HOUSE OF REPRESENTATIVES—*Tuesday, November 30, 1982*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, we pray that You will strengthen our faith and make bold our convictions that we will stand for right and truth. Help us to focus on actions that help people from every region and from all backgrounds that we truly become ambassadors of peace and messengers of good will. Enable us to learn from others so that our perpective will grow till all Your people share in Your gifts, and division and suspicion be put aside. Grant this our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 20, 1982:

H.R. 3663. An act to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

On September 24, 1982:

H.R. 1710. An act to authorize the use of the frank for official mail sent by the Law Revision Counsel of the House of Representatives; and

H.R. 3835. An act for the relief of Rutherford K. Clarke and his wife Ida T. Clarke.

On September 27, 1982:

H.R. 3620. An act transferring certain Federal property to the city of Hoboken, N.J.; and

H.R. 6068. An act to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

On September 30, 1982:

H.R. 3517. An act to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes.

H.R. 4347. An act to authorize the Secretary of the Interior to proceed with development of the WEB pipeline, to provide for the study of South Dakota water projects to be developed in lieu of the Oahe and Pollock-Herreid irrigation projects, and to make available Missouri basin pumping power to projects authorized by the Flood Control Act of 1944 to receive such power.

H.R. 6956. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1982, and for other purposes.

H.R. 7065. An act to amend the Community Services Block Grant Act to clarify the authority of the Secretary of Health and Human Services to designate community action agencies for certain community action programs administered by the Secretary for fiscal year 1982, and for other purposes; and

H.J. Res. 520. Joint resolution to provide for a temporary increase in the public debt limit.

On October 2, 1982:

H.J. Res. 599. Joint resolution making continuing appropriations for fiscal year 1983, and for other purposes.

On October 4, 1982:

H.R. 5288. An act granting the consent of Congress to the compact between the States of New Hampshire and Vermont concerning solid waste; and

H.J. Res. 496. Joint resolution to provide for the designation of the week beginning on November 21, 1982, as "National Alzheimer's Disease Week."

On October 5, 1982:

H.J. Res. 486. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 3, 1982, through October 9, 1982, as "National Schoolbus Safety Week of 1982"; and

H.J. Res. 568. Joint resolution to provide for the designation of October 5, 1982, as "Dr. Robert H. Goddard Day."

On October 6, 1982:

H.R. 3589. An act to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management, and for other purposes;

H.R. 5081. An act to declare that the United States holds certain lands in trust for the Washoe Tribe of Nevada and California and to transfer certain other lands to the administration of the U.S. Forest Service; and

H.J. Res. 612. Joint resolution to provide for the temporary extension of certain insurance programs relating to housing and community development, and for other purposes.

On October 12, 1982:

H.R. 4623. An act to amend titles 10, 14, 37, and 38, United States Code, to codify recent law and to improve the code;

H.R. 5154. An act to amend the Lanham Trademark Act to prohibit any State from requiring that a registered trademark be altered for use within such State, and to encourage private enterprise with special emphasis on the preservation of small business;

H.R. 6168. An act to amend title 18, United States Code, to provide a criminal penalty for threats against former Presidents, major Presidential candidates, and certain other persons protected by the Secret Service, and for other purposes;

H.R. 6454. An act to amend title 18, United States Code, to clarify the applicability of offenses involving explosives and fire;

H.R. 6976. An act to amend title 28, United States Code, to require the Attorney General to acquire and exchange information to assist Federal, State, and local officials in the identification of certain deceased individuals and in the location of missing persons (including unemancipated persons); and

H.J. Res. 207. Joint resolution to require the Secretary of the Interior to place a plaque at the U.S. Marine Corps War Memorial honoring Joseph Rosenthal, photographer of the scene depicted by the memorial.

On October 13, 1982:

H.R. 3881. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands conveyed to the Arkansas Forestry Commission, and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands to such commission;

H.R. 6133. An act to authorize appropriations to carry out the provisions of the Endangered Species Act of 1973 for fiscal years 1983, 1984, and 1985, and for other purposes; and

H.R. 6156. An act to clarify the jurisdiction of the Securities and Exchange Commission and the definition of security, and for other purposes.

On October 14, 1982:

H.R. 825. An act for the relief of Yick Bong Au Yeung;

H.R. 1783. An act for the relief of Felipe B. Manalo and Maria Monita A. Manalo;

H.R. 1841. An act for the relief of Isabelita Clima Portilla;

H.R. 2035. An act to authorize certain employees of the U.S. Department of Agriculture charged with the enforcement of animal quarantine laws to carry firearms for self-protection and to improve the quality of table grapes for marketing in the United States;

H.R. 4468. An act to amend chapter 84, section 1752 of title 18, United States Code, to authorize the Secretary of the Treasury to establish zones of protection for certain persons protected by the U.S. Secret Service;

H.R. 4490. An act for the relief of Lehi L. Pitchforth, Jr.;

H.R. 5658. An act to authorize the use of education block grant funds to teach the principles of citizenship;

H.R. 5930. An act to extend the aviation insurance program for 5 years;

H.R. 5941. An act to designate the building known as the Federal Building and U.S. Courthouse in Greenville, S.C., as the "Clement F. Haynsworth, Jr., Federal Building," the building known as the Quincy Post Office in Quincy, Mass., as the "James A. Burke Post Office," and the U.S. Post Office

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Building in Portsmouth, Ohio, as the "William H. Harsha U.S. Post Office Building";

H.R. 6422. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut;

H.R. 6782. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for surviving spouses and children, and to modify and improve the educational assistance programs administered by the Veterans' Administration and the veterans' employment programs administered by the Department of Labor; and for other purposes;

H.R. 7293. An act to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park, and for other purposes; and

H.J. Res. 588. Joint resolution to provide for the designation of the month of October 1982, as "Head Start Awareness Month."

On October 15, 1982:

H.R. 684. An act for the relief of Ok-Boon Kang;

H.R. 1281. An act to provide for the conveyance of certain lands in Alaska comprising trade and trade manufacturing site A-056802 without regard to the 80-rod limitation provided by existing law;

H.R. 1481. An act for the relief of George Herbert Weston;

H.R. 1486. An act to establish the Protection Island National Wildlife Refuge, Jefferson County, State of Washington;

H.R. 1826. An act for the relief of Shinji Oniki;

H.R. 2193. An act for the relief of Berendina Antonia Maria van Kleeff;

H.R. 2340. An act for the relief of Theodore Anthony Dominguez;

H.R. 2528. An act to amend the Economy Act to provide that all departments and agencies may obtain materials or services from other agencies by contract, and for other purposes;

H.R. 3171. An act for the relief of Dr. David Pass;

H.R. 3278. An act to amend title 10, United States Code, to provide additional standard for determining the amount of space to be programed for military retirees and their dependents in medical facilities of the uniformed services, and for other purposes;

H.R. 3451. An act for the relief of Danuta Gwozdz; and

H.R. 3467. An act to authorize appropriations under the Arms Control and Disarmament Act, and for other purposes;

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor;

H.R. 4662. An act for the relief of Eun Ok Han;

H.R. 5145. An act to amend title 5, United States Code, to provide training opportunities for employees under the Office of the Architect of the Capitol and the Botanic Garden, and for other purposes;

H.R. 5890. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes;

H.R. 6164. An act to authorize the Secretary of Agriculture to implement the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment To Be Used for Such Carriage (ATP), and for other purposes;

H.R. 6188. An act to authorize the Secretary of the Interior to participate with the State of Nebraska in studies of Platte River water resource use and development, and for other purposes;

H.R. 6267. An act to revitalize the housing industry by strengthening the financial stability of home mortgage lending institutions and insuring the availability of home mortgage loans;

H.R. 6273. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1983, 1984, and 1985, and for other purposes;

H.R. 6276. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of revenue bonds to finance college and university programs which provide student educational loans;

H.R. 6811. An act for the relief of Alejo White and Sonia White;

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes; and

H.R. 7115. An act to authorize the transfer of nine naval vessels to certain foreign governments.

On October 18, 1982:

H.R. 5228. An act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes;

H.R. 5662. An act to extend until October 1, 1983, the authority and authorization of appropriations for certain programs under the Fish and Wildlife Act of 1956; and

H.R. 6865. An act to amend the Perishable Agricultural Commodities Act, 1930, to require the Secretary of Agriculture to accept the payment of monetary penalties for certain admitted and infrequent violations involving misrepresentation under such act, and for other purposes.

On October 19, 1982:

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes;

H.R. 6029. An act to authorize the Secretary of the Interior to acquire by exchange certain lands within the Indiana Dunes National Lakeshore in the State of Indiana; and

H.R. 6055. An act to revise subchapter S of the Internal Revenue Code of 1954 (relating to small business corporations).

On October 21, 1982:

H.R. 6142. An act to authorize the Commodity Credit Corporation to process its accumulated stocks of agricultural commodities into liquid fuels and agricultural commodity byproducts, and for the disposition thereof, and for other purposes.

On October 22, 1982:

H.R. 828. An act for the relief of George G. Barrios, doctor of medicine, his wife Olga T. Curz, and their children Kurt F. Barrios, and Karl S. Barrios, and Katrina Adelaida Theresa;

H.R. 2342. An act for the relief of Maria Cecilia Gabella-Ossa;

H.R. 3592. An act for the relief of Uili Tuifua, Talameafoou Tuifua, Heta Tuifua, Sateki Tuifua, Ilaisaane Tuifua, and Ofa Hemooni Tuifua;

H.R. 3787. An act to amend sections 10 and 11 of the act of October 21, 1970 (Public Law 91-479; 16 U.S.C. 460x), entitled "An act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes"; and

H.R. 4828. An act to set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries.

On October 25, 1982:

H.R. 4441. An act to amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes;

H.R. 4613. An act to increase the efficiency of Government-wide efforts to collect debts owed the United States and to provide additional procedures for the collection of debts owed the United States;

H.R. 4717. An act to reduce the amount of LIFO recapture in the case of certain plans of liquidation adopted during 1982, to make adjustments in the net operating loss carryback and carryforward rules for the Federal National Mortgage Association, and for other purposes;

H.R. 5879. An act to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for 1 year the authorization of appropriations for refugee assistance, and for other purposes;

H.R. 6170. An act to amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals; and

H.R. 7292. An act to establish a White House Conference on Productivity.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6928

Mrs. FENWICK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 6928.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

LAMEDUCKS COULD BE SOARING EAGLES

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, it is interesting to note how ducks seem to have been used to describe certain situations in our country. I am sure that many of us remember the ruptured ducks of World War II. And we all now know of course about the lameducks as they pertain to sessions of Congress after election.

Certainly the millions of enlisted men who received the ruptured-duck emblem upon discharge from the armed services in World War II were anything but ruptured or in any way disabled. And it certainly is not necessary or even fitting that this lameduck session of Congress be crippled or handicapped in any way.

The truth is that we are in a position to take some very constructive steps that will not only help the Congress, but will help the country as a whole.

I am hopeful that we will act on such programs as jobs, MX missile, immigration, and appropriations bills. And, Mr. Speaker, it would be my hope that this 97th Congress can finish up not as a lameduck, but really as a soaring eagle.

SOVIETS SHOULD BE PERMITTED TO BUY GRAIN

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, this is the last day of the U.S. Government's offer to the Soviet Union to guarantee 6-month delivery on 15 million metric tons of grain. I am not able to understand why the President wants to tie our hands by taking away a glimmer of hope for our economically beleaguered farmers—farmers who now face a fourth consecutive year of declining income—by arbitrarily ending our 6-month delivery offer.

I am introducing a resolution today which extends, through the extension of our current United States-Soviet Grain Agreement, the U.S. offer of 6-month guaranteed delivery on 15 million metric tons of grain. The remaining 6 to 8 million metric tons of grain which we will sell the Soviets has a 1-year guaranteed delivery.

The President, by his policy of delaying renegotiating a grain agreement with the Soviet Union, and then by signing only a 1-year extension of the agreement, has not acted in the interest of the United States. The result has been that the Soviets have already purchased 25 to 30 million metric tons of grain this year, most of it not from the United States. The Soviet Union may not, in fact, now need to purchase much more than 6 to 8 million metric tons of American grain. The administration's hard line policy and needless delay has cost this country, and American farmers in particular, dearly. The least we can do is pursue a policy which will maximize the amount of grain we can export commercially.

FAMILY FARMERS DESERVE BETTER

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, let me also join the gentleman from South Dakota in urging the President to back away from a foreign policy that I think is fundamentally wrong and one that injures the family farmers in America.

The President has now removed the sanctions against firms that deal with the Soviets on the natural gas pipeline. And now the only people who are still paying the price in our Government's fumbling foreign policy are the family farmers whose grain markets have been denied the relief that would come from a long-term grain agreement with the Soviets.

I think it is time for us to remind the administration that the refrain "Stay the Course" is a refrain that asks family farmers to try and stay on an obstacle course that pushes many of them off the financial cliff. And I urge the President on behalf of our family farmers to back away from this restriction against a long-term grain trade agreement with the Soviets. Open up those markets, let us improve those markets, and let us give family farmers in this country a chance to survive.

CONGRESS MUST DO MORE THAN TALK

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, the American farmer and industry have been told that they will be protected from unfair trade. America fought for free trade and lost. We came away empty-handed at GATT. Now we must do more than talk, talk. We have to show that we have some muscle.

Two years ago I appeared before the Rules Committee and asked that my bill on casein imports to restrict casein imports to 50 percent of the present level be brought before the Congress. I was told this was not an agricultural issue but a trade issue.

Well, let us dust off this legislation and bring it before Congress and send a signal to the rest of the world.

Bill Brock, our representative at GATT, told the representatives of other nations that the American Congress will not remain idle. And he was told by the French representative that the American Congress is not the center of the universe.

Well, we may not be the center of the universe but I hope that we will do more than talk. I think it is about time we send a signal and tell the rest of the world that we will not be taken advantage of in trade policies.

OUR TRADING PARTNERS HAVE TO KNOW WE MEAN BUSINESS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, this week we saw the result—or lack of result—in the recently concluded GATT talks as a serious setback for world trade.

For generations our Nation has been bearing the brunt of discriminatory trade practices throughout the world at large. And we alone, or nearly alone, have carried the torch for free trade among the free nations of the world.

I am extremely disappointed that the conference concluded without substantial progress in lowering the discriminatory trade barriers in the Common Market countries affecting our agricultural exports.

Now, I totally agree that it is time for us in this Congress to take note of the lack of resolve among our trading partners, and show the American people that we will no longer sit back and allow our trading partners to kick us in the teeth.

CALL OF THE HOUSE

Mr. UDALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 397]

Addabbo	Conte	Foglietta
Akaka	Conyers	Ford (MI)
Albosta	Corcoran	Ford (TN)
Alexander	Coughlin	Fountain
Anderson	Courter	Frank
Andrews	Coyne, William	Frenzel
Annunzio	Craig	Fuqua
Ashbrook	Crane, Philip	Garcia
AuCoin	Daniel, Dan	Gejdenson
Badham	Daniel, R. W.	Gephardt
Bafalis	Dannemeyer	Gilman
Bailey (MO)	Daschle	Ginn
Barnard	Daub	Glickman
Barnes	Davis	Gonzalez
Beard	de la Garza	Goodling
Bedell	Dellums	Gore
Bennett	Derrick	Gradison
Bereuter	Dickinson	Gramm
Bethune	Dicks	Gray
Bevill	Dixon	Green
Biaggi	Donnelly	Gregg
Biliey	Dorgan	Grisham
Boland	Dornan	Gunderson
Boner	Dougherty	Hagedorn
Bonior	Dowdy	Hall (IN)
Bonker	Downey	Hall (OH)
Bouquard	Dreier	Hall, Ralph
Bowen	Duncan	Hall, Sam
Brinkley	Dunn	Hamilton
Brodhead	Dwyer	Hammerschmidt
Brooks	Dymally	Hance
Broomfield	Dyson	Hansen (ID)
Brown (CA)	Early	Hansen (UT)
Brown (CO)	Eckart	Harkin
Brown (OH)	Edwards (AL)	Hartnett
Broyhill	Edwards (CA)	Hatcher
Burgener	Edwards (OK)	Hawkins
Burton, John	Emerson	Hefner
Burton, Phillip	English	Heftel
Butler	Erdahl	Hendon
Byron	Erlenborn	Hightower
Campbell	Ertel	Hiler
Carman	Evans (IN)	Hillis
Carney	Fascell	Holland
Chappie	Fazio	Hollenbeck
Cheney	Fenwick	Holt
Clausen	Ferraro	Hopkins
Clinger	Fiedler	Horton
Coats	Fields	Howard
Coelho	Findley	Hoyer
Coleman	Fish	Hubbard
Collins (IL)	Fithian	Huckaby
Collins (TX)	Flippo	Hughes
Conable	Florio	Hunter

Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach
Leath
LeBoutillier
Leland
Lent
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mattox
Mavroules
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
Mica
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
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Murphy
Murtha
Myers
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Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Pepper
Perkins
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (KS)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Sabo
Sawyer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Staton
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weber (MN)
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

□ 1230

The SPEAKER. On this rollcall, 363 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

□ 1230

AMERICANS STILL MISSING AND UNACCOUNTED FOR IN SOUTHEAST ASIA

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FOGLIETTA. Mr. Speaker, last October 1, just before our election recess, I introduced Concurrent Resolution 425, concerning the almost 2,500 Americans still missing and unaccounted for in Southeast Asia. Over 500 of these Americans are presumed to be located in Laos.

Currently, the resolution is before the Asian and Pacific Affairs Subcommittee of the Foreign Affairs Committee. I am very hopeful that the subcommittee and the committee will quickly consider and report the resolution, which I believe is noncontroversial.

Mr. Speaker, it is almost a decade since American troops have come home from the conflict in Southeast Asia. For the most part, the governments of the Southeast Asian nations have not been cooperative at all in locating and returning Americans unaccounted for, or their remains. Recently, the Government of Laos received a delegation of Americans from the National League of Families of Americans Missing or Prisoners in Southeast Asia. These Americans were accompanied by U.S. officials and visited several areas that might contain information on missing Americans.

I am heartened by this recent indication of willingness to cooperate that the Lao Government has expressed, and I am hopeful that the House can consider and pass House Concurrent Resolution 425 during this busy session. It is my understanding that Senator HAYAKAWA has introduced an identical resolution, and the Senate anticipates early action.

I am pleased to have among current cosponsors of this resolution my colleague from Mississippi, Mr. MONTGOMERY, my colleague from California, Mr. DORNAN, and my colleague from Massachusetts, Mr. FRANK. I urge my colleagues' support of this resolution, and would be more than pleased to have as many Members as possible as cosponsors.

CURRENT COSPONSORS OF H. CON. RES. 425

Sonny Montgomery, Robert Dornan, Barney Frank, Billy Tauzin, Jim Santini, Robert Roe, Larry Winn, Doug Applegate, Don Young, and John LeBoutillier.

ESTABLISHING THE HOUSE OF REPRESENTATIVES PAGE BOARD FOR SUPERVISION AND EDUCATION OF PAGES

Mr. WRIGHT. Mr. Speaker, I offer a resolution (H. Res. 611), and I ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 611

Resolved, That until otherwise provided by law, there is hereby established a board to be known as the House of Representatives Page Board to insure that the page program is conducted in a manner that is consistent with the efficient functioning of the House and the welfare of the pages.

SEC. 2. (a) The Page Board shall consist of—

(1) two Members of the House appointed by the Speaker and one Member of the House appointed by the minority leader;

(2) the Clerk, Doorkeeper, and Sergeant at Arms of the House; and

(3) the Architect of the Capitol.

(b) As used in this resolution, the term "Member of the House" means a Representative in, and a Delegate or Resident Commissioner to, the Congress.

SEC. 3. The Page Board shall have authority to prescribe such regulations as may be necessary to carry out this resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER. Pursuant to House Resolution 611, 97th Congress, the Chair appoints as members of the House of Representatives Page Board the following Members of the House:

Mr. MINISH of New Jersey, and

Mr. FAZIO of California.

The Chair recognizes the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, pursuant to House Resolution 611, 97th Congress, I appoint the gentleman from Indiana (Mr. MYERS) as a member of the House of Representatives Page Board.

