocessing. Continuing the R&D program at Barnwell through FY '82 is necessary to achieve this objective.

Please do not hesitate to contact me if you have any further questions regarding the

Barnwell program or if I may be of assistance to you in any way.

With kindest personal regards and best wishes,

Sincerely,

STROM THURMOND,
*Chairman.*

## AN INTEREST RATE RECESSION AHEAD?

Mr. BENTSEN. Mr. President, signs of economic distress are popping up everywhere as the debilitating impact of our sky-high interest rates spread throughout the economy. For example, business capital investment spending was projected by the Department of Commerce last March to rise 10.2 percent this year. Those plans have been scaled back due to soaring interest costs and are now projected to rise 8.8 percent in 1981.

Since business expects inflation to average 8.6 percent this year, this latest cutback in business spending means that real investment will scarcely rise at all this year—which is a devastating blow to early hopes for a turnaround in the capital:labor ratio and productivity.

FARMERS

Farmers are being jeopardized in a much more alarming fashion by our sky-high interest rates. With interest rates propelling production costs up currently at a 17-percent rate, they have had no choice but to borrow additional credit to meet ordinary expenses necessary to plant and harvest their 1981 crops. The Federal Reserve Bank of Chicago reports, for example, that loans by production credit associations for such expenses were up in July by 11 percent over July 1980. Over the first half of 1981, PCA loans are up an even higher 14 percent.

These large increases in debt coming on top of predicted low crop prices and earnings may well push a number of farmers out of business. Even before the crops are in, a number of PCA's are seeing a sharp rise in troubled loans. I can only see more trouble ahead as our hard pressed farmers seek to pay off these loans and other production costs with shrinking earnings.

INDUSTRY OUTPUT

U.S. industry faces trouble ahead, as well, due to sagging demand related to high interest rates. Consumer goods production was off 0.3 percent in July, but fell an even sharper 1 percent in August. The output of materials rose in July, but then fell sharply in August. Autos and housing continued their plunge in August, as well, as the depressions in these critical industries deepened. The weakness in these sectors led to a 0.4 percent overall decline in U.S. industrial production in August—the largest drop since July 1980, and the first decline since April. In addition, the rate of factory utilization declined in August to 79.3 percent, a reversal of the pattern in August which saw that figure rise 1 percent.

Adding to this interest rate induced decline in output are signs that inventories are starting to pile up across our country. Inventories rose 1.1 percent in July for retailers, wholesalers, and manufacturers—an ominous sign for the future. Another sign of future trouble is the decline in August of durable goods orders from wholesalers and retailers. Their orders fell off a sharp 2.5 percent, the first decline in 7 months—another sign that business inventories are starting to pile up on store shelves.

HOUSING

Let me review the disastrous status of our housing industry in detail. I said a moment ago, Mr. President, that we have a housing depression, and indeed we do as a result of soaring mortgage rates now at 18 percent and more. Housing starts are the most recognized indicator of the financial health of that key industry. That statistic tumbled 10.7 percent in August to a bare 937,000 units—the third lowest monthly level since World War II and the lowest level in 5 years.

In collapsing through the psychologically important 1 million unit level, the housing industry is poised for further sharp declines, perhaps to as low as 800,000 units in the months ahead. One indicator of future housing activity is the number of building permits issued. In August, only 863,000 permits, at an annual rate, were issued, 5 percent below the July rate and a whopping 36 percent below August 1980. Things are going to get worse unless interest and mortgage rates fall quickly.

Other statistics tell the same tragic story. Unemployment in the construction industry was 15 percent last month, more than twice the annual rate. The sale of new houses in July was down 55 percent from the peak rate of 900,000 houses attained in October 1978. The sales of used homes in August was off 32 percent from the peak period 1978 and 1979. Construction of single family homes in August was the lowest recorded in the postwar period.

The soaring pace of mortgage rates has priced 90 to 95 percent of first home buyers out of the market. Monthly principal and mortgage interest costs at 17 percent, for example, are fully 62-percent above these same costs at a 10-percent mortgage rate. A $50,000 mortgage which cost $439 per month at 10 percent, for example, will cost $713 per month at 17 percent. New families simply cannot afford housing at that price.

UNEMPLOYMENT, CONSUMERS

Other bad news abounds, as well. Unemployment appears headed up as a consequence of the squeeze interest rates are putting on business and consumers. Unemployment compensation claims at State offices around the country jumped to 511,000 in the latest week of September for which data are available from 449,000 the preceding week. And it is tragically easy to predict that the number of men and women in America who are seeking work without success will rise even further unless a break occurs in interest rates.

Sagging output, high interest rates, and rising unemployment directly affects the ability of consumers to pay their bills on time. There are increasing signs that consumers are facing serious economic distress. For example, it was reported in the Wall Street Journal on September 18 that delinquent mortgage payments—payments late for more than 60 days—at the standard Federal Savings and Loan Association in Detroit were running 50 percent ahead of last year's pace. Mortgage foreclosures in Detroit are running at a rate of 10 a day this year, up 53 percent from 1980, despite efforts by thrift institutions to accommodate homeowners in distress.

INTERNATIONAL

Our sky-high interest rates have been transmitted abroad, of course, through international money markets. They have cut like a scythe through business and consumers in Europe as they have here. Demand for goods and services is ebbing abroad as here at home, and idle factory capacity and unemployment is spreading. A broad index of industrial output developed by the 19-country organization for economic cooperation and development has fallen 3 percentage points since February. Sky-high interest rates, in fact, have left that index lower now than it was 2 years ago.

The OECD's midyear report is even more pessimistic about the future. It projects that unemployment in all industrial nations will rise by 2 million persons during 1982 to reach 26 million men and women. In Europe, the unemployment rate could hit 9 percent by the end of 1982 and the number of men and women vainly seeking work will hit depression-era levels. Even the robust Japanese economy will see its growth rate slashed by half next year by high interest rates.

WALL STREET

Wall Street, itself, is suffering under an avalance of stock and bond selling that reveals fears of continuing high interest rates and a less than robust economic future. Paper losses on Wall Street are estimated at better than $200 billion now, with the New York Stock Exchange itself down to an 18-month low; it has lost over 150 points since its high of 1024 on April 27. Even the heretofore strong dollar is sagging on foreign exchange markets. It has been falling for over a week now and is down 11 percent since August 10 as fears abroad of soaring deficits and continued high U.S. interest rates grow. A declining dollar is bad news in our fight to slow inflation, as well.

The Wall Street and foreign fears for the future hinge directly on interest rates. Yet, there are no signs that help is ahead to deal with our interest rate crisis.

STEPS TO REDUCE INTEREST RATES

The Federal Reserve Board controls the Nation's credit supply. Since January, the most widely used indicator of our money supply, M-1B, has risen at an annual rate of only 1.4 percent. This is well below the 3.5 to 6.0-percent target range which Fed Chairman Paul Volcker presented to Congress last February. He is very low of the target and soaring interest rates show it. Yet, Chairman Volcker insisted last Wednesday in Congressional testimony that the Fed is not far off its course. He is wrong. And he should get back on course as quickly as he can to ease pressure on interest rates.

Moving M-1B growth into the Fed's own target range will not renew inflation, particularly in light of our sagging economic outlook. But it will ease interest rate pressures.

The Federal Reserve action will have an important impact on reducing interest rates. But an even bigger step would be to corral the Federal deficit. I know its fashionable for some to argue that deficits do not matter. Do not believe it. The soaring Federal deficit is crowding out billions of dollars in productive capital investments needed to restore our battered productivity. New plants and new, more productive machines and equipment are not being built and R. & D. work is not occurring because interest rates have been pushed sky high by the need to finance the Federal deficit.

As Chairman Volcker said last week, there is currently a clash in capital markets between private and public needs. And the Government is claiming the lion's share, taking as much as one-half of the savings available in recent weeks to all borrowers.

A RECESSION AHEAD?

Until the deficit is brought down, we cannot hope for a major drop in interest rates. Federal Reserve Board jawboning and meeting its target money growth rates will help cut interest rates to some extent. And those steps should be rapidly adopted by the Fed. But the real solution remains easing the enormous financing requirements and credit demand posed by the deficit.

The administration tells us it will take time for them to gain control of the deficit. I am not sure we have much time to spare, however, there are many, too many, omninous signs, including preliminary indications from the Commerce Department, that our economy is becoming spongy soft, that we could be headed for a recession in a runaway car fueled by high interest rates. These signs are not overwhelming, but they are persuasive that demand has become soggy enough to yield negative real growth this quarter for the second quarter in a row. That would put us officially in a recession. And the worst may be yet to come.

Estimates of the scale year 1982 deficit made by a variety of credible analysts range from $55 billion to $77 billion—well above the midyear $42.5 billion administration forecast. As much as $10 billion of that slippage is due to continued high interest costs on the national debt. But the balance reflects lagging real growth prospects for fiscal year 1982 which begins next week and the related slowing of Federal tax receipts.

If this second guessing of administration forecasts turns out to be accurate, we face renewed interest rate pressure and an extension of the present period of economic stagnation well into calendar 1982.

THE HUMAN COST OF HIGH INTEREST RATES

This talk of deficits and dollars does not capture the tragedy which could unfold in our Nation this fall. High interest rates have pushed millions of farmers, small businessmen, and households against the wall. They will be going under later this year unless interest rates fall—forced out of homes, offices, stores, and off land which they have spent a lifetime building and improving. In a good economy or even a fair one, they could make it. They are not asking to become rich. What they do want is to be left alone to live relatively prosperous lives. To do that though, they need a growing economy where their costs of production are not being driven to unheard-of levels by soaring interest rates.

If they do not get some relief from interest costs soon—either an economic recovery or falling interest rates—it will be too late. They are putting the word out, Mr. President. Every Member of this body has heard from them. I am listening to them. And I hope my colleagues and the administration are too. It is time for lower interest rates and that means first, action by the Fed and, second, action on the deficit.

We have run out of time to talk. It is now time for action.

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## NATIONAL CYSTIC FIBROSIS WEEK

Mr. DOLE. Mr. President, last April, the Senator from Kansas, along with many of his distinguished colleagues, introduced a resolution designating this week as "National Cystic Fibrosis Week." As this week progresses, it is my hope that efforts to bring the message of cystic fibrosis—the implications of the disease, and its impact on victims and families alike—to the attention of the American public will be successful.

Only by building upon the foundation of knowledge already established through public education activities, primarily generated by the Cystic Fibrosis Foundation, can we realize the dream of the conquest of this dread disease that strikes small children and curtails their hopes for a productive adult life.

Although medical science has not yet found a cure or long-term control for CF, there have been significant advances in treatment, medications, and diagnostic procedures that have been able to extend the life expectancy of people with cystic fibrosis from 10 to 21 years of age. However, the disease remains fatal.

Over the years, Members of Congress have had the opportunity to vote for legislation designed to support research into the many aspects of cystic fibrosis. It is our hope that, with the growing public awareness of the implications of this disease, more support for continued research toward improvements in treatment, as well as a possible cure will result.

During this week, I would like to mention again a very special person who spent several weeks during the summer of 1980 on my staff. I feel very privileged to have known Keith Jones during this brief time, because he provided an inspiring example to all of us who worked with him.

Keith suffered from cystic fibrosis and lived with the constant knowledge that his life was not destined to be as long as others.

Yet, he continued to plan ahead for a career in the legal field. Keith was a very hard worker, and expressed the kind of positive approach toward life that left everyone with whom he came in contact a little bit happier that he had been part of their day.

I regret to say that shortly after Keith completed his term as an intern in my office, he was hospitalized for treatment and, from that time on, although he tried to return to college, he did not have the strength to maintain a full schedule. His time out of hospitals became more and more rare, until he passed away earlier this year.

Mr. President, not all of us have the opportunity to know an individual with cystic fibrosis, but I think that it is extremely important that we be aware of the realities with which they have to contend on a daily basis. It is for this reason, that I introduced this resolution designating "Cystic Fibrosis Week"—the more that can be done to generate awareness and support for efforts to assist victims of cystic fibrosis and their families, the closer we will come to finding a cure.

I ask unanimous consent to have printed in the RECORD a copy of the resolution and a fact sheet on CF from the Cystic Fibrosis Foundation, and congratulate this organization on its tremendous contribution to the cause of CF.

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

S.J. RES. 62

Whereas cystic fibrosis is the number one genetic killer of children in America, and between one thousand five hundred and two thousand five hundred are born each year in this country with the disease; and

Whereas public understanding of cystic fibrosis is essential to enhance early detection and treatment of the disease and reduce the misunderstanding and confusion concerning the symptoms of cystic fibrosis; and

Whereas a national awareness of the cystic fibrosis problem will stimulate interest and concern leading to increased research and eventually a cure for cystic fibrosis: 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 September 20 through 26, 1981, is designated as "National Cystic Fibrosis Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

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CF FACTS

One of the major goals of National Cystic Fibrosis Week is increased public awareness of the disease, its symptoms, and the continuing need for research in all aspects of cystic fibrosis. Every American can contribute to the success of CF Week by having a sure grasp on the basic facts about cystic fibrosis—and sharing them with others.

WHAT IS CYSTIC FIBROSIS?

Cystic fibrosis (CF) is an inherited disease of children, adolescents, and young adults. In the United States, CF is the number one genetic killer of children and young adults. Cystic fibrosis is a disorder of certain glands of the body, predominantly the sweat glands and the mucous glands. In cystic fibrosis the sweat glands produce a very salty sweat, and the mucous glands secrete an abnormal, thick mucous. It is this glue-like mucous that leads to both the lung damage and the digestive problems that complicate cystic fibrosis.

WHAT IS THE CAUSE OF CF?

Cystic fibrosis is an inherited disorder—it is not contagious. A child is born with CF only if both parents carry genes for the trait and both genes are transmitted to the child at conception. The abnormality or defect of the gene that causes CF has not yet been identified.

About one in every 20 Americans carries the cystic fibrosis gene, and parents cannot control the kinds of genes they pass on to their children. However, when both parents are carriers of the CF gene, their children will not automatically have CF. Each time a woman carrier of the CF gene and a man who is also a carrier of the gene conceive a baby, there is a 25 percent chance that the child will inherit CF; a 75 percent chance that the child will not have CF; and a 50 percent chance that the infant also will be a carrier.

These odds apply to each pregnancy. A pregnancy that resulted in a child with CF doesn't guarantee that the next pregnancies will escape CF.

CAN CF CARRIERS BE IDENTIFIED?

At present, there is no reliable method for identifying the symptom-free carriers of cystic fibrosis. Research is under way to develop safe and effective tests for detecting the CF gene. The development of such a test will be of great assistance in predicting the likelihood of CF for prospective parents.

HOW COMMON IS CF?

CF affects approximately one in every 1,800 newborns, making it the most common, fatal genetic disease in the United States.

WHAT ARE THE SYMPTOMS OF CF?

Generally, three major symptoms are associated with CF:

*Respiratory problems*

At some time during their lives, most patients with CF develop lung disease. The thick mucus produced in CF obstructs the airways of the lungs and respiratory system. This interferes with the normal breathing process, and eventually leads to damage of the lung tissue. Respiratory complications cause over 90 percent of all deaths of patients with CF. CF patients are also very susceptible to certain types of lung infections which are often difficult to treat with drugs that are currently available.

*Digestive problems*

The pancreas and other organs of the digestive system secrete enzymes into the intestine where they help to break down food into the components which the body uses for energy, growth, and maintenance. In CF, thick, sticky mucus blocks the passageways that carry these enzymes to the intestine. This results in improper digestion so that much of the food consumed cannot be used by the body and is excreted. Thus, persons with CF often have large appetites but still may appear malnourished.

*Excessive salt loss*

Parents and grandparents are often the first to notice one of the signs of cystic fibrosis: When they kiss the baby they taste salt on the infant's skin. This excessive salt loss among CF patients can place them at risk of heat exhaustion or dehydration during periods of increased sweating, such as during exercise, hot weather, or fever.

The symptoms and effects of CF vary from patient to patient, and are sometimes similar to symptoms of other childhood disorders. This often complicates quick and accurate diagnosis of the disease.

WHEN (AT WHAT AGE) DO THE SYMPTOMS OF CF APPEAR?

In approximately 10 to 15 percent of the cases, the earliest symptom of CF appears at birth, in the form of an intestinal blockage known as meconium ileus. In many individuals with CF, the symptoms of the disease appear within the first few months of life. In these cases, the thick mucous secretions hamper the infant's breathing and digestion, and the child fails to grow properly. Other patients with CF do not develop symptoms until later in childhood or adolescence.

HOW IS CF DETECTED?

A sweat test, which measures the amount of salt in the sweat, is a simple, painless, and reliable test for cystic fibrosis. Other clues that provide a basis for diagnosing CF include: frequent respiratory infections; malnutrition or failure to grow; frequent bulky bowel movements; rectal prolapse; and nasal polyps.

Identification of any of these symptoms should be followed by a medical check-up and laboratory tests. Because of the genetic nature of CF, brothers/sisters and first cousins of a child with CF should also be screened for the disease, using the sweat test procedure.

HOW IS CF TREATED?

While there is at present no cure for cystic fibrosis, intensive research has resulted in effective treatment methods, and an increasing number of young patients with the disorder survive into adulthood.

The intestinal problems of cystic fibrosis are generally managed with dietary adjustments (for example, increased calorie and protein intake) and enzyme supplements to aid digestion.

Treatment for the lungs helps clear the airways of the thick, sticky mucus that results from cystic fibrosis and helps prevent respiratory infections. Chest physical therapy (postural drainage) is used to reduce or prevent blocking of the airways. Parents (or the patients themselves, when they are old enough) perform postural drainage at home as a regular treatment.

In addition, infection is a major hazard to the person with cystic fibrosis, so antibiotics are often given to prevent and/or treat infections in the bronchi and lungs.

Some CF patients take as many as 40 to 60 pills a day. Recent figures show that the average individual cost of CF treatment and care is more than $2,000 a year for non-hospitalized patients and average $10,000 a year for patients who are hospitalized.

WHAT IS THE OUTLOOK FOR CF PATIENTS?

While researchers are continuing their efforts to find the basic cause of cystic fibrosis, to develop better therapies, and ultimately, to find a cure, the outlook for children and young adults with cystic fibrosis is better than ever before.

Fifteen years ago, few children with CF lived beyond six years of age. Today, with improvements in diagnosis and medical treatment, half of the CF patients born today will live past 20 years of age.

With good all-around care, many cystic fibrosis patients can lead relatively normal lives.

However, there remain many unanswered questions regarding the cause, cure, and prevention of CF. For answers to these questions, we must continue to look to biomedical research.

WHAT IS THE CYSTIC FIBROSIS FOUNDATION?

The Cystic Fibrosis Foundation (CFF), established in 1955, is a nonprofit, voluntary health organization, dedicated to improving the outlook for the CF patient and ultimately finding the answer to the cause of CF.

The Foundation, through its National Headquarters and network of 74 state and local chapters across the United States, supports programs in:

Scientific/Medical Research—which may provide new clues to understanding the cause treatment and cure of CF;

CF Medical Centers—a network of more than 125 treatment-centers nationwide which provide the latest in specialized diagnosis and high-quality medical care for CF patients and services for CF families:

Young Adult/Consumer Services—to identify and help solve psychosocial, educational, and financial problems that may arise in the lives of persons affected by cystic fibrosis, including patients, families, and caregivers;

Public and Professional Education—which provides information and training to health professionals, as well as educational materials for patients, families, and the general public regarding CF;

Public Policy—which monitors and influences decisions made at local, state, and Federal levels of government affecting the programs, rights, and benefits of patients and their families.

The Foundation's programs are supported through contributions from the public.

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## CATASTROPHIC EFFECTS OF HIGH INTEREST RATES

Mr. BOREN. Mr. President, repetition is sometimes effective—if a person repeatedly and consistently tries to correct an unjust and unhealthy situation, sometimes the light finally breaks through. I do not like getting up here every day going over and over the catastrophic effects that high interest rates are having. Many of my colleagues in the Senate share this frustration with me.

But I intend to continue my vigil; I intend to continue to speak out about this situation, I intend to continue to point out to the administration, the Treasury Secretary, and the Federal Reserve Board where their responsibilities lie in returning interest rates to a reasonable level.

In past days, I have quoted from the newspapers and from other knowledgeable sources about the devastating effects of high interest rates. Let me change from that course a little and put into perspective the effect of interest rates on a young family.

Only 2 years ago, loans were available to young working couples at reasonable rates, ranging from 9 to 11 percent. An individual that I know bought a house on the fringe of the rising interest rates—they received a rate of 10¾ percent. At the time, they were tempted to resist buying their long-awaited home because the interest rate was so high that their financial limits were almost reached. It was lucky they did not wait; at the time of their closing, interest rates had already reached 12 percent, with no signs of coming down.

Had that couple waited to buy their home even 2 months, they would not have been able to qualify for financing at the higher interest rate. And that was back when interest rates were 10 to 12 percent. What do young people do now? They continue to watch their savings dwindle while paying rent—and watch their dreams of owning their own home vanish.

Check with any real estate company in any State in the Nation. If I have not made the situation obvious, they can personally tell you how serious it really is. Homes that 2 or 3 years ago could have been affordable are now completely out of reach because the payments have ballooned to such outrageous proportions due to interest rates.

The average priced home in America today is about $76,000, with 1,500 square feet of living space. Let me give you a startling statistic. Of all of the eligible buyers in our Nation, only 3 percent would be able to purchase that average home.

How many examples do we need to give the administration to get their attention about the hardships caused by high interest rates? What kind of justification can the administration provide to small businesses and individuals who are forced to file for bankruptcy because of high interest rates?

I could go on and on. This is a ridiculous situation. The hardships to our citizens and businesses could be and should be alleviated by prompt Executive action. I will continue to fight until that finally dawns on the administration.

## GENOCIDE AND INTERNATIONAL LAW

Mr. PROXMIRE. Mr. President, one of the most frequently raised objections to the Genocide Convention is that genocide is a matter of national jurisdiction, not international law, and thus is not a proper subject for treatymaking.

There are two points that can be made in response. First, if genocide is not of international concern, then I do not know what possibly could be considered a matter of international concern.

Genocide is the intent to destroy, in whole or in part, a national, racial, ethnic, or religious group. One of the magnificent aspects of the human race is its diversity. Our culture, itself a product of a wide range of subcultures, is dramatically influenced by other peoples and cultures.

When a particular group is eliminated, all of mankind is impoverished. The fact that a particular ethnic group is, for example, a minority in its own country and subject to persecution does not mean that it has no rights as a part of the world community.

The second problem with the claim that genocide is not an international matter is that this claim contradicts our history of treatymaking. The Supreme Court declared in 1890 that:

> The treaty power of the United States extends to all proper subjects of negotiation between our Government and the governments of other nations.

Many treaties in the past have had a direct application to domestic matters.

Mr. President, there is no logic to the claim that genocide lies outside the proper boundaries of treatymaking. Genocide is of concern to any moral actor in the world community. We must ratify the Genocide Convention.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## HOUSE BILL REFERRED

The following bill was read twice by unanimous consent, and referred as indicated:

H.R. 4522. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1982, and for other purposes, to the Committee on Appropriations.

## MESSAGES FROM THE HOUSE

At 9:37 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, with amendments:

S. 1210. An act amending the Environmental Quality Improvement Act of 1970.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4522. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1982, and for other purposes.

At 12:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 1181) to amend titles 10 and 37, United States Code, to increase the pay and allowances and benefits of members of the uniformed services and certain dependents, and for other purposes, disagreed to by the Senate; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. PRICE, Mr. NICHOLS, Mr. MONTGOMERY, Mr. ASPIN, Mr. WON PAT, Mrs. BYRON, Mr. DICKINSON, Mr. MITCHELL of New York, Mrs. HOLT, and Mr. HILLIS as managers of the conference on the part of the House.

The message also announced that the House has agreed to the amendment of the Senate to the following bill:

H.R. 2903. An act to extend by one year the expiration date of the Defense Production Act of 1950.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The President pro tempore (Mr. THURMOND) signed the following enrolled bills and joint resolution received from the House of Representatives yesterday:

H.R. 618. An act to convey certain interests in public lands to the City of Angels, California;

H.R. 2218. An act to direct the Secretary of Agriculture to convey certain National Forest System lands in the State of Nevada, and for other purposes; and

S.J. Res. 65. Joint resolution proclaiming Raoul Wallenberg to be an honorary citizen of the United States and requesting the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, September 24, 1981, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 65. Joint resolution proclaiming Raoul Wallenberg to be an honorary citizen of the United States, and requesting the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1969. A communication from the Chairman and the President of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the 1980 annual report of the Federal Crop Insurance Corporation; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1970. A communication from the Clerk of the U.S. Court of Claims, transmitting, pursuant to law, a copy of the court's judgment in the case of the Navajo Tribe v. the United States; to the Committee on Appropriations.

EC-1971. A communication from the Chairman of the Federal Communications Commission, transmitting the initial portion of the proposed legislative program of the Commission for the 97th Congress; to the Committee on Commerce, Science, and Transportation.

EC-1972. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend title III of the Outer Continental Shelf Lands Act Amendments of 1978 to clarify claims, financial responsibility, and civil penalty provisions; to the Committee on Energy and Natural Resources.

EC-1973. A communication from the U.S. Trade Representative, transmitting, pursuant to law, the annual report on the operation of the International Coffee Agreement; to the Committee on Finance.

EC-1974. A communication from the Assistant Secretary of State, Bureau of International Organizations, transmitting, pursuant to law, certain documents relevant to the work of the United Nations Joint Inspection Unit; to the Committee on Foreign Relations.

EC-1975. A communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report on donations received and allocations made from the fund "14X8563 Funds Contributed for the Advancement of the Indian Race, Bureau of Indian Affairs"; to the Select Committee on Indian Affairs.

## 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-425. A petition from a citizen of Oklahoma City, Okla., favoring congressional cooperation with the efforts of the Reagan Administration to strengthen the Nation's defense; to the Committee on Armed Services.

POM-426. A resolution adopted by the Arizona School for the Deaf and Blind Education Association, favoring legislation now

in the Congress relating to use of telephones by hearing-impaired persons; to the Committee on Commerce, Science, and Transportation.

POM-427. A resolution adopted by the City Council of Duluth, Minnesota, relating to the decontrol of natural gas; to the Committee on Energy and Natural Resources.

POM-428. A joint resolution adopted by the First Olbiil Era Kelulau, requesting an appropriation of special funds to cover anticipated deficit for fiscal year 1981 for the Republic of Palau; to the Committee on Energy and Natural Resources.

POM-429. A resolution adopted by the Senate of the State of South Carolina; to the Committee on Finance:

"A SENATE RESOLUTION

"Whereas, the volume of textile and apparel imports to the United States has increased by eleven percent in 1981 in comparison with 1980; and

"Whereas, this increase has resulted in a nineteen percent jump in the textile apparel trade deficit; and

"Whereas, the actual dollar value of textile imports was 5.8 billion dollars in 1980, up thirteen percent; and

"Whereas, these substantial import increases have created severe problems and concern in our textile industry which require prompt and effective action by the Federal Government. Now, therefore, be it

*"Resolved* by the Senate: That the Congress of the United States and the Reagan Administration are memorialized to seek to negotiate a multi-fiber import agreement with major textile importing countries which would relate textile apparel import growth to the growth of the domestic textile market.