REMOVAL OF NAME OF MEMBER AS A COSPONSOR OF HOUSE RESOLUTION 48

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that my name be removed from cosponsorship of House Resolution 48.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 7072, AGRICULTURE, RURAL DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7072) making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? The Chair hears none, and appoints the following conferees: Messrs. WHITTEN, TRAXLER, ALEXANDER, MCHUGH, NATCHER, HIGHTOWER,

AKAKA, and WATKINS, Mrs. SMITH of Nebraska, and Messrs. ROBINSON, MYERS, LEWIS, and CONTE.

NUCLEAR WASTE POLICY ACT OF 1982

Mr. UDALL. Mr. Speaker, I move that the House resolve itself into the Committees of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arizona (Mr. UDALL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3809, with Mr. PANETTA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, November 29, 1982, the text of H.R. 7187 was considered as an original bill for the purpose of amendment.

Are there any further amendments which are made in order pursuant to the rule?

AMENDMENT OFFERED BY MR. LUNDINE

Mr. LUNDINE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment in order under the rule?

Mr. LUNDINE. Yes, Mr. Chairman, it is.

The Clerk read as follows:

Amendment offered by Mr. LUNDINE: On page 66, strike lines 11 through 18.

On page 67, strike lines 1 through 10.

Beginning on page 72, strike sections 135, 136, and 137.

On page 94, strike lines 21 through 24.

On page 117, strike section 218(c)(2).

On page 118, strike section 218(e).

On page 138, line 6, strike the words, "under section 137(a)".

Redesignate sections accordingly.

Mr. LUNDINE. Mr. Chairman, my amendment would strike from this bill the provisions mandating 2,000 metric tons of Federal interim storage for utility spent fuel. At the outset of the debate on this amendment, I want to make clear that I am a supporter of this legislation and my efforts are not designed to endanger its passage. Neither do I put forward this amendment as someone opposed to nuclear energy. I support nuclear energy and regard it as a necessary energy source for our future economic well-being.

At the same time, after many years of study of the nuclear waste issue, I have concluded that a direct Federal role in the interim storage of utility spent fuel is both unnecessary and ill advised.

The provisions providing for Federal interim spent fuel storage are unnecessary for two basic reasons. First, the technology for storing spent fuel on an interim basis is well known and the utilities to date have had an excellent safety record in this regard. Therefore, there is no overriding health and safety reason the Federal Government must assume this responsibility.

Second, a Federal role cannot be justified on the basis of need. Estimates by the DOE of projected shortfall in utility storage have continued to be revised downward since 1977. When a Federal interim storage program was first proposed in 1977, DOE estimates of the need for surplus storage capacity were greatly overestimated. In 1977, DOE told the Congress that this program was needed to address an anticipated shortfall in utility spent fuel storage by 1983 of 1,700 metric tons, 5,700 metric tons by 1986, and 14,400 metric tons by 1990. In 1978, DOE issued an updated estimate which stated that only 560 metric tons of additional storage would be needed by 1983, and only 6,940 by 1990. In 1980, DOE revised its estimates even further downward to claim a need for only 377 metric tons of storage by 1983, 1,047 by 1986, and 3,277 by 1990. In 1981, in testimony before the Nuclear Regulatory Commission during the waste confidence rulemaking, the Department of Energy testified that a Federal interim storage program for utility spent fuel was no longer necessary. The most recent update from the DOE shows that the earliest date when utilities will need additional storage capacity is in 1986 when they estimate there will be a shortfall of 8 metric tons. Now, DOE only projects a shortfall in 1990 of 400 metric tons.

It is clear from these figures that the critical time period for spent fuel storage will be between 1986 and 1990. What is important to focus on is the fact that DOE's own recent estimates of 8 metric tons up to 400 metric tons does not take into account the potential contribution that new technologies such as rod consolidation and dry storage can make to resolving this modest shortfall. A recently completed plant-by-plant survey by the Nuclear Regulatory Commission of the near-term utility spent fuel storage problems points out that each of these utilities has available to it options to solve its problem. Transshipment, reracking, rod consolidation, utilization of dry storage technologies, and construction and development of additional pools are available.

In addition, DOE, OTA, and NRC have all recognized the potential cost advantage of rod consolidation and dry storage technologies over a centralized interim storage program. A recent report prepared for the DOE estimates that several different dry storage options could be available by 1986 and that they would cost less than centralized Federal storage.

The technology push aspect of this whole debate must not be overlooked. It is important that these new technologies be brought through the demonstration phase and to commercialization. For this reason, under my amendment the section of this bill which provides for an accelerated research and development program for these technologies is retained. It is also important to note that as part of this research and development program, the Federal Government would be permitted to take up to 300 metric tons of spent fuel from utilities for research purposes. Therefore, the research program itself provides a modest safety valve for a utility that might have a storage problem which cannot be resolved.

My amendment would also preserve provisions in the bill for expedited NRC licensing provisions for at reactor interim storage. These streamlined procedures at the NRC will insure timely action on licensing issues.

A recent memorandum from the Office of Technology Assessment which analyzed the pending legislation, I think summarizes my arguments very well:

> DOE's most recent analysis of spent fuel storage needs indicates that the amount of emergency storage capacity needed could be quite small, provided that it is indeed limited to cases in which utilities are experiencing unavoidable delays in their good-faith efforts to provide their own storage, and does not serve as a relatively low cost, more convenient substitute for such storage. Specifically, DOE estimates that if applications for reracking of existing basins, and for transshipments to reactors that have additional storage capacity, are approved by the NRC in a timely manner, 400 metric tons of storage in new facilities would be needed through 1990 to ensure that every reactor maintains full core reserve. If this amount of storage in new facilities were made available, the 23 reactors expected to exhaust the maximum capacity of their existing basins by the end of 1990 would have time to construct and license a new water basin, a storage technology for which licensing should be quite easy. If the more flexible and less expensive dry storage technologies could be implemented sooner, which appears likely (particularly if DOE takes an active role in promoting their commercialization, as contemplated in these bills), this would further reduce—perhaps greatly—the need for any emergency backup storage capacity.

The OTA analysis goes on to make one other important point which I have not mentioned. They point out that the amount of spent fuel that the Department of Energy is going to need to acquire from utilities for test and

evaluation activities connected to permanent repository development under the bill could be considerably greater than 400 metric tons. After making this point, OTA states:

Thus the establishment of such a T&E program could render moot the question of whether a special federal last resort AFR storage program is needed at all—at least at this time.

For all of the above reasons, I believe a direct Federal role in interim storage of utility spent fuel is unnecessary. But, as I remarked earlier, it is also, in my opinion, ill advised for the following reasons.

First, too great a Federal involvement in interim storage of utility spent fuel is likely to detract from efforts to development of a permanent repository program. Development of permanent repositories must be our foremost goal.

Second, reliance on centralized Federal storage of utility spent fuel will lead to increased transportation of radioactive materials over our highways.

Third, I believe if a direct Federal role in storage of utility spent fuel is begun under this bill, it will really represent just the nose of the camel under the tent. In future years, once the program is established, we will undoubtedly see requests to increase the metric ton allotment of Federal storage. Once this Federal program is begun the inclination on the part of the utilities will be to avoid taking initiative to solve their own problems because they will be able to count on the feds coming to their rescue.

I urge you to support my amendment. The direct Federal role contained in the bill before us today for storage of utility spent fuel offers the utilities a convenient bailout from their problems. The problems can be solved by them with application of new technology and innovative approaches. The choice is yours and mine to make. Let us choose to establish a clear policy that identifies whose responsibility the interim storage of spent fuel is, and then get on with the business of development of a permanent solution to disposal of our radioactive wastes.

The CHAIRMAN. The time of the gentleman from New York (Mr. LUNDINE) has expired.

(On request of Mr. CORCORAN and by unanimous consent, Mr. LUNDINE was allowed to proceed for 3 additional minutes.)

□ 1245

Mr. LUNDINE. Second, you are authorizing the transportation of this spent fuel all over the United States. If you keep it at the reactor site until it has to go to the permanent repository, you cut down on the amount of transportation. Third, it will inhibit the utilities from taking the initiative on their own to solve their own problems.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Illinois.

Mr. CORCORAN. Mr. Chairman, I thank my good friend from New York for yielding, and I ask for this time in order to get some clarification with respect to his amendment. It is my understanding as I read the pending amendment that the effect of the amendment would be to delete section 135; is that correct?

Mr. LUNDINE. Yes.

Mr. CORCORAN. I wonder if the gentleman is aware of section 135, subsection (j), which applies to a concern I know that the gentleman has had with respect to his district. It is a concern that the gentleman from South Carolina (Mr. DERRICK) has had over the past several years with regard to his district, and of course, as the gentleman well knows, it is a concern that I have had for quite some time that also relates to my district.

The concern that I have with respect to section 135, subsection (j), is that—and I will quote for the benefit of my friend from New York and our colleagues the relative section here, because I think it goes to the heart of the problem that many of us have; that is, the concern about whether or not private away-from-reactor storage facilities would be vulnerable to a Federal takeover under this legislation. I quote:

(j) APPLICATION.—Notwithstanding any other provision of law, nothing in this Act shall be construed to encourage, authorize, or require the private or Federal use, purchase, lease, or other acquisition of any storage facility located away from the site of any civilian nuclear power reactor and not owned by the Federal Government on the date of the enactment of this Act.

The concern I have is that the amendment would delete that particular prohibition. I just wonder if the gentleman is aware of that consequence of his amendment?

Mr. LUNDINE. I am well aware of it. Now, let me explain to the gentleman and others in the Committee that this is not a parochial amendment. The gentleman has correctly pointed out that West Valley, Morris, Ill., and Barnwell, S.C., have effectively been eliminated by the subsection the gentleman mentions, but I would point out to the gentleman that what this amendment does is, is to set aside any AFR program at a federally owned site or at a privately owned site. So, the gentleman's concern I think is obliterated by the purpose of the amendment, which is not to authorize an AFR program at either site, and I think that subsection is unnecessary.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. CORCORAN and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. So, I think there are two points to make. First, the situation the gentleman is concerned about has not been forgotten, and I have not forgotten West Valley in regard to this amendment, but to all the members of the Committee I want to assure them that there is nothing parochial about this. Second, I want to point out that I have an AFR in my district. I have been involved in the negotiations with utilities to take back some of their spent fuel, and if we go on and authorize an AFR, we might as well forget about the utilities taking any responsibility for it because they are going to try to get rid of as much as they can and then forget about it.

Mr. CORCORAN. I think the concern that some of us have is precisely this: If we do not have some sort of storage program for the accumulated spent fuel, then West Valley, Barnwell, and Morris, are more vulnerable than they otherwise would be not only to Federal takeover, but also to the prospect that they would be brought into the leasing arrangement, the acquisition arrangement, whereby under emergency circumstances, not in the deliberation that we have enjoyed for the past several months—in fact, all of this particular Congress—in trying to construct a reasonable compromise to deal with the problem, but under emergency circumstances to preclude the shutdown of a powerplant because of a lack of storage that those particular sites in Morris, in West Valley, and Barnwell would be in fact the subject of emergency legislation to authoring a takeover by the Federal Government.

Mr. LUNDINE. Just to answer the gentleman, earlier in this debate the gentleman from Arizona said to somebody else, "Trust me." I am sure I would be asking the gentleman in this respect. I am well aware of the gentleman's concern. I share that concern, and I know the gentleman from South Carolina does also, but what we are doing here, and I think the gentleman can trust what we are doing, is, we are eliminating congressional intent to establish an AFR program at any site, and I would point out to the gentleman that with Federal spent fuel research and development activities, and with the need for radioactive materials for the T&E facility, there will be plenty of capability to relieve an emergency.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. CORCORAN and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. As I pointed out in my original statement, there are 300

metric tons in here for spent fuel research and development purposes. There is a test and evaluation facility. If a utility, having exhausted every option at its disposal—transshipment, building a new dry storage capacity at its reactor, or building a new pool at the site of the reactor—if every other option is exhausted there is plenty of capacity within this bill for the Department of Energy to use its research means to meet that crisis situation.

Mr. CORCORAN. Will the gentleman yield further?

Mr. LUNDINE. Certainly.

Mr. CORCORAN. The gentleman asked the gentleman from Illinois and the gentleman from South Carolina and the Members of the Committee of the Whole to trust him. I can understand why from his position it is easier than it might be for us to ask for trust. The point is, of course, that the West Valley site in no way would really be targeted because of the research project on solidifying high-level liquid waste that is taking place there. Therefore you could not combine an AFR program at the same site as that R&D project as a practical matter.

Mr. LUNDINE. I have to ask for my time back. I disagree with the gentleman. West Valley is there; there is a pool there; it is an AFR today. If we were looking for quick storage capacity in America today, it would not go to Barnwell; it would not go to Morris; it would go to West Valley. So, I think I am taking a greater risk than anybody in this House if the gentleman's fears should be the operative concern. But, I am confident that that will not occur because I am confident that our interim storage needs will be and can be met at the sites of reactors, and with our research program.

I thank the gentleman for his interest and his concern. I urge the adoption of the amendment. I hope that all of the Members of the Committee will understand that this is not from a parochial point of view, but it is from the point of view of somebody who has lived with an AFR in his district and seen how these matters operate.

Mr. CHAIRMAN. The time of the gentleman from New York has again expired.

(At the request of Mr. WEISS and by unanimous consent, Mr. LUNDINE was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. LUNDINE. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I urge my colleagues to support Representative LUNDINE's amendment to eliminate provisions for away-from-reactor interim storage of spent nuclear fuel.

Many problems would be created by establishing interim storage sites, but perhaps the most dangerous is that it would encourage utilities to ship their spent fuel to temporary facilities. In fact, according to some projections, there could be more than 6,000 truckloads of spent fuel shipped annually from nuclear plants to storage facilities by the year 2000.

The potential for disaster created by this increase in handling and transporting nuclear fuel is enormous. Millions of lives could be endangered should an accident occur in a densely populated area such as New York City. If the thought of shipping nuclear fuel through the streets of New York is unthinkable to anyone who has attempted to drive those streets, consider that the State of New York has already battled with the Federal Government over regulations that would allow hazardous shipments through the city.

From our experience in New York, we have learned that Federal legislation on nuclear waste disposal must include as a fundamental principle the protection of public health. The nuclear industry has been promoting a Federal AFR program so that they will be absolved of the responsibility of storing spent nuclear fuel. But it is their responsibility, not that of the taxpayers who should not have to bear the cost and the danger of time bombs rumbling through their neighborhoods.

We must speak for the local communities which will be responsible ultimately for the health and welfare of their citizens, should a transportation accident occur.

In a draft study, the National Academy of Sciences has characterized the Federal plan for regulating radioactive transport as primitive. The Academy predicts that serious impasses will occur between State and local officials if localities are not offered a stronger say in regulating fuel shipments through their areas.

Without a dramatic shift in the Federal policy toward transportation of hazardous wastes, the probability of serious accidents is bound to increase. That shift begins with the passage of the Lundine amendment.

Mr. LUNDINE. I thank the gentleman, and I think he raises a very good point. For those Members who are not that familiar with the situation, the question is. Are you going to keep the spent fuel rods at the end of the nuclear generating process at the site of the reactor, or are you going to ship them all over the country to various away-from-reactor storage sites, thereby incurring possible danger? I thank the gentleman for his contribution, and I urge the adoption of the amendment.

Mr. LUJAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the thing we need to remember that we are providing for in the legislation is a last resort interim storage facility. I emphasize, the last resort facility, because none of us want to get into the situation where because we do have interim storage facilities, that it would delay the construction of a repository site.

The reason that we put this in here is because we have all kinds of testimony and information about reactors that are getting full. The capacity for the spent fuel rods is being exhausted. We have information that by 1989 or 1990 that we will have some 39 reactors where they will not have the capacity at the sites.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. Certainly.

Mr. FUQUA. Mr. Chairman, I appreciate the gentleman yielding, and I wish to amplify on the gentleman's remarks. Many of the operating reactors now are approaching capacity for storage of spent fuel rods, and there is a need which is further exacerbated by the fact that we as a Congress and the the Government have not moved forward with some type of permanent disposal for high-level waste. This is not the fault of the utilities; it is the fault of Congress and the fault of the Government. That is why this AFR is needed as an interim method.

Hopefully, we will not have to use it, but should there be some type of delay, legitimate or not, in construction of the permanent facility, at least we have some means whereby we can give relief to many of the reactors.

I know the gentleman pointed out that some 38 reactors are approaching capacity at this time, and that is why this amendment should be defeated.

Mr. LUJAN. That is exactly correct, and let me continue on.

What happens if the reactor site is full and we do not have the repository ready? The only alternative, of course, is either to ship it off to some other reactor site, which makes the problem even worse, or that we shut down the reactor completely. We have been very careful to specify that it would be only at existing Federal sites, so that any Member does not have to worry about whether or not a new interim storage facility is going to come into his district.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I will in a minute, because I want to make a point to the author of the amendment; that in his own home State of New York, for example, there are three reactors that are presently facing that problem. The Power Authority of the State of New York has one called the J. A. Fitzpatrick, Unit Three at Indian Point; and one at Rochester Gas & Electric has one, so even in his own State we face this same problem of having to shut down a reactor because we do not have any place to take the spent fuel rods.

If the final repository is not ready, I agree with the gentleman, we would

not want to delay the repository, but we have to be careful that we do have some contingency plan in the event that the repository slows down and there is not any room for the spent fuel rods.

Now, I yield to the gentleman from New York.

Mr. LUNDINE. I thank the gentleman. Strictly on the point of how much capacity is needed, does the gentleman accept the Department of Energy, June 1982, report that indicates that with transshipment there is only a need for 8 metric tons by 1986, and for 400 metric tons by 1990, and that we do not get up to the 1,700 metric tons here authorized until after the year 1993?

Mr. LUJAN. I will tell the gentleman that, as he knows, in drafting legislation one just comes up with some figures. I am not totally certain 1,900 metric tons is the answer to all the problems. I will just tell the gentleman that there were some who wanted more and there were some who wanted less, and we just compromised at a figure of 1,900.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield.

Mr. CORCORAN. Mr. Chairman, I want to thank my friend from New Mexico for yielding. Of course, we can look at what the Department of Energy has to say on this question and interpret its recommendation as we want.

Mr. CORCORAN. However, Mr. Chairman, one of the other Federal agencies that has evaluated this problem of need, which is a crucial element in this whole debate, has been the agency with responsibility for the regulation of the nuclear industry and, particularly, of course, the utilities that are using nuclear power on a commercial basis, and that is the U.S. Nuclear Regulatory Commission. Perhaps it is coincidental, but their report is dated June 1982, and this is based on the assumption, which is, I believe, the compelling assumption that all the committees of the House have used, Mr. Chairman, in trying to determine just what the magnitude of the need is, and that is that the final repository will not be coming on line until sometime between 1998 and the year 2000, probably closer to the end of that timeframe.

Now, the gentleman from New York (Mr. LUNDINE) has already said that even the DOE report indicates that the problem becomes one of constipation, shall we say, in 1983. What we are dealing with here is a timeframe around the turn of the century.

If we look at the NRC report, what that shows is that the following utilities—and I will not take the time of the House to read the names of all these utilities—will be in trouble long before 1998 and the year 2000—and I will read just a few of them—

Alabama Power & Light, 1992; Arkansas Power & Light, 1987; Boston Edison Co., 1994; Commonwealth Edison Co. of Chicago, 1989; and Florida Power & Light, 1987.

So what we are saying is that the need will arise long before the final repository becomes operational, and that is why section 135 ought to be protected as is and that is why the Lundine amendment ought to be rejected.

The CHAIRMAN. The time of the gentleman from New Mexico (Mr. LUJAN) has again expired.

(On request of Mr. CORCORAN and by unanimous consent, Mr. LUJAN was allowed to proceed for 2 additional minutes.)

Mr. LUJAN. Mr. Chairman, let me tell the gentleman that he is absolutely correct on the list of power companies that he read.

Mr. CORCORAN. Mr. Chairman, if the gentleman will yield, is this the gentleman from Illinois to whom he is making reference?

Mr. LUJAN. Yes. I am sorry.

Mr. Chairman, if we total those up, the NRC has suggested that by the year 1990—now, that is just 8 years away—by the year 1990 we will have a shortfall of roughly 2,800 metric tons storage capacity at reactor site, and we are only authorizing 1,900 metric tons as a very last resort.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from New York.

Mr. LUNDINE. Mr. Chairman, let me ask the gentleman, is it not true that the NRC has also said that these figures assume no transshipment between pools owned by the same utility and they assume no dry storage technology, which the NRC is pushing itself to try to implement in developing these numbers?

Mr. LUJAN. Mr. Chairman, here is what I have found: Even allowing for construction of additional reactor site cooling ponds and for reracking of the spent fuel, shortfalls in reactor storage capacity are anticipated. This analysis shows a shortfall in spent fuel capacity of roughly 2,800 metric tons by 1990.

I have always found that anytime we get into a discussion of some kind and we want to quote figures, or anybody does—DOE or NRC or EPA or any governmental agency—we can always find some figure to justify what we are trying to sell. In this particular case—and I am being honest about it—we compromised at 1,900 because some wanted more and some wanted less, and, frankly, that is the only way we could come up with an acceptable figure.

I reiterate that this is simply a last resort interim storage facility, and that we will need it. There is no question in my mind that such a facility would be needed, and we would be foolish in stripping this figure from the bill.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as the debate on this amendment, which I oppose, moves on, I think we should not lose sight of the purposes of this bill, and I would like to make a very quick walkthrough of what we are trying to do with respect to this bill and point out why this amendment does not make sense when we take a look at it in that way.

The major purpose of this bill is to come up with the selection of a final permanent repository, a resting place for spent nuclear fuel. Under the terms of the bill the timetable calls for a selection by 1987. There is a possibility of an extension for a year, but at the latest that selection would occur in 1988.

As has already been mentioned in this debate, the Department of Energy estimates that the completion of that final repository may take as much as 10 years or more so that the repository would not be available for the introduction of spent fuel until 1998 or later, and if it is like most things around here, it could be up into the year 2000 or beyond.

Now, what do we do to take care of the spent fuel problems that will occur and are occurring in nuclear generating plants all across the country between now and the year 2000?

Well, another purpose of the bill is this: Section 131, starting on page 65, and continuing through sections 132, 133, and 134, provides for expedited consideration of applications for expansion of onsite storage of these spent fuels, and certainly there is a crying need for these expedited procedures. Generally speaking, I would say there is agreement that these expedited procedures for the licensing of these onsite facilities are needed, and if there is no final resting place by 1998, obviously there is going to have to be some consideration for the expansion of onsite storage.

Now, there are going to be certain delays. We have seen this happen in the past. There are going to be regulatory delays and other delays, and there are those of us who feel there should be a safety valve program written in here. That is why in section 135, on page 72, we provide for a very small amount of storage capability, the storage of 1,900 metric tons at present Federal facilities. We are not talking about the construction of new facilities; we are talking about the possibility of storage at present Federal facili-

ties that are handling or storing defense waste.

Now, this 1,900 metric tons amounts to about 3 percent of the spent fuel that will be generated between now and the year 2000, and this ability or this storage capacity cannot be used unless there are certain findings that are made by the NRC, the Nuclear Regulatory Commission. On page 74, we see listed those findings that must be made by the NRC before a utility has access to these Federal facilities, and that is why they have to show that the storage capacity cannot be reasonably provided at their facilities, either onsite or at another nuclear facility that they own, and that they have been pursuing and are diligently pursuing licensing alternatives. If they show to the satisfaction of the NRC that they have been diligently pursuing licensing alternatives and they show they cannot reasonably provide that storage capacity in their own system, then they would have access to these Federal facilities, and only then.

So, as we can see, this is not an automatic right to these Federal facilities; it is only a safety valve in case it is needed.

Otherwise the particular generating plant would have to close down, and, of course, it is not in the public interest to cause that kind of dislocation that could occur.

Mr. Chairman, I urge defeat of the amendment.

Mr. Chairman, I do not have time now to enumerate all the various utilities around the country that are projected to lose their full-core reserve by the late 1980's or the 1990's. However, I think the Members should have this information, so I am including for the record the following table:

NRC STUDY—JUNE 1982, UTILITIES NEEDING AN "AFR" BY 1990

TABLE 2.—UTILITIES AND REACTORS WITH PROJECTED LOSS OF FULL-CORE RESERVE PRIOR TO 1990

Utility and reactor	Loss of on-site storage capacity	
	Year projected to lose FCR	Year projected to lose discharge capability
Alabama Power Co.: J. Farley 1	1990	1992
Arkansas Power & Light Co.:		
Arkansas Nuclear 1	1984	1987
Arkansas Nuclear 2	1985	1989
Boston Edison Co.: Pilgrim 1	1989	1994
Carolina Power & Light Co.:		
Brunswick 1	1983	1987
Brunswick 2	1983	1987
Robinson 2	[1] 1986	1989
Cincinnati Gas & Electric Co.: Zimmer 1	1987	1991
Commonwealth Edison Co.:		
LaSalle 1	1987	1989
LaSalle 2	1987	1989
Consumers Power Co.: Palisades	1986	1989
Dairyland Power Co.: LaCrosse	1990	1993
Duke Power Co.:		
McGuire 1	1990	1993
McGuire 2	1990	1993
Oconee 1	1986	1988
Oconee 2	1986	1988
Oconee 3	1986	1988

NRC STUDY—JUNE 1982, UTILITIES NEEDING AN "AFR" BY 1990—Continued

Utility and reactor	Loss of on-site storage capacity	
	Year projected to lose FCR	Year projected to lose discharge capability
Florida Power & Light Co:		
St. Lucie 1	1984	1987
St. Lucie 2	1989	1992
Turkey Point 3	1987	1989
Turkey Point 4	1987	1989
General Public Utilities: Oyster Creek	1986	1990
Northeast Nuclear Energy Co.:		
Millstone 1	1985	1989
Millstone 2	1984	1987
Northern States Power Co.: Monticello	1989	1992
Omaha Public Power District: Fort Calhoun	1985	1988
Power Authority of State of New York:		
J. A. Fitzpatrick	1988	1992
Indian Point 3	1990	1993
Philadelphia Electric Co.:		
Peach Bottom 2	1987	1990
Peach Bottom 3	1987	1990
Portland General Electric Co.: Trojan	1985	1988
Rochester Gas & Electric Corp.: R. E. Ginna	1988	1992
Sacramento Municipal Utility District: Rancho Seco	1986	1989
Southern California Edison Co.: San Onofre 1	1982	1984
Virginia Electric & Power Co.:		
North Anna 1	1988	1989
North Anna 2	1988	1989
Surry 1	1984	1986
Surry 2	1984	1986
Vermont Yankee Nuclear Power Co.: Vermont Yankee	1988	1991

[1] Projection made on basis that pending application of reracking is approved.

Reference: NUREG/CR-2704, June 1982.

Mr. UDALL. Mr. Chairman, we have 19 amendments pending, and I had hoped that we could move along toward the conclusion of this bill. Therefore, I ask unanimous consent that all debate on the pending amendment cease at 1:25 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

Mr. MARKEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mrs. SCHNEIDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York. I think most of us are united in favoring a comprehensive nuclear waste policy, and it is obvious that the leadership of the Commerce, Interior, and Science Committees have worked very hard to put together a compromise bill. The gentleman's amendment strengthens the legislation by concentrating Federal resources on our main purpose—the establishment of a deep, geological repository for the safe, permanent storage of nuclear waste. The temporary, away-from-reactor storage provided in the bill is an unnecessary distraction from the goal, and should be eliminated.

Members may want to keep three points in mind when considering this amendment. First, the Department of Energy's estimates as to the amount of away-from-reactor storage utilities will need has been continually revised downward over the past 5 years. It now appears that improved storage methods at the site of existing reactors are a cheaper and more effective alternative than setting up separate, temporary facilities to hold spent fuel rods until a permanent repository can be established.

Second, the creation of AFR sites could double the hazards associated with transporting radioactive materials, as these would have to be moved first to temporary storage and then, theoretically at least, to their final resting place in a permanent repository. I think most of our constituents would prefer that we keep the circulation of nuclear waste on our Nation's highways and railroads to a minimum.

Third, the language in the bill charges the utilities a one-time fee to finance AFR's. That leaves the taxpayers responsible for footing the bill for any cost overruns. Given the Department of Energy's rather poor track record in managing similar contractual arrangements, it seems unwise to give DOE a blank check to cover costs that private industry ought to absorb. While the safe disposal of nuclear waste is a public problem, the responsibility for financing the solution must rest with private industry.

The nuclear waste bill that we enact should preserve an important principle—it should avoid halfway measures and move us directly toward our primary goal, which is to provide for the permanent, safe storage of nuclear waste. Temporary, away-from-reactor storage sites just do not measure up to this principle. I urge my colleagues to vote for this amendment.

Mr. WIRTH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, first let me say that I want to associate myself with the remarks of the gentlewoman from Rhode Island, Mrs. SCHNEIDER, on the costs of this provision. I think we ought to be aware that what we are assuming here involves significant further costs to the taxpayer. Through its long history, nuclear power in this country has been subsidized over and over and over again by the taxpayer, and this is another example.

Second, what we are doing with this provision is opening up the possibility for some very, very significant further involvement by the Federal Government.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. Let me complete my statement, and then I will be happy to yield if I have time.

Mr. CORCORAN. Mr. Chairman, I thank the gentleman.

Mr. WIRTH. Mr. Chairman, as I was saying, the second issue we have here is opening up a large new area for Federal involvement with nuclear power,

in that away-from-reactor storage raises the possibility of the Federal Government taking all kinds of responsibilities that should be carried by the private sector. We have heard an enormous amount of discussion over the last 2 years about the private sector's assuming its responsibilities and limiting the responsibility of the Federal Government, and here we are, in a very bizarre fashion, doing precisely the opposite, opening up a very large box—away-from-reactor storage—into which the private sector is going to run with a series of problems that are created by nuclear power.

Third, I would point out to my colleagues the language on page 72 of H.R. 7187, from line 16 on. In developing away-from-reactor storage, what are we allowing to happen?

First, the away-from-reactor storage facilities—and this is lines 16 through 19—are exempt from the Nuclear Regulatory Commission's licensing procedure. Why is that? Why is there an exemption from the licensing procedure? What are we going to say in this language they are going to get away with?

According to line 20 through line 2 on page 73, no environmental impact statement is required in the development of away-from-reactor storage capability.

□ 1315

Why is that? Why is there no Nuclear Regulatory Commission licensing as there are for other facilities, and why no environmental impact statement? It does not make any sense.

Something is wrong when, one, we are saying the Federal Government is going to get into this new operation but is getting into it without the kind of licensing procedure and environmental impact statement that is required for every other major endeavor that is embarked upon by the public sector or the private sector.

To further compound the problem, if we get into section d on page 73, the bill authorizes the Department of Energy to construct storage capacity on any other site, at any other nuclear reactor site, again without an EIS, again without licensing. It just does not make any sense.

I think the gentleman from New York has offered an amendment that is rational, that says in summary that clearly there is a problem in terms of storage. But as the gentleman has pointed out, let us push the technology, let us leave that responsibility in the private sector. Let us not have the taxpayer assume the burden, as the gentlewoman from Rhode Island was pointing out. Let us not develop a whole series of new responsibilities for the Federal Government, and let us maintain the process of licensing under the Nuclear Regulatory Commission and maintain the very, very important process of the environmental impact statement required under NEPA.

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield for purposes of clarification at this point?

Mr. MARKEY. Am I going to be doing the clarification, or the gentleman?

Mr. CORCORAN. I am going to try to clarify the financing issue discussed by Mr. WIRTH of Colorado.

Mr. MARKEY. I yield to the gentleman.

Mr. CORCORAN. I thank the gentleman very much for yielding. On the question of financing the interim storage fund, our good friend from Colorado (Mr. WIRTH) indicated that the taxpayers would have to finance it. As the gentleman from Massachusetts well knows, section 137 of the bill dealing with the interim storage fund makes it clear that the generators of the waste will have to finance the program.

Mr. MARKEY. I thank the gentleman for that clarification.

Of course the generators of the wastes will then dun their ratepayers and as far as the ratepayer is concerned it is very easy for him to take off his taxpayer hat and put on his ratepaying hat and in the wash sometimes it seems very difficult for him to differentiate between one hand or the other in the pocket.

The problem here is this: The utilities want an away-from-reactor storage program. That is priority No. 1. A permanent waste bill is something which is desirable, something that might take place in 1995 or the year 2005. But that is a secondary consideration.

We have all of this waste building up at our existing reactors and it is so critical for us to say to the utilities that we get away-from-reactor storage capacity.

Why is that? The problem is this: The utilities do not want to build any more storage capacity onsite. When a nuclear powerplant is licensed you have one building that has the reactor generating all of the electricity. The fuel rods in that building, when they wear out, when they cannot produce any more electricity, are put in a building right next door in a swimming pool, where they are going to be held until a permanent waste repository can be constructed in this country.

The waste will then be put on trucks and transported to the permanent repository.

What the utilities are saying is rather than having us, as our waste builds up onsite, build an additional swimming pool next to the existing one, we want it to be put in another place maybe 500 miles away or maybe 1,000 miles away. Put the nuclear waste on the highway and drive it to an away-from-reactor storage facility. Then in 15 or 20 years when the permanent nuclear repository is constructed, then take it from the AFR and put it in the permanent repository.

Here is the problem: We will never have a permanent repository if the utilities do not have a need for one. If we take the problem the utilities now have of getting their wastes off of their own premises, then the pressure which will be applied to deal with the problem of permanent waste disposal will be alleviated. As a result, all of the political consensus which wraps around this bill today will be somewhat mitigated since the key party to having a permanent repository will now have its problems somewhat pushed back in time into the indefinite future.

What we have to do is to say to the utilities: "Why don't you make applications for additional storage capacity onsite; why don't you make application to go to dry cask technology of nuclear wastes onsite; why don't you make requests for transshipment between your own utilities in a very small local area and try to minimize the amount of travel of this nuclear waste?"

For every nuclear powerplant in this country, every 1,000 megawatts, it means about 40 to 60 truck shipments per year of nuclear waste on the highways heading toward this away-from-reactor facility.

We do not have any need for an away-from-reactor facility. We do not have any problem with telling the utilities to build additional storage capacity onsite.

Diablo Canyon, Pilgrim, Three-Mile Island, Seabrook, Florida Power & Light, North Carolina Power & Light, no matter where you come from, we will help you expedite through the Department of Energy, through the Nuclear Regulatory Commission, a process that makes it possible for you to take care of your own problems.

It is not the job of the Federal Government to bail out the private sector. It is not our job to put together a program that ought to be put together by the private sector or the self-help program for a problem which the utilities have created and for which they have the facilities and the capacity to deal with themselves.

We are talking about the Federal Government injecting itself into an area of the private sector that it has no business being in until there is a permanent repository which is a legitimate Federal responsibility. There is no role for the Federal Government in bailing out the utilities for the short term.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(At the request of Mr. MARRIOTT and by unanimous consent Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. MARRIOTT. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am glad to yield.

Mr. MARRIOTT. My friend knows I share his concerns about getting a permanent repository and doing it properly.

Let me ask this question. The gentleman brings up the point that the existing reactors now have the capability of storing all of the spent fuel without going to AFR's. Does the gentleman believe that they would have little difficulty getting licensing, No. 1 from the NRC to do that and does he believe that the storing in these reactors, some of which are very close to large population areas, would be as safe in the long run as transferring them to some AFR?

Does the gentleman have reactors in his district? Would the gentleman's people sign off on increasing the storage capacity at the reactor? Do they feel no problems with that possibility?

Mr. MARKEY. This is a Republican administration. The Republican administration is in office on the pledge that it is going to try to cut redtape, reduce and minimize bureaucratic interference with private sectors activities. If between you and I, Nunzio Palladino, Don Hodel, and Ronald Reagan we cannot put together a program which expedites the construction of additional onsite capacity for our nuclear power facilities, then there is something terribly wrong.

Second, 30 percent of the electricity in New England, and in my district, is generated from nuclear power. My district would much prefer to keep the wastes onsite until there is a permanent repository and then once put it on the highways and take it through the distict.

Let me tell the gentleman something else. We are all deluding ourselves if we believe this stuff is going to be put on the highways and we are not going to see the granola crowd and some ponytail crowd out there protesting. This is going to be like the nuclear freeze movement. There are going to be middle-class mothers and fathers out in the middle of the highway saying "What are you doing putting nuclear wastes on our highways when you do not have any reason to do so?"

I do not think we have any idea of the political volatility of this issue.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has again expired.

(At the request of Mr. MARRIOTT and by unanimous consent Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York briefly.

Mr. LUNDINE. I think the whole idea of the technology push that the gentleman has alluded to operates here, too.

It has been the Nuclear Regulatory Commission that has been encouraging the utilities to adopt dry storage on top.

TVA is proving this can be done. We are not talking about some technology that is in the far distant future, nor are we talking about a regulatory agency that in any way is hostile to what the gentleman has suggested should occur.

Mr. MARKEY. If I may reclaim my time, there has never been in the history of this country one utility that has asked for permission to expand its onsite capacity. Utilities have reracked. They have tried to use to the best of their ability the space available in the existing water cooling area. But they have never asked to build additional facilities.

There is something wrong with that and what is wrong with it is clearly the need for the utility industry to come to big sugar daddy, to come to the big Federal Government and say "You build them for us; you figure out how to solve the problem because we do not want to do it. We promised you, we promised the people when we built these nuclear powerplants in their area that we would take care of the problem. But now Federal Government, you do it instead."

But now when push comes to shove they want you, big daddy, to pick up the bill, and I do not think we ought to do it.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New Mexico.

Mr. LUJAN. I think the gentleman is mistaken in his statement. He continually says that the Federal Government is going to pay for all these things. The bill provides that the users, the utilities are the ones that are going to have to pay for it.

The gentleman says well, then, they will just pass it on to the ratepayers.

The alternative is that the Federal Government pick up the tab. I guess that is what the gentleman is advocating, that the Federal Government pick up the tab instead of the utilities picking up the tab. I really cannot understand what side the gentleman is on.

Mr. MARKEY. Let me reclaim my time.

The gentleman from New Mexico makes a mistake in leaving the impression on his listeners that the cost is the same whether you put it off site or you put it on site. In fact, it costs twice as much to put it offsite in an AFR as it does to put it onsite; that is, the taxpayer/ratepayer, depending on the hat, gets stuck with the bill.

Mr. MARRIOTT. Mr. Chairman, I move to strike the requisite number of words.

Could I enter into a colloquy with the author of the amendment because I think it is an important issue to discuss. Does not the present bill require the utilities to try to expand onsite storage before they apply for AFR's?

Mr. LUNDINE. Will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman.

Mr. LUNDINE. Yes.

Mr. MARRIOTT. Then I do not understand what the problem is. If we have enough capacity to store 1,900 or 2,800 metric tons at the present reactor site then what is the controversy?

We have then only to go to AFR's if in fact it was necessary and the reactors could make that point.

No. 2, the State still has a veto on that, do they not, that requires a two-House congressional override?

So I do not understand if those two things are in place why we need this amendment.

Mr. LUNDINE. If the gentleman will yield, the problem is you are creating a presumption that there is a need for a Federal facility if this amendment is rejected and all you have is a regulatory proceeding to determine whether or not the utility is making the efforts that they can.

Third, you do not have to consider any new technology. We are just at a breakthrough point that if we relieve this and we provide that the answer to this is away-from-reactor storage pools, we will see the development of dry storage and other new technologies for at-reactor-site disposition or interim storage absolutely grind to a halt.

Believe me, I have seen it. I have seen it where they have it in a pool and as soon as you say you do not have any permanent right to keep it here, they say take us to court.

The push is not toward solving the problem where it is. The push will be to get rid of it and the gentleman is entirely correct; the only protection we have is that the NRC, as the gentleman from New Mexico correctly pointed out, does have these three criteria before they can authorize an AFR.