*"Be it further resolved* that copies of this resolution be forwarded to President Reagan, Secretary of State Haig, Vice President Bush, Speaker of the House O'Neill and each member of the South Carolina Congressional Delegation in Washington, D.C."

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POM-430. A resolution adopted by the House of Representatives of the State of South Carolina; to the Committee on Finance:

"A HOUSE RESOLUTION

"Whereas, the volume of textile and apparel imports to the United States has increased by eleven percent in 1981 in comparison with 1980; and

"Whereas, this increase has resulted in a nineteen percent jump in the textile apparel trade deficit; and

"Whereas, the actual dollar value of textile imports was 5.8 billion dollars in 1980, up thirteen percent; and

"Whereas, these substantial import increases have created severe problems and concern in our textile industry which require prompt and effective action by the Federal Government. Now, therefore, be it

*"Resolved* by the House of Representatives: That the Congress of the United States and the Reagan Administration are memorialized to seek to negotiate a multi-fiber import agreement with major textile importing countries which would relate textile apparel import growth to the growth of the domestic textile market.

*"Be it further resolved* that copies of this resolution be forwarded to President Reagan, Secretary of State Haig, Vice President Bush, Speaker of the House O'Neill and each member of the South Carolina Congressional Delegation in Washington, D.C."

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POM-431. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"SENATE JOINT RESOLUTION No. 8

"Whereas, Rudolf Hess, 86, who was convicted of one of the most heinous crimes in the history of mankind for his involvement in the genocide of 6 million Jews during World War II, has petitioned the governments of the United States, France, Great Britain, and the Soviet Union, asking to be released from his life prison term due to his advanced age; and

"Whereas, He was Adolph Hitler's second in command, and was instrumental in the creation of the first concentration camps in 1933, the burning of synagogues and the formulation of the plans for the death camp at Auschwitz, and has, since his conviction, shown no signs of rehabilitation, remorse, or regret for the millions of Jewish victims lost during the Nazi regime; now, therefore, be it

*"Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to oppose the release of convicted war criminal Rudolf Hess from Spandau Prison near Berlin, Germany; and be it further

*"Resolved,* That the Secretary of the Senate 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."

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POM-432. A petition from a citizen of Tacoma, Wash., relating to the "Gay Bill of Rights"; to the Committee on the Judiciary.

POM-433. A resolution adopted by the City Council of Broadview Heights, Ohio, requesting the Congress to examine the roll, selection, function, and tenure of Federal judges; to the Committee on the Judiciary.

POM-434. A petition from a citizen of Lawrence, Kans., relative to abortion; to the Committee on the Judiciary.

POM-435. A resolution adopted by the Board of Directors of the National Easter Seal Society, relative to greater involvement of the private sector in the Nation's social programs; to the Committee on Labor and Human Resources.

POM-436. A resolution adopted by the Labor and Economic Development Committee of the House of Representatives of the State of Washington, relative to marine terminal standards; to the Committee on Labor and Human Resources.

POM-437. A resolution adopted by the General Assembly of the Presbyterian Church in America, relative to the date of national elections; to the Committee on Rules and Administration.

POM-438. A petition from a citizen of Los Angeles, Calif., relative to veterans' benefits; to the Committee on Veterans' Affairs.

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## REPORT OF THE COMMITTEE ON APPROPRIATIONS SUBMITTED DURING THE RECESS

Under the authority of the order of the Senate on January 5, 1981, the following report of a committee was submitted on September 23, 1981, during the recess:

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.J. Res. 325. Joint resolution making continuing appropriations for the fiscal year 1982, and for other purposes.

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## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Matthew Norman Novick, of the District of Columbia, to be Inspector General, Environmental Protection Agency; pursuant to the order of the Senate of July 24, 1981, referred to the Committee on Governmental Affairs for not to exceed 20 days.

By Mr. TOWER, from the Committee on Armed Services:

Thomas K. Turnage, of California, to be Director of Selective Service; and

James F. Goodrich, of Maine, to be Under Secretary of the Navy.

John S. Herrington, of California, to be an Assistant Secretary of the Navy.

Mr. TOWER. From the Committee on Armed Services, I report favorably the following nominations: Lt. Gen. James V. Hartinger, U.S. Air Force, to be general, Maj. Gen. James A. Williams, U.S. Army, to be lieutenant general, in the Marine Corps there are 39 temporary and permanent appointments/promotions to the grade of major general and below (list begins with James L. Day), and Brig. Gen. Harold L. Gwatney, U.S. Army Reserve, to be major general. I ask that these names be placed on the Executive Calendar.

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

Mr. TOWER. In addition, in the U.S. Navy there are 2,070 permanent promotions to the grade of commander (list begins with Charles S. Abbot), and in the Navy there are 106 permanent and temporary appointments/promotions to the grade of lieutenant junior grade and below (list begins with Franklin W. Morgan). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 11 and 16, 1981, at the end of the Senate proceedings.)

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## 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. PACKWOOD:

S. 1659. A bill to permit, under certain circumstances, the manufacture, sale, prescribing, and dispensing of the drug dimethyl sulfoxide (DMSO) in the State of Oregon and the importation into such State of such drug or any ingredient or intermediate thereof, including dimethyl sulfide compound or mixture thereof; to the Committee on Labor and Human Resources.

BY Mr. WALLOP:

S. 1660. A bill to validate certain oil placer mining claims in Hot Springs County, Wyoming; to the Committee on Energy and Natural Resources.

BY Mr. GRASSLEY:

S. 1661. A bill 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; to the Committee on Energy and Natural Resources.

By Mr. McCLURE (for himself, Mr. STAFFORD, Mr. DOMENICI, Mr. SIMPSON and Mr. SYMMS):

S. 1662. A bill to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and estab-

lish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes; to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, jointly, by unanimous consent with the proviso that if either committee reports the bill, the other committee shall be obligated to report the bill in 30 calendar days (not including days on which the Senate is in recess for more than three days) or be discharged from further consideration thereof.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PACKWOOD:

S. 1659. A bill to permit, under certain circumstances, the manufacture, sale, prescribing, and dispensing of the drug dimethyl sulfoxide—DMSO—in the State of Oregon and the importation into such State of such drug or any ingredient or intermediate thereof, including dimethyl sulfide compound or mixture thereof; to the Committee on Labor and Human Resources.

REGULATION OF DMSO

● Mr. PACKWOOD. Mr. President, I am introducing legislation that would allow the State of Oregon to regulate and monitor the use of DMSO. The significance of this legislation is that it requests that responsibility be transferred from the Federal level to the State level.

In July 1981, the Governor of Oregon signed into law an act which requests that the Congress take appropriate action to remove "any" Federal impediments to the full implementation of the Oregon law governing DMSO.

The Food and Drug Administration has known about DMSO for many years. Dr. Stanley Jacob, from the University of Oregon, has pioneered the research behind DMSO and continues to do so. Dr. Jacob's research found that DMSO can help control pain caused by: First, scleroderma, a debilitating disease; second, arthritis, bursitis, and rheumatism; and third, acute brain and spinal cord injuries. Yet, despite these dramatic breakthroughs in Dr. Jacob's work, the FDA has only approved the use of DMSO for treatment of bladder disease.

There are over 300,000 persons in the United States who are afflicted by scleroderma, and at least 80 percent of all seniors suffer from some form of arthritis. DMSO could help these people.

Legislation enacted by the State of Oregon is designed to make absolutely sure that all necessary safeguards are taken when the State of Oregon regulates the use and distribution of DMSO.

Mr. President, I ask unanimous consent the text of the legislation be printed in the RECORD.

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

S. 1659

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding section 505 of the Federal Food, Drug, and Cosmetic Act, a person may manufacture, sell, prescribe, or dispense the drug dimethyl sulfoxide (DMSO) in the State of Oregon, or may import into such State such drug or any ingredient or intermediate thereof, including dimethyl sulfide compound or mixture thereof, if the manufacture, sale, prescribing, or dispensing of such drug in such State, or the importation of such drug into such State, is conducted in accordance with the provisions of the laws of such State.●

By Mr. WALLOP:

S. 1660. A bill to validate certain oil placer mining claims in Hot Springs County, Wyo.; to the Committee on Energy and Natural Resources.

VALIDATION OF CERTAIN MINING CLAIMS

● Mr. WALLOP. Mr. President, today I am introducing a private relief bill to prevent an injustice not foreseen by this august body in the enactment of the recordation of mining claims and abandonment section of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744.

This bill is for the benefit of Petro-Lewis Corp., the owner of two oil placer mining claims located in Hot Springs County, Wyo. The claims were originally located June 27, 1917 and were acquired by Petro-Lewis from Ashland Exploration Inc., January 1, 1979. These claims have since been declared abandoned by the Bureau of Land Management, which decision was recently affirmed by the Interior Board of Land Appeals, for failure to record the claims under section 314 of the Federal Land Policy and Management Act. Ironically, on the legal date of abandonment—October 21, 1979, the claims were in production and have continued in production.

Clearly, the purpose behind the recordation provision of section 314 of the act otherwise known as the BLM Organic Act, was simply to clear the public land records of stale mining claims. It was never intended that the act should operate to declare abandoned mining claims that are in production.

My bill intends to remedy this unfortunate result as it relates to Petro-Lewis by giving them 60 days from the date of enactment of this bill within which to file the appropriate papers with the Bureau of Land Management. In effect, if Petro-Lewis files properly within this time frame, the mining claims will be deemed to have continued, uninterrupted by the previous failure to comply with the law.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1660

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) notwithstanding section 314(c) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2769; 43 U.S.C. 1744(c)) and any other applicable provision of law, the Secretary of the Interior shall receive, consider and act upon any certificate of location or notice of location covering East End Nos. 3 and 4 unpatented oil placer mining claims, situated within and covering the W ½ of Section 31, Township 43 North, Range 93 West, 6th P.M., Hot Springs County, Wyoming, filed by the Petro-Lewis, Corporation (hereinafter in this Act referred to as the "owner") pursuant to subsection (b) of this Act.

(b) Any certificate or notice filed pursuant to subsection (a) must be filed within sixty days of the date of enactment of this Act and shall include—

(1) a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim sufficient to locate such claim on the ground, in the office of the Bureau of Land Management designated by the Secretary of the Interior in accordance with the recordation requirements of the Federal Land Policy and Management Act of 1976 (Public Law 94-579); and

(2) all fees which are required by the Secretary of the Interior for unpatented mining claims under the Federal Land Policy and Management Act of 1976.●

By Mr. GRASSLEY:

S. 1661. A bill 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; to the Committee on Energy and Natural Resources.

EXCHANGE OF CERTAIN LANDS

● Mr. GRASSLEY. Mr. President, I am introducing today legislation that will provide for the exchange of two small parcels of land between the Federal Government and a private citizen of the State of Iowa. Not more than 7 acres are involved in the transaction that will be authorized by enactment of this legislation.

The land in question is located in Allamakee County, Iowa, adjacent to the Effigy Mounds National Monument. My perception is that the impetus for this land transfer comes from the National Park Service and State of Iowa conservation officers. They believe that establishing a contiguous boundary for the monument would improve administration and protection of the monument grounds.

My understanding is that passage of the bill will not result in increased costs or otherwise burden the Federal Government. The text of this legislation is similar to language included in the bill S. 924, which passed the House and Senate but failed to secure final approval by the Congress in the closing days of the session last year.

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. 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.●

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By Mr. McCLURE (for himself, Mr. STAFFORD, Mr. DOMENICI, Mr. SIMPSON, and Mr. SYMMS):

S. 1662. A bill to establish a limited program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy, initiate a program, and establish a national schedule for the disposal of nuclear waste from civilian activities, and for other purposes; by unanimous consent referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, with the proviso that if either committee reports the bill, the other committee shall be obligated to report the bill in 30 calendar days (not including days on which the Senate is in recess for more than 3 days) or be discharged from further consideration thereof.

NATIONAL NUCLEAR WASTE POLICY ACT OF 1981

Mr. McCLURE. Mr. President, it is a great pleasure and with a special pride that I join my colleagues on the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate in introducing today the National Nuclear Waste Policy Act of 1981.

Mr. President, that measure is being introduced today by me on my own behalf for Mr. STAFFORD, Mr. DECONCINI, Mr. SIMPSON, and Mr. SYMMS.

Mr. President, I also received the concurrence from the chairman and ranking minority member of the Committee on Environment and Public Works to request that this matter be jointly referred to the two committees because we have both about equal interest and equal responsibility with respect to the subject matter of that legislation, and that is by agreement of the parties on both sides.

I am pleased to say that the bill we are introducing today represents the collective judgment of all the cosponsors representing themselves and their respective committees on this side of the aisle with regards to the appropriate and necessary nuclear waste policy for the United States. I believe that this action deserves special note in that these two committees have been working for the past three Congresses to fashion just such a consensus piece of legislation. Such legislation must deal with this most critical and serious national issue in the areas of both national energy policy and national environmental policy to assure the predictable and long-term viability of the nuclear power option for this Nation, and indeed for the free world.

I commend each of my colleagues with whom I am a cosponsor today and all of those who have assisted and contributed to the efforts in reaching this action. Hopefully, the spirit of good faith, accommodation, and conciliation required to achieve the common goal represented by the totality of this bill will engender a special spirit in the Senate, in the House, and in the administration to expedite and facilitate enactment finally of a comprehensive nuclear waste policy and program for America in the months immediately ahead.

Mr. President, this bill is a truly comprehensive approach to the ultimate solution to disposition of the large and varied quantities of nuclear waste existing today in the United States and nuclear wastes which will be created in the years and decades ahead. The bill includes aggressive and predictable action in several major programmatic areas.

An interim spent fuels storage program, which would maximize the existing at reactor storage capacity, while at the same time providing all of the necessary elements for alternative storage for spent fuel, including away from reactor storage facilities, would be immediately implemented under the bill.

The interim spent fuel provisions would include a streamlined regulatory process in the Nuclear Regulatory Commission to support both increased at reactor storage and necessary away from reactor facility availability on a timely basis. The combination of these several initiatives and the interim spent fuel program would insure predictable and timely measures necessary to keep America's nuclear powerplants in full operation without any threat of reduced operations or shut-down because of a failure by the Federal Government to provide for interim spent fuel management.

In a similarly aggressive manner, the bill includes a much accelerated program for the ultimate disposal of commercial high-level waste and spent fuel elements in mined geologic repositories. The objective of this much accelerated geologic disposal program would be to bring on line in the 1988 time frame this Nation's first commercial geologic repository for high-level waste.

The specific provisions within this part of the bill provide for the necessary actions for all Federal agencies to support the 1988 objective. Additionally, this part of the bill would establish a program for having at least one test and evaluation facility in full operation prior to 1988 to provide all necessary information to support the geologic repository program. Also, for the first time, the bill would create a mandatory national site survey program to identify acceptable sites to provide for additional geologic repositories which might be sited on various regions of the United States.

While the combination of the interim spent fuel storage program and the geologic disposal program may conceivably provide two direct steps, one following the other, to a final disposition of high-level waste and spent fuel, the bill incorporates the Senate-passed proposal for a third, potentially necessary, program to be sequenced between interim spent fuel storage on the one hand, and ultimate geologic disposal, on the other hand in the form of a retrievable monitored storage facility program.

This program would require the initial efforts necessary to prepare for congressional consideration in the next Congress of a retrievable-monitored storage facility proposal as an intermediate step or phase in the event that there are any unforeseen time delays because of institutional or technical difficulties in the geologic disposal program.

The retrievable monitored storage program would be the extra insurance under this bill to give complete confidence to the American people that nuclear wastes will be properly managed in the event of any foreseeable circumstances in the future. That approach of total confidence underlies the entire bill and is intended to insure that there can no longer be any valid question raised with regard to that complete confidence.

The bill includes several new or modified concepts from the bill passed by the Senate in the last Congress. One of the most noteworthy of those is the proposal in this bill for an assured full-cost recovery by the Federal Government from nuclear power-supplied rate payers for the nuclear waste programs included in the bill. By establishing a mandatory one mill-per-kilowatt-hour users fee on nuclear generated electricity, this bill for the first time would provide a direct financial linkage between the beneficiaries of nuclear power and the cost for interim management and ultimate disposal for nuclear wastes.

This funding mechanism would provide an assured source of funds to carry out the programs and would eliminate not only annual budgetary perturbations in an ever more constrained Federal budget, but the too often repeated shifts of policy direction under succeeding administrations. The nuclear waste policy, programs and required financing would be statutorily fixed and quite predictable under this approach.

One of the more challenging issues which the Congress has confronted in attempting to develop such comprehensive legislative proposals for nuclear waste has been and continues to be the question of State participation in the siting, development, construction, and operation of interim storage facilities and geologic repositories for nuclear waste. This bill incorporates a modification of the formulation passed by the Senate in the last Congress, which was the subject of intense negotiation with various parties over the past year.

The bill incorporates a combination of the so-called consultation and concurrence methodology developed and enacted, and now in practice for the waste isolation pilot project in New Mexico pursuant to statutory provisions, on the one hand, and the State-congressional approach adopted in the Senate-passed bill of last Congress and negotiated at length with our colleagues in the House and other interested parties. The formulation in this bill should insure, we sincerely hope, the best of the available methods reflecting our national experience in this area in the past several years.

I believe it is fair to say that the co-

sponsors of this legislation believe that these provisions carefully balance the constitutional, equitable, legal, and practical interests of the several parties at the Federal, State, and local levels with legitimate interests in these facility matters. I would hope that these provisions will receive the most serious and thoughtful consideration by our colleagues in the Senate and also in the House, in the administration, the several States and in the various elements of the nuclear industry.

We are ready, anxious, and willing to work with all of these parties to fashion a consensus approach to this most essential and important aspect of nuclear waste management in this country.

Mr. President, let me turn now to a brief review of the nuclear waste issue as we now confront it with this comprehensive legislation. The election of President Carter led this Nation into a 4-year period of chaos and turmoil in dealing with the back end of the nuclear fuel cycle generally, and particularly, the nuclear waste issue. All of us who are cosponsors on this bill and many of our colleagues in Congress have spent enormous amounts of time over the past 4 years reacting to that circumstance. Beginning with President Carter's April 7, 1977, ban on commercial reprocessing, the resulting dismissal of the generic environmental statement on mixed oxides (GESMO), and the Carter domestic and foreign spent fuel policies, the entire back end of the nuclear fuel cycle has been in a state of confusion and everchanging and conflicting policies and programs.

A number of different initiatives and amendments in enacted bills, several which I authored, particularly in the areas of domestic and foreign spent fuel policy, attempted to deal piecemeal with the problems posed by the Carter administration's nuclear waste activities. Finally, in the middle of 1979, comprehensive nuclear waste legislation was introduced and referred to several Senate committees.

The Committee on Energy and Natural Resources promptly considered and reported such a comprehensive bill, S. 2189, in December 1979. Shortly thereafter, President Carter on February 12, 1980, announced his nuclear waste policy. The announced February 12 policy was characterized quite objectively as a blueprint for delay, study, litigation, eternal research, and more and more delay.

Analysis of the February 12 policy led to persuasive analyses suggesting the year 2007 as the earliest possible date for an operational nuclear waste facility in this country, almost 30 years after announcement of the policy. Prior to the announced Carter policy, but during the several year process of formulation, the Circuit Court of Appeals for the District of Columbia, in response to a lawsuit challenging the predictable disposal of nuclear waste in proceedings for licensing a nuclear powerplant, ordered the Nuclear Regulatory Commission to initiate the so-called waste confidence proceedings to establish for legal purposes a national confidence with regard to a predictable disposal of nuclear waste.

This court-ordered proceeding thus linked legally the prospective licensing of future nuclear powerplants and a national confidence in the ultimate disposal of nuclear waste. At the same time, a number of States scheduled referendum dealing with the nuclear power issue generally and various elements of the nuclear waste question specifically.

At that point, it was clear to all of us with an interest in preserving the nuclear option, that congressional action was imperative to achieve any predictable result in the nuclear waste issue. After waiting several months for other committees to complete their action on pending nuclear waste bills, the Senate finally took up S. 2189 in late July of last year and passed for the first time in either House of Congress a comprehensive nuclear waste legislation.

On December 3, 1980, after extensive negotiations among the three House committees with jurisdiction, the House passed a less comprehensive, but still significant, nuclear waste bill. Almost around-the-clock negotiations ensued at the end of the last Congress to attempt to develop an acceptable compromise bill for the two Houses. Unfortunately, these negotiations were not successful in leading to such a compromise comprehensive bill.

Perhaps the best effort in accommodation was represented by a printed amendment, No. 2912 to S. 2189 which was introduced by myself, Senator DOMENICI, Senator JACKSON, and Senator JOHNSTON on December 10, 1980.

Although the Congress adjourned without final action on amendment No. 2912 or any other comprehensive legislation, these negotiations did lead to enactment of one title of the comprehensive bill, as the Low Level Radioactive Waste Policy Act, Public Law 96-573, passed by Congress on December 13 and enacted on December 22, 1980. I am pleased to note that this low level waste law, which was the subject of such intense negotiation in the final hours of the last Congress, has led to very positive State actions throughout the Nation.

Additionally, I am pleased that several elements of the Senate-passed bill have served to form the basis for a far more aggressive program at the Department of Energy and the Nuclear Regulatory Commission in the Reagan administration. Many of us, in fact, have been waiting on this legislation in order to allow those programs in the fiscal year 1982 budget process to proceed to the point where we could make informed judgments as to what could be done administratively without legislation, and what remains to require legislative action to accomplish the objectives we have had in mind.

Those outlines of administrative versus legislative action have now become clear and we have now become prepared to initiate aggressive action, today.

The bill we are introducing today represents another, and I would hope, final attempt at enacting comprehensive nuclear waste legislation for this Nation. It represents the collective judgment of the respective full committee and subcommittee chairmen of the two primary committees of jurisdiction in the Senate, as well as other interested and concerned Members. It includes essential elements of S. 2189, as reported almost 2 years ago by the Energy and Natural Resources Committee, of S. 2189 passed by the Senate last year, and the final negotiated printed amendment No. 2912 to S. 2189.

It also includes several new or refined concepts, such as private financing which I discussed earlier, which have emerged in the intervening time. The combination of all of the elements will insure that this bill is in fact a late 1981 legislative initiative to address the nuclear waste issue for the remainder of this administration, this decade and, indeed, this century. The bill truly is a blueprint or battle plan for a final and successful assault on the financial, legal, institutional and technical hurdles which have frustrated the achievement of an early demonstrated solution to the nuclear waste challenge in the predictable future.

Mr. President, I would be remiss if I did not speak as a representative of the people of my home State of Idaho in introducing this bill. The good people of Idaho have been waiting for many, many long years for a predictable, near term conclusion to the nuclear waste issue and the management of nuclear wastes which have accumulated over the past three decades in our State.

Our people have waited through those many long years with great patience, while meanwhile continuing to support enthusiastically efforts in Idaho in the nuclear weapons program, the naval nuclear power program, and the civilian nuclear power research and development program.

Candidly, our people in Idaho have been promised more than once by various Federal officials a near-term solution to our waste management concerns. While the patience of our people may have been tested over time, and sorely tested in the last administration, the aggressive programs already proposed by this administration and the provisions of this bill should give the people of Idaho great comfort and great confidence at long last that the nuclear waste issue will be addressed constructively, positively, and successfully.

At long last, action by a seriously committed and concerned Congress will forge exactly the kind of partnership between the executive and legislative branches of the Federal Government needed to insure swift and responsible action on the nuclear waste issue. I am compelled to commend the people of my State for their continued efforts to deal with this issue. I sincerely hope that this Congress will mark a successful and more than acceptable conclusion to their long wait for promised Federal action. Again, I thank and commend my colleagues who are cosponsors.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1662

*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 "National Nuclear Waste Policy Act of 1981".

TITLE I—FINDINGS AND PURPOSE

FINDINGS

SEC. 101. The Congress finds and declares that—

(a) a reliable system adequate to provide sufficient electrical energy to meet the Nation's current and anticipated needs is an essential part of a comprehensive national energy policy and is vital to national security and public welfare;

(b) an adequate electrical system requires a diversified base of primary energy sources in order to avoid excessive reliance upon any single alternative energy source;

(c) a diverse base of primary energy sources can be achieved only if each available source competes on an equal footing in decisions on the siting and construction of facilities for generating commercial electric power;

(d) nuclear energy can—

(1) make a significant contribution to national supplies of electricity;

(2) offer site-specific advantages in environmental impact, cost, and fuel availability over other primary sources of energy; and

(3) help reduce United States dependence on insecure sources of foreign oil;

(e) lack of an effective Federal policy for the interim storage of spent fuel and disposal of nuclear waste from civilian nuclear activities unreasonably burdens the choice of nuclear energy as an alternative primary source in decisions on siting and construction and operation of powerplants and unduly constrains efforts to establish a diverse base of primary energy sources;

(f) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing for the interim storage of spent fuel from civilian nuclear powerplants, but the Federal Government has the responsibility to provide sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate on-site storage capacity when needed to assure the continued, orderly operation of the powerplant;

(g) the Federal Government has the responsibility for the disposal of high-level radioactive waste from civilian nuclear activities in order to protect the public health and the safety, the environment, and the common defense and security;

(h) the costs associated with the storage and disposal of nuclear waste from civilian activities should, to the greatest extent possible, be borne by the direct beneficiaries of such activities and should be considered in the selection or rejection of nuclear energy over alternative primary energy sources;

(i) the technology exists and is under development which would provide reasonable assurance that spent fuel and high-level radioactive waste can be safely disposed of and that disposal facilities for spent fuel and high-level wastes can be available when needed;

(j) nuclear wastes generated in the national defense program have been accumulating for more than thirty years, and spent nuclear fuel and nuclear wastes from the commercial industry are increasing rapidly;

(k) nuclear waste has become a major issue of public concern, and stringent precautions must be taken to ensure that nuclear wastes do not adversely affect the public health and safety of this or future generations;

(l) the siting, development, and loading of nuclear waste repositories are responsibilities of the Federal Government;

(m) confidence in the ability of the Federal Government to manage a program providing for the safe and permanent disposal of nuclear wastes must be substantially increased if nuclear power is to contribute significantly to meeting the energy needs of the United States in the future;

(n) Federal nuclear waste disposal programs have been ineffective due to—

(A) inadequate coordination among the various Federal agencies and departments which have responsibilities relating to nuclear waste management;

(B) the lack of policymaking process which integrates the views of all Federal agencies and departments into a comprehensive Government-wide policy; and

(o) the Secretary must increase his efforts to consult and cooperate with States and localities concerning Federal repository siting, development, and loading activities;

(p) a successful nuclear waste management strategy requires the full participation of State and local officials, Indian representatives and the public in a step-by-step, technologically sound program, to promote public confidence in the safe disposal of nuclear waste, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such program; and

(q) the first step in a successful nuclear waste management strategy is the establishment of a national schedule for the development of programs and facilities for the storage and disposal of high-level radioactive waste and spent fuel in a timely manner.