Mr. MARRIOTT. If I could make one other point, if in fact we put it at the reactor and we do not have an AFR, it seems to me that might expedite the permanent repository process.

Mr. LUNDINE. Exactly.

Mr. MARRIOTT. Which may not be good. That is, we may not be ready yet in the next year or year after to say how we are going to store this stuff on a permanent basis and you may well

be forcing us to make some decision we do not want to make.

Mr. LUNDINE. If the gentleman will yield on that point, I agree with the Reagan administration and with this Department of Energy that it is absolutely imperative that we accelerate the final repository, the final disposition. We have delayed in this country for 30 years the development of a repository. I think the gentleman's analysis is correct.

Mr. MARRIOTT. If I could reclaim my time, the point I want to make is when you go out to a western State where you have underground water table problems, salt problems, proximity to national parks, you do not make those decisions overnight. I do not want to be put in the position where they are going to ramrod something down our throat because we are forced to because we have no AFR's.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I am happy to yield to my friend.

Mr. CORCORAN. I thank my friend from Utah for yielding because one of the issues here is whether or not with the adoption of the Lundine amendment the pressure and the authority would be in the legislation to require the Nuclear Regulatory Commission to make certain that the utilities have exhausted all of the other remedies before going to the last resort.

□ 1330

One of the unfortunate consequences, Mr. Chairman, of the Lundine amendment is that it strikes out section 135, subsection (i), which requires that the NRC issue the guidelines and implement requirements so that the utilities in fact exhaust all of these other technologies, exhaust all of the other steps, to make certain that they solve their problems themselves.

Mr. MARRIOTT. Mr. Chairman, I would just like to say that I applaud what is trying to be done by removing the AFR's, but I think it causes more potential damage than it does good.

Mr. LUNDINE. Mr. Chairman, will the gentleman yield?

Mr. MARRIOTT. I yield to the gentleman from New York.

Mr. LUNDINE. Mr. Chairman, the whole point I have tried to make to the gentleman from Illinois is that this amendment eliminates the entire AFR section, and if there is no authorization for an AFR, then there is no reason to limit it to Federal sites and there is no reason to have NRC criteria. The purpose of this amendment is to try to solve the problem on site, not at away-from-reactor storage sites.

Mr. MARRIOTT. I would just simply conclude, if I have any time left, to say that I think the amendment is a bad one. The present bill provides reasonable stopgaps. I would urge that we support the bill.

Ms. FERRARO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the amendment before us really might be referred to as a prime purpose amendment. By that I mean that the amendment will help to preserve the prime purpose of the legislation before us.

It is generally understood that this bill is designed to move the nuclear power industry toward a permanent repository for spent fuel. Yet one provision of the bill would establish what the industry has referred to as a "last resort" option—a federally supplied interim storage facility with a capacity of 1,700 metric tons of spent fuel from civilian reactors.

As the gentleman from New York (Mr. LUNDINE) has made clear, such a facility is very likely to become one of first reliance for the industry rather than last resort. Given the alternatives of expanding their own onsite storage capacity or taking advantage of a ready made Federal facility, utilities are sure to take the easiest and cheapest course.

The amendment before us would eliminate the requirement for a Federal interim storage capacity. At the same time, the amendment leaves in the bill the provisions which accelerate Federal research, development, and demonstration programs for cost-effective technologies for storing spent fuel onsite. It would also expedite NRC licensing of onsite storage capacity.

The proposed interim storage facility has been justified as necessary to avoid a crunch in existing storage space. The fact is, however, that estimates of needed storage capacity have steadily been revised downward in recent years. While the Department of Energy estimated in 1977 that 1,700 metric tons of interim storage would be required by 1983, the latest Department estimates are that utilities will not need any Federal capacity until at least 1986.

Another argument against building the interim storage facility is the increase in transportation and handling of spent nuclear fuel which would result. I have been actively involved in the Department of Transportation's efforts to draft new regulations governing the transportation of spent fuel. The DOT's first plan was widely criticized by city officials and environmental groups on grounds that it did not adequately provide for the safety of residents of metropolitan areas through which spent fuel would be shipped. Those concerns were underscored earlier this year when a Federal district court judge in New York struck down the proposed regulations.

The judge ruled that DOT had not given sufficient consideration to the possible use of alternative modes of transportation to the highways, and that more emphasis must be placed on the problems surrounding shipments through densely populated urban areas.

The Department of Transportation has announced its intention to appeal the decision, but the status of Federal regulation of spent fuel shipments is very much in doubt. Given the likelihood that establishment of an interim storage facility would result in an additional 4,750 truck shipments of spent fuel, I believe it would be ill-advised to require such a facility be created before the transportation questions are resolved.

As I said earlier, this amendment serves only to reinforce the principal purpose of the Nuclear Waste Policy Act, which is to encourage new initiatives to develop permanent repositories for spent fuel. I urge adoption of the amendment.

Mr. UDALL. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment cease in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for 1 minute each.

(By unanimous consent, Mr. WEISS and Mr. DOWNEY yielded their time to Mr. LUNDINE.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KEMP.)

Mr. KEMP. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from New York (Mr. LUNDINE), to delete the interim storage provisions of H.R. 3809, the Nuclear Waste Disposal Act, and I congratulate him for his hard work.

First, let me say how much I appreciate the very hard work—and hard bargaining by everyone that went into this nuclear waste bill. Devising a plan for permanent nuclear waste storage has, I know, often been a thankless task. Members of both sides of the aisle who have worked long and hard on this legislation deserve our thanks, and also our congratulations for coming up with a fair and workable long-term solution.

I want to emphasize as well that my concern about the interim storage provisions of this bill does not stem from purely parochial interests. It is true that I strongly oppose allowing the West Valley site, in our community of western New York, to become a storage site. Congress is spending millions of dollars cleaning up the nuclear reprocessing plant at West Valley, precisely because the nuclear waste now stored there represents a real and very

significant threat to public health. West Valley is not and would not be an appropriate storage site, because of well-established geographical and geological factors.

I oppose interim storage for these reasons: First, I do not believe it is necessary; second, it increases the danger from transporting wastes; and third, it provides an opportunity and incentive for delaying action on a permanent repository site.

When the Department of Energy first proposed a Federal interim storage program, in 1977, they estimated that by 1990 we would need storage space for 14,400 metric tons of spent fuel. In 1978 the Department revised that figure down to 6,940—a decrease of over 100 percent. And in 1980 they revised it once again, this time down to 3,277 metric tons. At the same time the estimates of waste needing storage have declined, the development of alternative storage technologies has proceeded apace. Fuel rod consolidation, and even more dry storage techniques, now offer onsite storage alternatives that are much cheaper than constructing an interim storage facility—and keep the Federal Government out of the business of providing short-term waste storage for the nuclear industry.

These alternative technologies also reduce the need to transport waste. Clearly the less we need to move this waste along the roads and railways the less we will endanger public health and safety. What is more, the transportation of nuclear waste will become one more area of conflict used to halt the development of nuclear energy, which I know is not the aim of the sponsors of this legislation.

My biggest fear, however, is that by permitting interim storage we will make it easier to put off those hard decisions about permanent storage. Interim storage facilities set up to meet the needs for just a few years might easily be strained beyond their capacities. The pressure on the Federal Government, the States, and the nuclear industry to reach a mutually acceptable solution would be eased. And we would have created one more Federal support program for industry—the kind of program that tends to acquire a long life of its own.

I support this legislation. The nuclear waste accumulating around the Nation, the nuclear waste now being prepared for solidification at the West Valley demonstration site, must find a safe and permanent home. We must reform the licensing procedures for waste management to allow promising new technologies to be used. I do not, however, believe that interim storage is necessary for resolving the nuclear waste problem. Instead, it may stand in the way of a true, long-term solution.

The CHAIRMAN. The Chair recognizes the gentlewoman from Tennessee (Mrs. BOUQUARD).

Mrs. BOUQUARD. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I think it should be pointed out that the Government has had a rather ambivalent policy in regard to our nuclear plants. When they were originally built and for a long time afterwards, the concept of reprocessing was much agreed upon and encouraged by the Government. Then a recent administration banned reprocessing, and it left the industry without the facilities or the capacity to handle the spent fuels. I think, particularly because of that inconsistent energy policy that we have created this problem, and it is the responsibility of the Federal Government to provide for emergency storage with this so called last resort away-from-reactor spent fuel storage facility. I, therefore, urge rejection of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Chairman, the contents of this legislation in the form of the pending amendment offered by our good friend from New York (Mr. LUNDINE) have been adequately discussed, and I think our colleagues know what is in it.

I would like to address one other facet of this matter in the time that I have remaining, and that is the impact of the Lundine amendment on the entire legislation.

Mr. Chairman, in the 96th Congress we came sputtering to the end and we came very close to passing a nuclear waste bill. It got tied up in conference over the military aspect of the program. Now we are coming again to this away-from-reactor storage question which, in my judgment, if the Lundine amendment, God forbid, is adopted, will cause the death of nuclear waste legislation in this Congress. There is no question about the fact that a lot of people, not the author of this amendment, but a lot of other people have already written to the Speaker of the House and the leadership of the various committees involved, who, by the way, are all opposed to this amendment—I do not know the position of the Speaker—and they have asked that the bill itself be pulled from the Calendar for this Congress. They do not want a good sensible nuclear waste bill. And that may be why they are supporting the Lundine amendment.

For this reason as well as many others which I have already discussed during the course of this debate, I urge the resounding rejection of this ill-advised amendment.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I would point out to the Members that the last resort interim storage program is limited to existing Federal facilities, and those facilities which have undergone a public health and safety review by NRC. And I would also say that we have special statutory language in section 135, which the gentleman from New York now would have us strike, that would exclude the use of private away-from-reactor facilities for the storage of spent fuel. We specifically put this language in here to take care of the problem that he and others have talked about; that is, the concerns that they have expressed as the possible use of privately owned facilities in their particular districts. And he now wants to strike the language that we put in the bill for the express purpose of saying that there will be no funds used for the private facilities.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LUNDINE).

Mr. LUNDINE. Mr. Chairman, to address the last point to my good friend from North Carolina, I have tried to state, and I honestly believe, this is not a parochial amendment. The gentleman is entirely correct. I believe that the districts of the gentleman from Illinois, the gentleman from South Carolina, and myself are protected by the compromise language in this amendment.

The gentleman also knows that the other body has passed a bill that has no limitations whatever. We have no assurance that these limitations would in fact be in the final legislation that may be adopted at the very latest hour.

Mr. CORCORAN. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I will yield to the gentleman if he will be brief.

Mr. CORCORAN. The point I would like to make is that if the House adopts the Lundine amendment and the Senate has already rejected similar legislation, the Senate in the conference between the two Houses will be able to insist on its language in authorizing the Federal takeover of private facilities such as at Morris, Ill., and that is what concerns me and many of my colleagues very, very much.

Mr. LUNDINE. I would like to address that point. I honestly am in favor of this legislation. I do not believe the gentleman's analysis is correct. I think if the House adopts the Lundine amendment, and the Senate has a provision in their bill, we will compromise somewhere in between, which will probably be something like the language in this bill. But if the Lundine amendment is rejected, I think the gentleman is at risk, I think this gentleman is at risk, and I think

everybody who cares about an unlimited AFR is at risk. And that is the reason I am going to insist on this amendment.

Mr. Chairman, it is very simple: An away-from-reactor storage facility would be more expensive and it would be more dangerous than the adoption of the Lundine amendment. There are new technologies coming on line which can solve this problem. We have the capacity with the research and development capability of the Federal Government, should there be an emergency, for up to 300 metric tons of space and fuel storage, and additional storage in the T&E facility beyond that. But the fundamental question here is: Is the Federal Government going to step in and undertake a new activity? Or is the basic responsibility going to be on those utilities whose users have had the benefit of the nuclear power up to this time?

I urge the adoption of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Chairman, we all would like to see the problem solved in the way that we would prefer it would be solved. And I believe it would be wonderful if we did not need an AFR, if we did not need an interim storage facility. But we live in the world that is, not in the world that ought to be.

So it is my feeling that, at some point, these reactor facilities are going to be filled up, and we have to have an alternative to closing those utilities.

We have considered this amendment in Interior. We have had long, long hours of debate on this, and it was the wisdom of the committee to turn it down at that time. I think that the last thing we ought to remember is that this is a last resort interim storage facility. Only after the utilities have done everything they possibly can to increase the storage capacity onsite would this facility be used.

So it is just a backstop so that if we ever find ourselves in the position where we have no capacity, the utilities will not be closed.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL) to conclude debate.

Mr. UDALL. Mr. Chairman, this amendment ought to be defeated. It is well intended, and the gentleman from New York is fighting very hard. He is not parochial; he has not been parochial around here, and I accept his statement in that regard.

We have retreated and retreated and retreated on AFR. Frankly, I have no great enthusiasm for a lot of AFR facility, and I do not think we are going to have any. This is a careful, limited, last-resort, last-ditch facility that we need, for two things: First, if there is an emergency, if the reactor finds that they have rods that they simply do not have space for, they have run out of pools, we will have a Federal program which can accept those rods; and second, we have made a lot of international commitments over the years to nations urging them to use nuclear technology. We have a lot of international commitments that we will provide that space if needed.

So you have a highly limited, 2,000-metric-ton program. The utilities will have to show that they cannot provide storage space at reactor sites, utilities that will use this Federal space will pay for it, and they have to be able to get out as soon as new capacity can be reasonably constructed.

So we should not eliminate the AFR totally. This leaves a very small AFR program, and the amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LUNDINE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LUNDINE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 84, noes 308, not voting 41, as follows:

[Roll No. 398]

AYES—84

Addabbo
AuCoin
Bedell
Beilenson
Biaggi
Bingham
Brodhead
Burton, John
Burton, Phillip
Campbell
Clay
Clinger
Conyers
Crockett
Deckard
Dellums
Derrick
Downey
Dymally
Eckart
Edgar
Edwards (CA)
Ferraro
Ford (TN)
Garcia
Gejdenson
Gilman
Gore
Gray
Gregg
Hartnett
Heftel
Howard
Huckaby
Kastenmeier
LaFalce
Leland
Lowry (WA)
Lundine
Markey
Martin (IL)
Martin (NY)
Mavroules
McGrath
McHugh
Minish
Mitchell (MD)
Moakley
Molinari
Mottl
Napier
Nowak
Oakar
Oberstar
Obey
Panetta
Paul
Rangel
Reuss
Rodino
Roemer
Rosenthal
Roybal
Savage
Scheuer
Schneider
Schroeder
Schumer
Shannon
Simon
Solarz
Spence
Stark
Stokes
Studds
Vento
Waxman
Weaver
Weber (MN)
Weiss
Williams (MT)
Wirth
Wolpe
Wyden

NOES—308

Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Applegate
Archer
Aspin
Atkinson
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Benedict
Bennett
Bereuter
Bethune
Bevill
Bliley
Boggs
Boland
Boner
Bonior
Bouquard
Bowen
Brinkley
Brooks
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
Derwinski
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dwyer
Dyson
Early
Edwards (AL)
Edwards (OK)
Emerson
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Fiedler
Fields
Findley
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Forsythe
Fountain
Frank
Frenzel
Frost
Fuqua
Gaydos
Gephardt
Gibbons
Ginn
Glickman
Goldwater
Gonzalez
Goodling
Gradison
Gramm
Green
Grisham
Guarini
Gunderson
Hagedorn
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hatcher
Hefner
Hendon
Hightower
Hiler
Hillis
Holland
Holt
Hopkins
Horton
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kazen
Kennelly
Kildee
Kogovsek
Kramer
Lagomarsino
Latta
Leach
Leath
Lent
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Madigan
Marlenee
Marriott
Martin (NC)
Martinez
Matsui
Mattox
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
Mica
Michel
Mikulski
Miller (OH)
Mineta
Mitchell (NY)
Montgomery
Moore
Moorhead
Morrison
Murphy
Murtha
Myers
Natcher
Neal
Nelligan
Nelson
Nichols
O'Brien
Ottinger
Oxley
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Ratchford
Regula
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roe
Rogers
Rostenkowski
Roth
Roukema
Rudd
Russo
Sabo
Santini
Sawyer
Schulze
Sensenbrenner
Shamansky
Sharp
Shaw
Shelby
Shumway
Siljander
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solomon
St Germain
Stangeland
Stanton
Staton
Stratton
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Trible
Udall
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki

NOT VOTING—41

Anthony
Ashbrook
Blanchard
Bolling
Bonker
Breaux
Chisholm
de la Garza
DeNardis
Emery
Evans (GA)
Evans (IA)
Fish
Fowler
Gingrich
Hawkins
Heckler
Hertel
Hollenbeck
Kemp
Kindness
Lantos
LeBoutillier
Lee

Lehman	Mollohan	Stenholm
Levitas	Pursell	Traxler
Marks	Rose	Washington
McKinney	Rousselot	Yates
Miller (CA)	Seiberling	Zeferetti
Moffett	Shuster	

□ 1400

The Clerk announced the following pair:

On this vote:

Mr. Washington for, with Mr. Mollohan against.

Mr. STANGELAND and Mr. RINALDO changed their votes from "aye" to "no."

Mr. WAXMAN and Mr. LELAND changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SWIFT

Mr. SWIFT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SWIFT: At page 141, line 24, strike all after "repositories;" through the end of line 3 on page 142 and insert in lieu thereof the following: "and (B) the Secretary may not commence construction or excavation of any Test and Evaluation Facility prior to issuance by the Commission of a construction authorization for a repository at the site involved.".

Mr. SWIFT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. SWIFT. Mr. Chairman, the purpose of this legislation, among other things, is to assure an objective and a technical decision as to where a repository should be located. It is, therefore, also true that one of the purposes of this legislation must be to avoid prejudicing the decision as to where the permanent repository will be located by spending huge sums of money on it prior to that decision being made, so that we have the camel's-nose-under-the-tent syndrome taking place, saying, "We must locate it here. We have already spent so much money on this location."

The amendment that I am offering takes care of a problem that I see in the bill as written. There is a major ambiguity in the bill which my amendment seeks to clarify. The bill, as I read it, says that the test and evaluation facility located at a candidate or repository site may not commence construction of a surface facility until the Nuclear Regulatory Commission gives a construction authorization. Notice that it says a surface facility.

You go back to page 9 where the definitions are and look at the definition of a test and evaluation facility, it says that that means an at-depth underground cavity with subsurface lateral excavations extending from a central shaft, and so forth.

It seems to me there is a clear ambiguity as to what section 306 means if, in fact, it refers to a test and evaluation facility and then uses only the words "surface facility".

When you consider that such a T&E facility can cost anywhere between a quarter and one billion dollars, should this be located at a candidate site for a permanent repository?

Clearly, the argument is going to arise, "We have spent this quarter of a billion dollars or this billion dollars here. Now we might as well put the site there."

In other words, the objectivity of the decision as to where the site will be, it would seem to me, could be harmed by the ambiguity in the act as it presently exists. It will certainly skew the decision as to where the ultimate site for the permanent repository will go.

Now, you can make a number of arguments about T&E facilities themselves. The Senate bill, for example, does not even allow integration of T&E facilities with a candidate site. T&E itself is a very controversial concept at best. There are activities similar to T&E going on already in a number of places, so that you have a whole question as to whether a test and evaluation facility is something that we need at all; but that is not basically my point.

My point is that the bill as currently written is very unclear as to whether or not it would permit excavation to be done on a T&E facility at a candidate site prior to that site receiving its construction authorization from the Nuclear Regulatory Commission; thereby giving that site an edge in the competition, or to put it around another way, a greater chance of being selected than another site in which there was not a T&E facility. I really believe this ambiguity in the bill must be clarified so that that kind of event could not occur.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I am happy to yield to the gentleman from Florida.

Mr. FUQUA. I appreciate the gentleman yielding.