PURPOSE

SEC. 102. The purpose of this Act is to—

(a) assume the Federal responsibility for the acquisition and interim storage of spent fuel from civilian nuclear powerplants where needed to assure the orderly operation of such plants, and for the disposal of high-level radioactive waste from civilian nuclear activities;

(b) establish a definite Federal policy for the disposal of high-level radioactive waste from civilian nuclear activities and a national schedule for developing the facilities and programs needed to carry out that policy in a timely manner;

(c) authorize the Secretary to—

(1) acquire or construct at least one facility for the interim storage of spent fuel from civilian nuclear powerplants not to exceed a specified total storage capacity; and

(2) establish systems for the long-term storage and disposal of high-level radioactive waste generated by civilian nuclear activities, and to develop, construct and put in operation the facilities comprising these systems;

(d) establish a system for financing the construction, operation, and maintenance of Federal storage and disposal facilities for high-level radioactive waste and spent fuel from civilian nuclear activities;

(e) improve coordination of Federal nuclear waste management programs; and

(f) provide for improved consultation and cooperation between the Department of Energy and States and localities concerning Federal storage and repository siting and development activities, consistent with the responsibility of the Federal Government to determine public health and safety matters related to such activities.

TITLE II—DEFINITIONS

SEC. 201. As used in this Act the term—

(1) "civilian nuclear powerplant" means a utilization or production facility required to be licensed under section 103 or 104 b. of the Atomic Energy Act of 1954, as amended;

(2) "Commission" means the Nuclear Regulatory Commission;

(3) "disposal" means the long-term isolation of radioactive waste as spent fuel in a repository;

(4) "environmental impact statement" means any document prepared pursuant to or in compliance with the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852);

(5) "Secretary" means the Secretary of the Department of Energy;

(6) "spent fuel" means nuclear fuel that has been irradiated in and recovered from a civilian nuclear powerplant or from other civilian nuclear activities;

(7) "Department" means the Department of Energy;

(8) "Governor" means the Governor of a State, or successors to the Governor, during their respective terms of office, or their designees;

(9) "nuclear waste" means high-level waste, transuranic contaminated waste, and low-level waste;

(10) "high-level waste" means the highly radioactive wastes resulting from the reprocessing of spent nuclear fuel, and includes both the liquid waste which is produced directly in reprocessing and any solid material into which such liquid waste is made;

(11) "repository" means a facility for the permanent, deep geologic disposal of high-level waste, transuranic contaminated waste, or spent nuclear fuel, whether or not such facility is designed to permit the subsequent recovery of such material, except for facilities to be used exclusively for research and development purposes containing an insignificant amount of such material;

(12) "storage" means retention of nuclear waste or spent nuclear fuel with the intent to recover such material for subsequent use, processing, or disposal;

(13) "affected State" means the State in which a long-term storage or disposal facility for high-level radioactive waste or spent fuel is proposed to be located;

(14) "Indian tribe" means an Indian tribe, as defined in the Indian Self-Determination and Education Assistance Act (Public Law 93-638);

(15) "affected Indian tribe" means any tribe in an affected State whose rights reserved through statutes, treaties, Executive orders, judicial decision, or other applicable law could reasonably be expected to be adversely affected by the development, construction or operation of a facility for the long-term storage or disposal of radioactive waste;

(16) "nuclear waste and spent nuclear fuel management" means the transport, storage, and disposal of nuclear waste and spent nuclear fuel; and

(17) "site characterization" means the program of exploration and research, both in the laboratory and in the field, undertaken to establish the geologic conditions and the ranges of those parameters of a particular site relevant to the procedures under this part. Site characterization includes borings, surface excavations, excavation of exploratory shafts, limited subsurface lateral excavations and borings, and in situ testing needed to determine the suitability of the site for a geologic repository, but does not include preliminary borings and geophysical testing needed to decide whether site characterization should be undertaken.

TITLE III—INTERIM STORAGE OF SPENT FUEL FROM CIVILIAN NUCLEAR POWERPLANTS

SEC. 301. (a) It is the policy of the Federal Government that—

(1) the persons owning and operating civilian nuclear powerplants have the primary responsibility for providing interim storage of spent fuel from such powerplants, by maximizing, to the extent practical, the effective use of existing storage facilities at the site of each civilian nuclear powerplant, by adding new onsite storage capacity in a timely manner where practical, and by the use of privately owned and operated offsite storage facilities where practical;

(2) the Federal Government has the responsibility to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity

at the site of each civilian nuclear powerplant; and

(3) the Federal Government has the responsibility to provide, as soon as possible, sufficient capacity for interim storage of spent fuel for those civilian nuclear powerplants that cannot reasonably provide adequate storage capacity at the site of the powerplant when needed to assure the continued, orderly operation of the powerplant.

(b) The policy under subsection (a) shall provide for—

(1) the utilization of available spent fuel pools at the site of each civilian nuclear powerplant to the extent practical and the addition of new spent fuel storage capacity where practical, either at the site of the powerplant or at a privately owned and operated offsite storage facility; and

(2) the establishment of a Federally owned and operated system for the interim storage of spent fuel at one or more away-from-reactor facilities with a limited capacity sufficient to prevent disruptions in the orderly operation of nuclear powerplants that cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed.

SEC. 302. (a) The Secretary, consistent with such criteria as he prescribes under the policy set forth in section 301 and as are required under this section, shall offer to enter into, and may enter into, contracts with persons owning and operating civilian nuclear powerplants that the Secretary determines cannot reasonably provide adequate spent fuel storage capacity at the powerplant site to ensure the continued orderly operation of the powerplant, through the maintenance of a full core reserve storage capability, either by utilizing available spent fuel pools to the extent practical or by adding new spent fuel storage capacity at the site of the powerplant: *Provided, however,* That the Secretary shall not enter into contracts for spent fuel in amounts in excess of the available storage capacity specified in subsection 305.(a). Those contracts shall provide that the Federal Government will (1) take title to such amounts of spent fuel from the powerplants as the Secretary determines cannot be stored onsite, (2) transport the spent fuel to a Federally owned and operated interim away-from-reactor storage facility, and (3) store such fuel in the facility pending further processing, storage or disposal.

(b) Not later than ninety days after the date of enactment of this Act, the Secretary shall propose, by rule, procedures and criteria for making the determination required by subsection (a) that a nuclear powerplant cannot reasonably provide adequate spent fuel storage capacity at the powerplant site when needed to ensure the continued orderly operation of the powerplant.

(c) Nothing in this Act authorizes the Secretary to take title to spent fuel, transport spent fuel, store or dispose of spent fuel or the waste products associated with spent fuel from a nuclear powerplant not located within the United States.

SEC. 303. A contract entered into under section 302 shall provide—

(a) for a one-time payment at the time the Federal Government acquires the spent fuel of a charge per unit of spent fuel, as such unit is defined by the Secretary, which charge is determined by the Secretary to be adequate to cover—

(1) the cost of transportation of such spent fuel; and

(2) the proportion of the costs of the construction and operation, maintenance and decommissioning of Federal interim away-from-reactor storage facilities, which proportion is associated with such spent fuel.

(b) for the retention by the owner of such spent fuel of a nontransferable right to the value of the remaining fuel resource less the costs of recovery, as determined at the time of recovery. The right ends when the Federal Government—

(1) takes action resulting in the recovery of the remaining fuel resource and gives to the owner of the right an amount of money equal to the value of the recovered fuel less the costs of recovery; or

(2) disposes of such fuel in a repository.

(c) that title to the spent fuel together with all rights to such fuel, except as otherwise provided in this Act, passes to the Secretary at the site of the powerplant at the time the Secretary takes possession of the spent fuel; and

(d) that the contract becomes effective when the interim away-from-reactor storage facility is available as determined by the Secretary by notice in the Federal Register.

SEC. 304. (a) The Secretary shall provide notice of intent to enter into such contracts by publishing notice in the Federal Register not later than one hundred and eighty days after the date of enactment of this Act. Such notice shall contain such information as the Secretary considers appropriate concerning proposed terms and conditions of such contracts.

(b) The Secretary shall establish the one-time payment charge per unit of spent fuel required by subsection 303.(a) on an annual basis, based on calculation of the costs listed in subsection 303.(a), and shall publish such annual one-time payment charge and the calculation thereof in the Federal Register. Each such annual one-time payment charge shall become effective thirty days after publication and shall remain effective for a period thereafter of twelve months as the charge for the costs listed in subsection 303.(a) for any spent fuel, title to which is transferred to the Federal Government during that twelve-month period.

SEC. 305. (a) The Secretary shall construct, acquire or lease one or more away-from-reactor facilities for the interim storage of spent fuel from civilian nuclear powerplants with a total storage capacity at all such facilities of not more than 2,800 metric tons of uranium. The facilities shall—

(1) be made available in a timely manner to accommodate all spent fuel for which commitments have been made pursuant to section 302 of this Act; and

(2) be subject to a license under the provisions of section 202.(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), as amended: *Provided,* that in determining whether to issue a license for such a facility, the Commission shall not consider the need for the facility. The Secretary shall submit to the Commission a license to construct, acquire or lease, and operate such a facility not later than January 1, 1983.

(b) The Secretary, in providing for the transportation of spent fuel under this Act, shall utilize by contract private industry to the fullest extent possible in each aspect of such transportation. The Secretary shall use direct Federal services for such transportation only upon a determination of the Secretary of Transportation, in consultation with the Secretary, that private industry is unable or unwilling to provide such transportation services at reasonable cost. The authority of the Secretary to enter into contracts under this section shall be limited to the extent or in such amounts as are provided in appropriations Acts.

(c) The Secretary, on a continuing basis, shall analyze and make projections of the availability when needed of spent fuel transportation casks required to support transportation requirements pursuant to subsection (b). The Secretary and the Commission are authorized and directed to take such actions as the Secretary and the Commission, respectively, deem necessary and appropriate to ensure the timely availability when needed of such spent fuel transportation casks.

SEC. 306. When an interim away-from-reactor storage facility is available, the Secretary shall take possession of and transport to a designated storage facility any spent fuel covered by a contract made under section 302 of this Act. The Secretary shall take this action within thirty days after the date on which the owner of such spent fuel provides notice in writing to the Secretary that such spent fuel is available.

SEC. 307. Funds made available to the Secretary for the purpose of—

(a) acquiring plant and capital equipment or land; or

(b) for planning, construction, or modification of facilities,

to make available facilities for the interim storage of spent fuel from civilian nuclear powerplants away from the reactor under any law making appropriations of funds or authorizations for appropriations of funds for the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, including funds authorized and appropriated for Project 79-1-p (Away-From-Reactor Spent Nuclear Fuel Storage Capacity) in legislation authorizing appropriations for the Department of Energy for the fiscal year ending September 30, 1980, shall be available to carry out the purposes of section 305.

SEC. 308 (a) In carrying out the provisions of sections 301 through 307 with regard to any facility for the interim storage of spent fuel from civilian nuclear powerplants which the Secretary is authorized by section 305(a) to construct, acquire or lease, the Secretary shall:

(1) as soon as practicable, but not later than 90 days after enactment of this section, notify in writing the Governor and the legislature of any State in which is located a potentially acceptable site for such a facility or an existing facility potentially suitable for interim storage of spent fuel of his intention to investigate that site or facility;

(2) during the course of investigation of such site or facility, keep the Governor and the legislature currently informed of the progress of work and results of the investigation;

(3) at the time of selection by the Secretary of any site or existing facility, but prior to undertaking any site-specific work or alterations, promptly notify the Governor and the legislature in writing of such selection;

(4) throughout the course of any subsequent work on that site or existing facility, furnish the Governor all relevant information on a current basis and provide him with the opportunity for review and comment from time to time.

(b) If within a reasonable time after the Governor has received notice of selection required by subsection (a)(3), the Governor notifies the Secretary in writing of his objections to the facility, the Secretary shall suspend further work on such facility and promptly transmit the Governor's objections together with the Secretary's comments and recommendations to the President.

(c) Unless within ninety days after receipt of the Secretary's notification under subsection (b) the President determines that such facility is essential to the national interest, the Secretary shall terminate activities specific to the facility. Such determination shall not be subject to judicial or administrative review.

(d) During the regulation and monitoring of the facility, the Governor or his designee shall have the right to be currently informed of all relevant information, and shall have the right to review and comment on such matters from time to time.

SEC. 309. Section 202(3) of the Energy Reorganization Act of 1974 is amended to read:

"(3) Facilities used primarily for the receipt and storage or disposal of high-level radioactive waste or spent fuel resulting from activities licensed under such Act or spent

fuel from foreign reactors transferred under a subsequent arrangement authorized under such Act."

SEC. 310. Transportation of spent fuel under section 303(a) shall be subject to licensing and regulation by the Commission as provided for transportation of commercial spent fuel under existing law.

SEC. 311. (a) The Secretary, the Commission and other appropriate Federal officials shall take such actions as they consider necessary to encourage and expedite the effective use of existing storage facilities and the addition of needed new storage capacity at the site of each civilian nuclear powerplant consistent with—

(1) the protection of the public health, safety and the environment;

(2) economic considerations;

(3) continued operation of the powerplant;

(4) the sensibilities of the population surrounding such powerplant; and

(5) otherwise applicable law.

(b) The Secretary, in consultation with the Commission, shall establish a cooperative program to assist and encourage the private development of alternate technologies for the storage of spent fuel at the sites of civilian nuclear powerplants, with the objective of developing one or more alternate technologies that can be licensed by the Commission on a generic basis for use at the sites of all civilian nuclear powerplants without the need for additional site-specific approvals by the Commission to the maximum extent practicable. For the purposes of this subsection, "alternate technologies" shall include, but are not limited to, spent fuel storage casks.

SEC. 312. (a) any person filing an application with the Commission after the date of enactment of this Act for a license, or for an amendment to an existing license, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another powerplant within a utility system, the construction of additional spent fuel pool capacity, or by other means, may submit a petition to the Commission for issuance of the license or license amendment on an interim basis prior to the conduct or completion of any required hearing upon such application.

(b) The Commission shall grant the petition submitted under subsection (a) and issue the license or license amendment on an interim basis if the Commission or its designee determines that—

(1) in all respects other than the conduct or completion of any required hearing, the requirements of law are met; and

(2) in accordance with such requirements, there is reasonable assurance that the activities authorized by the license or license amendment during the interim period, in accordance with the terms and conditions of such license or license amendment, will provide adequate protection to the public health and safety and the environment during the interim period.

SEC. 313. (a) In any Commission hearing pursuant to section 189 of the Atomic Energy Act of 1954, as amended, on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within a utility system, the construction of additional spent fuel pool capacity or dry storage capacity, or by other means, the Commission shall first provide the parties to the proceeding an opportunity to submit for the record such written data, views or arguments as the hearing board may specify. At the request of any party, the hearing board shall provide an opportunity for oral argument with respect to any matter identified in the written submissions which the hearing board determines to be in controversy among the parties. The hearing shall be preceded by such discovery procedures as the rules of the Commission shall provide, and as ordered by the hearing board. The hearing board shall require each moving party, including the Commission staff, to submit in written form, at the time the proceeding is initiated, all the facts and arguments upon which that party proposes to rely that are known at such time to that party.

(b)(1) At the conclusion of any hearing under subsection (a) of this section, the hearing board shall designate any disputed question of fact, together with any remaining questions of laws, for resolution in an adjudicatory hearing only if it determines that—

(A) There is a genuine and substantial dispute of fact involving factual assumptions or methodology upon which expert opinion is based, or concerning the credibility or competence of an expert witness significantly relied upon by one or more of the parties to the proceeding, which can only be resolved with sufficient accuracy by the introduction of reliable and specifically identified evidence in an adjudicatory hearing; and

(B) The decision of the Commission is likely to depend in whole or in part on the resolution of such dispute.

(2) In making a determination under this subsection, the hearing board shall designate in writing the specific facts that are in genuine and substantial dispute, the reason why the decision of the agency is likely to depend on the resolution of such facts, and the reason why an adjudicatory hearing is likely to resolve the dispute.

(c) No court shall hold unlawful or set aside a decision of the Commission in any proceeding described in subsection (a) because of a failure by it to use a particular procedure pursuant to this section unless—

(A) an objection to the procedure used was presented to the hearing board in a timely fashion or there are extraordinary circumstances that excuse the failure to present a timely objection, and

(B) the court finds that such failure has precluded a fair consideration and informed resolution of a central issue of the proceeding taken as a whole.

SEC. 314. In any proceeding on an application for a license, or for an amendment to an existing license, filed after the date of enactment of this Act, to expand the spent fuel storage capacity at the site of a civilian nuclear powerplant, through the use of high-density fuel storage racks, fuel rod compaction, the transshipment of spent fuel to another such powerplant within a utility system, the construction of additional spent fuel pool capacity or dry storage capacity or by other means, the Commission shall not consider as alternatives the storage of spent fuel in away-from-reactor storage facilities.

## TITLE IV—DISPOSAL OF HIGH RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 401(a) It is the policy of the Federal Government that—

(1) the Federal Government has the responsibility to provide for the permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities;

(2) spent fuel, unless otherwise processed, and high-level radioactive waste from civilian nuclear activities must be permanently disposed of in a Federally owned and operated repository;

(3) the Federal Government has the responsibility to assure that repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities are available with sufficient capacity when needed; and

(4) the Federal Government has the responsibility to demonstrate as soon as possible that high-level waste and spent fuel from civilian nuclear activities can be disposed of in a manner that provides adequate protection to the public health, safety and the environment.

(b) The policy under subsection (a) shall provide for—

(1) the establishment of a Federally owned and operated program for the siting, development, construction and operation of repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, which repositories are to be licensed by the Commission;

(2) a national schedule for accomplishing the regulatory and programmatic actions needed to achieve the objective of obtaining by January 1, 1988, a Commission authorization to construct the first full-scale, operational repository capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities, and achievement of operational status for the repository as soon thereafter as possible; and

(3) the development, construction and operation of at least one test and evaluation facility for the purpose of developing the packaging, handling and emplacement technology for solidified high-level radioactive waste and spent fuel needed to further the demonstration of disposal of such waste and spent fuel, with the objective of achieving operational status of one such facility by January 1, 1988.

### DEVELOPMENT OF EPA STANDARDS AND NRC TECHNICAL CRITERIA

SEC. 402. (a) EPA STANDARDS.—

Not later than June 1, 1982, the Administrator of the Environmental Protection Agency, pursuant to authority under existing law, shall, by rule, promulgate generally applicable standards for offsite releases of radioactivity from repositories capable of disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities.

(b) NRC TECHNICAL CRITERIA.—

Not later than January 1, 1983, the Commission, pursuant to authority under existing law, shall, by rule, promulgate technical criteria for review of an application—

(1) for authority to construct a repository capable of disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities,

(2) for a license to emplace such waste and spent fuel in the repository, or

(3) for a license amendment to decommission the repository. Such criteria shall provide for the use of multiple barriers in the design of the repository and shall limit the retrievability of the waste and spent fuel emplaced in the repository unless such action is needed to protect the public health, safety and the environment.

### IDENTIFICATION OF SITES FOR REPOSITORIES

SEC. 403. (a) Guidelines for Repository Site Recommendation.—Not later than January 1, 1982, the Secretary, in consultation with the Commission, the Environmental Protection Agency and the United States Geological Survey, shall issue general guidelines for the recommendation of sites for repositories capable of safely disposing of solidified high-level radioactive waste and spent fuel from civilian nuclear activities. Under such guidelines, the Secretary shall specify factors that would disqualify a site from development as a repository, including factors pertaining to the location of valuable natural resources, proximity to population, hydrogeophysics activity, and nuclear defense activities. The guidelines shall require the Secretary to con-

sider the various geologic media in which sites for repositories may be located and, to the extent practicable considering the schedule of actions contained in this title, to recommend sites in different geologic media. The Secretary shall use the guidelines established under this subsection in considering sites to be recommended under subsection (b).

(b) SITE RECOMMENDATION BY THE SECRETARY.—

(1) Not later than June 1, 1982, the Secretary shall identify and recommend to the President at least two sites that the Secretary determines are suitable for site characterization. Not later than January 1, 1983, the Secretary shall identify and recommend to the President at least one additional site which the Secretary determines is suitable for such purpose. Each recommendation of a site shall include a detailed statement of the basis for the recommendation. If the Secretary recommends a site to the President, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the Secretary's recommendation and the basis for such recommendation.

(2) Before recommending to the President any site for characterization, the Secretary shall notify the Governor of the State in which the site is located and the Tribal Council of any affected Indian tribe of the proposed recommendation, and the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the proposed recommendation and to receive their comments.

(c) PRESIDENTIAL REVIEW OF RECOMMENDED SITES.—

(1) The President shall review each site recommendation of the Secretary under subsection (b). Within 60 days after the submission of a recommendation for a site, the President in his discretion shall either approve or disapprove the site, and transmit his decision to the Secretary, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe. If the President fails to approve or disapprove the site in accordance with this paragraph during such 60-day period, or within such period fails to invoke his authority under paragraph (2) to delay the determination, the site shall be considered to be approved.

(2) the President may delay for not more than 6 months his decision under paragraph (1) to approve or disapprove a site upon determining that the information provided with the recommendation is not sufficient to permit a decision within the 60-day period referred to in paragraph (1). The President may invoke his authority under this paragraph by submitting written notice to the Congress, within such period, of his intent to utilize the authority provided under this paragraph. If the President invokes this authority under this paragraph but fails to approve or disapprove the site at the end of such 6-month period, the site shall be considered to be approved.

(d) Any activity of the President or the Secretary under this section shall be considered a preliminary decision-making activity and shall not be subject to the National Environmental Policy Act of 1969 (83 Stat. 852).

SITE CHARACTERIZATION

SEC. 404. (a) The Secretary shall carry out in accordance with this section appropriate site characterization activities at each site approved under section 403.

(b)(1) Before proceeding to sink shafts at any site, the Secretary shall submit for such site to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, for their review and comment—

(A) an environmental assessment of the nonradiological impacts of the site characterization activities planned for such site, and a discussion of alternative activities for purposes of site characterization which may be undertaken to avoid such impacts;

(B) a general plan for site characterization activities to be conducted at such site, which plan shall include—

(i) a description of the site;

(ii) a description of the site characterization activities, including the extent of planned excavations, plans for any onsite testing of radioactive material or nonradioactive material, investigation activities that may affect the ability of the site to isolate radioactive waste and spent fuel, and provisions to control likely adverse, safety-related impacts from site characterization activities;

(iii) plans for decontaminating and decommissioning the site if it is determined unsuitable for application for licensing as a repository; and

(iv) any other information required by the Commission; and

(C) proposals describing the possible form of packaging for the waste material and spent fuel that would be emplaced in the repository.

(2) During the conduct of site characterization activities at a site, the Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the nature and extent of such activities and the information developed from such activities.

(c) The Secretary shall conduct such tests as the Secretary deems necessary to provide the necessary data for an application for a construction authorization by the Commission for a repository at the site and for compliance with the National Environmental Policy Act of 1969 (83 Stat. 852). The Secretary shall report to the Commission, to the Governor of the State in which the site is located, and to the Tribal Council of any affected Indian tribe, on the tests conducted at a site pursuant to this subsection and on the information developed from such tests.

(d)(1) In conducting site characterization activities or tests pursuant to subsection (c)—

(A) the Secretary may not use radioactive materials at a site unless the Commission concurs that such use is necessary to provide data for the submission of an application for a construction authorization for a repository at the site;

(B) if radioactive materials are placed in a site, the Secretary shall place the smallest quantity necessary to determine the suitability of the site for a repository, but in no event more than the curie equivalent of 10 metric tons of spent fuel; and

(C) any radioactive material used or placed on a site shall be fully retrievable:

*Provided, however,* That the restrictions of subparagraphs (1)(A) and (1)(B) shall not apply to the test and evaluation facility authorized under section 407.

(2) If characterization activities are terminated at a site for any reason, the Secretary shall remove any nuclear waste, spent fuel or other radioactive materials at or in the site as promptly as practicable.

SITE APPROVAL AND CONSTRUCTION AUTHORIZATIONS

SEC. 405. (a) Prior to submitting a recommendation to the President for approval of a site, the Secretary shall hold public meetings in the vicinity of the site to inform the residents of the area in which the site is located of the determination of the Secretary and to receive their comments. Upon completion of the meetings, the Secretary may submit to the President a recommendation that the President approve the site for the development of a repository.

(b) Not later than January 1, 1985, the President shall select at least one site that the President considers qualified for application for license as a repository.

(c) The Secretary shall submit to the Commission an application for authorization to construct a repository at a site selected by the President within 90 days after the date on which the President selects a site under subsection (b). The Secretary shall provide a copy of such license application to the Governor of the State in which the site is located and to the Tribal Council of any affected Indian tribe.

(d) Not later than 18 months after the date on which an application is submitted under subsection (c), the Commission shall submit to the Congress a report describing the proceedings on the application undertaken through such date, including a description of—

(1) major unresolved safety issues, and the Secretary's explanation of design and operation plans for resolving such issues;

(2) matters of contention regarding the application; and

(3) any Commission actions regarding the granting or denial of the application.

(e) The Commission shall consider a license application for the construction of a repository in accordance with the laws applicable to such applications, except that the Commission shall issue a final decision approving or disapproving the first such application not later than January 1, 1988.

(f) The Commission shall consider an application for authorization to construct a repository in accordance with the laws applicable to such applications, except that—

(1) the Commission need only consider as alternate sites for the proposed facility those sites approved for site characterization under subsection 403.(c), and

(2) the Commission shall issue a final decision approving or disapproving the first such application not later than January 1, 1988.

Federal officials shall take such actions as they consider necessary, consistent with the protection of the public health, safety and the environment, to achieve operational status of a repository licensed under subsection 405.(e) as soon thereafter as possible.

TEST AND EVALUATION FACILITY

SEC. 407. (a) Not later than January 1, 1983, the Secretary shall transmit to the Congress a proposal for at least one test and evaluation facility for the purpose of developing the packaging, handling and emplacement technology for solidified high-level radioactive waste and spent fuel from civilian nuclear activities needed to further the demonstration of disposal of such waste and spent fuel. The proposal shall include site-specific designs, specifications and cost-estimates adequate to solicit bids for the construction of an initial facility, and a schedule for the construction of a facility, consistent with the objective of achieving facility operation not later than January 1, 1988.

(b) The facility shall be designed to—

(1) be constructed and operated at a site approved by the President for site characterization in accordance with subsection 403.(c), and in accordance with applicable site characterization requirements, as provided in section 404, to preserve the availability of the site for use for a repository;

(2) accept a total of not more than 300 packages of solidified high-level radioactive waste and spent fuel;

(3) permit continuous monitoring, management and maintenance of the solidified high-level radioactive waste and spent fuel to be emplaced in the facility;

(4) accept waste and spent fuel packages incorporating multiple barrier design; and

(5) permit full retrievability of the waste and spent fuel to be emplaced in the facility.

(c) In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

(d)(1) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment shall be prepared on the proposal to accompany such transmittal.

(2) When Congress authorizes construction of the facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact statement in connection with such facility need not consider any alternative to the design criteria set forth in subsection (b), as may have been amended by such subsequent congressional authorization.

(e) Notwithstanding any other provision of law, the test and evaluation facility authorized under this section shall not be subject to a license by the Commission: *Provided, however,* That the Secretary shall obtain the concurrence of the Commission in the siting, design, construction and operation of the facility.

NATIONAL SITE SURVEY PROGRAM

SEC. 408. (a) The Secretary and the United States Geological Survey shall conduct a national site survey program, to be completed not later than January 1, 1986, for the purpose of identifying sites that may be suitable for site characterization for a repository in addition to those recommended by the Secretary under subsection 403(b).

(b) The national site survey program established by subsection (a) shall include every State that may contain acceptable sites for a repository.