I certainly understand the concern that the gentleman is expressing to the committee; but let me point out to the gentleman that on page 141, that the gentleman referred to, in section 306(b), this language was worked out in cooperation with Chairman UDALL, Chairman DINGELL; the minority members, the gentleman from North Carolina (Mr. BROYHILL), the gentleman from New Mexico (Mr. LUJAN), and also the gentleman from New York (Mr. OTTINGER), who chairs the subcommittee of the Energy and Commerce Committee. It was with their agreement, and this was the compromise language. It says:

(b) PROCEDURES.—(1) If the test and evaluation facility is to be located at any candidate site or repository site (A) site selection and development of such facility shall be conducted in accordance with the procedures and requirements established in title I—

Now, title I is all the procedures for the permanent repository—

with respect to the site selection and development of repositories;

And it goes on to say, and this is the language that the gentleman is changing:

and (B) the Secretary may not commence construction of any surface facility. * * *

The subsurface facility, the shaft, is part of the test procedure to see if this is a site. Now, if the Secretary determines that this should be the site of a repository as well as a test facility, then he must go through and comply with the procedures as outlined in title I.

So I appreciate the concern that the gentleman is addressing himself to, but I think it has been taken care of in the bill, because we were very careful in drafting the language to take care of exactly the problem that the gentleman is expressing.

Mr. SWIFT. Well, if I could regain my time, then I have elucidated here what my concern is. The gentleman feels that my concern is unfounded because the language in this bill would preclude this.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(At the request of Mr. OTTINGER, and by unanimous consent, Mr. SWIFT was allowed to proceed for 3 additional minutes.)

Mr. SWIFT. So that the gentleman feels that my concern is unfounded, that they could not go ahead and put in a T&E facility and do expensive excavation and therefore, give priority, if you will, in selecting that site for a permanent storage facility. Is that correct, that could not occur?

Mr. FUQUA. Well, let me say that the gentleman is perfectly within his rights to express his concern and those concerns were expressed by many other people. That is why we have this language; but to colocate a test and evaluation facility and then later put a repository there would not be possible under the language that is currently in the bill, because the Secretary of Energy must comply with title I if he thinks that this T&E site might be a suitable site for a repository. Then he must comply with title I.

Now, as far as the shaft is concerned, that is part of the test procedure. They may have several shafts in places to determine the geographic formations, whether they are suitable, and they must go down and do core drillings and other types of drillings in

order to make this determination; but they are prohibited from locating the surface facility and any of the other things there until such time as they have complied with title I, which as I mentioned and outlined and the gentleman is familiar with, outlines the procedures.

Mr. SWIFT. Mr. Chairman, I thank the gentleman for his remarks.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I thank the gentleman for yielding.

I believe that the concerns of the gentleman are taken care of; though I would acknowledge that it is not as clear as it might be.

The language of section 306(b) says quite clearly that if the test and evaluation facility is to be located at any candidate site or repository site—even just a candidate site, it applies—site selection and development of such facility shall be conducted in accordance with the procedures and requirements established in title I.

□ 1415

As Chairman FUQUA has indicated, that would clearly require a construction authorization prior to excavation of a facility. The way I look at subsection (b), it is an additional requirement that says one cannot even locate surface facilities at that facility without getting a construction authorization for a repository.

So I think that subparagraph (B) is an additional requirement; quite clearly, if you are going to have a facility there, under title I which is made to apply, the construction authorization would be required.

Mr. FUQUA. Mr. Chairman, will the gentleman yield further?

Mr. SWIFT. I yield to the gentleman from Florida.

The CHAIRMAN. The time of the gentleman from Washington has expired.

(On request of Mr. FUQUA and by unanimous consent, Mr. SWIFT was allowed to proceed for 2 additional minutes.)

Mr. FUQUA. Mr. Chairman, on page 142, line 4, under subparagraph (2)—

No test and evaluation facility may be converted into a repository unless site selection and development of such facility was conducted in accordance with the procedures and requirements established in title I with respect to the site selection and development of repositories.

Mr. Chairman, I therefore, think the concerns that the gentleman has are addressed. The intent was that one could not convert a T&E facility into a repository unless the Secretary complied with title I and the additional procedures of site selection.

Mr. SWIFT. I thank the gentleman, and would ask him a question: Does he essentially agree with what the gentleman from New York (Mr. OTTINGER) said, then, as I understand it?

Mr. FUQUA. Mr. Chairman, the gentleman from New York, I think, was quoting from line 9 of page 142, which says:

The Secretary may not commence construction of a test and evaluation facility at a candidate site or site recommended as the location for a repository prior to the date on which the designation of such site is effective under section 115.

So that is a further clarification. It was added by the gentleman from New York (Mr. OTTINGER) in our negotiations.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield to me?

Mr. SWIFT. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding to me.

Mr. Chairman, I think as the gentleman has indicated, Chairman FUQUA and I are in agreement on this and I think the gentleman's concerns are addressed. Therefore, I do not think an amendment is really necessary on this matter.

Mr. SWIFT. Mr. Chairman, with those assurances from the two gentlemen, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will inquire, is the amendment in order under the rule?

Mr. RAHALL. Yes, it is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. RAHALL: Section 151 is amended by adding the following at the end thereof:

"(c) SPECIAL SITES.—If the low-level radioactive waste involved is the result of a licensed activity to recover zirconium, hafnium, and rare earths from source material, the Secretary, upon request of the owner of the site involved, shall assume title and custody of such waste and the land on which it is disposed when such site has been decontaminated and stabilized in accordance with the requirements established by the Commission and when such owner has made adequate financial arrangements approved by the Commission for the long-term maintenance and monitoring of such site."

Mr. RAHALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Chairman, the amendment I am proposing is virtually identical to a provision contained in the Energy and Commerce Committee's bill and similar in intent to a provision contained in the Interior and Insular Affairs Committee bill. However, it appears that in the rush to put the substitute, H.R. 7187, together, this provision was inadvertantly omitted.

In any event, it is my understanding that both the Interior and Energy Committees have no objection to this amendment.

This amendment builds upon the low-level waste provisions of H.R. 7187 but addresses a very important difference. The sites my amendment addresses would not be used as commercial low-level disposal sites. Instead, my amendment concerns sites used for Atomic Energy Commission licensed activity which have been stabilized by the landowner in accordance with NRC criteria. Once stabilized, the landowner may request the Secretary of Energy to assume title and custody of the site. I would like to stress that the stabilization would be at the landowner's expense, and, that the Secretary could take title only at the request of the landowner. Furthermore, the landowner would have to make financial arrangements with the Secretary for the long-term maintenance and monitoring of the site.

Enabling the Secretary to take title to these sites will assure that they remain undisturbed and provide for a permanent record of their location. Situations addressed by this amendment—and there are only a very few—should be recognized as a shared responsibility of the Government.

This amendment does not preclude the option of having contaminated material moved off the site, and, does not affect the possibility that certain sites may require Federal assistance during the cleanup procedure.

Mr. ROE. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, I have a similar situation existing in my State and in my district where we have a low-level radiation thorium material which is an extract, as you know, from rare earth.

I am concerned with the amendment because I want to be sure that this amendment does not forestall nor usurp the position and responsibility of the Federal Government in previous law on the removal of that material.

We are going through a whole examination now by the Federal Government, Nuclear Regulatory Commission, and so forth, so I would like to ask the gentleman specifically—and I thank the gentleman again for yielding—am I correct in understanding that his amendment does not address the question of financial responsibility for the decontamination of low-level-

rad waste sites that are not to be transferred to the custody of the Federal Government, or the disposal of such wastes from such sites, nor is it intended to change existing law relating to the cleanup or care of such sites?

Mr. RAHALL. Mr. Chairman, the gentleman is completely correct. There is no intent in my amendment to establish financial responsibility for such cleanup and caretaking operations or to change existing law relating thereto.

It is my intent merely to create a legal mechanism whereby certain sites may be transferred to the Government for long-term oversight.

Mr. ROE. Mr. Chairman, I thank the gentleman very much for that clarification for the situation.

Mr. RAHALL. I thank the gentleman from New Jersey for his clarification.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, the gentleman's amendment provides that the owner may make adequate financial arrangements that are approved by the Commission for the long-term maintenance and monitoring of the site.

My question is: Is it the intention of the gentleman, in his amendment, in approving the adequacy of these financial arrangements with the owner that the Nuclear Regulatory Commission consult with the Department of Energy?

Mr. RAHALL. Yes, it is my intent that such consultation would take place.

Mr. BROYHILL. Mr. Chairman, would the gentleman indicate: Will the Department have any powers of concurring with these financial arrangements or is it the intent that the final decision rests with the Commission?

Mr. RAHALL. The final decision would rest with the Commission, as I understand the way the amendment is structured.

I might add that the sites that I mentioned that may be covered by this amendment—and this is from Department of Energy information—are only two sites, one in Cook County, Ill., and one in Norton, Maine. The NRC identified a site in Parkersburg, W. Va.

Mr. BROYHILL. So the gentleman is stating that consultation is intended with the Department of Energy by the Nuclear Regulatory Commission in the determination of the adequacy of these financial arrangements?

Mr. RAHALL. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. RAHALL) has expired.

(On request of Mr. LUJAN and by unanimous consent, Mr. RAHALL was allowed to proceed for 2 additional minutes.)

Mr. LUJAN. Mr. Chairman, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's amendment. I would only like to ask the gentleman: As I remember, we passed this through the Committee on Interior and Insular Affairs at one time, at the time that we were working on the bill. It is my understanding that it passed the Committee on Energy and Commerce also. So how come it is not in the bill? What happened between the time that we passed it in Interior and they passed it over at Energy and Commerce, and now it is necessary for the gentleman to offer an amendment?

Mr. RAHALL. I cannot adequately describe what happened. I was not sitting in during the process, but when it came to the floor it was not there. I am attempting to correct that oversight.

Mr. LUJAN. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I would be happy to yield further to the gentleman from New Mexico.

Mr. LUJAN. I understand exactly. I simply wanted to raise the question at this point, because this is one of the things that has disturbed me about assigning jurisdiction to various committees and then a group of people, including myself, I must admit, get together and craft a bill and take things out that were passed by each committee as though it is not a big deal.

I raise this question because I think maybe we ought to have a change in the Rules of the House that once the committees of jurisdiction pass a particular provision, that maybe we should not be messing around with it and it ought to stay in the bill if, as a matter of fact, it did come from both committees of jurisdiction.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I do not think that is an accurate representation of what happened, either yesterday with respect to the number of repository sites selected where it was alleged that we did something entirely different, where in fact both of the committees provided for 5 or 6 sites for repositories, with different time schedules. The schedule for site selection was resolved in the substitute.

In this situation we had differing language in the 2 committee bills. We attempted to resolve that. We went to the gentleman from West Virginia (Mr. RAHALL). The gentleman from West Virginia indicated that the language that we have in the bill at the present time, in fact, resolved the problem.

The CHAIRMAN. The time of the gentleman from West Virginia (Mr. RAHALL) has again expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. RAHALL was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, that did in fact resolve the problem. Then later it appeared that the language was not adequate to resolve the problem. So we are quite agreeable to changing the language for that purpose. But this is not something that is done underhandedly by the committees in violation of what was done in the bill. An attempt was made to give an interpretation that would adequately solve the problem of the gentleman from West Virginia. We thought we had done that originally. Now we have found that it does not. We are trying to accommodate the gentleman.

Mr. LUJAN. Mr. Chairman, will the gentleman yield further?

Mr. RAHALL. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Mr. Chairman, it is no my contention that it was done underhandedly. Absolutely not. It is done right out in the open.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield further to me?

Mr. RAHALL. I yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, we have not done something that was not passed in either committee and suddenly it appears here, and that is what the gentleman, as I understand it, was seeking to imply. That really is not an accurate representation of what was done.

Mr. Chairman, I have no objection to the amendment.

Mr. RAHALL. I thank the gentleman from New York.

Mr. Chairman, I yield back the balance of my time, and I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIRTH: Page 65, strike out line 8 and all that follows down through line 14 and substitute: "The Secretary may not develop a repository at any site unless the Secretary determines that such development, and the construction and operation of such repository, will not require any purchase or other acquisition of water rights that will have significant adverse effect on the present or future development of the area in which such site is located.".

Mr. WIRTH. Mr. Chairman, in dealing with our national nuclear waste problem, a few States will eventually accept a disproportionate responsibility for the waste disposal. We all understand that. There is no problem with that. However, I think that we must not abrogate existing State rights in our move toward developing nuclear waste legislation.

The water rights amendment which I am offering strikes a balance between these two concerns. Water is the lifeline of Western communities and is the essential resource for all development, especially energy projects which are increasing in size and number all over the West.

As we became more concerned about developing our own sources of energy in the last decade, the West has seen tremendous growth in all energy fields. However, the development of coal and synthetic fuels all need a great deal of water and we have to be careful not to create conflicts between various uses of this very scarce resource.

□ 1430

If it is decided that repository is going to be located in an area of energy development; the Secretary of Energy should assess the impact the repository's 1-billion-gallon-per-year water need will have on other competing demands in that area. This is all my amendment requires. The Secretary shall determine what all the demands are for the scarce resource of water. Is it going to go for the storage facility, or is this going to go for energy development? In the West there simply is not enough water to do both things.

Under the bill, the Secretary of Energy is required to consider the effects that a repository will have on local rights, but he is not required to make any determination. That consideration can be just the Secretary saying, "Yes, I have considered it. I did it in my dreams last night or at breakfast this morning, or whatever." No formal consideration of the use for this extremely important resource is required. I am requiring in this amendment that the Secretary make a determination.

Why is this amendment necessary? First, the amount of water that a repository will consume during its construction and operation requires 1 billion gallons of water per year—1 billion gallons of water per year. That is 3 million gallons a day. The Energy Department has told us that this does not constitute a significant amount of water. If that is the case, then there should not be any opposition to the amendment.

My amendment is not antidevelopment in any way. On the contrary, it simply requires careful planning for the successful accommodation of all kinds of competing uses of scarce water. The amendment prohibits nothing. It requires the Secretary of Energy to consider water supplies before taking any action to make a finding on the repository's impact on the surrounding community.

Unlike the population language in the bill, this gives special treatment to no one area, no one place. Under my amendment, all the sites under consideration are treated equally. I would urge my colleagues to support the amendment. We should look carefully before allocating water for one use and not another.

Mr. OTTINGER. Mr. Chairman, would the gentleman yield?

Mr. WIRTH. I would be happy to yield.

Mr. OTTINGER. Mr. Chairman, I am very sympathetic to the problems that the gentleman is seeking to address here, and I would like to give him the maximum protection that is possible. I wonder if we could not engage in a colloquy here that maybe would take care of him, and it would not be necessary to pursue the amendment.

Under the amendment as I read it, it creates an absolute requirement. It says that the Secretary may not develop a repository at any site unless the Secretary determines that there is no possible damage.

Mr. WIRTH. Correct.

Mr. OTTINGER. That is a very drastic requirement that I think would in fact eliminate many sites, even though there might be an infinitesimal amount of damage that could be found. The language of the bill in section 125 says:

The Secretary shall give full consideration to whether the development, construction and operation of a repository may require any purchase or other acquisition of water rights that will have a significant adverse effect on the present or future development of the area in which the repository is located, and the Secretary shall mitigate any adverse effects to the maximum extent practicable.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

(At the request of Mr. OTTINGER and by unanimous consent, Mr. WIRTH was allowed to proceed for 3 additional minutes.)

Mr. OTTINGER. In the guideline section of the bill, section 112, page 16, one of the guidelines that must be developed is a guideline that affects the proximity to water supplies. I am perfectly willing to stipulate with the gentleman that we ought not to have any development of one of these repositories that will have a significant adverse effect on future development of the area, and that the Secretary ought to interpret this language very severely, but I do not think I can go so far as the gentleman's amendment goes in saying that if there is any adverse effect whatsoever on future development, then the repository cannot be developed. Would that be acceptable to the gentleman?

Mr. WIRTH. Would the gentleman be willing to agree that the Secretary should make a determination? Consideration, as the gentleman knows, is scarcely the kind of terminology that carries with it the capacity to see that there has in fact been any thorough study. Again, the part I am making is that there are competing demands for a very scarce resource. To say "consider" particularly with our friends in the current Department of Energy, does not mean very much. A determination, however, is a much more formal proceeding, and if we could include language on determination, that would solve one of the problems, I believe.

Mr. OTTINGER. I would have no problem with that at all. As I interpreted this language, "Full consideration" when read in conjunction with the language of section 16, which requires a formal determination with regard to guidelines, would require the kind of determination that the gentleman requires.

Mr. WIRTH. Can we interpret line 8 on page 65 as full consideration, meaning the Secretary shall make a determination?

Mr. OTTINGER. I would so interpret it.

Mr. WIRTH. Is that acceptable to the gentleman from Arizona and the gentleman from New Mexico, that we are talking about full consideration, that it in fact means that there shall be a formal determination on competing water needs? That addresses the problem that the gentleman from New York points out, which may be a valid concern.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield.

Mr. UDALL. My attention was distracted. Is the gentleman withdrawing his amendment?

Mr. WIRTH. What we are doing is coming to an agreement as to what would be meant by this language. Instead of having the amendment, I would support the interpretation given to the language cited by the gentleman from New York on page 65, that the interpretation of full consideration on line 8 is to mean that the Secretary shall make a determination.

Mr. UDALL. It has got to be clearly understood as far as I am concerned

that we are not crossing this line we talked about yesterday. I have turned down a dozen Members, who have descriptions or definitions that would eliminate certain sites. I think the Secretary ought to consider, ought to look at, ought to weigh all these factors, and specifically water ought to be considered carefully.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

(By unanimous consent, Mr. WIRTH was allowed to proceed for 3 additional minutes.)

Mr. UDALL. If the amendment were to be withdrawn and the colloquy goes to the language on page 65 and simply is interpreted to mean what I am sure my friend, Mr. OTTINGER, just covered, I have no objection.

Mr. WIRTH. To make full consideration mean determination?

Mr. UDALL. The amendment requires the Secretary to dump the site and not to consider it and stop any facility whatever if there will be an adverse effect on water rights.

Mr. WIRTH. So the gentleman from New York might state his interpretation.

Mr. OTTINGER. Let me make it clear that I think an absolute prohibition against doing anything which has any kind of significant effect on water goes too far. That is what I told the gentleman, but his concern is that the language as it presently stands on page 65, line 8, says the Secretary shall merely give full consideration. He says that there ought to be a more formal determination. My reply to him was that on page 16, in setting up guidelines in accordance with a formal determination process, one of the determinations that has to be made is the proximity to water supplies, and that that, read in conjunction with this section 124, I thought really did require that the Secretary make a formal determination with respect to the effect on water supplies and not just give it some kind of casual consideration. I think that interpretation we could accept, not a determination that says that if there is an adverse effect then the site is disqualified altogether.

Mr. UDALL. I would agree with the gentleman from New York's interpretation of those sections already in the bill, if the amendment were withdrawn.

Mr. WIRTH. Therefore, it could be the understanding following this colloquy and in the report following the legislation, then I would also like to make sure we are all in agreement on this and get the opinion of the distinguished gentleman from New Mexico. I yield to him for that purpose.

Mr. LUJAN. It is perfectly all right. As a matter of fact, I think in many ways that is intended, because part of the guidelines shall take into consideration the effect upon the rights of communities of water. I think that is what the gentleman is saying, that it specifically be included in a study, that he did take these into consideration, and he found that it is not going to adversely, or did not believe adversely affect any users.

Mr. WIRTH. The gentleman understands my concern that consideration by a Secretary of Energy from a water-rich area of the country, who is not experienced in the kinds of water problems familiar to the gentleman from New Mexico and the gentleman from Arizona, may cause very severe problems. What I am concerned about is having a much clearer understanding and determination that there are competing demands, and that those have really been looked at very carefully and not just given the back of the hand.

Mr. LUJAN. I wholeheartedly agree.

Mrs. BOUQUARD. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentlewoman.

Mrs. BOUQUARD. Mr. Chairman, the clarification is acceptable to me if the gentleman withdraws his amendment.

Mr. WIRTH. I would be happy to withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

(By unanimous concent, Mr. WIRTH was allowed to proceed for 1 additional minute.)

Mr. WIRTH. Mr. Chairman, I will agree to withdraw the amendment. Let me also point out that, as the gentleman from Arizona pointed out, what we are not doing is precluding any particular area from consideration. Is that not what the gentleman from Arizona has indicated to us, that the purpose of the authors and managers of the bill is not to preclude from consideration any of the potential sites in the country?

Mr. UDALL. Exactly right.

Mr. WIRTH. That is exactly correct.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WIRTH: Strike out the fourth sentence of 112(a), page 16, line 24, after the period through the period on page 17 line 4, and substitute: "Such guidelines shall specify population factors that will disqualify any site from development as a repository if any surface facility of such repository would be located in a highly populated area.".

Mr. WIRTH. Mr. Chairman, this amendment is fully consistent with the colloquy we just had on the previous amendment. The colloquy on the previous amendment that we had, and particularly with the gentleman from Arizona (Mr. UDALL), said that in this legislation it was the intent of the managers of the bill not to preclude consideration of any particular site. Now, if that is the case, and if we want to have this legislation to be consistent with the intent of the authors and managers of the bill, then the authors and the managers of the bill should accept this amendment.

What this amendment does is simply to say that among the other considerations it was not going to be in a highly populated area, line 17 down to line 3, and that we cut out the language on line 3, adjacent to an area 1 mile by 1 mile having a population of not less than 1,000 individuals.

What is that all about? One mile by one mile having a population of not less than 1,000 individuals is specific language, and that is in here not as a general guideline, which is what I have heard from the managers of the bill, that they are concerned about general guidelines. It is in here to preclude one particular site.

Let us be consistent. We either have a broad set of guidelines to the Department of Energy or we are going to go through and eliminate one site, eliminate another site, eliminate another site because of the concerns of particular Members. Let us be consistent and accept this amendment.

This amendment is exactly consistent with the discussion we just had, involving the gentleman from Arizona, the gentleman from New York, the gentleman from New Mexico and the author of the amendment, and the gentlewoman from Tennessee which stressed the need to have broad general approaches. This language on line 3 is not a broad general approach. It is a site-specific amendment designed to preclude one particular site in the Southern part of the country.

I would ask the authors of the amendment if it is not the case that we want to keep this language general and not to make this language specific to one particular area of the country. I will ask the gentleman from New York.

□ 1445

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from New York, and then I will yield to the gentleman from North Carolina in a minute.

Mr. OTTINGER. Mr. Chairman, the gentleman from Colorado is correct, and the amendment offered by the gentleman from Mississippi (Mr. LOTT) yesterday was kind of ironic because the language that was in fact adopted

does not adequately protect the area he wanted to make sure would not be the subject of repository. But this language is very mischievous and ambiguous because it says you cannot have a repository adjacent to an area 1 mile by 1 mile having a population of not less than 1,000 individuals.

It is not very clear how that 1 mile is measured, it is not clear as to what time you figure the population, and we could very well rule out many legitimate sites on the basis of this language. It seems to me much more desirable to keep this in, and certainly we do not want sites next to highly populated areas.

Mr. WIRTH. Which is what we say in line 2.

Mr. OTTINGER. Looking at the language in line 2, it says that no repository would be located in a highly populated area, and it allows the Secretary the leeway for the determination of that language.

Mr. WIRTH. So the gentleman would think, in line with the discussions we have had in the last 15 minutes about providing general guidelines and general approaches to the Department of Energy, that the amendment offered by the gentleman from Colorado should be accepted?

Mr. OTTINGER. Yes, and I think the population consideration is a very important one.

Mr. WIRTH. Which is what we have in line 2.

Mr. OTTINGER. And it deserves our determination, just as I agreed with the gentleman that the water problem is a very important problem and ought to be subject to determination.

Mr. WIRTH. But we should not make it specific.

Mr. OTTINGER. But we should not make a specific requirement.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Arizona.

Mr. UDALL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I felt very badly yesterday having to oppose the gentleman from Mississippi (Mr. LOTT) with his concerns, and I have felt very badly in the last few days after hearing other Members who had concerns that they wanted to protect.

I have been in favor of guidelines that make sense; I have been opposed to formulas that rule out one or two specific sites. I tell the gentleman very frankly that I like his language better than what we have in the bill, but we made an arrangement between us, with bipartisan support on these matters, and I know it is very painful to my friends on the other side of the aisle now to stand up to the gentleman from Mississippi (Mr. LOTT). And I think everyone knows how close I have been over the years to the gentleman from Colorado.

Mr. WIRTH. That is true.

Mr. UDALL. But unless there is agreement on the other side, I am constrained to keep my part of the agreement that I made with my friends on the other side.

Mr. WIRTH. Mr. Chairman, I understand the gentleman's position. The gentleman from Arizona is between a rock and a hard place on this, and I understand that completely. I just wanted to point out that the gentleman from Colorado in his earlier amendment was accommodating an understanding that we are looking for general guidelines. But now we have become very specific.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, the gentleman is aware of course, that the committee yesterday defeated an amendment which would have had the effect of eliminating at least one site for consideration.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. WIRTH) has expired.

(By unanimous consent, Mr. WIRTH was allowed to proceed for 3 additional minutes.)

Mr. BROYHILL. Mr. Chairman, I will ask, is the gentleman aware of that?

Mr. WIRTH. I am very aware of that. That was an attempt to make this particular language even more specific in eliminating this particular area which the gentleman is familiar with, as is the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, is the gentleman in favor of citing one of these respositories 1 mile from a population of not less than a 1,000?

Mr. WIRTH. That is not the point.

Mr. BROYHILL. Well, I just wondered about that.

Mr. WIRTH. The gentleman from Colorado agrees that we should not put a site in broad areas next to a highly populated area.

Now, to get so specific as to say, that in an area 1 mile by 1 mile having a population of not less than 1,000 individuals is, as the gentleman from North Carolina clearly understands, focusing only on one area in Mississippi, it is in there for the purposes of eliminating that area.

Now, if we are going to be consistent—and all I am asking for is that we be consistent—I will not go ahead and say that we should eliminate one or two or three sites in the West, but I do not think it is fair to then go ahead in the legislation and eliminate one specific site because a Member was able to get that in the legislation. That is not playing it straight.

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, I wondered if the gentleman was aware that the amendment the gentleman from Mississippi wanted was defeated?

Mr. WIRTH. Yes. And that was offered to make this even more specific, as the gentleman knows, with the Richton Dome potential of siting in Mississippi.

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, the point I was trying to make is that the gentleman from Mississippi does not feel this is restrictive enough.

Mr. WIRTH. So can the gentleman from North Carolina enlighten the gentleman from Colorado as to what site he had in mind by saying, "1 mile by 1 mile, having a population of not less than 1,000 individuals"?

Mr. BROYHILL. This has no site in mind.

Mr. WIRTH. Then why is this language there, then, the language that says, "1 mile by 1 mile, having a population of not less than 1,000 individuals"?

Mr. BROYHILL. It is the same reason that the language having to do with proximity to water supplies is there.

Mr. WIRTH. This is not proximity. The "highly populated area" is proximity to population consistent with the discussion we had earlier about general guidelines. I say, "you can't have your cake and eat it, too." I am saying we should have broad guidelines, but we are then going to eliminate one site that is appropriate for one Member of the House. That is not playing it straight.

Mr. BROYHILL. We are also saying in this legislation that the Secretary should take into consideration the proximity, not only the water supply proximity and proximity to populations, but proximity to components of the National Park Service.

Mr. WIRTH. Absolutely. I agree with the gentleman. It is all there. So let us keep it general. As the gentleman has just pointed out, let us keep it general and get rid of the language in here which is specific to one site, which is what this bill language is.

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, I can only say what this Member would do. It would seem to me that what we are saying is that a "highly populated area" would be an area of a 1,000 people or more, and that 1 mile would be as close as we would want to go and we do not want to get any closer.

Mr. WIRTH. Then we would have to get back to the water amendment I offered. Let us get into various specifics as to what "proximity" means and what "determination" means and get even more specific. The gentleman knows, as well as I do and as do all the authors of the bill, why we have done this.

The CHAIRMAN. The time of the gentleman from Colorado (Mr. WIRTH) has expired.

(On request of Mr. OTTINGER and by unanimous consent, Mr. WIRTH was allowed to proceed for 2 additional minutes.)

Mr. WIRTH. Mr. Chairman, the gentleman knows and I know and everybody here knows that the language here is focused on one particular area. Let us be straight about it. That is what it is all about. Let us not try to fuzz it over and say that this means a "highly populated area."

The "highly populated area" is in line 2, and the Richton Dome is in line 3. I am proposing this: let us take out the Richton Dome language and leave it general as everything else is general and have the bill be consistent.

It seems to me that if we are going to have general guidelines and we are not going to focus on one area, let us be consistent with the legislation. Let us not have one rule for all other Members of the House and another rule for one specific Member of the House.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to clarify the point raised by my good friend, the gentleman from Arizona (Mr. UDALL), with respect to whether this language is sacrosanct because it was agreed on between the various committee members.

I would just point out that the gentleman from North Carolina did not so interpret it yesterday, because he supported the Lott amendment, which would have changed this language to make it more specific.

Mr. WIRTH. And the gentleman did support the Lott amendment yesterday?

Mr. OTTINGER. Yes, indeed.

Mr. WIRTH. I thought there was an agreement between the managers not to support any amendment.

Mr. OTTINGER. So it seems to me quite clearly that this is not part of the agreed on language among the committees to which at least the minority felt itself bound. So I think, therefore, we can make this improvement and accept this amendment.

Mr. WIRTH. Mr. Chairman, if the gentleman will allow me to say this, perhaps since he mentioned the gentleman from North Carolina, he can clarify what the agreement was between the managers on this and why yesterday he supported the Lott amendment which is a site-specific amendment.

Anyway, Mr. Chairman, we have had a discussion about this, and it seems to me that what we are trying to do in the bill is to make it general and provide general approaches for the determination of where the site or sites are going to be, and that we have agreed not to preclude one, two, or three of the almost two dozen sites.

Therefore, Mr. Chairman, this amendment ought to be accepted.

The CHAIRMAN. If there is no further debate on the amendment, the question is on the amendment offered by the gentleman from Colorado (Mr. WIRTH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WIRTH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 293, not voting 31, as follows:

[Roll No. 399]

AYES—109

Addabbo
Applegate
Aspin
AuCoin
Bedell
Beilenson
Bennett
Bingham
Boggs
Bonior
Brodhead
Brown (CA)
Burton, John
Burton, Phillip
Clay
Coelho
Collins (IL)
Conyers
Coughlin
Crockett
Deckard
Dellums
DeNardis
Dorgan
Downey
Dwyer
Dymally
Edgar
Edwards (CA)
Fascell
Fazio
Ferraro
Florio
Foglietta
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gilman
Glickman
Gore
Gray
Guarini
Hall (IN)
Harkin
Heckler
Heftel
Howard
Huckaby
Jacobs
Kastenmeier
Kennelly
Kildee
Kogovsek
LaFalce
Leland
Long (MD)
Lowry (WA)
Lundine
Markey
Martinez
Matsui
McCloskey
McHugh
Mikulski
Minish
Mitchell (MD)
Moakley
Moore
Nowak
Oberstar
Obey
Ottinger
Pease
Peyser
Rangel
Ratchford
Reuss
Rodino
Roe
Rosenthal
Roybal
Sabo
Savage
Schneider
Schroeder
Schumer
Shamansky
Shannon
Sharp
Solarz
Stark
Stokes
Studds
Swift
Synar
Tauzin
Vento
Volkmer
Walgren
Waxman
Weaver
Weiss
Williams (MT)
Wirth
Wolpe
Wyden
Zablocki

NOES—293

Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Ashbrook
Atkinson
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Benedict
Bereuter
Bethune
Bevill
Biaggi
Biiley
Boland
Boner
Bonker
Bouquard
Bowen
Brinkley
Brooks
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Butler
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Dornan
Dougherty
Dowdy
Dreier
Duncan
Dunn
Dyson
Early
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (IA)
Evans (IN)
Fary
Fenwick
Fiedler
Fields
Findley
Fithian
Flippo
Foley
Ford (MI)
Forsythe
Fountain
Frenzel
Fuqua
Gaydos
Gephardt
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Gramm
Green
Gregg
Grisham
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Hefner
Hendon
Hightower
Hiler
Hillis
Holland
Holt
Hopkins
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
Jeffords
Jeffries
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
LeBoutillier
Lee
Lent
Lewis
Livingston
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Madigan
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mattox
Mazzoli
McClory
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKinney
Mica
Michel
Miller (OH)
Mineta
Mitchell (NY)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Motti
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
O'Brien
Oakar
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Quillen
Rahall
Railsback
Regula
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rudd
Russo
Santini
Sawyer
Scheuer
Schulze
Seiberling
Sensenbrenner
Shaw
Shelby
Shumway
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solomon
Spence
St Germain
Stangeland
Staton
Stratton
Stump
Tauke
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Walker
Wampler
Watkins
Weber (MN)
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wolf
Wortley
Wright
Wylie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zeferetti

NOT VOTING—31

Blanchard
Bolling
Breaux
Burgener
Chisholm
de la Garza
Donnelly
Emery
Evans (GA)
Fish
Fowler
Gingrich
Hawkins
Hertel
Hollenbeck
Horton
Lantos
Lehman
Levitas
Marks
Mavroules
Miller (CA)
Moffett
Pursell
Rousselot
Shuster
Smith (PA)
Stanton
Stenholm
Washington
Yates

□ 1510

Messrs. MARLENEE, ANDERSON, SKELTON, SANTINI, and BADHAM changed their votes from "aye" to "no."

Mr. FOGLIETTA and Mr. APPLEGATE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments which are made in order pursuant to the rule?

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: In section 114(a)(3), strike out "and legislature" and insert in lieu thereof "or legislature".

In section 115(a), strike out "and legislature" and insert in lieu thereof "or legislature".

In section 115(b), strike out "and legislature" and insert in lieu thereof "or legislature".

In section 116(a)(1), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 116(a)(1), strike out "jointly" in the first sentence.

In section 116(a)(1), strike out "and legislature" in the second sentence and insert in lieu thereof "or legislature".

In section 116(a)(2), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 116(a)(2), strike out "and legislature" in the second sentence and insert in lieu thereof "or legislature".

In section 116(a)(2), strike out "and legislature" in the last sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(A), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(A), strike out "and legislature" in the last sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(B), strike out "and legislature" in the first sentence and insert in lieu thereof "or legislature".

In section 135(f)(2)(B), strike out "jointly" in the first sentence.

In section 135(f)(2)(B), strike out "and legislature" in the last sentence and insert in lieu thereof "or legislature".

Mr. MARKEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue to read the amendment.

The Clerk concluded the reading of the amendment.

POINT OF ORDER

Mr. BROYHILL. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The Chair would advise the gentleman from North Carolina that the amendment is made in order under the rule.

The gentleman from North Carolina is recognized on his point of order.

Mr. BROYHILL. Mr. Chairman, the point of order is that the language that we adopted on yesterday has already amended the sections and has stricken out "legislature," and thus this amendment would not be in order, since it is action on amendments and sections that have already been amended.

Mr. OTTINGER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) is recognized on the point of order.

Mr. OTTINGER. Mr. Chairman, I think the amendment is clearly in order, because under the rule that was adopted for consideration of this bill, House Resolution 601, on page 3, in lines 14, 15, and 16, it says: "and all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment."

That, clearly, seems designed to cover this situation, and whatever is last adopted will prevail.

Therefore, I would urge that the point of order is not well taken and it should be denied.

□ 1520

The CHAIRMAN. Is there any further discussion on the point of order? If not, the Chair will rule pursuant to the rule that was adopted on page 3, lines 14 through 16, it clearly states that all such amendments shall be in order even if changing portions of the text of said substitute already changed by amendment. And therefore, the point of order is not well taken, and it is overruled.

The gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, the amendment now pending is another attempt to strengthen the hands of the States to insure that they will be able to play a role of real significance in any siting decision pertaining to a nuclear waste repository in their State. This amendment is a very, very minor change.

This amendment is strongly endorsed by the National Governors' Association and by the National Conference of State Legislatures. The reason that they feel so strongly about this is that when that issue of State veto raises its head, and when a State is going through the process of deciding whether or not it wants to object to the decision by the Federal Government of polling the Federal repository in their State, many States' legislatures may not even be in session. Many State legislatures meet for only 30 to 60 days out of the year. And in some States the State legislature only meets once every 2 years. This body has very limited knowledge as to what rules on filibustering or other tactics might exist in a State that could make it more difficult for the State to meet a very narrow window of days allowed to decide whether or not it wants to object to the siting of a facility.

This amendment quite simply says that a State legislature or a Governor can object to the siting of a waste repository. And that gives the State the responsibility for making a decision as to where this responsibility actually ought to lie.

It ought not be for us to tell a State whose legislature meets only once every 2 years, or for 2 months a year, that it is the legislature that should formally object to the siting of a permanent waste repository. It should be the Governor perhaps in that instance. Other times, it might be the legislature in formulating its own rules and regulations that wants to supercede the judgment of a Governor.

But in any instance we ought to leave that option clearly open to a State since it is the State's rights that are being vindicated in any process that they are going through.

So this is a very simple amendment. It is one that just says to the States, if you must object, you establish the process; you decide if it is the State legislature or the Governor who will formally object; we give to you either/or, Governor or legislature or both or any other formulation that you want to construct as your remedy for any arbitrary decision by the Federal Government in imposing this repository on your citizens' backs.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Arizona.

Mr. UDALL. I thank the gentleman for yielding.

What the gentleman says, and as I understand his amendment, it makes sense to me. But the gentleman from North Carolina and I had worked out an agreement on some of these things and he seems to have the view that what the gentleman is trying to do is impose on the States a rule that the legislature alone can do this job. And it seems to me from the gentleman's explanation and the amendment that that is not the case.

Mr. MARKEY. That is not the case. That is not the intention of the amendment at all. The intention of it is to give to the State the authority to make a decision within its own boundaries as to how these issues should be decided.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Well, it is certainly not the intention of this Member to put any limitations on the power of the State to make these determinations. In fact, it says

in line 9 that, it specifically says that the State has the residual power to make that determination. The concern I have with the gentleman's amendment is the confusion that may occur as to who has the ultimate authority to submit a notice of disapproval to the Congress. Can the gentleman respond to that concern?

Mr. MARKEY. The intention is just to give to the State the authority of establishing a mechanism that allows it to respond. I do not intend in this amendment to establish the process by which a State must abide. Rather I am trying to open it up so that we do not restrict the States decisionmaking process.

Mr. BROYHILL. Well, I have no objection with that explanation. I was concerned that there might be some confusion.

Mr. LUJAN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding.

Does not the gentleman think to make it only the Governor that it makes it a highly political item. That almost any Governor is going to be forced to say, "Well, I do not want it over here."

At least if you have the legislature, you will have some deliberation on the subject.

Mr. CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(At the request of Mr. LUJAN and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I would be happy to yield.

Mr. BROYHILL. It is my understanding that is the gentleman's intent.

Mr. MARKEY. That is the intention of this amendment.

The Governor or the State legislative can object.

Mr. BROYHILL. If that is the intent I have no objection.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Arizona.

Mr. UDALL. The gentleman's amendment as I understand it says to the State, "You have a veto, we hereby grant you the further power to decide who will exercise that State veto."

It could be the Governor alone, the legislature alone, it could be a special commission set up under State law or any other formulation or arrangement the State wanted to put into effect.

Mr. MARKEY. That is the intention of the amendment.

Mr. UDALL. I think we ought to accept it.

Mr. BROYHILL. If that is the intent, I have no objection.

Mr. MARKEY. We will make the record clear that that is the intention.

Mrs. BOUQUARD. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentlewoman from Tennessee.

Mrs. BOUQUARD. I thank the gentleman for yielding.

If the gentleman from North Carolina and the gentleman from Arizona have no objection, I certainly have no objection.