(c) The Secretary shall use the results of the national site survey program established by subsection (a) in identifying and recommending sites for site characterization leading to the development of a repository in addition to the repository licensed in accordance with section 405; *Provided,* That in recommending such additional sites for site characterization, the Secretary shall consider the cost and impact of transporting to the repository site the solidified high-level radioactive waste and spent fuel to be disposed of in the repository, and the advantages of geographical distribution in the siting of repositories.

TITLE V—LONG-TERM STORAGE OF HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL FROM CIVILIAN NUCLEAR ACTIVITIES

SEC. 501. Within one year after the date of enactment of this Act, the Secretary shall transmit to the Congress a proposal for a system consisting of at least one facility for the long-term, retrievable, monitored storage of solidified high-level radioactive waste and spent fuel resulting from civilian nuclear activities. The long-term storage of solidified high-level radioactive waste and spent fuel in such facilities shall not constitute an alternative to the disposal of such waste or spent fuel in a repository. Such facilities shall be designed to—

(a) accommodate spent fuel and solidified high-level radioactive waste from civilian nuclear activities;

(b) permit continuous monitoring, management, and maintenance of the spent fuel and solidified high-level radioactive waste for the foreseeable future;

(c) provide for the ready retrieval of any spent fuel and solidified high-level radioactive waste; and

(d) safely contain such solidified high-level radioactive waste and spent fuel so long as may be necessary, by means of maintenance, including, but not limited to, replacement as necessary, of such facility.

SEC. 502. The proposal shall include—

(a) the general description, cost estimates, and construction schedule for a system;

(b) site-specific designs, specifications, and costs estimates adequate to solicit bids for the construction of an initial facility within the system which will demonstrate the feasibility of long-term, retrievable, monitored storage of spent fuel and solidified high-level radioactive waste; and

(c) a plan for integrating such long-term, retrievable, monitored storage facilities with the interim spent fuel storage facilities and repositories authorized by titles III and IV of this Act.

SEC. 503. In formulating the proposal, the Secretary shall consult with the Commission and the Environmental Protection Agency, and shall transmit their comments on the final proposal to the Congress together with the proposal.

SEC. 504. (a) Preparation and transmittal of the proposal to the Congress is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852), but an environmental assessment shall be prepared on the proposal to accompany such transmittal based upon available information regarding alternative technologies for waste storage.

(b) When Congress authorizes construction of the initial facility, the requirements of the National Environmental Policy Act shall apply, except that any environmental impact satement in connection with such facility need not consider any alternative to the design criteria set forth in section 501 of this Act as may have been amended by such subsequent congressional authorization.

(c) Any facility authorized under this title shall be subject to a license under section 202(3) of the Energy Reorganization Act of 1974 (88 Stat. 1233), except that in its consideration of the application filed by the Secretary for the initial facility, the Commission may not consider any alternative to the design criteria set forth in section 501 of this Act but shall comply with the requirements of the licensing process as otherwise provided by law.

TITLE VI—FINANCIAL ARRANGEMENTS

SEC. 601. (a) There is hereby established in the Treasury of the United States a separate account to provide for costs directly related to (1) the acquisition, lease or construction, and operation of Federal away-from-reactor interim storage facilities for spent fuel in accordance with title III of this Act; (2) the construction and operation of repositories for the disposal of such spent fuel or solidified high-level radioactive waste from civilian nuclear activities in accordance with title IV of this Act; (3) the construction and operation of one or more test and evaluation facilities in accordance with title IV of this Act; (4) the construction and operation of facilities for the long-term storage of such spent fuel or solidified high-level radioactive waste in accordance with title V of this Act; and (5) the related handling and transportation of such spent fuel or waste. Amounts appropriated under section 308 or otherwise appropriated to the Secretary to carry out any of the purposes of titles III, IV, V and VI of this Act, all charges under section 303, receipts derived from the sale of any reprocessed fuel, all fees collected under section 603, and the proceeds from any obligations issued pursuant to section 602 of this title shall be deposited into the account.

(b) To the extent or in such amounts as are provided in appropriations Acts, the Secretary may draw on such account to carry out the purposes of titles III, IV, V and VI of this Act: *Provided,* That the Secretary shall not construct or acquire any major nuclear waste facility unless the specific expenditure of funds for the initiation of such construction or acquisition is explicitly approved in an appropriation Act.

SEC. 602. (a) To carry out the purposes of this Act the Secretary may borrow money from the Treasury of the United States in amounts provided in appropriation Acts. The Secretary and the Secretary of the Treasury shall agree on terms, maturities, and conditions of the obligations, but the maturities may not be more than thirty years. The Secretary may redeem the obligations before maturity. The Secretary of the Treasury shall decide the interest rate of the obligations considering the average market of outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Such obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The Secretary of the Treasury shall purchase any obligations of the Secretary issued under this section and for this purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act. Securities may be issued under that Act to purchase obligations from the Secretary under this section.

(b) Appropriations made available pursuant to section 307 of this Act and any other appropriations made to the Secretary to carry out the purposes of titles III, IV, V and VI of this Act shall be repaid into the General Fund of the Treasury out of the account, together with interest until the date of repayment at a rate determined by the Secretary of the Treasury taking into consideration the average market on long-term obligations of the United States during the fiscal year in which appropriations are made. The Secretary shall repay such appropriations together with interest within thirty years from the time at which such appropriations become available for expenditure after the date of enactment of this Act, and no appropriations to the Secretary are authorized to carry out the purposes of titles III, IV, V and VI of this Act unless the amounts appropriated are deposited into the account established in section 601(a).

SEC. 603. (a) There is hereby imposed a mandatory fee in the amount of 1.0 mil per kilowatt-hour on electricity generated by civilian nuclear powerplants and sold on or after the date 90 days after the date of enactment of this Act. Such fee shall be for the purpose of paying the costs to be incurred by the Federal Government for the long-term storage and permanent disposal of solidified high-level radioactive waste and spent fuel from civilian nuclear activities.

(b) The fee imposed by subsection (a) shall be collected by the person owning and operating each civilian nuclear powerplant and shall be paid to the Treasury of the United States and deposited in the separate account established by section 601.

(c) Not later than 90 days after the date of enactment of this Act, the Secretary shall establish procedures for the collection and payment of the fee established by subsection (a).

TITLE VII—STATE PARTICIPATION IN THE DEVELOPMENT OF REPOSITORIES AND RETRIEVABLE, MONITORED STORAGE FACILITIES FOR SOLIDIFIED HIGH-LEVEL RADIOACTIVE WASTE AND SPENT FUEL

SEC. 701. (a) The Secretary shall identify the States with one or more potentially acceptable sites for a repository or for a re-

trievable, monitored storage facility for solidified high-level radioactive waste or spent fuel. Within ninety days of such identification, or within ninety days of enactment of this Act, the Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in any affected State of the potentially acceptable sites within such State.

(b) Each affected State and affected Indian tribe notified under subsection (a) shall have the right to participate in a process of consultation and concurrence, based on public health and safety and environmental concerns, in all stages of the planning, siting, development, construction, and operation of a repository or a retrievable, monitored storage facility that is required to be licensed by the Commission. Upon the approval of a site for site characterization for such a repository, or upon the designation of a site for such a retrievable, monitored storage facility, the Secretary shall promptly enter into negotiations with each such State and Indian tribe to establish a cooperative agreement under which the State or Indian tribe may exercise such right. Public participation in the negotiation of such agreement shall be provided for and encouraged by the Secretary, the States and the Indian tribes. The Secretary, in cooperation with the States and Indian tribes, shall develop and publish minimum guidelines for public participation in such negotiations, but the adequacy of such guidelines or any failure to comply with these guidelines shall not be a basis for judicial review.

(c) The cooperative agreement may include, but need not be limited to, the sharing in accordance with applicable law of all technical and licensing information, the utilization of available expertise, the facilitating of permitting procedures, joint project review, and the formulation of joint surveillance and monitoring arrangements to carry out applicable Federal and State laws. Such cooperative agreement shall provide procedures for negotiating and resolving objections of the State or Indian tribe in any stage of the planning, siting, development, construction or operation of such a facility within the State: *Provided, however,* That any such agreement shall not affect the Nuclear Regulatory Commission's authority under existing law.

(d) For the purpose of this part of this title, "process of consultation and concurrence" means a methodology by which the Secretary (A) keeps the State or affected Indian tribe fully and currently informed about the aspects of the project related to any potential impact on the public health and safety, (B) solicits, receives, and evaluates concerns and objections of the State or affected Indian tribe with regard to such aspects of the project on an ongoing basis, and (C) works diligently and cooperatively to resolve, through arbitration or other appropriate mechanisms, such concerns and objections.

(e) The Secretary and the State or affected Indian tribe shall seek to conclude the agreement required by subsection (b) not later than one year after the date of notification under section (a). The Secretary shall report to the Congress annually thereafter on the status of the agreement approved under subsection (c). Any report to the Congress on the status of negotiations under subsection (b) of the agreement under subsection (c) by the Secretary shall be accompanied by comments solicited by the Secretary from the State or affected Indian Tribe.

(f)(1) The Secretary shall notify the Governor, the State legislature, and the Tribal Council of any affected Indian tribe in an affected State at least ninety days prior to submitting an application to the Commission for authorization to construct a repository or retrievable, monitored storage facility of the Secretary's intention to file such application.

(2) If at any time after the Governor or an affected Indian tribe has received the notice required under paragraph (1), but no later than ninety days after receipt of such notice, the Governor or the Indian tribe notifies the Secretary in writing of objections to the proposed repository or retrievable, monitored storage facility, the Secretary shall promptly transmit such objections together with the Secretary's comments and recommendations to the Congress.

(3) If the Governor or the Indian tribe has filed objections in accordance with paragraph (2), the Secretary shall not submit such an application and shall suspend further site-specific activities on the proposed repository or retrievable, monitored storage facility if during the sixty-day period of continuous session following submittal to Congress of the objections, either House of Congress passes a resolution pursuant to section 703 stating in substance that the proposal for the repository or retrievable, monitored storage facility does not sufficiently address State and local concerns to permit the Secretary to apply to the Commission for an authorization to construct the facility.

SEC. 702. (a) For the purpose of this Act (1) continuity of session is broken only by an adjournment of Congress sine die; and (2) the days on which either House is not in session because of an adjournment of more than three days to a day certan are excluded in the computation of any period of time in which Congress is in continuous session.

(b) Sections 702 through 706 of this Act are enacted by Congress (1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 703 of this Act; and they supersede other rules only to the extent that they are inconsistent therewith; and (2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 703. For the purposes of this Act "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the _____ believes that the proposed development of a repository or retrievable, monitored storage facility at_____ _____ within the State of _____, which is the basis of objections transmitted to Congress by the Secretary of Energy on _____, 19 does not sufficiently address State and local concerns to permit the Secretary to apply to the Nuclear Regulatory Commission for an authorization to construct such repository or retrievable, monitored storage facility," the blank spaces therein being appropriately filled.

SEC. 704. (a) No later than the first day of session following the day on which objections by a State or Indian tribe are transmitted to the House of Representatives and the Senate under subsection 601.(f), a resolution, as defined in section 703, shall be introduced (by request) in the House by the chairman of the committee to which the report is referred, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the committee to which the report is referred, or by a Member or Members of the Senate designated by such chairman.

(b) A resolution with respect to a proposed facility which is the basis of such objections shall be referred to the appropriate committees of the House and Senate (and all resolutions with respect to the same report shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within forty-five calendar days of continuous session of Congress following the date of such resolution's introduction.

SEC. 705. If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 604 (or, in the absence of such a resolution, the first resolution introduced with respect to the proposed facility which is the basis of such objections, has not reported such resolution or identical resolution at the end of forty-five calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

SEC. 706. (a) When the committee has reported, or has been deemed to be discharged (under section 705) from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to shall not be in order.

(c) Immediately following the conclusion of the debate on the resolution with respect to a reorganization plan, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final approval of the resolution shall occur.

(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

SEC. 707. In considering any objections by a State or Indian tribe submitted to the Congress pursuant to this title, the Congress may obtain the views and comments of the Nuclear Regulatory Commission on such objections. The provision of views by the Commission shall not be construed as binding the Commission with respect to any licensing action pertaining to the facility which is the subject of such objections.

SEC. 708. The passage of a resolution by the Congress pursuant to this title shall in no way be considered as binding with respect

to any licensing action of the Nuclear Regulatory Commission pertaining to the facility which is the subject of such resolution.

● Mr. DOMENICI. Mr. President, I do not believe there is any Senator in this body who does not understand the need to legislate a Federal policy for the disposal of high-level nuclear waste from civilian powerplants. This issue has been before Congress in the past and most unfortunately we have not been successful in enacting a law. I believe the legislation we are introducing today which is built around the bill which passed the Senate during the 96th Congress is likely to prove to be the bill which does become law in this Congress.

Many of my colleagues know that my primary interest in the issue of nuclear waste disposal is not how it will be done technically, but how the institutional side will be solved. I believe the technology exists for disposal. What is still unresolved is what role States will play in the siting and construction of waste repositories. This legislation would end that uncertainty by specifying the role that States are to play.

Generally speaking, Mr. President, this role would provide States with substantive input into the siting, construction and operation of a repository for civilian high-level nuclear waste. States would have the opportunity through direct arbitration with the Department of Energy to participate in concerns of health and safety. If the States' concerns were not resolved by the time the Secretary of Energy was to apply for authorization to construct a repository the Congress would have an opportunity to halt the project. If the Congress failed to disapprove the proposed repository the States would still have the opportunity to participate through the Nuclear Regulatory Commission licensing process.

Mr. President, I hope we will be able to act on this legislation as quickly as possible. We have taken far too long already, the disposal of nuclear waste must not stand in the way of nuclear power development.●

Mr. BAKER. Mr. President, I ask unanimous consent that the National Nuclear Waste Policy Act of 1981 be referred jointly to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, with the proviso that if either committee reports the bill, the other committee shall be obliged to report the bill in 30 calendar days, not including days on which the Senate is in recess for more than 3 days or be discharged from further consideration thereof.

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

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## ADDITIONAL COSPONSORS

S. 267

At the request of Mr. DECONCINI, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 267, a bill to amend title 28, United States Code, to provide that the Federal tort claims provisions of that title are the exclusive remedy in medical malpractice actions and proceedings resulting from federally authorized National Guard training activities, and for other purposes.

S. 814

At the request of Mr. NUNN, the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 814, a bill to improve the administration of criminal justice with respect to organized crime and the use of violence.

S. 881

At the request of Mr. RUDMAN, the Senator from Georgia (Mr. NUNN), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of S. 881, a bill to amend the Small Business Act to strengthen the role of the small, innovative firms in federally funded research and development, and to utilize Federal research and development as a base for technological innovation to meet agency needs and to contribute to the growth and strength of the Nation's economy.

S. 900

At the request of Mr. HEINZ, the Senator from Nebraska (Mr. EXON), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Florida (Mr. CHILES), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 900, a bill to assure that job skills training, and employment opportunities are furnished through Opportunities Industrialization Centers and other community based organizations of demonstrated effectiveness in certain block grant programs involving the creation of urban jobs in enterprise zones, and for other purposes.

S. 1320

At the request of Mr. HEINZ, the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 1320, a bill to amend the Internal Revenue Code of 1954 to modify the excise tax on trucks, buses, tractors, and so forth, and for other purposes.

S. 1421

At the request of Mr. EAGLETON, the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 1421, a bill entitled the "National Archives and Records Administration Act of 1981."

S. 1498

At the request of Mrs. KASSEBAUM, the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1498, a bill to establish an office in the National Institutes of Health to assist in the development of drugs for diseases and conditions of low incidence.

S. 1586

At the request of Mr. HATFIELD, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1586, a bill to establish national policy of promoting and facilitating the operation, maintenance, and development of deep-draft seaports, inland river ports and waterways necessary to domestic and foreign waterborne commerce; and to require recovery of certain expenditures of the U.S. Army Corps of Engineers for the operation, maintenance, and construction of inland shallow-draft and deep-draft navigational channels and other projects as appropriate.

S. 1589

At the request of Mr. HEFLIN, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1589, a bill to improve the security of the electric power generation and transmission system in the United States.

S. 1598

At the request of Mr. STENNIS, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 1598, a bill to establish a National Commission on Interest Rates.

S. 1631

At the request of Mr. SPECTER, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Connecticut (Mr. WEICKER), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1631, a bill to establish a Presidential Commission on the Bicentennial of the U.S. Constitution.

S. 1635

At the request of Mr. WEICKER, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 1635, a bill to delay the application of Revenue Ruling 81–216 until January 1, 1983.

S. 1651

At the request of Mr. BENTSEN, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 1651, a bill to combat international terrorism.

SENATE JOINT RESOLUTION 58

At the request of Mr. THURMOND, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of Senate Joint Resolution 58, a joint resolution proposing an amendment to the Constitution altering Federal fiscal decisionmaking procedures.

SENATE JOINT RESOLUTION 107

At the request of Mr. ROBERT C. BYRD, the Senator from Vermont (Mr. STAFFORD), the Senator from North Carolina (Mr. EAST), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Virginia (Mr. WARNER), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Texas (Mr. TOWER) were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate the 7th day of October 1981, as "National Guard Day."

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. HOLLINGS, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. GORTON), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution disapproving certain Coastal Zone Management Federal Consistency Regulations.

SENATE RESOLUTION 175

At the request of Mr. BOREN, the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of Senate Resolution 175, a resolution to congratulate the State of Oklahoma on the celebration of its Diamond Jubilee.

SENATE RESOLUTION 199

At the request of Mr. NUNN, the Senator from Indiana (Mr. QUAYLE), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Resolution 199, a resolution to authorize National Productivity Improvement Week.

## AMENDMENTS SUBMITTED FOR PRINTING

### INCREASE IN PUBLIC DEBT LIMIT

AMENDMENT NO. 564

(Ordered to be printed and to lie on the table.)

Mr. EXON (for himself and Mr. BRADLEY) submitted an amendment intended to be proposed by them to the joint resolution (H.J. Res. 265) to provide for a temporary increase in the public debt limit.

REDUCTION OF THIRD YEAR TAX CUT

Mr. EXON. Mr. President, I am about to send an amendment to the desk, and will send it to the desk at the end of my remarks.

It is no secret that expectations for our country's economy have suffered a serious decline in the past 2 months, and Congress now faces a dilemma. We offer an amendment to the debt ceiling bill which will assure more favorable expectations for smaller deficits and lower interest rates.

The amendment we will offer is keyed to interest rates. When the Reagan economic package was proposed and passed, its success hinged on quickly falling interest rates and lower inflation leading to greater economic growth, all of which would help the country and the Federal Treasury.

It has not turned out that way thus far, and even the most optimistic economists are predicting continued high interest rates over the next several months. People throughout the country are currently more concerned about this problem than any other.

This condition cannot be allowed to persist for both social and economic reasons. Economically, high interest rates will cause higher Federal spending for interest on the debt and for many other purposes, they will discourage economic growth, and the need for Federal borrowing to cover the resulting Federal deficits will tend to keep interest rates high. In human terms, high interest rates will continue to cause high levels of individual and business bankruptcies, unemployment, and all the attendant human suffering.

The amendment offer is the only legislative effort, other than nonbinding resolutions, to deal directly with high interest rates.

It is based upon the President's predicted 10.5 percent cost of Federal borrowing and a $42.5 billion deficit for fiscal 1982.

The amendment simply provides that if 91-day Treasury bill interest rates do not fall to an average of 10.5 percent as projected for fiscal year 1982, then the size of the July 1983, individual tax cut will be reduced in order to hold down the size of the 1983 and 1984 Federal deficits.

This amendment was debated previously in the Senate, at which time it received substantial support in spite of the fact that it was not a part of the original Reagan administration package, and the debate followed on the heels of the President's televised appeal to the Nation to urge Congress to pass his program without change.

Now that the hope of a quick moderation of interest rates has been shattered, we believe fiscal policy should be adjusted accordingly.

Here is how the amendment would work and some points in favor of its adoption:

First. To give some examples of this amendment's possibilities, if the average 91-day T-bill rate is 10.5 percent or less, the full 5–10–10 reduction goes into effect. But if the T-bill rate is 11.0 percent and the deficit is $63 billion, the tax cut would be 5–10–5, since reducing the size of the July 1, 1983, tax rate cut by half represents a revenue increase of approximately $21 billion for 1984. Other examples:

| 1982 deficit: | (1) |
|---|---|
| $42.5 billion or less | 5–10–10 |
| $46 billion | 5–10–9 |
| $50 billion | 5–10–8 |
| $55 billion | 5–10–7 |
| $58 billion | 5–10–6 |
| $63 billion or more | 5–10–5 |

[1] Individual 81–82–83 tax rate cut if T-bill rate exceeds 10.5 percent.

Second. Adoption of the amendment would have a positive effect on financial markets. The demonstration by Congress that we are determined not to let 1983 and 1984 deficits get out of hand will change expectations on the amount of future Federal borrowing and on interest rates.

Passage of this amendment would work to restore more optimistic expectations, and therefore may be the last chance to make the Reagan economic program work without more drastic changes.

Third. Recent polls show that the American people want the Reagan program to have an opportunity to succeed. This amendment gives the Reagan economic program its chance since it calls for no immediate rollback of the tax legislation we have just passed; it allows all the business and savings tax incentives to remain intact, and even if it were to become effective due to continuing high interest rates, it would not change individuals' behavior significantly, since there is surely very little difference in expectations between a 23-percent individual income tax reduction and, for example, an 18- or 20-percent reduction.

Fourth. Congress must now realize that the alternatives to this amendment present extremely difficult choices. There is a natural reluctance to delay or otherwise change the tax cut which was just passed. Budget cuts can probably still be made in some areas, but in order to make any real dent in a potential $100,000,000,000 Federal deficit in 1984, there would have to be significant cutbacks in defense spending or in social security, or both. The prospect of Congress making big cuts in either social security or defense is not good or advisable.

Fifth. This amendment should be adopted as soon as possible since it is likely to have a positive effect on the economy and it does not foreclose other options. Our economy should not be allowed to drift while Congress and the administration argue bitterly about other remedies. Such an insuing battle could easily spill over and result in a much divided Nation.

In spite of the fact that many of us had differences with the original Reagan administration proposal, we are not offering this amendment to go back and undo what Congress has already done.

Instead, we offer this amendment as an attempt to salvage the best part of what has been enacted and, by concentrating on interest rates and a reduction in the size of future year deficits, avoid some very difficult and divisive questions which, without this amendment, surely will face us in the days and months ahead.

## NOTICES OF HEARINGS

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Budget Committee will hold a hearing to examine the effects of the President's economic proposals upon the U.S. financial markets on Monday, September 28, at 10 a.m. in room 6202 of the Dirksen Senate Office Building. Witnesses scheduled to testify are: Walter Stein, vice chairman of Capital Research Co.; David Williams, chairman of the board, Alliance Capital Management Corp.; and Joel Leff, managing partner of Fortsmann-Leff Associates.

For further information call Lynn Pearson of the Senate Budget Committee staff at 222–0544.

COMMITTEE ON ENERGY AND NATURAL RESOURCES AND SUBCOMMITTEE ON NUCLEAR REGULATION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing which will be held jointly before the Committee on Energy and Natural Resources and the Subcommittee on Nuclear Regulation of the Committee on Environment and Public Works.

The hearing will be held on Tuesday, October 6, beginning at 10:30 a.m. in room 3110 of the Dirksen Senate Office Building to consider S. 1662, the National Nuclear Waste Policy Act of 1981; and S. 637, a bill to establish a program for Federal storage of spent fuel from civilian nuclear powerplants, to set forth a Federal policy and initiate a program for the disposal of nuclear waste from civilian activities, and for other purposes.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding the hearing, you may wish to contact Mr. Paul Gilman of the Energy and Natural

Resources Committee staff at 224-4431, or Mr. James Asselstine of the Nuclear Regulation Subcommittee staff at 224-2991.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Finance Committee be authorized to meet during the session of the Senate today, Thursday, September 24, at 4 p.m., to discuss social security legislation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet today, Thursday, September 24, to hold a business meeting the subject of which will be S. 1503, standby oil control legislation.

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

## ADDITIONAL STATEMENTS

### GREECE

● Mr. HOLLINGS. Mr. President, with so many of my colleagues today seizing the opportunity to make some comments on Greece, I am delighted to have a moment to inject some thoughts of my own.

When we talk of Greece, our minds inevitably go back to those ancient ideals which did and do more to move the hearts and minds of men than any other system of political thought ever devised.

These ideals translate into good citizenship, into participatory democracy, into each citizen becoming a politician in the best sense of the word. I am reminded of a Republican Secretary of State, Elihu Root, who said it best many years ago:

> Politics is the practical art of self-government and somebody must attend to it if we are to have self-government . . . the principle ground for reproach against any American citizen should be that he is not a politician.

This is the kind of approach whose roots trace back to ancient Greece and it is the approach I see among my friends in the Greek community today.

I do not know of any group or community that is part of this great country of ours that has contributed so much and worked so diligently through the years as our Greek friends. As they built democracy thousands of years ago on the shores of the Aegean, so have they been builders of democracy here in America. They have striven for the highest ideals and have always sought to live within the laws their heritage helped to forge. From the precinct to the Congress, they have provided the finest kind of example.

I know others have traced in detail the history of that heritage and also the unfolding of the Greek chapter of the American saga. Perhaps I should be able to say just a word on the strategic importance of Greece. Anyone with even a cursory knowledge of geopolitics is aware that Greece's position is crucial to the maintenance of freedom. This is so not only in the intellectual sense but in the military, national security sense. In the event of conflict with the Warsaw Pact countries, our adversaries would seek to drive a wedge between Italy and Turkey. Then they could press on toward the Middle East or Southern Italy or North Africa.

But it is not just a geographical locale that is important to the national security posture of freedom—there are many other factors such as its enormous merchant marine. But standing above them all is that indomitable thirst for national independence that Greece has always displayed. Fighting alongside us in world wars, Greece has shed, in proportional terms, far more than its fair share of blood and sacrifice.

Today Greece spends nearly 32 percent of its national budget—almost 6 percent of its GNP—on defense. Percentage-wise, this is the highest amount of military spending by any EEC country. When we recall that this sacrifice comes from a country with the lowest per capita income in the European Community, it demonstrates Greece's will to freedom and its determination to perpetuate the values of liberty that sprang up on its own shores.

Mr. President, I hope that our two countries will soon be able to move ahead on an agreement for the extension of our basing rights in Greece. It is unarguable that continuation of these basing rights serves the interest of the United States and Greece specifically, and the cause of freedom generally. For in the final analysis, it is the freedom to which Greece gave birth that our alliance is sworn to protect.●

### MORAL ORGANIZATIONS IN POLITICS

● Mr. GOLDWATER. Mr. President, recently, I have spoken of the dangers that I sense in organizations carrying names that indicate a religious interest but who are basically wrapped up in politics. I intend to continue making comments on this subject because I feel, as the Founding Fathers did, that these organizations are of extreme danger to our country. I am not going to argue for one moment that this country does not need moral adjustments and I would suggest that if these organizations of whom I speak would devote their energies to the bettering of American morals, nobody could have an argument with them, but when they inject themselves completely into the subject of politics under the guise of morality, that is when we run into danger.

In reading pieces which come across my desk, I was impressed by one given by His Royal Highness Prince Charles before the Washington Oxford and Cambridge Dinner here in Washington in 1981. I am sure our colleague, Senator BRADLEY, will remember this. It was appealing to me because in it Prince Charles spoke to the point that I have been trying to make and I want to take the liberty of copying his remarks made during that speech so that my colleagues can have the benefit of his sound thinking on the subject. I ask that that portion of the speech to which I refer be printed at this point in the RECORD.

The excerpt follows:

EXCERPT

> Few things I think, have done more harm in this history of mankind than the belief on part of individuals, or groups, or tribes, or states, or nations, or churches that he or she or they are in sole possession of the truth, especially in the case of how to live, what to be and do, and that those who differ from them are not merely mistaken, but wicked or mad, and need restraining or suppressing. It is a terrible and dangerous arrogance to believe that you alone are right and somehow have a magical eye which sees the truth. And that others cannot be right if they disagree. There are many ways of living, there are many ways of believing and behaving; all knowledge provided by history or anthropology or literature, art and law makes it clear that the differences of cultures and characters are as deep as the similarities which make men human; and we are never the poorer for this rich variety. Knowledge of this opens the windows of the mind and the soul and makes people wiser, nicer and much more civilised. Absence of it breeds innate prejudice, hatred, ghastly extermination of heretics and those who are different. Unscrupulous people will, of course, feed on this lack of knowledge and will prey on others' fears. If the two great wars, together with Hitler's genocides, haven't taught us that, then we are incurable. The most valuable, or one of the most valuable elements in the British tradition, is precisely the relative freedom from political, racial and religious fanaticism and monomania. Compromising reasonably with people with whom you don't sympathise or altogether understand is indispensable to any decent society, however difficult it is to make the effort required. Nothing is more destructive than a happy sense of one's own, or one's nation's, infallibility, which lets you destroy others with a quiet conscience, because you were doing God's work, as was the case with the Spanish Inquisition or the superior races, as with Hitler, or history, as with Lenin or Stalin.●

### BUDGET CUTS AND HISPANIC UNEMPLOYMENT

● Mr. KENNEDY. Mr. President, unemployed Hispanics encounter many barriers in their attempts to obtain productive employment. A recent article in the Boston Globe by Maggie Rivas provided an informative discussion of these roadblocks. The article emphasized three: The language barrier, the lack of educational and employment experience among unemployed Hispanics, and prejudice directed against Hispanics by employers. Together these barriers created a 14.5-percent Hispanic unemployment rate in Massachusetts for 1979 compared to a 5.1-percent rate among whites. Even that figure is likely to be an underestimate due to inadequate population information.

Despite this bleak situation, many Hispanics continue to search and hope for employment. According to the article, their hope remains because Federal employment programs under the Comprehensive Employment and Training Act (CETA) continue to fund local organizations such as Alianza Hispana, Casa del Sol, ABCD, and the United

Latino Construction Workers. These organizations have succeeded in training unemployed Hispanics for a variety of jobs, in providing them with a workable knowledge of English, and in placing them in productive jobs. They have permitted Hispanics to overcome the barriers to employment.

It is truly heartening to read of successes like Gloria Ortega's. Her training as a nurse's aide qualified her for a job at the Boston City Hospital. It allowed her to say:

I think my family is much prouder of me. At school, everybody else's mother is a secretary or a teacher. Now my child can say his mother is a nurse's aide.

It is truly disheartening to realize that the Reagan administration is threatening to end these successes and destroy the hopes of the unemployed Hispanics and of all unemployed Americans. The reductions already imposed on the Federal employment programs will result in a significant reduction of the services that they provide. Now the administration is talking of ending these programs entirely to fulfill their need for more cuts from the Federal budget. As a result, many Americans who desperately desire to work will be unable to do so.

The Boston Globe article closes with this sobering statement from a Boston employment project director:

You're almost eliminating hope . . . People had the hope that they could elevate themselves out of poverty . . . that they could become productive members of society and taxpayers. Now there's a sense of hopelessness.

We must not permit the Reagan administration to create this sense of hopelessness among the unemployed of our country. We must preserve such fine and successful programs as CETA.

Mr. President, I ask that Maggie Rivas' article from the Boston Globe be printed in the RECORD.

The article follows:

[From the Boston Globe, Sept. 20, 1981]

FOR HISPANICS, LONG ODDS ON FINDING JOBS

(By Maggie Rivas)

It is early afternoon in front of a small variety store on Dudley street in Roxbury. Ruben Acevedo has spent the morning in a fruitless job search and now he is standing in front of Kito's Grocery Store, smoking a cigarette and talking to his friends.

For Acevedo, who is 36, this afternoon is not unlike others. Since he was laid off as a clerk from a Roxbury grocery store about four months ago, he says he leaves his Dorchester home almost every morning looking for work as a janitor or a clerk and often winds up here, just hanging around.

They tell me there's nothing, or to come back tomorrow and tomorrow and tomorrow," he says in Spanish of the employers who don't have a job for him.

Acevedo is not alone. In Boston's Hispanic community of more than 20,000, unemployment totaled 14.5 percent of the work force in 1979, according to the latest figures available from the Massachusetts Division of Employment Security (DES). During the same period, unemployment among blacks in the city was 11 percent and among whites, 5.1 percent. No figures are available for Boston's Hispanic teenage unemployment rate.

Nationwide, Hispanic unemployment stood at 10.5 percent in 1980 as compared with 6.3 percent for whites and 14.1 percent for blacks, according to the Bureau of Labor Statistics.

Human service agencies in Boston that are working to reduce Hispanic unemployment say the DES statistics are too low. Nelson Merced, the director for Alianza Hispana, a Hispanic social service organization in Roxbury, questions the accuracy of the figures.

"The unemployment rate [in Boston] is higher than that," Merced said in an interview. "If you drive through the Hispanic community, you'll see a lot of idle people . . . But there's no way of actually seeing how much higher it is. There's not even a way of showing how many Hispanics there are in Boston. So if we have bad population statistics, it's very hard to say what the unemployment is.

"If you minimize the number of people, you minimize the problem" and it becomes easy to ignore, he said.

Obstacles facing unemployed Hispanics are more overwhelming than those other minority groups face, officials who work with the unemployed agree. Their Hispanic clients speak little or no English and have low educational attainments. Most are Puerto Rican, they say, and worked as farm laborers or clerks in stores in their native country. There is also the element of prejudice against newcomers who have not been assimilated into the mainstream society.

Acevedo fits the description: a vendor in the market at Ponce, Puerto Rico, he went as far as the "first or second grade" and can read and write in Spanish a little, he says. His English is limited; he can understand a few words and can speak fewer.

The groups that provide training for unemployed Hispanics say planned reductions in federal and state funds will seriously jeopardize their efforts. Some, who will be operating on a fraction of what they spent last year, say they will have to turn away clients to maintain the quality of their programs.

In addition to the savings to taxpayers when the unemployed find work, there are also immeasurable psychological benefits to having a job, officials say.

"Puerto Ricans and other Hispanics want to assume responsibility for what's happening in their surroundings and employment provides the opportunity to assert this responsibility," says Robert Garcia, formerly the state director of the National Puerto Rican Forum.

Gloria Ortega, 34, who recently concluded a training program to become a nurse's aide, has been hired by Boston City Hospital. She says she now earns $186 weekly.

"When I get home and my children and nephews see me in my uniform, they say, 'There goes your mother the doctor.' I think my family is much prouder of me," said Ortega. "At school, everybody else's mother is a secretary or a teacher. Now my child can say his mother is a nurse's aide."

At least a dozen community and government agencies throughout Boston work with unemployed Hispanics. Mostly found in areas with large Hispanic populations—Roxbury, Jamaica Plain, the South End and Dorchester—these organizations rely mostly on federal funds, primarily the federal Comprehensive Employment Training Act (CETA), and to a lesser extent on city, state and private money.

In preparing their clients for jobs, agencies first find a way to overcome any language problem. Many offer classes that lead to a General Equivalency Diploma and special training. Some go a step further and try to match up employers and workers.

One way to get a non English-speaking Hispanic a job is to find a place where bilingual persons already work, or get the non English-speaker hired along with a bilingual person. The Third World Construction Workers Job Clearing House, which is mostly funded through funds from CETA, has had some success with that approach.

"Here we have a carpenter who was a carpenter for 20 years in South America," said Carmelo Iglesias, who worked until recently with the construction workers' group. "We get the employer to hire two persons, one who is a journeyman and the other one who works and who can translate the boss's instructions. It's been done, not often—not even frequently. But it's been done."

Iglesias's group last year placed 255 persons, about 40 percent of them Hispanic, according to Reggie Williams of that agency. "You want to fight poverty?" Iglesias said in an interview at the group's offices in the South End. "Give a guy without a job work on a construction site for $9 an hour."

Another construction group, the United Latino Construction Workers, a grass roots organization, tries to pressure contractors to hire Hispanics.

Jorge Palmarin of that organization said he had once been hired on a nonunion construction site in Boston after his organization had protested the contractor's failure to hire minority workers.

Although Palmarin was a trainee on the construction site, he says he was not taught skills. Instead, he worked as a laborer, while earning a trainee's smaller wages.

"So they were using me," he said. "They were paying me less and they weren't training me. A union steward, if he's white, doesn't care. . . . They look at you as if you don't belong there."

William Kane of the Associated General Contractors of Massachusetts said in an interview that patronage once determined who could join the building unions, but that more recently the Equal Employment Opportunity Commission has mandated that certain levels of minorities be hired. Of the 3395 apprentices in Boston building trade unions last year, 14.4 percent were racial minorities. Of that number, 91 persons were Hispanic, Kane said.

Inroads are being made in other areas. The Work Incentive Program (WIN) at the Cardinal Cushing Center for the Spanish Speaking, has been able to get clients clerical and nursing jobs.

Persons who receive Aid to Families with Dependent Children (AFDC) are required to register with WIN, unless they are exempt for medical or family reasons. WIN then tries to find them jobs in the private sector and reimburses cooperating employers the workers' salaries. At the end of the year, the employers are eligible for tax breaks.

Wally Barys, a staff member for WIN, said the obstacles he faces in securing employment for his 1861 Hispanic clients are language skills and the fact that many have large families, thus necessitating relatively high-paying jobs.

"Ninety percent of our clients don't speak any English at all," Barys said. "Ten percent speak a smattering—they can get by."

Barys' boss, Linda Dobbert, Boston's WIN coordinator, says: "We're not dealing with the whole Hispanic community, you understand: we're just dealing with the people who are on AFDC. Of all my teams, the Hispanic team has the lowest educational level of other teams."

Overall, their work experience is also limited, Barys said. The answer has been programs to train clients as secretaries, nurses' aides, mechanics and car body repairmen. So far this year, WIN has been involved in getting jobs for 146 clients.

The special problems of the Hispanic unemployed, Barys said, has meant that he has adjusted his goals. "We know they're going to take longer to deal with and we're going to have less success than we do in other areas [of the city]."

Recently, 13 women trained as nurses'

aides by a Colombian physician in a WIN program were hired by Boston City Hospital. Hospital officials, impressed by the women's preparation, told Barys they were "overtrained."

"Something like that is a great morale-booster," he said.

Because the Hispanics face more barriers, WIN's Dobbert said: "I think we do get a feeling of success because we have helped people overcome a lot."

The future of agencies that work with unemployed Hispanics, however, is clouded primarily because of federal budget cuts.

Alianza Hispana (Hispanic Alliance), for instance, will get $70,000 less next year from the federally funded Community Development Block Grant Program. That represents 14 percent of Alianza's total budget.

At the Cardinal Cushing Center for the Spanish-Speaking, 40 percent of the Comprehensive Employment Training Act (CETA) funds for the English classes has been slashed.

Casa del Sol (House of the Sun), which is described by some as the most prominent of the community groups, is also facing a 50 percent cutback in its CETA funding. CETA last year provided two-thirds of Casa del Sol's $360,000 budget. With those funds, Casa del Sol placed about 80 percent in secretarial and clerical jobs. Others were enrolled in area colleges.

Action for Boston Community Development (ABCD), a private group, will lose 40 percent of its CETA funding for its adult programs, according to Nick Avitabile, ABCD's director of employment and training.

"You're almost eliminating hope," Avitabile said. "That's one thing you could always count on, that you could change things. People had the hope that they could elevate themselves out of poverty . . . that they could become productive members of society and taxpayers. Now there's a sense of hopelessness."●

## THE PEACE CORPS

● Mrs. KASSEBAUM. Mr. President, 20 years ago today Congress created a Peace Corps to promote the social, educational, and economic advancement of the developing nations and to promote a better understanding between the American people and the peoples of those nations.

Since its creation, over 97,000 Peace Corps volunteers have served in 88 countries. Today, almost 6,000 volunteers and trainees are serving in 60 countries.

All too often, the emphasis on overseas development has been placed on financial resource transfers. The argument is made that only a new international economic order will bring about development. Yet, as many of the OPEC nations have learned, financial resources alone cannot develop a country.

In its 20 years, the Peace Corps has made an important contribution toward developing the human resources of the less developed nations through the efforts of 31,000 volunteers who have taught at universities, secondary schools, and specialized training institutes. Formal education has been only one method the Peace Corps has helped develop the human resources of the Third World, because in essence every Peace Corps project is an educational project, as volunteers seek to introduce new ways into a traditional society.

With 20 years of direct people-to-people involvement abroad, Peace Corps volunteers have contributed to a deeper understanding and knowledge in our own country of the forces at work in the developing nations. Returned Peace Corps volunteers are now to be found in the State Department and the Agency for International Development, they can be found in many of the private voluntary agencies such as CARE, International Voluntary Services, and they can even be found overseas representing American businesses or at home directing corporate activities abroad. Two of our distinguished colleagues on the Foreign Relations Committee, Senators TSONGAS and DODD, are former volunteers and their knowledge of the Third World drawn from their experiences as volunteers has been especially valuable to the committee.

The Peace Corps' record of contribution to both the developing nations and to the United States over the past 20 years has been outstanding. I wish to thank each and every volunteer and former volunteer for the oftentimes arduous and frustrating tasks they performed on behalf of their fellow man. With today's new emphasis on voluntary service to one's fellow man, I am confident the Peace Corps will prosper in the years to come.●

## PETER B. BENSINGER HAS BEEN EFFECTIVE DEA ADMINISTRATOR

● Mr. NUNN. Mr. President, Peter B. Bensinger, who has left the Drug Enforcement Administration after a 5-year tour as Administrator, was an effective, competent and imaginative leader, a credit to the Government, to DEA and to the many dedicated law enforcement personnel he so ably represented.

I commend Mr. Bensinger for his distinguished service to the public and to law enforcement and extend to him my best wishes for continued success in all his future endeavors.

Mr. Bensinger took charge of DEA in January 1976. He promptly began taking actions to strengthen the Agency and to improve Federal law enforcement generally. Nine of his policies were particularly noteworthy.

First. Mr. Bensinger directed that DEA's principal objective would be to immobilize and disrupt the operations of the major drug syndicates. DEA had been criticized for devoting too many resources to the pursuit of lower level drug violators.

Second. Countering critics who said DEA's internal integrity standards were inadequate, Mr. Bensinger instituted procedures to assure the suitability of personnel for sensitive law enforcement assignments.

Third. Mr. Bensinger committed additional DEA resources to the mounting of financial investigations against major narcotics traffickers. The big-time dealers are adept at hiding their drug transactions, but they are often less effective in concealing the huge profits that result from them. That is why many of the most successful prosecutions against major narcotics violators have been based on solid, comprehensive financial investigation. Mr. Bensinger began training programs to improve the ability of his agents to conduct financial investigation.

Fourth. In building financial investigations against drug traffickers, DEA agents looked forward to cooperation from the Internal Revenue Service. IRS agents are the most skilled of all law enforcement personnel in putting together financial investigation. Knowing the value of IRS agents in major drug cases, Mr. Bensinger worked hard to remove restrictions from the Tax Reform Act of 1976 which served to prohibit IRS from cooperating with other law enforcement agencies. I share Mr. Bensinger's belief that the disclosure provisions of the Tax Reform Act should be amended and the Senate recently adopted my legislation to achieve that objective.

Fifth. Just as he was a strong supporter of amending the disclosure provisions of the Tax Reform Act of 1976, Mr. Bensinger also worked effectively on behalf of my legislation to enable the Armed Forces to assist civilian law enforcement in investigating the smuggling of drugs into the United States and other drug violations. Without altering the intention of the posse comitatus doctrine of not using the military for civilian law enforcement, Mr. Bensinger wisely pointed out that the Nation's ability to control its borders against drug smuggling would be strengthened if DEA could turn to the Armed Forces for technical assistance. I am pleased to note that this measure has been adopted by both the Senate and the House.

Sixth. As Administrator, Mr. Bensinger improved DEA's working relationships with other Federal agencies. He has been especially forceful in forging better ties with the FBI, the IRS, the Customs Service and the Coast Guard.

Seventh. The amount of money earned by major drug traffickers is often so large that it has required that we reexamine our concept of bail for alleged narcotics violators. Mr. Bensinger has been in the forefront of those who have called for reform of bail procedures. A $250,000 bond, for example, large by ordinary standards, can be met easily by some drug dealers. They post bond and then, learning that the Government's case against them is very strong, flee, deciding the $250,000 is a small price to pay for avoiding a prison sentence.

Eight. In addition to urging more realistic bail for major drug dealers, Mr. Bensinger also has called for longer prison terms and more uniform sentencing practices. In both the bail and sentencing proposals, I share Mr. Bensinger's views and he has been of assistance to me in drafting bail and sentencing reform legislation.

Ninth. While the Nation's foreign policy is the responsibility of the Department of State, DEA, under Mr. Bensinger, has had the sensitive assignment of working with officials of the source

producing countries in hammering out mutually acceptable drug enforcement policies and programs. Mr. Bensinger has always advocated that the executive and legislative branches form a partnership to agree upon and affirm a national and international policy that would bring strong action to fight the global drug problem in a unified way.

Under Mr. Bensinger's guidance, DEA has tried to reduce the adverse impact of illegal drugs on the American society. Despite limited resources, DEA and local law enforcement agencies have had some positive results in removing dangerous drugs from our streets. However, the drug trade continues to flourish, and the problem persists for reasons tied to the enormous supply of and demand for drugs.

As the former chairman of the Permanent Subcommittee on Investigations and now its ranking minority member, I have had the pleasure of knowing, befriending and working closely with Peter Bensinger.

A man gifted with a good mind, sound judgment and well developed managerial skills, Peter Bensinger has been an articulate spokesman for Federal drug enforcement. He has been of great assistance to the subcommittee in its continuing effort to exercise its oversight function in regard to organized and syndicated crime and the Federal Government's ability to combat it.

Again, I wish Peter Bensinger the very best in all his future endeavors.●

## SOUTH CAROLINA RESOLUTION ON TEXTILES

● Mr. HOLLINGS. Mr. President, this week important negotiations are taking place in Geneva, Switzerland, which will help determine the future of our Nation's textile industry.

As every textile worker knows, the United States continues to run large deficits in the world trade of textile and apparel products. Last year this amounted to $4.1 billion. This year it is running at a $4.4 billion annual rate.

These are vitally important negotiations for our country. Tightening up the MFA is of utmost importance. The current agreement provides for 6-percent annual growth in many categories—even to such well-developed countries as Korea, Hong Kong and Taiwan—and when this is combined with certain flexibility provisions, growth rates can swell to 24 percent. With the domestic market growing in the 2-percent range, this inundation is obviously highly detrimental to our industry. An improved MFA would relate the growth of imports directly to the growth of the domestic market.

Indeed, during his campaign for the Presidency, Ronald Reagan went on record in support of relating import growth from all sources to the growth in our domestic market. The need now is to make good that commitment. The alternative is inundation of our market by foreign goods, produced at low cost and subsidized by favorable treatment on the part of their home government.

America's textile and apparel jobs are vitally important to our economy. They account for 10 percent of our country's manufacturing work force; 65 percent of the industry's employees are women, and 27 percent are minorities—jobs among groups and in areas that should be preserved. But if present import trends continue, by 1990 some 630,000 of these jobs will be gone and that translates into a GNP loss of $57 billion.

Just last week the South Carolina House of Representatives passed a resolution memorializing the Congress and the Reagan administration to seek to negotiate a multifiber agreement on textile imports which would relate import growth to the growth of the domestic market. Copies of this resolution have been forwarded to the President and other officials responsible for the negotiations now taking place. I ask that the text of this resolution be printed in the RECORD. It is important and timely and my hope is that the policy it enunciates will be translated into action in the weeks ahead.

The resolution follows:

HOUSE RESOLUTION 3187

Whereas, the volume of textile and apparel imports to the United States has increased by eleven percent in 1981 in comparison with 1980; and

Whereas, this increase has resulted in a nineteen percent jump in the textile apparel trade deficit; and

Whereas, the actual dollar value of textile imports was 5.8 billion dollars in 1980, up thirteen percent; and

Whereas, these substantial imports increases have created severe problems and concern in our textile industry which require prompt and effective action by the Federal Government. Now, therefore, be it

*Resolved* by the House of Representatives: That the Congress of the United States and the Reagan Administration are memorialized to seek to negotiate a multi-fiber import agreement with major textile importing countries which would relate textile apparel import growth to the growth of the domestic textile market.

*Be it further resolved* That copies of this resolution be forwarded to President Reagan, Secretary of State Haig, Vice President Bush, Speaker of the House O'Neill and each member of the South Carolina Congressional Delegation in Washington, D.C.●

## NUCLEAR ARMS NEGOTIATIONS WITH THE SOVIET UNION

● Mr. HART. Mr. President, the news that the administration intends to resume nuclear arms negotiations with the Soviet Union is welcome. A return to the negotiating table is a necessary step toward our mutual goal of reducing the possibility of nuclear war.

But the focus of the proposed talks is too narrow. The State Department has reported that negotiations will be confined to medium-range missiles based in Europe. There is no question that theater nuclear weapons are a matter of great concern, both in terms of United States-Soviet relationships and in terms of our own relations with our European allies. But effective limits on theater nuclear weapons can be achieved only as part of a comprehensive limit on strategic nuclear weapons. The definition of theater nuclear forces is so difficult that if we negotiate only on these limits, we run the risk of leaving a loophole for the Soviets to mount an unrestrained threat against Europe with weapons outside the focus of these limited negotiations.

Unfortunately, the administration continues to be opposed to strategic arms limitation negotiations with the Soviets because it continues to misconstrue the purpose of arms limitation treaties. It seems to think they are a reward to our friends—rather than a control on our rivals.

President Reagan's letter to Chairman Brezhnev is new evidence of this view. In it he implies the administration still intends to delay negotiations on strategic nuclear arms until the Soviets show greater restraint and reciprocity in its activities around the world. This policy of linkage holds that until Soviet adventurism diminishes, we must delay arms negotiations. But, the Reagan administration has linkage backward. It is exactly because of Soviet conduct that we must pursue an arms limitation treaty. The only linkage that makes sense is linkage between our distrust of the Russians' intentions and the need for an arms treaty that limits their capabilities.

The administration still fails to understand that we should negotiate an arms control treaty because it is in our national interest:

It would limit the size of the Soviet nuclear threat.

It would provide greater certainty for the United States defense planning.

It would provide greater ability to focus our resources on conventional forces.

It would help provide a consensus on national security issues.

Until we begin negotiations to limit strategic nuclear arms, we are neglecting our national security in the most fundamental way. The administration should broaden the negotiations immediately.●

## DIRECTING SENATE LEGAL COUNSEL TO APPEAR IN CERTAIN MATTERS

Mr. BAKER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

Senate resolution (S. Res. 216) to direct the Senate Legal Counsel to appear in the name of the Senate as amicus curiae in *Pacific Legal Foundation, et al.* v. *Watt* and *Mountain States Legal Foundation, et al.* v. *Watt, et al.*

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. BAKER. Mr. President, the purpose of this resolution is to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in the consolidated cases of Pacific Legal Foundation against Watt and Mountain States Legal Foundation against Watt, which are pending in the

U.S. District Court for the District of Montana.

The plaintiffs in these cases are challenging the constitutionality of section 204(e) of the Federal Land Policy and Management Act of 1976. That section establishes a procedure by which the Senate Energy and Natural Resources Committee or the House Interior and Insular Affairs Committee may require the Secretary of the Interior to report to them about the proposed use of Federal lands.

Under the statutory procedure, lands designated by either of these committees are to be temporarily withdrawn for a period not to exceed 3 years. The function of the statute is to provide the Congress with the information and the time to determine whether it should act legislatively with respect to the lands which are subject to the temporary withdrawal.

The claims made by the plaintiffs in opposition to the statute are similar to those raised in pending cases concerning the constitutionality of legislative review of actions and rules of executive and independent agencies. The Department of Justice has joined the plaintiffs in a challenge to the constitutionality of the statute, although the Department is also asking the court to dismiss these cases on preliminary grounds.

The Attorney General has suggested that the two Houses consider an appearance in these cases, and the chief judge of the U.S. District Court for the District of Montana has invited and urged that the Senate and House appear as amicus curiae. An appearance in these cases in support of the act of Congress which has been challenged would be consistent with the decision of the Senate to appear in other pending cases on the constitutionality of legislative review.

Section 204(e) of the Federal Land Policy and Management Act was invoked, in the present matter, by the House Interior and Insular Affairs Committee. By this appearance the Senate would take no position on the environmental and development issues underlying the action by the House committee.

The purpose of the Senate appearance would be solely to present to the court additional nonconstitutional grounds for decision and, in the event the merits of the constitutional issue are reached, a defense of the constitutionality of the statute. As amicus there should be no occasion to address other collateral issues among the parties.

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

The resolution (S. Res. 216) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 216

Whereas, in the consolidated cases of *Pacific Legal Foundation, et al.* v. *Watt* and *Mountain States Legal Foundation, et al.* v. *Watt, et al.*, Nos. 81-141-BLG and 81-168-BLG, pending in the United States District Court for the District of Montana, the constitutionality of section 204(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. § 1714(e)) has been challenged;

Whereas, that Act of Congress establishes a procedure by which the Secretary of the Interior may be required to report to the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee about designated federal lands and to temporarily withdraw those lands so that the Congress may determine whether any legislation with respect to them is warranted;

Whereas, the Department of Justice has filed a brief which challenges the constitutionality of that Act of Congress;

Whereas, the United States District Court for the District of Montana has invited the Houses of Congress to appear in these cases;

Whereas, pursuant to sections 703(c), 706 (a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a) (Supp. III 1979)), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in the consolidated cases of *Pacific Legal Foundation, et al.* v. *Watt* and *Mountain States Legal Foundation, et al.* v. *Watt, et al.*

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.

## ORDERS FOR FRIDAY

Mr. BAKER. Mr. President, I have not yet had an opportunity to confer with the minority leader, but may I make a suggestion in connection with the schedule on tomorrow? It is not possible to complete the continuing resolution debate tonight. I know of no other amendments to the resolution. I hope and trust there will be no further amendments and that we can proceed to third reading and passage very expeditiously in the morning.

Mr. President, in order to accommodate that, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. tomorrow; and that after recognition of the two leaders under the standing order, the distinguished Senator from Wyoming (Mr. WALLOP) be recognized for not to exceed 5 minutes on special order; that, after the recognition of the Senator from Wyoming, there be a brief period for the transaction of routine morning business not to extend past the hour of 10 a.m., in which Senators may speak for not more than 1 minute each; and that at 10 a.m., the Senate resume consideration of House Joint Resolution 325, the continuing resolution.

I make that request, as I say, without having had an opportunity to confer with the minority leader, but I trust that is satisfactory with him.

Mr. ROBERT C. BYRD. Mr. President, I think that is a very satisfactory approach and I have no objection.