Mr. OTTINGER. We have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

Mr. UDALL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1530

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PANETTA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3809) to provide for repositories for the disposal of high-level radioactive waste, transuranic waste, and spent nuclear fuel, to amend provisions of the Atomic Energy Act of 1954 relating to low-level waste, to modify the Price-Anderson provisions of the Atomic Energy Act of 1954 and certain other provisions pertaining to facility licensing and safety, and for other purposes, had come to no resolution thereon.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1983

Mr. ROYBAL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7158) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1983, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Ohio (Mr. MILLER) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. ROYBAL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7158, with Mr. STUDDS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California (Mr. ROYBAL) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. MILLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the Treasury, Postal Service, and General Government Subcommittee has reported a bill for your consideration that provides $10.8 billion in recommended appropriations. That is $285 million more than the amount requested in the President's budget. The primary reason for this increase is because the committee recommends full funding of $708 million for revenue foregone payment to the Postal Service. This is $208 million above the President's budget request of $500 million. The revenue foregone subsidy is money appropriated to the Postal Service solely for the purpose of holding down rates for certain second, third, and fourth class nonprofit mailers. If the subsidy is reduced the Postal Service is required by law to raise the rates to these mailers. Included in the House report on page 30 is a list illustrating what the rates would be under various appropriation levels. Since so many domestic programs are being cut and the charitable institutions of the country are being asked to increase their contributions, the committee felt that to impose an additional burden on $208 million in increased mailing rates would not be advisable at this time. The committee has, therefore, recommended the full amount authorized by law.

With regard to the Treasury Department, the committee added $20 million to the Bureau of Alcohol, Tobacco and Firearms and $38.7 million to the Customs Service so that these two law enforcement agencies could continue to operate at the 1982 level. We did not recommend any additional personnel above the 1982 levels for either of these agencies, but considering the almost epidemic level of crime involving firearms and drugs, it does not seem that Federal law enforcement should be reduced in these areas. It should be noted that in several instances in the past 2 years this committee has recommended funds above the President's budget for law enforcement activities. Then, several months later the President has realized the

damage done to law enforcement by these draconian cuts and has requested that the money they proposed to cut be restored. A great deal of damage has often resulted from this type of delayed reaction to real needs. We have another case of this in this current bill. Just a few days ago the President sent up a request for an additional $30 million for the U.S. Customs Service. I will offer a motion at the appropriate time to deal with this issue, but I do want to point out the committee has already recommended a restoration of $38.2 million that the administration proposed to reduce. They apparently have finally realized that not only were they wrong when they proposed the reduction of $38.2 million, but that they should have increased it an additional $30 million. We have put a cap of $25,000 on the overtime that can be paid to Customs employees. This cap can be waived by the Commissioner when circumstances warrant. I would like to point out that the average salary in the private sector in this country is about $16,000 a year, which is less than many customs employees receive in overtime pay alone. Furthermore, if employees are required to work such excessive overtime, it can only lead to reduced effectiveness as well as being detrimental to their health. The committee does not support this kind of treatment of employees.

The committee also added $50 million to the Internal Revenue Service for the taxpayer assistance program. In adding these funds, the committee only restored the taxpayer assistance program to the 1982 level of operations. The committee felt that the restoration of these funds was necessary because of the complexity of the tax laws and the recognition that the Government has some obligation to assist the taxpayer in complying with those laws. The General Accounting Office indicated that there is an alarming rise in noncompliance with the tax laws. While most of us are for tax reductions, those reductions should not be given to those who are filing erroneous returns and gambling on not being caught. Even with the recommended increase the percentage of returns being audited is very low. (Less than 2 percent.)

In the Executive Office of the President we inserted a provision which prohibits the Office of Management and Budget from interfering with regulatory agencies. The committee is concerned that the Office of Management and Budget is getting too involved in regulatory matters, even to the extent of overruling the regulations issued by agencies that were established by law and authorized to issue regulations in their respective fields.

In GSA we have included funding for the allowances and office staffs for former Presidents at the level requested in the budget. We have provided $3 million to continue grants for the National Historical Records and Publications Commission. The subcommittee has also added a general provision (sec. 612) regarding the standard level user charges imposed by the General Services Administration. This provision freezes the rate per square foot charged to all Government agencies by GSA for space in 1983 to the same rate charged in 1982. This will result in a lower cost per square foot in 1982 than was requested in agency budgets for fiscal year 1983. It is a 1 year stop-gap measure which will save about $350 million Government-wide in 1983, but can be done for 1 year only. If continued beyond 1 fiscal year, a very severe adverse impact on all construction, repairs, alterations, leases, and other real property operations would result.

The committee rejected an industrial funding proposal recommended in the budget for certain GSA functions for several reasons. First, legislation authorizing this type of funding was rejected by the Congress. In addition, the committee has opposed this type of funding for a number of years because it would remove these functions from the annual budgetary review process by the Congress. It would also disperse the cost of these functions throughout the Government so that the Congress and the public would not know the total cost.

In connection with the national defense stockpile, the committee is recommending a limitation of $120 million for purchases for the stockpile in fiscal year 1983, the amount requested in the budget. A change in the funding of the stockpile is recommended to allow proceeds from sales from the stockpile to be used for new purchases rather than new budget authority. Limitations on amounts will continue to be as specified in annual appropriations acts, as provided by law.

Finally, the committee has eliminated three general provisions dealing with the tax exempt status of private schools which were added to previous bills by floor amendments.

Mr. Chairman, this is a good bill—a reasonable bill which the Appropriations Committee believes provides adequately and fairly for the agencies under its jurisdiction. We urge your support.

□ 1540

Mr. KAZEN. Mr. Chairman, will the gentleman yield to me?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, let me ask the gentleman specifically: What is the situation under the bill with reference to customs inspectors at the international border? What I am after is finding out if there has been an increase in the amount of money to require the Service to emply more customs inspectors.

Mr. ROYBAL. May I answer the gentleman by telling him that the administration requested an appropriation that would decrease the number of personnel by 2,300 employees. The committee, however, restored that amount. Therefore, the money that is now in the appropriations bill provides for the employment of at least 2,300 employees that the administration was seeking to reduce.

Mr. KAZEN. If the gentleman will yield further, my problem is not the fact that we are staying where we have been, but my worry is that we are not increasing the size of the personnel in the Service.

As the gentleman well knows, I represent two international entry ports on the Mexico-United States border, Laredo and Eagle Pass. I have just been told that over the Thanksgiving holidays just this last week, there were cars stretching for some 2 miles waiting to enter the United States because we did not have enough lanes open because we did not have the personnel to man those lanes.

That is what troubles me. Particularly with the holidays coming upon us, the Christmas holidays and later on New Years, at Laredo, if the gentleman will permit me further, they are opening up a brandnew racetrack in Nuevo Laredo, we have a new international bridge, a new facility. This Member worries about the fact that we are not going to have enough personnel to take care of the traffic that is going to be generated, is being generated now, and will be generated in the future, which will be even greater.

My worry is that we have not increased the amount of money for additional personnel.

Mr. ROYBAL. May I respond to the gentleman by saying that these are worries that I have had for many years. We do have a racetrack in Agua Caliente adjacent to Tijuana. We know exactly what the situation is on Saturdays and Sundays or, whenever the track is in operation. We also know that there is not enough personnel provided to take care of that situation.

I know what the gentleman is thinking. I understand his worry. The truth of the matter is that the committee has, in fact, restored funds and personnel that the administration was seeking to reduce.

We were not able to go beyond that, and did not, but I sincerely hope that the personnel that are now in place under this legislation will be used at border stations where they are actually needed.

Mr. KAZEN. Mr. Chairman, will the gentleman yield further?

Mr. ROYBAL. I yield further to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, how can we assure such a thing? Can we just, by amendment to the gentleman's bill here on the floor, add some additional personnel? What would keep us from doing that?

Mr. ROYBAL. That would be perfectly all right. I would be amenable to discussing this matter with the gentleman and provide a proper motion for that purpose.

Mr. KAZEN. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I want to commend our distinguished chairman of the Treasury-Postal Service-General Government Subcommittee of the Committee on Appropriations for his remarks and for his hard word and ability as chairman of our subcommittee.

I have offered on this House floor many times an amendment that would reduce spending, and we attempted to hold down spending in our own subcommittee bill. I think it is vitally important that we start with the subcommittees in order to reduce spending.

We have a couple other gentlemen on the floor here, "Tex" Gunnels and Bill Smith, staff members of the Subcommittee on Treasury, Postal Service, and General Government, who have worked diligently on this bill. I wanted to make sure that they were recognized for their efforts and contributions to the work of our subcommittee.

Everyone on this subcommittee put in a lot of hard work examining in detail the operations of the various agencies, departments, committees, and commissions that come to this subcommittee for their appropriations.

We do have a number of items that do not exactly jibe. Frankly, I am concerned. We have a Budget Committee that says x amount of dollars should be allocated to the Appropriations Committee. We then have the Appropriations Committee chairman who allocates the funds, the 302(b) funds, to the 13 major subcommittees. OMB is "scorekeeping" on the basis of their interpretation of the congressional budget and frankly, at the present time, we are considered by OMB to be over the budget.

□ 1550

When we say over the budget, what budget? For example, when it comes to the strategic materials stockpile, we changed the way we handle that account, and made it a limitation. That limitation was for $120 million that could be spent for strategic materials for the stockpile. The Office of Management and Budget does not feel that the $120 million that is allocated for strategic materials should be allowed without being under the full appropriations process.

With regard to this item, and another item I will discuss, OMB feels that we have used a phony way to get around the appropriation. The other item relates to the standard level user charge, known as the SLUC funding. Under our bill, GSA is limited to collecting from the various agencies no more than the amount they collected in 1982. Now, for the agencies funded under this particular bill there would be about a $50 million savings. Under all the appropriation bills Government-wide there would be approximately $350 million savings. Again OMB is calling that phony. Now, it is very possible that it is, and we have to be careful that we do not try to make the deficit picture look better by not putting the expenditure on the proper side of the ledger.

I think all of this is very important, and I believe it is something that the appropriation process is going to have to look into as we move along, because I am afraid we are on the wrong road at the present time. We are finding ways to make the deficit picture look better while still spending, and in that spending we are not really showing it on the proper side of the ledger.

We have in our legislation items that are very important to the operation of the total Government. Most of the dollars in our appropriation are for personnel—we have agencies that are personnel-intensive. This bill probably has more dollars used for personnel than any other piece of legislation that will be coming before us.

I know that there are many who are interested in the national debt. Today we have a national debt of over $1 trillion. Most people are not aware that just to manage that national debt requires expenditure. In this bill we have $209 million just to manage the national debt. It is becoming larger every year, and I guess that is a responsibility that we are going to have to face up to as we move along, because the debt is not decreasing. There is absolutely no doubt about that.

If we continue to spend here we are going to wind up with not only that national debt increasing, but the amount to administer the national debt will be increasing.

I will not take more time to discuss the bill now, and will comment on other issues as we move along.

Mr. ROYBAL. Mr. Chairman, I yield such time as he may require to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, my colleagues, I rise in support of H.R. 7158.

In a way, Mr. Chairman, my colleagues, this is a crime-fighting bill because in this bill we provide the extra funds needed for Customs, and we exceed the budget for Customs because we feel that much money was wasted in moving men and women of Customs from one place or problem to another, such as moving from the Northeast down to Florida, for we know the smugglers simply move their operations. We felt that it was more important to bring forth proper number of personnel to cover all points of entry to protect this Nation against the high increase of narcotics.

Mr. Chairman, I commend one colleague, ED ROYBAL of California, chairman of the subcommittee, whose hard work and discerning judgment is evidenced in the bill now before the House: The Treasury, Postal Service and general government appropriations bill for fiscal year 1983. I extend my respects also to the ranking minority member, CLARENCE MILLER of Ohio, and to my fellow members of the subcommittee, our excellent staff, Tex Gunnels, Bill Smith, and Lee Brady.

As Members of the House may recall, the fiscal year 1982 bill was passed by the House on July 30, 1981. The Senate bill, although reported, did not reach the floor. Therefore, the agencies and programs covered by the bill have been carried under the stringent terms of the continuing resolution. We do not want that to happen again this year.

The fiscal year 1983 bill before us now appropriates $10.77 billion in new budget authority. It is $284.5 million above the administration's budget estimates. This is because some of the reductions proposed in the budget were judged by the committee to be totally contrary to our national interest. Funding had to be restored in order to sustain essential programs. At the same time, savings have been recommended. Most notably, the bill contains a general provision which prohibits the General Services Administration from raising the standard level user charges (SLUC) above the fiscal year 1982 level. This provision will reduce Government-wide rental charges by about $350 billion. In this bill alone, the reductions thus made total nearly $50 million.

Title I of the bill makes appropriations for the Treasury Department. Examination of this section shows why the committee did not accept some of the reductions proposed in the budget.

For example, no funds were requested for the Bureau of Government Financial Operations for the costs of issuing social security checks. Language was requested in this appropriation bill that would authorize the Social Security Administration to reimburse the Bureau $68.9 million for this ex-

pense. Not only is this bookkeeping switch unauthorized but funds had to be provided in the urgent supplemental because of Treasury's decision not to request funding for this purpose last year. The funding has, therefore, been included in the bill.

No funding was requested for the Bureau of Alcohol, Tobacco and Firearms. Treasury had proposed to abolish BATF and transfer its functions and some supporting funds to Secret Service and Customs. The committee and Congress rejected that proposal as unwise and directed in the urgent supplemental that the bureau be continued. The committee had to transfer back to BATF the funding included in the Secret Service and Customs Service budgets, and add more, so that BATF can continue to carry out its important missions in fiscal year 1983.

The support of this House for the maintenance of a strong Customs Service has been clearly recorded time and time again. The "Major Themes" budget document for fiscal year 1983 includes a chapter entitled "Reducing Federal Employment." On page 248, with specific reference to the Treasury Department, it states:

> Reductions will occur in selected activities with staffing held relatively constant in direct law enforcement and revenue collection functions.

The Customs Service is both a law enforcement and a revenue collection agency. Nonetheless the administration proposed to reduce the Service by more than 2,000 permanent positions. The committee rejected that proposal and restored $38.7 million for Customs personnel.

The bill continues the Customs overtime pay cap at $25,000 per person in fiscal year 1983. My own position is that the cap should be removed. The Service itself requested that the ceiling be taken off. It has been costly and difficult to administer. Personnel had to be temporarily transferred to locations where local employees had reached the pay cap. The cap remains in place but language has been included to permit the Commissioner of Customs, or his designee, to waive the cap in individual cases.

Of paramount concern to me is the role of the Customs Service as our first line of defense against the entry of illegal drugs into this country. This year we have seen the need to establish a special task force to combat the crisis in drug trafficking in south Florida. I support the provision of all necessary resources to combat that problem. However, the task force was put in place at the expense of transporting trained personnel from their posts in other areas of the country. If we are to win our all-out war against drugs, we must keep up our guard everywhere. The drugrunners must be forestalled from any attempt to divert their traffic to other points of entry. On October 14 the President announced his plan to increase our efforts in the war on drugs. As part of this, additional regional task forces would be set up. A program such as this would have my strong support but, to be successful, it must be adequately manned and adequately funded without detriment to other essential programs.

The bill provides the additional funding and personnel requested to strengthen tax enforcement by the Internal Revenue Service. Those who are in one way or another deliberately dodging their responsibilities as taxpayers must be brought into compliance with the law. However, the budget also proposed a drastic cutback in taxpayers assistance. This would have serious impact on citizens who need and want help in figuring out their taxes but who cannot afford to pay for private counseling. To cut this program would cause further erosion of voluntary compliance which is the very foundation of our tax program. The committee restored $50 million to maintain taxpayers assistance, including Volunteers in Tax Assistance and Tax Counseling for the Elderly, at the 1982 level.

Within the Secret Service budget the administration proposed to slash by two-thirds the funding for Federal reimbursement for protection of foreign diplomatic missions—other than the District of Columbia—in the United States. This would specifically impact my city of New York where protection related to the United Nations is provided by city police. This is the most cost-effective and security-effective method of providing the security so vitally needed. Past levels of funding have been inadequate to cover legitimate, approved claims and a backlog of Federal debt to the city has accumulated. The House endorsed the need to increase Federal appropriations and address the backlogged claims by passing H.R. 6254 on June 15 of this year. The committee, therefore, did not approve the proposed reduction and funding has been added for this program.

These are some of the issues that were addressed in title I of this bill. I will mention only two other items as examples of the significant programs, large and small, included in other sections of the bill.

Title II appropriates funds for the Postal Service. Both Houses of Congress have underscored their concern regarding the revenue foregone program by providing additional funding in the supplemental bills. These appropriations subsidize mail rates for our charitable and other nonprofit organizations. The administration has blithely called upon private charities and institutions to expand their efforts to make up for the drastic cutbacks in Federal funding of social programs. Many of these groups depend heavily on the mails to raise funds. To increase their postal rates would be counterproductive. It would decrease the ability to raise funds and would eat into the resources available for program delivery. These are the reasons I proposed, and the committee approved the full authorized funding level of $708 million for revenue foregone. This amount is $208 million above the budget request.

The bill also includes some very small but significant programs. The National Historical Publications and Records Commission is one. The bill earmarks $3 million for the Commission whose mission is the preservation of our national heritage.

The Executive Office of the President is funded in this bill. So is the General Services Administration, the Office of Personnel Management and a number of other independent offices that make up the General Government portion of the bill. The committee report spells out clearly and in detail the recommendations contained in H.R. 7158.

I urge the adoption of this bill by the House. I would also urge our colleagues in the Senate to move forward and complete action so that we can go to conference and get the Treasury, Postal Service, and General Government appropriations bill out from under a continuing resolution.

Mr. ROYBAL. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ANDERSON).

Mr. ANDERSON. Mr. Chairman, I rise to join with my colleagues in expressing my support for this piece of legislation, H.R. 7158, which makes appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1983.

I commend the chairman of the Appropriations Subcommittee on Treasury, Postal Service, and General Government, the Honorable ED ROYBAL, and the ranking minority member of the subcommittee, the Honorable CLARENCE MILLER, for their tireless efforts in producing this measure. And, of course, commendations are in order for the full committee chairman, the Honorable JAMIE WHITTEN, and the ranking member of the full committee, the Honorable SILVIO CONTE, for their many contributions to this legislation.

Of particular interest to me is language contained in the Federal Buildings Fund for the General Services Administration (title IV) which earmarks $3 million for site and design of a new Long Beach Federal Building.

As you know, earlier this year the House authorized the construction of this facility which is estimated to cost $21,680,000 and will contain 105,000 occupiable square feet.

In July of this year the Public Works and Transportation Subcommittee on Public Buildings and Grounds held a field hearing in Long Beach to explore the feasibility and desirability of constructing a new Federal building in concert with the city's downtown redevelopment project.

At that time we learned that if Congress continued to allow the Federal Government the option of leasing space in Long Beach, it could cost the American taxpayers literally millions of dollars in annual rent payments—and, we would not have anything to show for it in the end. Also, officials from the General Services Administration estimate that the lease which they were planning to sign for office space in Long Beach would cost a whopping $68.9 million over a 30-year period.

Currently, Long Beach has a vast array of Federal Government activities with offices located in rented office space scattered throughout the city, or located in the congested downtown section of Los Angeles, requiring considerable travel by persons having business with the Federal Government.

A new Federal building for the city of Long Beach will save time and money for area residents who must conduct business with the Government. And, most importantly, the cost of this new facility will quickly pay for itself many times over because we will no longer be spending millions in annual rent payments just to house the needed functions of the Federal Government.

As such, I hope this committee will continue to place this badly needed project in the high priority category as you enter a conference with the Senate and in future appropriation bills.

□ 1600

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I am happy to yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, I thank the gentleman from California for his kind remarks concerning the work of this committee. They are deeply appreciated.

I would like to associate myself with the gentleman's remarks concerning the need for a new Federal building in downtown Long Beach, Calif. As most of you know, I am from southern California and I am personally acquainted with the business needs of this vital and expanding region. And, I am also familiar with the frustrations which our citizens experience when they are forced to fight the freeway traffic to get to downtown Los Angeles from Long Beach to conduct business with agencies of the Federal Government who are located there, or even worse, scattered in rented space in remote parts of the area.

I think that when the Subcommittee on Public Buildings and Grounds visited Long Beach, they did a great service not only to the citizens of Long Beach but, to our Nation as a whole, by pointing out the considerable savings which can be realized by the construction of a Federal building in Long Beach, and what this will mean to the citizens in terms of convenience, efficiency, and savings in conducting their own business. The savings to the Government alone are sufficient to warrant construction of this building, but coupled with the savings to private industry and the need to provide a convenient location to our citizens who deal with Federal agencies make its construction mandatory. I am pleased that both the authorizing and appropriating committees have included this building in their bills, and I strongly feel that this is one item which must remain through the conference procedure and in future appropriation bills.