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

THE DEBT LIMIT

Mr. BAKER. Mr. President, as I say, I hope and trust we shall finish the continuing resolution very promptly. It will be my intention then tomorrow to ask the Senate to start consideration of the debt limit. It is not expected that we shall be in late tomorrow. I hope that after opening statements on the debt limit and the disposition of a few amendments, we shall be in a position to ask the Senate to recess by midafternoon, I hope by 3 or 4 p.m.

## RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I have no further business to bring before the Senate. I inquire if the minority leader has anything further?

Mr. ROBERT C. BYRD. I thank the distinguished majority leader. I have nothing, Mr. President.

Mr. BAKER. I move, then, in accordance with the order previously entered, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to and, at 8:53 p.m., the Senate recessed until tomorrow, Friday, September 25, 1981, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate September 24, 1981:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Michael Joseph Connally, of Michigan, to be General Counsel of the Equal Employment Opportunity Commission for a term of 4 years, vice Leroy D. Clark, resigned.

INTERSTATE COMMERCE COMMISSION

Frederic N. Andre, of Indiana, to be a Member of the Interstate Commerce Commission for the term of 7 years from January 1, 1981, vice Charles L. Clapp, term expired.

Malcolm M. B. Sterrett, of Maryland, to be a Member of the Interstate Commerce Commission for the term of 7 years from January 1, 1981, vice George M. Stafford, resigned.

IN THE COAST GUARD

The following-named Reserve officers of the Coast Guard to be permanent commissioned officers in the grades indicated:

*To be lieutenant commander*

Malcolm D. Stevens

*To be lieutenant*

Patrick J. Danaher
Mark C. Gould
William C. Paradise

*To be lieutenant (junior grade)*

James S. Dick
Francis K. Koob
John W. Schoen
Richard C. Simonson

IN THE AIR FORCE

The following Air National Guard of the U.S. officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

*To be lieutenant colonel*

Maj. Douglas K. Acheson, [redacted].
Maj. Donald W. Armington, [redacted].
Maj. Gregory C. Bassett, [redacted].
Maj. Joseph B. Bellino, [redacted].
Maj. Dee C. Brecheisen, [redacted].
Maj. James C. Burdick, [redacted].
Maj. Gary M. Burge, [redacted]
Maj. John R. Butler, [redacted].

Maj. Robert E. Carlson, [redacted].
Maj. John C. Curran, Jr., [redacted].
Maj. Patrick J. Dirk, [redacted].
Maj. Dennis J. Ellithorpe, [redacted].
Maj. Myron O. Everson, [redacted].
Maj. Jerome A. Fosheim, [redacted].
Maj. Peter S. Goewey, [redacted].
Maj. Paul E. Grant, [redacted].
Maj. William G. Greenlee, [redacted].
Maj. William M. Guy, [redacted].
Maj. Ronald G. Harrington, [redacted].
Maj. Walter D. Heinlen, [redacted].
Maj. Jerry L. Hendrickson, [redacted].
Maj. Gerald H. Hersey, [redacted].
Maj. Charles W. Holland, [redacted].
Maj. Jerome L. Hume, [redacted].
Maj. Peter D. Jensen, [redacted].
Maj. Jerold F. Johnson, [redacted].
Maj. Curtis P. Jones, [redacted].
Maj. Gary E. Kaiser, [redacted].
Maj. George M. Kerner, [redacted].
Maj. William R. Kostan, [redacted].
Maj. Phillip L. Latham, [redacted].
Maj. Gerald E. Lesney, [redacted].
Maj. Paul W. Madgett, [redacted].
Maj. Ralph T. Maraman, [redacted].
Maj. Dennis D. Marquardt, [redacted].
Maj. Scott A. Mikkelsen, [redacted].
Maj. Andrew R. Miller, [redacted].
Maj. David B. Mitchell, [redacted].
Maj. Richard N. Morris, [redacted].
Maj. Donald E. McAuliffe, [redacted].
Maj. James P. McMenamin, [redacted].
Maj. James F. McMurray, [redacted].
Maj. Terry W. Nelson, [redacted].
Maj. Kim L. Peterson, [redacted].
Maj. Steven K. Reynolds, [redacted].
Maj. Charles S. Rizzone, Jr., [redacted].
Maj. Douglas B. Routt, [redacted].
Maj. John A. Schmieder, [redacted].
Maj. Robert E. Schneider, [redacted].
Maj. Philip L. Shadle, Jr., [redacted].
Maj. Henry C. Shero, [redacted].
Maj. Richard A. Shutack, [redacted].
Maj. James M. Skiff, [redacted].
Maj. James F. Stockner, [redacted].
Maj. Michael J. Sullivan, [redacted].
Maj. Richard F. Sutherland, [redacted].
Maj. Edward L. Sykes, [redacted].
Maj. Charles A. Takos, [redacted].
Maj. Arturo J. Torres, [redacted].
Maj. Giles E. Vanderhoof, [redacted].
Maj. Charles H. Vaughn, [redacted].
Maj. Dale F. Vavra, [redacted].
Maj. Thomas M. Walsh, [redacted].
Maj. Melvin L. Watson, [redacted].
Maj. Walter T. Wick, [redacted].
Maj. Charles D. Williams, [redacted].

LEGAL

Maj. Allen C. Pate, [redacted].

CHAPLAIN

Maj. Phillip L. Tillman, [redacted].

MEDICAL CORPS

Maj. James A. Capps, Jr., [redacted].
Maj. Ernest N. Charlesworth, [redacted].
Maj. Paul A. Howard, [redacted].
Maj. Leonard W. Kozoman, [redacted].
Maj. Roger G. Santala, [redacted].

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

*Captain to major*

Aarnio, Paul R., [redacted].
Abate, Nicholas, [redacted].
Abbott, John F., [redacted].
Abels, James A., [redacted].
Ackert, James E., [redacted].
Acree, William A., [redacted].
Adams, Thomas M., [redacted].
Adleman, Ronald W., [redacted].
Ahern, Daniel B., [redacted].
Alber, Steven C., [redacted].
Albers, Robert M., [redacted].
Alcala, Gabriel J., [redacted].
Aldebol, Anthony W., [redacted].
Alder, Gordon S., [redacted].
Aldrich, Kenneth H., [redacted].
Alexander, David W., [redacted].
Alexander, Dean C., [redacted].
Alexander, Michael D., [redacted].
Alexander, Roger A., [redacted].
Alexander, William D., Jr., [redacted].
Allard, David C., [redacted].
Alldredge, Aaron C., [redacted].
Allen, John C., [redacted].
Allen, Robert G., Jr., [redacted].
Allenson, Stephen P., [redacted].
Allison, Ronald L., [redacted].
Almond, Edward E., Jr., [redacted].
Alsup, Larry W., [redacted].
Altemose, James L., [redacted].
Altiere, Michael P., [redacted].
Ames, Robert R., [redacted].
Ammirati, Louis J., [redacted].
Anders, Gregory E., [redacted].
Anderson, Carles E., [redacted].
Anderson, Charles R., Jr., [redacted].
Anderson, Glen M., [redacted].
Anderson, Jon G., [redacted].
Anderson, Phillip G., [redacted].
Anderson, Ted K., [redacted].
Anderson, Wayne H., [redacted].
Andes, Randy T., [redacted].
Andrea, Ronald L., [redacted].
Andrejak, Gary E., [redacted].
Andrews, William J., [redacted].
Anglemyer, Richard M., [redacted].
Anthony, Michael D., [redacted].
Applegate, William J., [redacted].
Applewhite, Jim R., [redacted].
Aramanda, Michael G., [redacted].
Arkfeld, Gerald L., Jr., [redacted].
Arlen, Richard D., Jr., [redacted].
Armbrust, John S., [redacted].
Armington, Judie A., [redacted].
Armour, Harold M., Jr., [redacted].
Armstrong, Bill L., [redacted].
Armstrong, Donald J., Jr., [redacted].
Armstrong, Michael E., [redacted].
Arneson, Paul S., [redacted].
Asato, Morris T., [redacted].
Ashmore, Frederick M., [redacted].
Atherton, Michael E., [redacted].
Atwood, Charles R., [redacted].
Au, Patrick A., [redacted].
Aubrey, James R., [redacted].
Auwarter, Carmen E., [redacted].
Avery, Gerald N., [redacted].
Ayen, William E., [redacted].
Aylsworth, George W., [redacted].
Babcock, Richard R., Jr., [redacted].
Bagby, Daniel J., [redacted].
Bagby, Richard C., Jr., [redacted].
Baggett, Roy G., [redacted].
Bailey, Brooke P., [redacted].
Bailey, Edward L., Jr., [redacted].
Baird, Wayne J., [redacted].
Baker, Ellery E., [redacted].
Baker, John P., III, [redacted].
Baker, John R., [redacted].
Baker, Michael D., [redacted].
Baker, Norman R., [redacted].
Baker, Samuel B., [redacted].
Baker, Vincent T., [redacted].
Baker, William H., [redacted].
Baker, William T., Jr., [redacted].
Bala, Walter A., [redacted].
Balazs, Brent W., [redacted].
Baldassari, Ronald J., [redacted].
Ballard, Laurence L., Jr., [redacted].
Balthun, Wayne E., [redacted].
Bangs, Terry L., [redacted].
Bannon, Edward A., [redacted].
Barber, Jensen E., [redacted].
Barber, Michael A., [redacted].
Barberg, Robert V., [redacted].
Barclay, Robert L., [redacted].
Barco, Leroy G., [redacted].
Barker, Daniel J., [redacted].
Barnard, Douglas M., [redacted].
Barnes, Larry R., [redacted].
Barnett, Barbara J., [redacted].
Barr, Robert D., [redacted].
Barbara, Arturo R., Jr., [redacted].
Barrett, Robert M., Jr., [redacted].
Barrows, Donald K., [redacted].
Bartanowicz, Robert S., [redacted].
Bartlett, Michael D., [redacted].
Bass, Marvin G., [redacted].
Bassett, Frederick E., [redacted].
Bassett, Kenneth W., [redacted].
Batchelder, Floyd P., [redacted].
Bates, Eugene F., [redacted].
Batstone, Brian G., [redacted].
Bauer, George C., III, [redacted].
Bauer, Lee A., [redacted].
Bauer, Stephen A., [redacted].
Baugh, John R., [redacted].
Baughn, Donald T., [redacted].
Bayley, John S., [redacted].
Bazar, William A., [redacted].
Beam, Danny A., [redacted].
Bean, Gary P., [redacted].
Beard, Michael W., [redacted].
Beauchamp, Mark G., [redacted].
Beauregard, Avery J., [redacted].
Beck, Christopher A., [redacted].
Becker, Allan R., [redacted].
Bednarz, Michael H., [redacted].
Bedwell, James W., [redacted].
Beekman, William D., [redacted].
Beeman, Kenneth A., [redacted].
Beemer, James E., [redacted].
Beens, Lynn R., [redacted].
Begert, William J., [redacted].
Behr, Robert D., [redacted].
Beishke, John J., Jr., [redacted].
Belche, George R., [redacted].
Bell, Charles T., [redacted].
Bell, Edwin M., Jr., [redacted].
Bell, Robert L., [redacted].
Bellinger, Robert W., [redacted].
Belwood, Lloyd E., [redacted].
Bennett, Frederick L., [redacted].
Bentley, Bedford T., Jr., [redacted].
Benton, Jeffrey C., [redacted].
Benton, Richard D., [redacted].
Bergquist, Ronald E., [redacted].
Berndt, William L., [redacted].
Berner, Brent A., [redacted].
Bernott, Michael J., [redacted].
Berry, Alan L., [redacted].
Berry, Alfred N., [redacted].
Berry, Arnold M., [redacted].
Berry, Edward M., III, [redacted].
Berry, Sammy L., [redacted].
Bessom, Roger A., [redacted].
Best, Melvin L., Jr., [redacted].
Bethart, Edgar J., Jr., [redacted].
Bettcher, James R., [redacted].
Beverly, Gerald M., [redacted].
Billick, Donald M., [redacted].
Birk, Frank T., [redacted].
Bishop, Gerald K., [redacted].
Bishop, Harold T., [redacted].
Bitner, Charles B., [redacted].
Blamey, John T., [redacted].
Blanchard, Warren C., Jr., [redacted].
Bland, Lewis H., [redacted].
Blankenbeker, Joan W., [redacted].
Blevins, John E., [redacted].
Bloom, Richard L., [redacted].
Bogard, Barbara J., [redacted].
Bogart, David B., [redacted].
Boggan, James F., [redacted].
Bohman, Richard T., [redacted].
Bohnsack, Richard D., [redacted].
Bolalek, Philip J., [redacted].
Boland, Thomas R., [redacted].
Bole, Samuel J., [redacted].
Bollinger, Timothy J., [redacted].
Bomersbach, Richard L., [redacted].
Boneske, Franklin, [redacted].
Bonfiglio, Victor J., [redacted].
Bonin, James J., Jr., [redacted].
Bonin, Martin E., [redacted].
Bonitz, William A., [redacted].
Bonner, John H., [redacted].
Booker, John C., Jr., [redacted].
Booker, Michael P., [redacted].
Booker, Richard L., [redacted].
Boots, Robert J., [redacted].
Borah, Steve B., [redacted].
Bordenave, Robert J., [redacted].
Boroczk, Dennis M., [redacted].
Bortfeld, Stephen R., [redacted].

Borum, John P. [redacted]
Bossart, Roger A. [redacted]
Bostick, James K. [redacted]
Boswell, Irving W., III [redacted]
Boswell, James W. [redacted]
Botta, Joseph E. [redacted]
Botula, Charles, III [redacted]
Boudreaux, Lionel P., III [redacted]
Bourke, Thomas J. [redacted]
Bowles, Robert J. [redacted]
Bowman, William R. [redacted]
Boyce, Earl J. [redacted]
Boyer, David G. [redacted]
Brackett, Howard R., Jr. [redacted]
Brackin, William W. [redacted]
Bradford, Craig S. [redacted]
Brady, Doyle E. [redacted]
Bragaw, Charles L. [redacted]
Braley, Howard J. [redacted]
Brantner, John A. [redacted]
Bras, Victor D. [redacted]
Brashear, Dick D., II [redacted]
Brauer, Harold E. [redacted]
Brearey, Jonathan L. [redacted]
Breeden, Herbert O. [redacted]
Breen, Paul M. [redacted]
Breese, David L. [redacted]
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Bridal, Donald D. [redacted]
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Bristow, Richard D. [redacted]
Broadstreet, Ralph E. [redacted]
Broas, Michael J. [redacted]
Brock, Ronald O. [redacted]
Brod, Thomas J. [redacted]
Brogan, Dennis M. [redacted]
Broome, William M. [redacted]
Brothers, James T., Jr. [redacted]
Broussard, Raymond D. [redacted]
Brower, Stephen A. [redacted]
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Buchanan, Paul E., Jr. [redacted]
Buckley, David C. [redacted]
Buckmelter, James R. [redacted]
Budzinski, Willard C., Jr. [redacted]
Buffin, John K. [redacted]
Buffkin, Bobby D. [redacted]
Bulat, Antone S. [redacted]
Bull, Brenda L. [redacted]
Buono, Bruce J. [redacted]
Burditt, William R. [redacted]
Burk, Dannie O. [redacted]
Burke, Joseph P., Jr. [redacted]
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Burnham, John M., II [redacted]
Burns, Edward J., III [redacted]
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Bury, Stanley J. [redacted]
Busch, William W. [redacted]
Busse, William B. [redacted]
Butt, Edward L. [redacted]
Buttell, William M. [redacted]

Byers, Norman P. [redacted]
Byrum, Phillip R. [redacted]
Cabe, Robert D. [redacted]
Cahill, James F. [redacted]
Caldwell, Al J. [redacted]
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Carpenter, Bryan F. [redacted]
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Carson, Charles A., Jr. [redacted]
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Casati, Richard W. [redacted]
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Chapman, John C., Jr. [redacted]
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Chatmon, Albert I. [redacted]
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Chipman, John C. [redacted]
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Choate, Charles M., Jr. [redacted]
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Chunn, Curtis W. [redacted]
Churchill, William H., III [redacted]
Cicci, Henry E. [redacted]
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Coe, Richard E. [redacted]
Coffman, William R. [redacted]
Cole, Alvin B. [redacted]
Cole, Ray M., Jr. [redacted]
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Collazodavila, Vicente [redacted]
Collins, Fredric R. [redacted]
Collins, Orville M. [redacted]
Combs, Michael B. [redacted]
Comer, Edward A., Jr. [redacted]
Condit, Dale O. [redacted]
Conley, Willie D. [redacted]
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Conner, Michael A. [redacted]
Connolly, Thomas V., III [redacted]
Converse, Larry E. [redacted]
Cook, Charles A., Jr. [redacted]
Cook, Edward D. [redacted]
Cooke, Damon L. [redacted]
Cooley, Kenneth R. [redacted]
Coolidge, Charles H., Jr. [redacted]
Cooper, Floyd L., Jr. [redacted]
Cooper, Harvell F. [redacted]
Cooper, Stanley J. [redacted]
Cooper, William T. [redacted]
Copeland, Larry J. [redacted]
Corbit, Richard E. [redacted]
Corlett, Clair R. [redacted]
Cormany, Timothy P. [redacted]
Cornell, Donald A. [redacted]
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Corson, Robert A. [redacted]
Corum, Larry E. [redacted]
Costello, John J. [redacted]
Cottrell, Taylor C., Jr. [redacted]
Couch, Richard S. [redacted]
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Courter, Jimmie R. [redacted]
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Cousins, Paul A. [redacted]
Covert, Robert L. [redacted]
Covey, Richard O. [redacted]
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Cozza, Charles S. [redacted]
Craig, Donald A. [redacted]
Cramlet, John B. [redacted]
Crawford, Frederick L., II [redacted]
Crawley, Glenn S. [redacted]
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Crimmel, William W. [redacted]
Criss, George W., III [redacted]
Crockett, Ray A. [redacted]
Crombar, Barry R. [redacted]
Cronin, Andrew T. [redacted]
Crosby, Michael W. [redacted]
Croslin, Georgie C. [redacted]
Cross, Roderick S. [redacted]
Crossen, John G. [redacted]
Crossman, Peter L. [redacted]
Crouch, Edwin M. [redacted]
Crowell, Donald M., Jr. [redacted]
Crum, Daniel F. [redacted]
Cruz, David J. [redacted]
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Curatola, Carl [redacted]
Current, William E. [redacted]
Currier, Louis F. [redacted]
Curtis, Larry G. [redacted]
Cusic, Wayne K. [redacted]
Cvancara, Dennis A. [redacted]
Cykoski, Russell C. [redacted]
Cyr, Henry L., Jr. [redacted]
Dade, Robert W. [redacted]
Dahljelm, Harvey D. [redacted]
Dailey, David M. [redacted]
Dale, Mark C., Jr. [redacted]
Dalrymple, Thurman E., Jr. [redacted]

Dalton, Robert E. [redacted]
Danforth, Timothy E. [redacted]
Daniels, Charles W. [redacted]
Dannelly, Larry R. [redacted]
Daszewski, Edmund D. [redacted]
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Davenport, George R. [redacted]
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Davis, Arthur P. [redacted]
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Dean, David J. [redacted]
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Degovanni, George [redacted]
Dehaven, Glenn R. [redacted]
Dekok, Roger G. [redacted]
Delauche, John S. [redacted]
Deletetsky, Richard P. [redacted]
Delhoyo, Sergio A. [redacted]
Dellario, Sammy W. [redacted]
Delmar, William A. [redacted]
Delorey, Edward A. [redacted]
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Desiderio, John R. [redacted]
Detemple, Lothar P. [redacted]
Detuccio, George A. [redacted]
Deutsch, John P. [redacted]
Devenny, Thomas J. [redacted]
Devereaux, Michael D. [redacted]
Devlin, John J., Jr [redacted]
Dickinson, Michael T. [redacted]
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Diggle, David W. [redacted]
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Dill, David C. [redacted]
Dionne, Eugene R. [redacted]
Diorio, Dan J. [redacted]
Dipoma, Larry R. [redacted]
Diuguid, James B., II [redacted]
Dmytriw, Stephen C. [redacted]
Dodds, Robert E. [redacted]
Doherty, James E. [redacted]
Dolega, Alexander A., Jr. [redacted]
Dolive, Joe E. [redacted]
Dollison, James F., Jr. [redacted]
Donohue, Peter E. F. [redacted]
Doolittle, James H., III [redacted]
Dorfman, Samuel L. [redacted]
Dorger, John M. [redacted]
Dougherty, Thomas R. [redacted]
Douglas, Melvin E., Jr. [redacted]
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Downs, David B. [redacted]
Doyer, Dennis M. [redacted]
Drane, Richard B., Jr. [redacted]
Draper, Stuart D. [redacted]
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Droke, John W. [redacted]
Duck, David A., Jr. [redacted]
Dudley, Garry W. [redacted]
Duehring, Craig W. [redacted]
Duerr, Fred J. [redacted]
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Dukes, Ronald E. [redacted]
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Dushan, Joseph D. [redacted]
Duthie, Dana C. [redacted]
Duwel, Richard B. [redacted]
Eagar, William E. [redacted]
Eagles, Donald E. [redacted]
Eastham, Walter T. [redacted]
Eatman, Jack B., Jr. [redacted]
Eaves, James C., Jr. [redacted]
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Ecung, Maurice [redacted]
Edgar, John D. [redacted]
Edison, Thomas R. [redacted]
Edly, Robert L. [redacted]
Edwards, Donald W. [redacted]
Edwards, Walter V., III [redacted]
Ehorn, Thomas A. [redacted]
Eickhoff, Bruce E. [redacted]
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Elliott, Robert S. [redacted]
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Evans, David G. [redacted]
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Evans, Michael [redacted]
Fagan, Thomas A., III [redacted]
Faherty, Joseph P. [redacted]
Fairbanks, Paul J. [redacted]
Fairchilds, David C. [redacted]
Fallon, Richard E. [redacted]
Falzgraf, Randall B. [redacted]
Famulare, Eugene J. [redacted]
Fansler, James E., Jr. [redacted]
Farver, Douglas K. [redacted]
Fast, Richard C. [redacted]
Faulk, Melvin W., Jr. [redacted]
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Fedoroff, Igor V. [redacted]
Feinstein, Jeffrey S. [redacted]
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Field, John M. [redacted]
Figueroa, Robert C. [redacted]
Figun, Stephen L. [redacted]
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Fillmore, Kenneth R. [redacted]
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Fink, Coy D. [redacted]
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Foose, Eugene R. [redacted]
Forand, Richard P. [redacted]
Ford, Eldon B. [redacted]
Ford, Ronald D. [redacted]
Forehand, Richard A. [redacted]
Forseth, Rolf E. [redacted]
Forster, Richard E. [redacted]
Forsythe, John H. H., Jr. [redacted]
Foster, Stanley R. [redacted]
Foster, Stephen F. [redacted]
Foster, William R., II [redacted]
Fournier, Arthur E., Jr [redacted]
Fox, Hollis K. [redacted]
Fraley, Theodore R. E. [redacted]
Francis, David G. [redacted]
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Franco, John A., Jr. [redacted]
Frank, Wallace B., Jr. [redacted]
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Franklin, Jason B. [redacted]
Frasca, Nicholas S. [redacted]
Fratto, John A. [redacted]
Fraunfelder, Richard D. [redacted]
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Frederickson, Anthony C. [redacted]
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Friedman, Jack S. [redacted]
Friedrich, Gary E. [redacted]
Friesen, Dee W. [redacted]
Frishkorn, Clayton R., Jr. [redacted]
Fritzinger, Thomas J. [redacted]
Frome, Richard J. [redacted]
Fronzaglia, Ivo F., Jr. [redacted]
Fryman, Joseph D., Jr. [redacted]
Fujita James N. [redacted]
Fuller, Albert G., Jr. [redacted]
Fuller, John C. [redacted]
Fulton, Darrell N. [redacted]
Fulton, Earnest L. [redacted]
Funderburk, Leonard J. [redacted]
Fundis, Edward R. [redacted]
Furry, Wayne L. [redacted]
Gabriel, James N. [redacted]
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Gage, Robert L. [redacted]
Gaines, George P., IV [redacted]
Galvani, Wayne W. [redacted]
Galvez, Julio [redacted]
Gambrell, Melvin B., Jr. [redacted]
Gandy, Lynell W. [redacted]
Gant, Gary D. [redacted]
Garber, John B., Jr. [redacted]
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Garrison, Rickey L. [redacted]
Gaskell, Jeffrey R. [redacted]
Gaskin, Joseph B., III [redacted]
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Gates, Albert E., III [redacted]
Gatliff, Robert E. [redacted]
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Geier, Henry J. [redacted]
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George, Sharon R. [redacted]
George, William F., II [redacted]
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Geron Harry J. [redacted]
Gerrity, Bruce A. [redacted]
Giampaolo, Anthony [redacted]
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Gilchrist, Michael H. [redacted]
Giles, Truett A., II [redacted]
Gill, Peggy A. [redacted]
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Goetz, Robert E., Jr., [redacted]
Golnitz, Marlin H., [redacted]
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Gravlee, Ralph C., Jr., [redacted]
Gray, David L., [redacted]
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Green, Gary E., [redacted]
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Green, Merle R., Jr., [redacted]
Greenberg, David A., [redacted]
Greene, John K., II, [redacted]
Greenway, Milford K., Jr., [redacted]
Greer, Willie B., Jr., [redacted]
Gregory, Robert A., [redacted]
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Grover, Frank H., II, [redacted]
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Hanscom, Leslie C., [redacted]
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Hansen, Maurice A., [redacted]
Hansen, Robert P., [redacted]
Hansen, Roger W., [redacted]
Hanton, Thomas J., [redacted]
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Happ, John H., Jr., [redacted]
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Hardcastle, Lewis T., III, [redacted]
Harding, Alan G., [redacted]
Hardwick, Harold L., Jr., [redacted]
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Lapinski Robert F. [redacted]
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Leblanc Jerold L., [redacted]
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Long, Mahlon H., III [redacted]
Longenecker, John B. [redacted]
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New, Jon R. [redacted]
Newill, Curtis N., III [redacted]
Newland, Claude G. [redacted]
Newman, Douglas E. [redacted]
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Newton, Peter H. [redacted]
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O'Derman, Dale B. [redacted]
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Oglietti, Anthony R. [redacted]
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Oldham, Terry L. [redacted]
Oliver, Danny [redacted]
Olivo, John X. [redacted]
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Ortega, Ernesto R. [redacted]
Osborn, Brian L. [redacted]
Osborn, Raymond M. [redacted]
Ott, Edgar A. [redacted]
Ovalle, Nestor K., II [redacted]

Overdeer, Lynn R., [redacted]
Overgaag, Richard H., [redacted]
Owen, Ronald H., [redacted]
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Oxenham, John R., [redacted]
Oxford, Richard B., [redacted]
Pacella, Hugh W., II [redacted]
Packard, Cynthia L. [redacted]
Padget, Garland W., Jr. [redacted]
Paine, James C., [redacted]
Palmer, Julian R. [redacted]
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Palumbo, Gerald J. [redacted]
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Pierre, Ronald L. [redacted]
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Pine, David E., [redacted]
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Pizzi, Robert E. [redacted]
Plakorus, George M., [redacted]
Plantholt, Warren J. [redacted]
Platte, Jeffrey L. [redacted]
Player, George C., III [redacted]
Plebanek, Robert A. [redacted]
Plotkin, Louis J., [redacted]
Plutt, William J. [redacted]
Poch, Keith F., [redacted]

Podhajecki, Michael L., [redacted]
Poe, Jerry W., [redacted]
Poff, William R., [redacted]
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Polk, Christopher J. [redacted]
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Polonis, Thomas V., [redacted]
Pool, William F., [redacted]
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Possemato, Paul A., [redacted]
Potebnya, Orr Y., Jr. [redacted]
Potter, Diana J. [redacted]
Potter, William J. [redacted]
Potts, Donald L. [redacted]
Powell, Philip A., [redacted]
Power, Donald R., [redacted]
Powers, Marcella V., [redacted]
Prater, Nickey L., [redacted]
Presler, Kenneth B. [redacted]
Prevost, David G., [redacted]
Prewitt, Frank J. [redacted]
Price, Roger B., [redacted]
Price, Wayne R., [redacted]
Priddy, Nathern B. [redacted]
Priest, Robert G. [redacted]
Primrose, Ronnie L. [redacted]
Prins, Barry E., [redacted]
Pugh, John P., II [redacted]
Pullen, Benjamin J. [redacted]
Putnam, David C., [redacted]
Pytlik, William F. [redacted]
Quagliano, Michael A., [redacted]
Race, Mark S., [redacted]
Radawicz, Richard C., [redacted]
Radueg, Dean W., [redacted]
Raggio, Frank E., [redacted]
Ramm, Peter E. [redacted]
Rankin David H., Jr. [redacted]
Rankin, Karen S. [redacted]
Ransdell, Kirk R., [redacted]
Ratledge, Danny L. [redacted]
Ratley, Griffin L., [redacted]
Rausch, Arnold C., [redacted]
Rawls, Frederick S., [redacted]
Ray, John R., Jr. [redacted]
Ray, Leonard F., Jr. [redacted]
Raymore, Peter K. [redacted]
Reaver, Kenneth A. [redacted]
Reckner, Robert D., [redacted]
Redigan, John P. [redacted]
Redman, Charles R., [redacted]
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Reed, Russell, W., [redacted]
Rees, Thomas B., Jr. [redacted]
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Reeves, Edward H., Jr., [redacted]
Reichensperger, James F., [redacted]
Reid, James H. [redacted]
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Reinoso, Jorge E., [redacted]
Reisinger, Danny M., [redacted]
Rennard, Robert W. [redacted]
Renninger, Warren H., III [redacted]
Ress, Robert F. [redacted]
Reyling, Robert A. [redacted]
Reynolds, Dennis L., [redacted]
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Rhule, William L., II [redacted]
Rianda, Bruce E. [redacted]
Rice, Richard W., [redacted]
Richard, Louis H., Jr. [redacted]
Richards, Stephen O., [redacted]
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Richardson, Harry C., Jr. [redacted]
Richmond, Elmer R., [redacted]
Ricks, James V., [redacted]
Riddle, William F. [redacted]
Riess, Jack A., Jr., [redacted]
Rightmyer, Charles W., Jr. [redacted]
Riordan, Jeremiah C. [redacted]
Rippel, Wayne L., [redacted]
Rising, Stanley A., Jr. [redacted]
Roach, Randall B. [redacted]
Roback, Raymond P. [redacted]

Roberton, Donald J. [redacted]
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Robinson, Daniel H., [redacted]
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Rock, William F., [redacted]
Rockwell, Blaine M., Jr., [redacted]
Rodriguez, Luis M., [redacted]
Rodrigueztorres, Cristobal [redacted]
Roe, John W., [redacted]
Rogers, Barry C., [redacted]
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Roget, Anthony J. [redacted]
Rohlfing, Robert A., [redacted]
Rohrer, Richard J. [redacted]
Roloson, Diane E., [redacted]
Romino, Leonard A., II [redacted]
Rondeau, Jacques A. [redacted]
Rose, Eugene A., III [redacted]
Rosen, Harry W., [redacted]
Rosevold, Gary L., [redacted]
Ross, Cecil F., III, [redacted]
Ross, Patrick C., [redacted]
Rote, William J., Jr. [redacted]
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Rowell, Mark K., [redacted]
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Rule, Robert P., [redacted]
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Rush, Arthur L. [redacted]
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Sallee, Robert J., [redacted]
Salsbury, Richard W. [redacted]
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Sample, William A., Jr., [redacted]
Sander, Edward F., Sr., [redacted]
Sanderson, Robert D. [redacted]
Sandlin, Larry F. [redacted]
Santens, Jerry S. [redacted]
Santiago, Hector F. [redacted]
Santiff, William F. [redacted]
Sargent, Billie E. [redacted]
Sarver, Joseph B., III [redacted]
Saukko, Wayne K., [redacted]
Saunders, Jack D. [redacted]
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Sawyer, David A., [redacted]
Schafer, David J. [redacted]
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Schwengels, Forest V., II [redacted]
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Shaw, Timothy J. [redacted]
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Sindle, Roger A. [redacted]
Singer, Edmund J. [redacted]
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Skillings, Richard L. [redacted]
Skopal, Paul A. [redacted]
Slater, Marshall T., Jr. [redacted]
Sliper, Myron I. [redacted]
Smaby, Stephen E. [redacted]
Smallman, Herbert W. [redacted]
Smart, Joseph F. [redacted]
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Spisak, John S. [redacted]
Spitzer, Leonard S., Jr. [redacted]
Spratt, Michael D. [redacted]
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Springer, Barry R. [redacted]
Squire, James M. [redacted]
Stafford, Russell G. [redacted]
Stahl, Steven C. [redacted]
Staley, Robert S., II [redacted]
Stamp, Dannie L. [redacted]
Stan, Robert S. [redacted]
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Summers, Robert L. [redacted]
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Swift, Michael S. [redacted]
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Symonds, Thomas E., II [redacted]
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Takehara, William [redacted]
Talbott, Carlos M., Jr. [redacted]
Tanaka, Milton K. [redacted]
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Taylor, Craig P. [redacted]
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Tennant, Douglas M. [redacted]
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Tiggemann, Robert L. [redacted]
Tiley, William D. [redacted]
Timmons, Pryor B., Jr. [redacted]
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Tipton, Charles L. [redacted]
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Toler, Ray E. [redacted]
Tomhave, Steven F. [redacted]
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Tootle, Alvin E., Jr. [redacted]
Torbensen, Jerry L. [redacted]
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Towner, Timothy N. [redacted]
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Truitt, Marcus J., Jr. [redacted]
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Tupker, William J. [redacted]
Turchick, William A. [redacted]
Turkington, William R. [redacted]
Turnbull, Duane E. [redacted]
Turner, Daniel M. [redacted]
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Turner, Wilburne W., Jr. [redacted]
Turney, Herbert F. [redacted]

Tuthill, Lanny Y., [redacted]
Tworek, Edward J., [redacted]
Tyson, Thomas H., [redacted]
Ulven, Jerrold C., [redacted]
Underwood, David C., [redacted]
Underwood, Howard W., [redacted]
Underwood, Larry B., [redacted]
Urban, Russel J., [redacted]
Uttaro, Gerald J., [redacted]
Valentine, Ronald J., [redacted]
Vandekamp, John W., [redacted]
Vanderford, Charles R., [redacted]
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Vanevery, Harry P., [redacted]
Vanlerberghe, Ross P., [redacted]
Vanrees, Richard P., [redacted]
Vanschoyck, Nicholas R., [redacted]
Vansickle, Robinson W., [redacted]
Varacalli, Francis R., Jr., [redacted]
Varhall, Gregory, [redacted]
Venables, Ronald K., [redacted]
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Venden, Darwyn L., [redacted]
Veteto, Benny M., [redacted]
Vetter, Kenneth G. G., [redacted]
Vice, John M., [redacted]
Volluz, Michel A., [redacted]
Vonflotow, Charles S., [redacted]
Vonhollen, Kenneth J., [redacted]
Vonlehmden, Robert J., [redacted]
Voorhees, Ronald R., [redacted]
Voskuhl, Marvin A., [redacted]
Voxland, Charles D., [redacted]
Wade, George T., [redacted]
Wade, Lawrence T., III, [redacted]
Wade, Robert W., Jr., [redacted]
Wadleigh, Stuart A., [redacted]
Waggoner, Ronald W., [redacted]
Wagner, Gordon F., Jr., [redacted]
Wagner, Paul D., [redacted]
Wagovich, Joseph M., [redacted]
Wagstaff, David L., [redacted]
Waldron, Philip K., [redacted]
Walker, James R., [redacted]
Walker, John M., [redacted]
Walker, Paul G., Jr., [redacted]
Walker, Russell C., [redacted]
Wall, Richard J., [redacted]
Wallace, John W., [redacted]
Wallace, Martin M., [redacted]
Wallack, Chester L., [redacted]
Wallingford, Albert W., Jr., [redacted]
Wallman, Delyle J., [redacted]
Walsh, Michael, [redacted]
Walsh, William J., [redacted]
Wannall, Richard L., [redacted]
Warburton, John D., [redacted]
Ward, Floyd E., Jr., [redacted]
Ward, James M., [redacted]
Warkaske, Steven A., [redacted]
Warner, James B., [redacted]
Warner, John K., [redacted]
Warren, Edward F., [redacted]
Warren, Stanley M., [redacted]
Washburn, Frederick D., [redacted]
Wassilgrimm, Andrew D., [redacted]
Waters, James T., [redacted]
Watkins, Warren S., [redacted]
Watras, Ronald E., [redacted]
Watts, Lloyd T., Jr., [redacted]
Wauer, George G., [redacted]
Waxman, David R., [redacted]
Way, Douglas T., [redacted]
Weatherford, Joseph D., [redacted]
Weatherly, Brian K., [redacted]
Weaver, Dennis M., [redacted]
Weaver, William F., Jr., [redacted]
Webb, Edwin G., Jr., [redacted]
Webb, Jack B., [redacted]
Webb, James C., [redacted]
Weber, James P., [redacted]
Weber, Warren E., [redacted]
Wedberg, William R., Jr., [redacted]
Weeks, Benjamin F., III, [redacted]
Weeks, William A., [redacted]
Weers, Harlan T., [redacted]
Wehner, Clement E., Jr., [redacted]
Weideman, Robert F., [redacted]
Weis, John T., [redacted]
Welch, Joseph D., Jr., [redacted]
Welch, Michael J., [redacted]
Welsh, John R., Jr., [redacted]
Wenzel, David E., [redacted]
Wesley, John R., II, [redacted]
Wesson, Allen B., III, [redacted]
Wesson, Robert B., Jr., [redacted]
West, Arnold J., [redacted]
Westemeier, Edward P., [redacted]
Westenrieder, Reinhard M., [redacted]
Westfall, Charles G., Jr., [redacted]
Westfall, Frederick W., [redacted]
Westgate, Robert A., [redacted]
Westmoreland, Lynwood K., [redacted]
Weston, Robert W., [redacted]
Whaylen, Thomas A., [redacted]
Whipple, William S., [redacted]
Whitcomb, John G., [redacted]
White, Jimmy T., [redacted]
White, Richard S., [redacted]
White, Terry L., [redacted]
White, Thomas S. C., [redacted]
Whited, Charles E., [redacted]
Whiteley, John A., [redacted]
Whitfield, Perry N., [redacted]
Whitfield, Robert B., [redacted]
Whitley, Alton C., Jr., [redacted]
Whitley, Russell V., [redacted]
Whitley, Samuel J., [redacted]
Whitman, Walter J., [redacted]
Whitney, Donald C., [redacted]
Whitson, William F., [redacted]
Whittenberg, Karl F., [redacted]
Whittenburg, William M., [redacted]
Wicker, Harvey L., [redacted]
Widmer, Dennis A., [redacted]
Wierzbanowski, Theodore J., [redacted]
Wiggins, Dan P., [redacted]
Wigton, Norman P., [redacted]
Wilborn, Henry E., [redacted]
Wilda, Chester V., Jr., [redacted]
Wilder, David J., [redacted]
Wildman, Thomas J., III, [redacted]
Wiles, Roger L., [redacted]
Wilkinson, Thomas P., Jr., [redacted]
Willard, Thomas V., [redacted]
Willey, Scott A., [redacted]
Willhoite, Robert R., [redacted]
Williams, Charles L., [redacted]
Williams, Charles R., [redacted]
Williams, Gary L., [redacted]
Williams, George K., [redacted]
Williams, John V., [redacted]
Williams, Johnny W., [redacted]
Williams, Richard K., [redacted]
Williams, Robert T., [redacted]
Williford, Graham G., [redacted]
Williford, Richard L., [redacted]
Willingham, Frank M., Jr., [redacted]
Willis, Lloy T., [redacted]
Wilson, Jack L., [redacted]
Wilson, James L., [redacted]
Wilson, Jared B., [redacted]
Wilson, Leon A., Jr., [redacted]
Wilson, Orren D., [redacted]
Wilson, Raymond T., [redacted]
Wilson, Robert L., [redacted]
Wilson, Thomas F., [redacted]
Wilson, Wayne D., [redacted]
Wilson, William B., Jr., [redacted]
Wilusz, Stanley F., [redacted]
Wimberly, Dan P., [redacted]
Winburn, Larry A., [redacted]
Wingfield, Timothy D., [redacted]
Winter, Doris K., [redacted]
Winters, David W., [redacted]
Winters, George F., [redacted]
Winzeler, Kenneth A., [redacted]
Wisniewski, Charles R., [redacted]
Withey, James A., [redacted]
Witt, Buford R., [redacted]
Witt, David E., [redacted]
Witter, Terry P., [redacted]
Wittrock, Charles H., [redacted]
Woehst, Kirby A., [redacted]
Wokaty, Terry L., [redacted]
Wolfe, Harry W., [redacted]
Wolfe, Larry J., [redacted]
Wolozyn, Joseph R., [redacted]
Wood, Charles A., [redacted]
Wood, Wanda C., [redacted]
Woodall, James R., [redacted]
Woodard, Wendell O., [redacted]
Woodruff, Terrence D., [redacted]
Woodward, John L., Jr., [redacted]
Woosley, James R., Jr., [redacted]
Wooten, Randall E., [redacted]
Worcester, Craig R., [redacted]
Workman, James H., [redacted]
Worrell, Rowland H., III, [redacted]
Wright, Kendall J., [redacted]
Wurster, Clifford L., [redacted]
Wyngaard, Gerald F., [redacted]
Wysong, Robert T., Jr., [redacted]
Yamanaka, Osamu C., [redacted]
Yeackle, Henry J., III, [redacted]
Yechout, Thomas R., [redacted]
Yoder, Richard A., Jr., [redacted]
Yoos, Charles J., II, [redacted]
Yorko, John C., [redacted]
Yoshida, Roland S., [redacted]
Young, Alvin L., [redacted]
Young, David L., [redacted]
Young, Terry L., [redacted]
Youngblood, Francis G., Jr., [redacted]
Youngblood, Roger L., [redacted]
Younge, Wilson A., Jr., [redacted]
Youngstrum, Daryl R., [redacted]
Younkin, Charles, R., [redacted]
Zak, Francis X., [redacted]
Zauber, Glenn R., [redacted]
Zauner, Frank G., [redacted]
Zedeck, Freddy, [redacted]
Zeimmer, Ronald M., [redacted]
Zentz, Tom A., [redacted]
Zeri, William T., [redacted]
Zielsdorff, George F., [redacted]
Zimmerman, Carroll L., Jr., [redacted]
Zimmerman, Michael J., [redacted]
Zimmerman, Robert E., [redacted]
Zimmerman, Robert J., [redacted]
Zirkle, Barnett J., [redacted]
Zorich, David R., [redacted]
Zubrod, Terry R., [redacted]
Zuelsdorf, Gary A., [redacted]
Zukaitis, Karl E., [redacted]

CHAPLAIN CORPS

Boggs, Jacob M., [redacted]
Crosby, Robert H., [redacted]
Farris, Claude B., [redacted]
Guetersloh, Ralph A., [redacted]
Hall, James P., [redacted]
Headley, Richard A., [redacted]
Jemerson, Robert L., [redacted]
Jones, Hiram L., [redacted]
Knowles, Richard K., [redacted]
Mead, Leland C., [redacted]
Mosier, Leslie H., [redacted]
Nee, Eugene O., [redacted]
Perez, Benjamin, [redacted]
Price, James E., [redacted]
Roquemore, Jimmy A., [redacted]
Smidt, Hensman J., [redacted]
Szufel, Adam E., [redacted]
Zirzow, Wayne H., [redacted]

DENTAL CORPS

Abdelnour, Joe W., [redacted]
Bowman, Larry R., [redacted]
Brown, Frederic H., [redacted]
Buche, William A., [redacted]
Crine, James D., [redacted]
Dyer, Charles L., [redacted]
Faner, Richard M., [redacted]
Frank, Charles A., [redacted]
Gabryl, Roy S., [redacted]
Goaslind, Gary D., [redacted]
Hagarty, Timothy J., [redacted]
Hand, Ronald E., [redacted]
Hansen, Steven C., [redacted]
Heagy, William C., [redacted]
Heldt, Leroy V., [redacted]
Hew, Ellsworth Y. K., [redacted]
Jamsky, Robert J., [redacted]
Klish, John W., [redacted]
Lukosik, David R., [redacted]
Mann, Joseph G., [redacted]
Matiasevich, Laurie N., Jr., [redacted]
Matsumoto, Terry S., [redacted]
Miller, Ronald I., Jr., [redacted]
Nielsen, Christen J., [redacted]
Ogletree, Robert C., Jr., [redacted]
Ortiz, Ramon F., [redacted]

Orto, John R. [redacted]
Peluso, Joseph R. [redacted]
Rennard, Donald L. [redacted]
Saunders, Timothy R. [redacted]
Schutte, Dale A. [redacted]
Shaner, John W. [redacted]
Stringer, Dale E. [redacted]
Via, Thomas O. [redacted]
Walker, Robert C., Jr. [redacted]
Walker, William A., III [redacted]
Wilcox, Charles W., [redacted]

JUDGE ADVOCATE

Black, Paul L. [redacted]
Brewer, Lewis G. [redacted]
Bruinooge, Jon P. [redacted]
Cerha, Robert G. [redacted]
Curlee, Allan E. [redacted]
Davis, Jay L., [redacted]
Dekat, Kenneth A. [redacted]
Denson, Jeffrey M. [redacted]
Donohue, Stephen P. [redacted]
Dugan, William R., Jr. [redacted]
Erickson, Richard J. [redacted]
Ernst, Alan C. [redacted]
Ford, Michael R. [redacted]
Gamboa, Glenn J. [redacted]
Gibson, Robert G., Jr. [redacted]
Henabray, William M., Jr. [redacted]
Heupel, James E. [redacted]
Hotchkiss, Hervey A. [redacted]
Hourcle, Laurent R. [redacted]
Jaynes, Barry S. [redacted]
Johnston, James D. [redacted]
Jones, William C. [redacted]
Kinlin, Donald J. [redacted]
Mangin, Charles G. [redacted]
Marshall, Richard H. L. [redacted]
McNeill, Susan P. [redacted]
Moore, Dwight A. [redacted]
Moorman, William A. [redacted]
Rasher, Donald C. [redacted]
Reid, Kendrick E., II [redacted]
Sasz, William L. [redacted]
Smith, Gary A. [redacted]
Tison, John L., III [redacted]
Torres, Carlos E. [redacted]
Vassey, Bradford C. [redacted]
Wilson, Robert J., Jr. [redacted]

MEDICAL CORPS

Andrassy, Richard J. [redacted]
Barrs, David M. [redacted]
Beatty, Douglas C. [redacted]
Bell, Christopher P. [redacted]
Brant, William E. [redacted]
Breuder, Andrew J. [redacted]
Brown, Cary D. [redacted]
Collier, James R. [redacted]
Crawford, Raymond S., III [redacted]
Danney, Mark M. [redacted]
Divers, Walter A., Jr [redacted]
Donovan, William N., Jr. [redacted]
Everett, Warren D. [redacted]
Exner, John H. [redacted]
Fedosky, Allan L. [redacted]
Fossum, Basil D. [redacted]
Gangitano, John L. [redacted]
Gibney, Matthew J., III [redacted]
Hobbs, Edmund R. [redacted]
Kendall, Wayne F., Jr. [redacted]
Kimbrough, John L. [redacted]
King, Edwin M. [redacted]
Kramer, Thomas N. [redacted]
Landry, Roger F. [redacted]
Lichtenstein, Joel E. [redacted]
Lyons, Terence J. [redacted]
Maresh, James E. [redacted]
Mikos, John J. [redacted]
Miller, Harold M. [redacted]
Mueller, Gary L. [redacted]
Newman, Richard K. [redacted]
Oberg, Lance G. [redacted]
Policastro, Anthony M. [redacted]
Raddin, James H., Jr. [redacted]
Randolph, Leonard M., Jr. [redacted]
Rasor, Ronald O. [redacted]
Reeves, Glen I. [redacted]
Riddle, Forrest A., Jr. [redacted]
Riley, Robert J. [redacted]
Rohrer, James F. [redacted]
Shield, Charles F., III [redacted]
Smith, Karl H. S. [redacted]
Spielvogel, Richard L. [redacted]
Yoder, James E. [redacted]

NURSE CORPS

Allard, Sharon P. [redacted]
Allsup, Thomas M. [redacted]
Archangel, Linda M. [redacted]
Ashley, Eileen M. [redacted]
Baker, Ernestine [redacted]
Barrow, Joyce M. [redacted]
Bartlett, Alayne L. [redacted]
Belville, Brenda L. [redacted]
Berquist, Sandra L. [redacted]
Betschart, Karen K. [redacted]
Bigelow, Jane A. [redacted]
Brown, Ellen T. [redacted]
Buhrmaster, Sue [redacted]
Carlson, Joyce E [redacted]
Ciebien, Carol A. [redacted]
Cogburn, Ann B. [redacted]
Cox, Catherine G. [redacted]
Daffin, Clyde E. [redacted]
Daniel, Warren S. [redacted]
Degen, Everett R. [redacted]
Dix, Patsy E. [redacted]
Elliott, Nancy A. [redacted]
Elliott, Warren H. [redacted]
Fettig, Lawrence J. [redacted]
Frey, Thomas D. [redacted]
Fritch, Nancy E. [redacted]
Garcia, Charles [redacted]
Gibson, Catherine A. [redacted]
Glancy, Carol A. [redacted]
Goering, Susan E. [redacted]
Gray, Pamela L. [redacted]
Hanrahan, Eileen J. [redacted]
Hanson, Betty J. [redacted]
Hartwell, Sandra J. [redacted]
Heidemann, Kathleen J. [redacted]
Herman, Paulette [redacted]
Hester, Sarah J. [redacted]
Hite, Patricia O. [redacted]
Hoytbates, Sharon J. [redacted]
Hunt, Judith L. [redacted]
Hyre, Elva M. [redacted]
Israel, Carroll G. [redacted]
Israel, Robert L. [redacted]
Johengen, Carl M. [redacted]
Jones, Ralph W. [redacted]
Jordan, Marsha A. [redacted]
Katilus, Joseph P. [redacted]
Keatley, Wynona B. [redacted]
Kizak, Marianne L. [redacted]
Kutzner, Nancy A. [redacted]
Lazik, Adelaide E. [redacted]
Lueschow, Lana K. [redacted]
Miller, Helen E. [redacted]
Mills, Thomas B. [redacted]
Ogden, Lynn H. [redacted]
Parker, Helen L. [redacted]
Payne, Margaret L. [redacted]
Peace, Doris F. [redacted]
Phillips, Harriett A. [redacted]
Philpot, Mary J. [redacted]
Queen, Linda L. [redacted]
Raines, Kathryn M. [redacted]
Reilly, Joanna D. [redacted]
Rezac, Barbara A. [redacted]
Rheinscheld, Mary J. [redacted]
Roberts, Mary C. [redacted]
Rogenes, Kathryn A. [redacted]
Shimko, Rose M. [redacted]
Shpiar, Lana A. [redacted]
Shuttleworth, Janet K. [redacted]
Smith, Elizabeth J. [redacted]
Taylor, Louetta B. [redacted]
Vokes, Rita A. [redacted]
Walker, Jack R. [redacted]
Walker, Marie E. [redacted]
Weidauer, Harvey E. [redacted]
Widmer, Karan D. [redacted]
Wilson, Helen A. [redacted]
Wolfard, Judith A. [redacted]

MEDICAL SERVICE CORPS

Baker, David J. [redacted]
Beezer, Frederick J. [redacted]
Best, Gordon W. [redacted]
Cleary, John J., Jr. [redacted]
Daft, Rodger H. [redacted]
Dalton, James D. [redacted]
Daves, Laurence M. [redacted]
Draper, Richard P. [redacted]
Dunkle, Jeffrey H. [redacted]
Elder, Timothy J. [redacted]
Hardy, William R. [redacted]
Hauser, Robert S. [redacted]
Holes, John E. [redacted]
Hunter, Harold H., Jr. [redacted]
Kinder, Curtis J., Jr. [redacted]
Knoop, David M. [redacted]
Labash, John D. [redacted]
Lothes, John E. [redacted]
Lyons, Michael W. [redacted]
Miller, Donald G. [redacted]
Mirick, Steven C. [redacted]
Moss, Robert J., Jr. [redacted]
Nicholson, Henry B. [redacted]
Partridge, Stephen L. [redacted]
Penwell, Gary W. [redacted]
Pfannstiel, Ray J. [redacted]
Rep, Gerald T. [redacted]
Russell, Sydney S. [redacted]
Sanders, Jimmy D. [redacted]
Schafer, Jeffery C. [redacted]
Snyder, Allen T. [redacted]
Starr, Gerald A. [redacted]
Szwast, Gary W. [redacted]
Troyer, John E. [redacted]
Vojtasko, Michael C. [redacted]
Willauer, Glenn R. [redacted]
Williams, Carroll C. [redacted]

BIOMEDICAL SCIENCES CORPS

Bittner, Edwin C., Jr. [redacted]
Blouse, Diane M. [redacted]
Brock, Samuel L. [redacted]
Brown, Phillip G. [redacted]
Burr, John G. [redacted]
Buth, Jonathan A. [redacted]
Cairney, William J. [redacted]
Capell, Robert A. [redacted]
Carmichael, Richard C. [redacted]
Cerha, Henry T. [redacted]
Christensen, William D. [redacted]
Collins, Richard [redacted]
Crigler, Joseph C. [redacted]
Curry, Charles L. [redacted]
Eisenbrandt, David L. [redacted]
Farinacci, Nicholas A. [redacted]
Flory, William A. [redacted]
Greene, John R., Jr. [redacted]
Hale, Forrest B. [redacted]
Hayes, Charles P. [redacted]
Hinders, Douglas E. [redacted]
Hull, Warren R. [redacted]
Hundley, Kenneth E. [redacted]
Jackson, Jerry W. [redacted]
Johnson, Judith C. [redacted]
Krieg, Richard E., Jr. [redacted]
Ksiazek, Thomas G. [redacted]
Lambert, Edward D. [redacted]
Langloss, John M. [redacted]
Latendresse, John R., II [redacted]
Leone, Charles H. [redacted]
McElwey, David W. [redacted]
McNutt, Gary R. [redacted]
Nelson, Robert C. [redacted]
Nemmers, Stephen J. [redacted]
Orrell, Doyle L. [redacted]
Readinger, Sharon A. [redacted]
Reynes, Robert L. [redacted]
Roy, Ronald D. [redacted]
Schendel, Thomas L. [redacted]
Schiller, Ronald L. [redacted]
Shaver, Neil C. [redacted]
Sherman, Robert E. [redacted]
Shingler, Larry H. [redacted]
Simpson, David C. [redacted]
Smogur, Thomas G. [redacted]
Stamp, Gary L. [redacted]
Straayer, James A. [redacted]
Sutay, Robert J. [redacted]
Sweigart, Marlin L. [redacted]
Tatum, Larry A. [redacted]
Tedor, John B. [redacted]
Valder, Stephen M. [redacted]
Vanek, Kenneth N. [redacted]
Varner, Harold L. [redacted]
Warner, Ronald D. [redacted]
Washeleski, Michael C. [redacted]

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Weisenfels, Charles W., III, [redacted].
Woessner, William M., [redacted].
Wolcott, John H. [redacted].

The following officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

*To be lieutenant colonel*

Singleton, James A., III, [redacted].

*To be captain*

Geary, David L., [redacted].
Lamkin, Kenneth A. [redacted].

IN THE NAVY

The following-named commanders of the U.S. Navy for permanent promotion to the grade of commander in the line and various staff corps, as indicated, pursuant to title 10, United States Code, sections 5780 (line officers), 5782 (staff corps officers), and 5791, or section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

LINE

Bahr, Stephen M.
Baker, Robert W.
Baller, Elmer W.
Barker, Wilbert B.
Beck, Melvin D.
Berley, Leonard E.
Boyd, Gerald G.
Breidert, William E.
Brewer, Joe R.
Brown, Oval D.
Burnett, Robert V.
Bush, Harold S.
Cameron, John F.
Campbell, Archibald G.
Carroll, Charles C.
Geigler, Edmund E.
Clark, Vander, Jr.
Colburn, Herbert T.
Cornell, Clifford L.
Cornia, Howard
Creamer, George U.
Dameron, Jack E.
Davis, Lee A.
Donahue, William C.
Dunn, Donald B.
Elliott, Shirley H.
Erickson, Richard O.
Estes, William R., Jr.
Feeback, Ralph S.
Ferguson, Lawrence L.
Fitzpatrick, Thomas G.
Fortney, Doyle W.
Fox, Franklin O.
Gallagher, Tilden M.
Gee, Daryl L.
Gildersleeve, Elmer J.
Goddard, Glen L.
Hearn, Ellison J.
Hendricks, Judson J.
Hitchcock, Terrace W.
Hudson, Charles E.
Hunt, Edmund, II
Irvine, Pickens W.
Jacobson, Richard L.
Jensen, Robert J.
Johnson, Douglas J.
Joyce, John J.
Kautz, John F.
Kennedy, James J.
Kincheloe, James W.
King, Carl
King, Francis E.
King, Harold W.
Lavelle, Donald L.
McFearin, Allen L.
McGrath, James M.
McMahon, Thomas W.
McMullin, 'Lynn D.
Miller, William P.
Morgan, Benny M.
Morrison, Virgil E.
Mumford, Thomas F.
Murkland, Richard B.
Myers, Ronald W.
Nester, Oletis M.
Newton, William J.
Odonnell, Robert
Patten, Freddie, J.
Peak, Jack R.
Perkins, Thomas M.
Peterson, Brent L.
Price, Thomas D. J.
Pritchard, Paul E.
Pryor, Edwin R. I.
Ralston, Gene D.
Reynolds, Claude D.
Richardson, Forney N.
Ritz, Richard W.
Roberts, William A.
Roderick, Clinton O.
Roffey, Robert C.
Rogers, Paul H., Jr.
Sawyer, Ivan E.
Sicari, Anthony C.
Smith, Gerald C.
Snodgrass, Carl E.
Stratton, Phil Z.
Taylor, Kermit A.
Texeira, Antone, Jr.
Thompson, Henry M.
Tucker, Douglas
Vanpelt, Richard J.
Waters, James L.
Weisensee, William J.
Welsh, Walter L.
Welton, Donald E.
Willan, Robert F.
Wood, Grover E.
Wright, James R.

SUPPLY CORPS

Earlston, Robert P.
Evans, Neale W.
Hall, Robert L.
Moran, Thomas A.

CIVIL ENGINEER CORPS

Gunn, Alexander
Hartman, Franklyn J.
King, Jerry W.

The following-named temporary lieutenant commanders of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line and various staff corps, as indicated, pursuant to title 10, United States Code, sections 5780 (line officers), 5782 (staff corps officers), and 5791, or section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable, subject to qualifications therefor as provided by law:

LINE

Beasley, Roy W.
Benning, Vale J.
Billick, Dan R.
Boor, Leo J.
Boorom, Robert F.
Brown, Donald C.
Byrd, William J.
Campbell, Cager W.
Carey, John D.
Carlson, Robert S.
Chambers, Harold D.
Crain, Robert L., Jr
Edwards, Kenneth P.
Fluker, James A.
Fowler, Boyd C.
Goodrich, Boyd L.
Goss, Marlin E.
Green, Marion W.
Greenberger, David
Hagenbruch, Robert H.
Harry, Robert M.
Helton, James N.
Horton, William G.
Husted, George G.
John, Paul M.
Lucero, Seferino
Lyon, Edward T.
Maiden, Jesse J.
Martinson, Raymond F.
McCowan, Kenneth E.
McMaster, Timothy R.
McNab, John D.
Nechvatal, Charles J.
Orourke, Ernest R.
Parker, James A.
Parsons, Robert E.
Peach, Ellis E.
Pichardo, Fortunato
Ragghianti, Charles F.
Rhodes, John A.
Rice, Charles O.
Romito, Vincent A.
Rucker, Joseph T.
Salter, Jesse E.
Scheine, Murray
Sears, Everett E.
Smith, Chester B.
Sowers, Bobby G.
Sronce, Frank T.
Taylor, Donald W.
Thomason, William R.
Tow, James D.
Treadway, Alton G.
Turner, Jack E.
Varley, John C.
Verbic, Alan R.
Wade, Phillip M.
Wertz, Bruce N.
Williams, Thomas Y.
Wiltzius, Lawrence N., Jr.

SUPPLY CORPS

Frial, Ernesto F.

CIVIL ENGINEER CORPS

Kannesieser, Andrew A.
Keith, Donald R.

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel under the provisions of title 10, United States Code, section 5911:

Jeffrey L. Abate
William H. Alley, Jr.
Barbara A. Ampagoomian
Michael M. Anello
James T. Aspbury, Jr.
John C. Astle
Douglas C. Barney
Stephen C. Berg
Donald F. Bittner
Alec M. Blascoibanez
Terry A. Bond
Randall P. Bonner
Raymond J. Brennan
Carol W. Brown
Terrance D. Brown
Gilbert S. Buffington
Markham B. Campaigne
Joseph L. Cannava, Jr.
Wilmer L. Carroll
James V. Cayo
Stephen P. Clark
David C. Cleveland
Dennis A. Conroy
Paul J. Cook, Jr.
Winifred D. Cook
Norman G. Crane
Francis J. Cuddy, Jr.
Charles W. G. Currier
Neil B. Danberg, Jr.
William R. Daniel
Dean G. Davidge
Mary C. Douglass
Dennis M. Duffy
Randall W. Eakin
Ken A. Elmendorf
Jerry W. Ford
Thomas G. Furlong
Jeffrey A. Gaugush
Paul F. Geitner
John W. Gordon, Jr.
Robert W. Guilford
Stanley R. Gustafson
Martin D. Guyer
Patrick C. Hagans
Harold D. Hansen, Jr.
William R. Hargett, Jr.
Michael T. Harrigan
Henry S. Harrison
Ronald J. Hartnett
Thomas A. Hazel
Bruce A. Heitz
Byron E. Hill
David C. Hill
Robert T. Hill III
David L. Hillbrook
Russel D. Hiller III
James D. Holt
Joseph L. Howard, Jr.
Jack D. Howell II
Dennis D. W. Jackson
James G. Jaeger
Robert M. Johnstone
John M. Kaheny
Mark C. Kalin
Robert L. Kirkman
Robert W. Kirkpatrick
Elinor M. Konkiel
John H. Leighton
Michael J. Levin
Michael J. Little
William R. Macbeth
David A. Marshall
Joseph P. McCann
Thomas J. McHugh, Jr.
Thomas J. McKnight III
Edward L. McMenamy, Jr.
William E. Means, Jr.
Patrick F. Mee
Fred J. Meier, Jr.
Leonard P. Melancon
Charles D. Melton
Manuel E. Menezes
Dennis L. Mierzwa
John W. Moffett
Dennis K. Mulligan
Arthur R. Murdoch
George J. Murdock
Richard C. Murphy
Paul J. Nestor
Doyle A. Nicholson
Francis W. Nose
Paul J. O'Brien, Jr.
Robert W. O'Connor
James P. Perkins
Roger K. Petersen
William S. Peterson
Ronald J. Petrie
Richard J. Polhemus
Michele E. Prokopchak
Thomas M. Quinn
David L. Reed
Richard G. Rollins
Paul K. Romey, Jr.
John C. Roots
William L. Rosbe
Donald R. Saxon
Paul M. Sheehan
Donna J. Sherwood
William R. Sinkinson, Jr.
James L. Skiles
Paul A. Skrabut, Jr.
Roderick V. Smith
Stanley A. Smith
Joseph D. Snyder
Thomas P. Speer
Edward R. Sypniewski
John C. Thomas
Larry M. Topping
Larry Q. Vann
Michael C. Veysey
Paul Viano, Jr.
Richard J. Viola
Jerry E. Ward
Frank P. Wilbourne II
Rex M. Williams
John P. Wilson
Don Winkler
Richard G. Wise
Laurence A. Woods
Brian T. Wright
William R. Young
John W. Zody

The following-named officers of the Marine Corps for permanent promotion to the grade of major, pursuant to title 10, United States Code, sections 5771, 5780 and 5791 as appropriate, or section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable subject to qualifications therefor as provided by law:

Arthur A. Adkins
Michael J. Aguilar
Donald P. Amiotte
Jerry S. Anderson, Jr.
Christophe M. Arey
Leon B. Arthur
William G. Ashley
Allan R. Bacon, Jr.
William L. Bair
Larry E. Bankester
James H. Barnes
Paul B. Barron
Frederick T. Beale, Jr.
Charles R. Bell, Jr.
John E. Bengier
Kevin M. Bestick
Roger R. Birkholz
James T. Bishop
Paul J. Blemberg
Gregory D. Bogert
Frank X. Braun IV
David L. Breed
Kenneth A. Bridges
Bruce H. Brothers
Mary L. Brown
Richard A. Broz
Ronald D. Bussey
Aaron X. Butler
Timothy J. Butler
Joseph A. Byrtus, Jr.
Donald J. Call
William F. Campbell III
Louis J. Campomenos
William V. Cantu
Troydale Caraway
Cesare Cardi
Steven D. Carlson
Stephen A. Carnevale
Thomas P. Carney, Jr.
Robert W. Carrick
Charles T. Carroll
John G. Castellaw
Eric C. Christenson
Frank H. Clayburn
Wendell D. Clemons
Johann A. Clendenin
Michael F. Clough
Stewart J. Cobain, Jr.
Ronnie T. Coley
Russel C. Colten
Darrell L. Combs
Bart J. Connolly IV
George M. Conroy
Alfred A. Cortez
Phillip E. Cotton
Michael A. Coulman
David C. Covert
Truman W. Crawford
John A. Cross
Jack C. Crutchfield
Russel J. Currer
Richard B. Daley
Andrew L. Davis
Douglas R. Davis
John R. Daymude
Michael N. Derchak
Daniel B. Diviney
Jerry L. Dixon
Paul F. Donohue
Timothy E. Donovan
Stephen E. Downing
Susen A. Driggs
Frederick J. Ducat
William D. Durrett, Jr.
Brian E. Dyck
James E. Ebert
Arthur E. Edinger
William R. Edwards
Michael E. Ennis
James E. Evans, Jr.
Michael S. Fagan
Peter B. Farley
Elliott D. Fellman
Paul M. Fenlon

John K. Feuerriegel
Robert C. Figlock
John L. Finklea
Donald L. Fleming, Jr.
Douglas N. Frazier
Patrick F. Gallagher
Jon A. Gallinetti
John R. Garvin
Frederick J. Geier
Rodney S. Getz
James R. Gevock
Paul A. Gido
James A. Gillis III
Clifford J. Gion
Dale E. Giordano
Philip E. Goble
Mark T. Goodman
Brian P. Graham
Robert R. Grider
Gerald J. Guevin
Ronald G. Guilliams
Theodore N. Hamilton
Christophe N. Hawkins
James W. Head
Michael J. Hedin
Joseph P. Heine
Patrick T. Henry
James D. Hildreth
David C. Hilmers
Tony L. Holm
Paul C. Hoover
James P. Hopkins
Harvey A. Hopson, Jr.
James A. Horn, Jr.
Russell J. Howald
Timothy P. Hudson
James O. Huggins
Phillip W. Hughey
Michael R. Humberd
Terrence C. Jacobson
Bruce D. Jameson
Joseph F. Jennings, Jr.
Larry E. Johnson
Ronnie S. Johnston
Donnie B. Jordan
Frank R. King
John W. Kinsel
Roderick M. Kippen
David A. Kratochvil
Raymond M. Kruse
Michael M. Kurth
Wilfred A. Lachapelle
Robert W. Leas
Thomas C. Lenke
Charles D. Lewis
Donald C. Lewis
Richard J. Linhart, Jr.
Russell L. Llewellyn III
Rudolph Lowery
Dean T. Lucas
Michael T. Lundblad
Ralph F. Marchewka
Leo T. Marier
George F. Martin
Joseph Martin, Jr.
Lawrence R. Martin
Paul W. Martin
Maria Matlak
James N. Mattis
Ruthanna M. McBride
Patrick H. McGann, Jr.
Robert W. McLean
Edward L. Melton
Harold A. Mercer
Charles W. Miller
Peter T. Miller
Henry P. Mitchell
Steven W. Mock
Stephen T. Moffatt
William P. Moore, Jr.
Terry L. Morin
Richard W. Morrell II
Ralph C. Morse, Jr.
Richard E. Motl
Robert S. Nasby
Gordon C. Nash
Harry A. Nordgren, Jr.
Clayton W. Noto
Larry B. Nutt
James S. O'Connell
David D. O'Dell
John A. O'Donovan
Jack E. Owen, Jr.
Larry B. Parker
Ralph E. Parker, Jr.
Robert M. Patten
Thomas S. Phillips
Joseph M. Poirier
Robert R. Pospischil
Truman C. Preston, Jr.
Gary J. Price
William S. Proctor
Michael G. Przepiora
Bryan S. Quint
Linda S. Rains
Daniel G. Ralston
Michael L. Rapp
Randy F. Rasmussen
Earl K. Reed
John W. Reed, Jr.
Michael L. Reynolds
Donald E. Rice
Ronald W. Richards
Guy B. Roberts
James E. Robinson, Jr.
Frank Rocker, Jr.
Shelley Rogers
John R. Rosewarne
James L. Rust III
David K. Saffle
Robert F. Salkowski
Wayne P. Samuelson
Thomas A. Santos
Michel P. Schaefer
Frederick H. J. Schneider
Gerald C. Schoppe
William L. Scoggins
Benjamin B. Selvitelle I
Gregory L. Sheffer
William M. Sigler III
Mark R. Sinclair
Charles B. Smelcer
Randall T. Smith
James W. Smoots
Peter K. Solecki
John B. Sollis
Lawrence D. Staak
Creighton G. Staff
Cortez D. Stephens
Nelson H. Stewart
Ronald P. Stirrat
Mary M. Sullivan
Michael W. Sullivan
Steven D. Summers
Gene F. Taxis
James L. Taylor
John A. Tempone
Clayton R. Thomas
Lloyd M. Thorne
William C. Tourek
Henry K. Tripp
Jimmy T. Turner
John G. Upton
James L. Vance
Perry E. Vanover
Kenneth A. Vincent
Joseph M. Vizzier
Robert J. Wallace
James P. Walsh
Steven M. Walsh
Douglas G. Warner
Glenn I. Warrick
Gary E. Washburn
Richard V. Weidner
Randall B. West
Roderick E. White
Thomas E. White
Robert S. Whitehead
William A. Wilburn
Richard P. Wilks
William J. Williamson
Larry D. Wilson
Gary F. Wines
Francis C. Winter
Michael B. Woods
William A. Woods
Michael S. Woodson
William R. Young
Robert R. Zimmerman
Anthony G. Zographos

The following-named officers of the Marine Corps for permanent promotion to the grade of captain, pursuant to title 10, United States Code, sections 5771, 5780 and 5791 as appropriate, or section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable subject to qualifications therefor as provided by law:

David J. Abbott
James M. Abbott
Charlie H. Adams, Jr.
Andrew M. Allen
John M. Almeida
Charles B. Altman
Bruce C. Anderson
Charles E. Angersbach, Jr.
Russell J. Armentrout
Ralph B. Arquiette
John L. Bacon
Gerard B. Baigis
John J. Baker, Jr.
Peter L. Bann
Bruce M. Barnes
Ralph S. Battles, Jr.
Luther M. Beaty
Gary L. Beaver
Larry G. Beavers
Curtis L. Beckner
Martin D. Benes
Debora K. Benton
John L. Bergstrom, IV
David W. Bick
Robert L. Biely
Paul E. Billips
Eileen C. Bishop
Glenn C. Bixler
James A. Bixler
Benjamin A. Blair
Harry J. Blair, III
Dalin D. Blaske, Jr.
Arthur L. Blodgett
Robert A. Booth, Jr.
John F. Bower
John J. Bradunas
Edward A. Bream
John M. Brereton
Jerry D. Bristow
Richard W. Britton
Stephen A. Bucher
William R. Bucher
John A. Bukauskas
Ronald E. Burgess
Martin T. Burnett
Janie M. Burns
Daniel J. Butler
Guyfrank M. Candelaria
Rex A. Capro
John M. Carria, Jr.
James B. Chamberlain
Louis M. Chiodo
James W. Cluck, Jr.
Robert J. Coates
Carl G. Cobb
James J. Coghlan
Samuel R. Coleman, Jr.
Harold L. Compton
Terrence P. Cook
Patrick F. Coonrod
Rick D. Craig
Robert L. Creamer, Jr.
John T. Cunnings
Stuart D. Currier
Melvin J. Daniels
Raymond M. Davids
James M. Davis
Simmie R. Dean
Milton Dearman
Charles E. Delair
Gilbert B. Diaz
Michael E. Dick
Roger K. Diehl
Frank J. Difalco
Brian D. Dingess
Stanley M. Donham II
Rick O. Donovan
Harry M. Downey III
Milan E. Dubois, Jr.
Russell E. Duenow
Joseph F. Dunford, Jr.
John M. Dunn
Johnny W. Eason, Jr.
Timothy D. Eason
Steven M. Eddy
Thomas D. Edwards
Frank M. Elliott III
Dennis J. Ellis
John T. Enoch, Jr.
Nicholas J. Episcopo, Jr.
Frank W. Esposito
Donald V. Evans
Gregory T. Falzetta
Jay C. Farrar
Stephen M. Fenstermacher
Samuel E. Ferguson
Robert E. Foulk
Raymond C. Fox
Timothy J. Fox
Larry Foye
William D. Frost
David W. Furtnett
Martin A. Galchutt
Victor M. Gardner III
David L. Garrard
Royce Gibson
Bradley A. Glas
Jack H. Glowen
Henry C. Gold, Jr.
Joseph W. Goodrow
Brian G. Goodson
Richard D. Graham
Lynette M. Gray
Thomas C. Greenwood
Peter W. Grieve
Allen E. Griffin
Mark A. Grubb
James M. Gubachy
William F. Guilfoyle
John D. Gumbel
Larry J. Gwin
David P. Haeusler
Terry Hamilton
Paul A. Hand
Otto L. Hanneman
Roy D. Hannigan
Dale A. Hansen
William D. Hardy
Rodger C. Harris
Craig T. Hartigan
Joseph A. Hauser
Robert W. Hawkins
Charles T. Hayes
Jimmy R. Hayes
Karen E. Heck
Arthur S. Hickle
James B. Hill
Willie E. Hires
Arthur E. Hockman II
Eddie L. Holcomb
Donald R. Holmes
Floyd D. Houston
Lawrence L. Hubert
Glenn S. Huelskamp
Larry D. Huffman
Steven A. Hummer
Ernest D. Ibarra
Kenneth A. Inman, Jr.
Joseph P. Innerst
William A. Jackson
Richard M. Jakucs
John W. James
James F. Janecek
Gail E. Jennings
Jeffrey N. Jones
Erik L. Jorde
Stephen E. Joseph
Steven P. Junkersfeld
Michael A. Kachilla
Michael E. Kampsen
George M. Kelley
William G. Kellogg
David L. Kempf
Terence K. Kerrigan
Lester H. Knight
Michael P. Knobel
Mark A. Kocourek
William C. Koehler, Jr.
Jonathan A. Kolp
Thomas F. Koontz
Joseph W. Kosewicz
Brandon J. Kostelny
Lawrence J. Kovalchik
Stephen J. Kubik, Jr.
Demetrios G. Kyres
Richard M. Lake
Jeffrey M. Lancaster
John L. Ledoux
John S. Lee
Daniel D. Leshchyshyn
Michael A. Lewis
Thomas P. Lhullier
Robert E. Lindsey, Jr.
Thomas E. Lloyd
Tracy K. Loftis
Alfredo Longoria, Jr.
Karl R. Lopez
Robert E. Love
Timothy S. Lucey
Douglas C. Lynn
Gerard J. Lyons
Richard J. Machado
Colin S. Mackenzie III
Robert A. Maguire
Douglas J. Markosky
John Marley
William L. Martin, Jr.
Daniel P. Mathern
Stanley A. Mattos
Heinz M. McArthur
Robert K. McCabe
Robert A. McClain
George P. McGinn, Jr.
James F. McGowan III
Peter A. McGuire
William L. McKenna
Everett R. McNair
John T. McNeill IV
Samuel D. McVey
Richard C. Meckel, Jr.
Harold E. Meeks, Jr.
Bret C. Merriam
Terenco J. Meyer
David A. Miles
Daniel R. Miller
David S. Miller, Jr.
Kenneth E. Miller
Steven R. Million
Maynard J. Monson, Jr.
Gregory A. Morrison
John A. Murray
John J. Muskovac
Matt A. Myers
Steven W. Myhre
Maurice J. Neitzey III
Michael J. Nelson
Carl W. Neuhardt
Donald A. Nicholas
James D. Nichols
Christophe M. O'Connor
Patrick M. O'Donogue
Michael J. Ohler
John A. Olson
George A. Osmer
James A. Pace
George M. Panasuk
Jeffrey J. Patterson
Elverse A. Pearson, Jr.
Dennis C. Pederson
David H. Peeler
Steven E. Perry
Ronald Pickrahn
Julian L. Pinner
Daniel J. Pollock
Swain C. Potter, Jr
Jeffrey H. Potts
Jeffrey A. Powers
Larry L. Price
Lawrence B. Prior III
Galen R. Quinn
John Q. Ratajczak
William T. Reagan
James M. Redman
Michael P. Rendon
Gregory C. Reuss
Barry A. Riddle
David M. Rilling
James F. Rizy
Wayne L. Robbins
John R. Robertson
Ronald L. Rodgers
Jennings B. Rogerson II
Jerome F. Rolinger
Charles A. Romans, Jr.
James G. Ross
Robin R. Rowlader
Scott D. Ryan
Tim L. Rydell
Beth A. Salamanca
Lourie A. Salley III
Jerry A. Sammons
Russell W. Samson
Daniel K. Sayner
John A. Scarborough
John C. Schelling III
Robert W. Schick, Jr.
Charles W. Schmitt
Michael H. Schoelwer
Mark G. Schultz
Craig R. Scott
James B. Sell
David H. Sexton
John C. Sharp
Robert K. Sheldon
Craig W. Sherman
Steven C. Shultis
Mark D. Sifford
Thomas H. Simpson
Henry H. Slack III
Philip A. Smeltzer
Harold G. Smith, Jr.
Neal R. Smith
Randy R. Smith
Marshall K. Snyder
Richard F. Snyder
Brandon N. Sosik
Shawn L. Speight
Steven W. Sprecher
Donovan J. Spurgeon
Gene A. Steffanetta
Kurt C. Stinemetz
Mark D. Stotzer
William A. Stuver
Daniel D. Sullivan
Jeffrey M. Summers
Gary S. Supnick
Thomas B. Sward
Harold D. Sweeney
Kenneth W. Sweltz
Timothy H. Swindle
Neri G. Terry, Jr.
Robert C. Thirion II
James M. Thomas
Barry M. Thompson
Michael F. Thompson
Keith A. Thrasher
Keith A. Tibbits, Jr.
William G. Treadway
Timothy M. Tressler
Thomas M. Traux, Jr.
John A. Turner, Jr.
Paul F. Turner

Paul W. Underwood
Jeffery H. Valentine
Anthony W. Valentino
Cary L. Vanderberry
William S. Vandermeer, Jr.
Peter W. Varvaris
Victor C. Veturis III
James I. Vik
Denise M. Villarta
James E. Vlahovich
Gregory T. Wallick
William G. Washington, Jr.
Robert J. Watson
Earl S. Wederbrook
Thomas F. Western
Scott Westervelt
Montague G. Westmore III
John C. White, Jr.
Reginald F. White
Ronald B. Wilkinson
Kenneth L. Williams
Charles L. Wilson
Timothy J. Wilson
Cedric L. Windley
Walter E. Wint, Jr.
Bruce R. Woodard
Richard N. Woodman
Billy F. Woods
John L. Wozniak, Jr.
John P. Wurtz, Jr.
Warren M. Yarbrough III
Thomas A. Young
James P. Zonar

The following-named officers of the Marine Corps for temporary promotion to the grade of captain, pursuant to the provisions of title 10, United States Code, sections 5769 and 5791, or section 611(a) of the Defense Officer Personnel Management Act (Public Law 96-513) and title 10, United States Code, section 624 as added by the same act, as applicable subject to qualification therefor as provided by law:

John H. Alderson, Jr.
Winston E. Anding
Richard F. Beatty
Jimmie L. Blick
John C. Bradford
William L. Burke
Joseph B. Burroughs, Jr.
Merritt L. Cogswell
Matthew W. Conley
Charles L. Crabill
Dale A. Dye II
Benjamin Palacios, Jr.
Rodney Frazee
Thomas E. Fultz
George V. Gaulin
Lawrence R. Green
James B. Harris
Earl W. Heister
Steven B. Hockensmith
Steven R. Hulland
Joseph M. Jones
Frederick J. Keegan
Michael D. Labonne
Elbert Laymance, Jr.
Joseph R. Lyon, Jr.
Frank S. Manaea
Christobol H. Mendez
Daniel S. Mullins
John K. Neel
Loren D. Primmer, Jr.
Teryl L. Reiman
John W. Rothwell, Jr.
John R. Sloan
Wilbur M. Smith, Jr.
Gerald R. Sorensen
Peter W. Tallman
James C. Taylor
James G. Thorpe
John T. Trosper
Wayne G. Twilliger
John M. Vandeursen
Daniel G. Walczak
David M. White
Richard P. Williams
Alva R. Windham
Richard D. Young