Mr. ANDERSON. Mr. Chairman, I thank the gentleman from California (Mr. ROYBAL) for his remarks.

Mr. ROYBAL. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, the bill before us contains just over $100 million for operating expenses of the Office of Personnel Management. A fair portion of this money goes not for the central personnel management of the Federal Government but rather for the inflated salaries of a gaggle of political hacks who Director Donald Devine has brought on board. Last spring, Dr. Devine bragged to a right wing group of his success in bringing far right political activists onto the Federal payroll. Although his boast was then premature, Dr. Devine has since made good on his word.

The day after the elections, Dr. Devine issued a press release announcing his umpteenth staff reorganization. In this press release, Devine listed six new appointees. A few days later, another political appointment was made. These seven politicos join dozens of other rightwingers already on board. At a time when thousands of dedicated career civil servants are being separated through reductions in force or losing pay through furloughs, it is hypocrisy for the Reagan administration to be padding the payroll with job-seeking Republicans. And these people are being appointed at high salary levels, far higher than most of them earned in the private sector.

These last five individuals have been appointed to GS-14 jobs, which pay a minimum of $41,277 and a maximum of $53,661 a year. The law states that to be classified at this level a position must be made up of duties "which are to perform, under general administrative direction, with wide latitude for the exercise of independent judgment; work of exceptional difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and unusual attainments." The qualifications standards require, generally, graduate training and strong experience. None of the candidates could qualify for such a position. The other three individuals are all paid at Senior Executive Service rates, which range from $56,945 to $58,500. So, just these eight individuals will cost the taxpayers between $377,000 and $444,000. As I said, there are numerous other similar people on board.

It makes a mockery of the merit personnel system for Dr. Devine to appoint wholly unqualified, political campaign workers to such high level jobs. Such appointments lead to public hostility toward the Federal bureaucracy in general, a misplaced but easily understood reaction. It leads to further isolation of the career staff from, the political appointees and reduces the efficiency of the Federal Government. The fact that Dr. Devine is reducing the budget for essential functions to create these unnecessary jobs to provide employment for Republican Party activists is nothing short of a scandal.

I strongly urge Chairman ROYBAL to audit Dr. Devine's appointments to OPM to see whether $100 million is needed. Without appointees like these, I suspect the taxpayers could save a lot of money.

Mr. Chairman, in 1978, Congress firmly decided that Federal employees who blow the whistle on waste, fraud and abuse would be protected from reprisals by agency management. To insure that whistleblowers had protection and to guarantee that their allegations would be seriously investigated, we created on Office of Special Counsel. This office was intended to be part legal aid office for the employee who might be the victim of an illegal reprisal and part prosecutor who was supposed to make sure that the management official who took the reprisal was punished and to monitor the investigation of the whistleblower charge.

We had high hopes and good intentions in 1978. Presidential disinterest or malice and bureaucratic sabotage have turned the Office of Special Counsel from a protector of employees to a protector of management; from a merit system cop into a sting operation. No congressional plan has been as ruthlessly torpedoed as the Office of Special Counsel. For this reason, I introduced H.R. 6392 in May to abolish the Office.

Since that time, Alex Kozinski, who converted the Office from one which was lackluster and directionless to one which was vicious and promanage-

ment, resigned, and President Reagan appointed a well-regarded former Justice Department prosecutor, K. William O'Connor, to succeed him. Mr. O'Connor asked for 6 months to put the Office in shape. Respecting this request, I will wait until spring to decide whether to push H.R. 6392 to enactment.

Still, I think it is worthwhile to talk about the failures of the Office of Special Counsel.

How should one measure the success of this office? I think looking at satisfied customers is one good way, since the Office was set up to help and protect Federal employees. The subcommittee has contacted and been contacted by a high proportion of those who have attempted to use the Office. The reality is that there are no satisfied customers. Those who got some action out of the Office did so because they had their own lawyers, or union lawyers, who investigated and prepared the case, not because the Office did any meaningful investigation. Useful field investigations have frequently been suppressed by higher management. Indeed, a number of good investigators left the Office because their investigative findings were ignored.

Perhaps, the Office should be measured by the number of cases it takes to the Merit Board. From April 1 of last year until November 1 of this year, stays have been asked for in four cases, corrective action in none. Four sets of allegations were sent to agencies for serious investigation. Disciplinary action was sought against four Hatch Act violators and one nepotism law violator. One Hatch Act case was thrown out by the Merit Board because it was so outrageously inadequate. This is the total output of a $4 million a year 100 employee office over 19 months. The Special Counsel invariably accepts the results of agency investigations. In one case, the Special Counsel accepted Treasury's whitewash of its savings bond division. The General Accounting Office in August issued a report which substantiated each of the charges raised by the whistleblower.

In its role as cop, the Office is supposed to force the investigation of the substance of whistleblower complaints. It does this by requiring agencies to investigate substantial complaints and then, in theory, by reviewing the agency report. This key authority has remained virtually unused. The statutory time constraints have been completely ignored.

The Subcommittee on Civil Service receives 20 or 30 letters a month from people who have had unsuccessful dealings with the Office of Special Counsel. Letter after letter tells of long delays after filing with the Special Counsel with no contact at all, followed by a letter dismissing the case for some technical reason. For example, one person wrote, "my complaints were dismissed in a one sentence letter without the Office of Special Counsel having even contacted me or any of my co-workers." Another letter tells of numerous futile phone calls to the Office of Special Counsel to find out the status of a case. Another says, "The response from the Office of Special Counsel was to sit on his case for over a year, and then finally do nothing." The subcommittee has dozens of similar letters.

With each of these letters comes a complete set of correspondence between the employee of the Special Counsel. Some of the allegations do seem a bit strange. Most of them, however, are well worthy of investigation. In my mind, calling agency management and asking them why they did what they did is not an investigation. In many cases, the Office of Special Counsel did not even do that. It just tries to figure out, through an unjustifiably rigid reading of the statute, how to dismiss the case for lack of jurisdiction. This exercise is conducted in complete ignorance of congressional intent in passing the statute.

In one case, the Office went even further. This was the highly publicized case of John Gingles from the Department of the Interior. Gingles was removed from the National Park Service because Jim Watt thought he was a Democrat, or worse, an environmentalist. Gingles sought his own counsel and went to the Merit Board. The Special Counsel, not surprisingly, sought to intervene. When they did, however, the Special Counsel wrote to the Interior Department to say, "it is not necessarily intervening on behalf of the complainant." The Special Counsel had so lost sight of its mission that it was no longer seeing injured employees as its clients.

This shift of bias grew worse, for in April of this year, the Special Counsel held a special seminar before FCC management on how to stay out of trouble with the Office of Special Counsel. It was like the Food and Drug Administration advising drug manufacturers on how to get their drugs approved. There is no authorization anywhere in the law for this sort of activity.

In a recent case, a Commerce Department employee went to the Inspector General to tell of fraud at the Knoxville Energy Expo 82 office. The Inspector General found gross misconduct and caused the removal of two malfeasors. The Commerce Department fired the whistleblower. She went to the Office of Special Counsel. In a meeting with the Commerce Inspector General, Kozinski ridiculed the whistleblower. Commerce Inspector General Sherman Funk is so mad about this that he included a section in his December 1, 1982, biennial report to Congress on how there is no protection for whistleblowers and how the "Special Counsel failed to fulfill adequately (its) statutory responsibility."

To be fair, the Special Counsel's Office has been troubled since its inception. There have been acute funding shortages, serious organizational problems, antipathy from the Merit Board, a lack of stability of leadership, and personality conflicts of truly Olympian proportions. It is only since President Reagan appointed Alex Kozinski in June 1981, however, that the Office lost sight of its mission and started working on protecting management from employees.

The Office of Special Counsel has had the highest turnover of any Government office over the last year and a half. Many long-time employees of the Office were fired by Mr. Kozinski. Others were forced out by his poor management or heavy-handed tactics. The incidence of prohibited personnel practices in the Office is very high, bringing up the ancient question of who guards the guardian. Mary Eastwood, the former Acting Special Counsel, was given a punitive transfer to San Francisco. It may be not surprising that the Special Counsel is blind to prohibited personnel practices in other agencies when they are so prevalent right in front of his own eyes.

Mr. Kozinski publicly argues that he has professionalized the Office. No doubt, the Office of Special Counsel could not be considered a professional law office prior to Mr. Kozinski's arrival. Mr. Kozinski established a work measurement system, built around a computer known as Oscar. While this machine tracks what each employee does in every 15-minute period, it is incapable of generating information requested by Congress on how many stays were requested in cases involving reprisals for whistleblowing, for example. This work measurement system is a classic case of measuring process, not output.

Most of these horror stories occurred during the fortunately short reign of Alex Kozinski or are a direct legacy of his mismanagement of the Office. It is too early to judge Bill O'Connor's performance as Special Counsel. He did seek and win a stay of removal in the case of Dr. Maxine Savitz who was being forced out of the Department of Energy because she did too good a job in running the energy conservation program, something which the current administration opposes. He has not, however, aggressively sought to reopen cases swiftly and inappropriately closed by the prior Special Counsel.

So, I will not today move to strike funding for the Office of Special Counsel. I hope the $4 million in this

bill will not be wasted as was a similar amount last year. But, I do want to serve notice on my colleagues that, unless there is a massive change in the performance and attitude of the Office of Special Counsel in the next few months, I will no longer sit still while the taxpayer's money is wasted.

Mr. GREEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the Subcommittee on Treasury and Postal Operations and its distinguished chairman, Mr. ROYBAL, and to urge my colleagues to join me in support of this bill.

This legislation has a number of favorable features, but I would like to make special mention of a provision of great interest and concern to the citizens of New York City: The bill appropriates $15 million for reimbursements to New York City for the cost of extraordinary protection of foreign missions. Of this $15 million, $8 million is to be used to repay New York for the costs of mission protection in past years, and $7 million is for costs during fiscal year 1983.

I am very pleased by this action. I was actively involved earlier this year in changing the authorization levels for this function, which was taken on by the Federal Government in 1975 with the enactment of Public Law 94-96. For several years, the authorization of only $3.5 million per year for this Federal responsibility was inadequate to cover the actual costs of protecting missions by New York City. However, on June 15, the House passed H.R. 6254, which I introduced along with the gentlewoman from New York Ms. FERRARO, and the gentleman from New York, Mr. MOLINARI. Our bill raised the authorization level to $7 million per year, and permitted appropriations for repayment of claims from prior years of up to $17.7 million. That bill is pending in the Senate.

This change in the authorization, along with the increase in appropriations, will remove a burden New Yorkers have shouldered for too long. The subcommittee has wisely recognized the unfairness of making a locality shoulder a Federal responsibility, the need for diplomatic protection in a world increasingly plagued by terrorism, and the professionalism and cost-effectiveness with which the New York City Police Department carries out its duties in this area. I urge my colleagues to support the bill.

● Mr. ZEFERETTI. Mr. Chairman, I rise in support of H.R. 7158, the Treasury, Postal Service, and general government appropriations bill for fiscal year 1983. In particular, I want to express my support for the appropriation included in the bill for the Customs Service.

H.R. 7158 provides $528.7 million for Customs in 1983. This amount, which is $1.5 million more than appropriated in 1982 and almost $30 million more than the administration's request for Customs functions in 1983, is the minimum appropriation needed to maintain Customs personnel and services during 1983 at 1982 levels.

Under the administration's proposed budget for 1983, Customs would have to reduce its staff by some 2,300 positions or nearly 17 percent of its present authorized strength. These personnel cuts would include the loss of close to 900 inspectors and 100 patrol officers.

As chairman of the Select Committee on Narcotics Abuse and Control, I have no doubt that such a reduction would gravely weaken the Nation's primary border law enforcement agency at a time when the threat from illicit narcotics traffic is greater than ever before. According to the most recent Government estimates, retail sales of illegal drugs in the United States in 1980 generated $79 billion, a 22-percent increase over 1979. Most of these drugs are smuggled into the country. With the resources currently allocated to our law enforcement agencies, we are only interdicting approximately 10 percent of the total quantity of illicit drugs imported from abroad.

The Customs Service has made valuable contributions in our Nation's effort to stem the massive drug trade. From 1978 to 1981, the value of narcotics and other illicit drugs seized by Customs rose from $2 to $5.2 billion. Virtually all of the heroin seizures and a high percentage of the cocaine seizures by Customs in recent years have been made by inspectors. Customs patrol personnel have also played a vital role in interdicting drug traffic. It is difficult to understand how the administration could expect that Customs could improve, or even maintain, its drug interdiction record—not to mention its many other responsibilities—under the severe reductions proposed in the budget.

The bill before us restores the 2,300 Customs positions proposed for elimination by the administration, thereby avoiding any serious adverse impact on Customs drug control capabilities. For this reason, I urge my colleagues to vote for H.R. 7158. If we are to have any hope of significantly reducing the massive illicit drug trade, however, the resources of Customs as well as our other drug law enforcement agencies must be increased substantially. The President has now proposed to establish 12 new crime task forces around the country, in addition to the ongoing "South Florida Task Force," to focus on organized crime and drug trafficking. I understand that the administration will submit its plan to fund these task forces to Congress this week. While it remains to be seen whether the administration's proposals will reflect a serious commitment to provide adequate resources for a strong drug law enforcement program, I urge the House to assume a leadership role in assuring that our narcotics control agencies have the tools they need to do an effective job.●

● Ms. OAKAR. Mr. Chairman, I rise in support of H.R. 7158, the Treasury, Postal, General Government appropriations bill for fiscal year 1983. I commend Chairman ROYBAL and the Appropriations Committee for crafting a bill that balances the legitimate obligations of Government agencies with our present budgetary difficulties. I am particularly pleased with the funding levels for the Postal Service revenue foregone that will allow nonprofit charitable groups to mail at reduced rates. While this appropriation is not as high as many Members would like, it is a substantial improvement over the amount provided in the budget resolution.

This bill also contains sufficient funding to pay the Government's obligation to the civil service retirement system and the Federal employees health benefits program—two programs that are vitally important to millions of retirees. Most Members are aware of the continuing problem in the FEHBP and this appropriation will provide badly needed stability to the program.

I especially want to commend the committee for the bill report language that directs the continuation of VITA, the tax counseling program for the elderly; the continuation of the toll-free telephone assistance program; and the walk-in assistance program. The committee is to be commended for providing an additional $50 million to continue these worthwhile programs that are of such assistance to our taxpayers, especially the elderly.

Mr. Chairman, I hope the House will support H.R. 7158.●

● Mr. LEATH of Texas. Mr. Chairman, yesterday the House approved the Edgar amendment to the Treasury-Postal appropriations bill, H.R. 7158, which provides that funds available to the General Services Administration shall not be used to contract for jobs which are presently being performed by individuals as Federal civil service employees.

The Edgar amendment will stop the contracting out of some 13,000 jobs in the GSA during this fiscal year. I am told by representatives of the veterans organizations and the American Federation of Government Employees that 80 percent of the jobs are held by veterans, under a provision of law which reserves these jobs for veterans so long as veterans are available. I am referring to section 3310 of title 5, United States Code, which was enacted in 1966, to help veterans of the Vietnam era make a successful readjustment to civilian life following their service.

It came as a shock to learn that the contracting out of these jobs has already begun in the GSA and, unless Congress acts promptly, it will be too late. Even more incredible is the fact that this was going on during the very week that the eyes of the Nation were riveted on Washington on Veterans Day and the dedication of the Vietnam Veterans Memorial in memory of the more than 57,000 individuals who died in Vietnam.

BOB EDGAR's amendment is in line with an amendment that I offered, which has now become law, Public Law 97-306, which prohibits contracting out within the Veterans' Administration's Department of Medicine and Surgery for services which are determined to be direct patient care or incident to direct patient care. The Office of Management and Budget has shown a zealousness to carry out its circular A-76, which is successful, would have seriously impaired the capacity of the Veterans' Administration to provide the quality of medical care that veterans deserve and Congress intended.

In the same vein, BOB EDGAR's amendment will serve notice to the Office of Management and Budget that Congress does not tolerate contracting for civil service jobs which are reserved for veterans. I commend the House for promptly approving the Edgar amendment, and urge the Senate to do likewise. Time is of the essence and the Edgar amendment must be aproved without delay.

Mr. Chairman, the message the House is giving the executive branch on the contracting issue is this, were veterans are concerned, there will be no contracting out for services—there will be no loss of jobs. In other words, the message is we are going to protect veterans and the programs that are designed to enhance the lives of those who served in defense of their country.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of the amendment to H.R. 7158 dealing with funding for the toll-free telephone assistance program of the Internal Revenue Service.

There is a recognized need to continue this necessary program to the taxpayers and we have provided $50 million to maintain this service at the current level. Nevertheless, IRS announced on November 5 that they would go ahead with a plan to dismantle the toll-free telephone program.

Our voluntary compliance system depends upon each citizen's understanding the tax law and assessing their own tax. Tax forms have become more complicated and difficult to understand as tax laws have become more complex. The toll-free telephone assistance program was designed to meet the need for tax assistance. The Federal Government has a responsibility to provide this kind of assistance.

If we allow the administration's plan to be adopted, many tax law questions no longer will be answered. Only 12.6 million calls would be answered in fiscal year 1983, compared to 36 million in fiscal year 1981.

An IRS study tells us that 38 percent of the taxpayers who contact IRS by telephone have adjusted gross incomes of $15,000 or less. About 11 million taxpayers who had tax law questions fell into this category in fiscal year 1981. These taxpayers, who would have more difficulty understanding an IRS publication and would have less financial ability to turn to a commercial preparer, would probably go unserved if toll-free telephone assistance were curtailed as the administration proposes.

There is no doubt in my mind that this would have a negative affect on voluntary compliance. In an October 29, 1981, memorandum to the Deputy Secretary of the Treasury, the Commissioner of the Internal Revenue Service said that if IRS did not provide answers to tax law questions, "large numbers of taxpayers can be expected to interpret the law in a way favorable to themselves, with little likelihood of detection," and "a significant decline in voluntary compliance and a concurrent decline in revenues may result."

I think it would be penny-wise and pound-foolish to adopt a measure that would result in a loss of revenue at a time when we are facing the biggest deficit in history.●

● Mr. FROST. Mr. Chairman, I am in opposition to the Dornan amendment which proposes to prohibit the use of funds to deny tax exemptions to private schools that have racially discriminatory policies. The Dornan amendment should be rejected because to pass it would be to jeopardize the progressive reputation of this body when it comes to matters of civil rights.

The point has been made during this debate that most of the private schools that now qualify for tax exempt status are not havens for bigots but are in fact providing an alternative source of traditional education. This may be true. But one or two of the schools in question—the Bob Jones University being one of them—have racially discriminatory admission policies. Minority students who are able to pay the tuition and who can meet all other standards are denied admission to these schools. What Mr. DORNAN proposes to do with his amendment is to protect the one or two bad apples in the lot by allowing them to continue to qualify for preferential tax status. More important, by designing the amendment as he has, Mr. DORNAN seeks to preempt the judiciary on this issue by denying funds to implement any future Supreme Court decision that allows the IRS to continue demanding equal opportunity in the private school system.

Moreover, Mr. Chairman, the proponents of this amendment have presented it under the guise of protecting legislative prerogatives. To discuss the Dornan amendment in terms of anything but its civil rights implications is to deliberately mislead the American public as to its true effects. The Dornan amendment will force our Government to subsidize racial segregation in the private school system. A tax exemption is nothing more than financial assistance. This amendment says in effect that it is the policy of this Government to underwrite the prejudiced policies of private schools. If it is passed, an official stamp of approval will be extended to this and all other forms of bigotry that are not specifically prohibited by law.

In the final analysis, this is a civil rights amendment that will have a regressive impact on the human rights record of our country. It should be soundly defeated.●

Mr. ROYBAL. Mr. Chairman, I have no further requests for time.

Mr. MILLER of Ohio. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of two hundred passenger motor vehicles for replacement only, including one hundred and ninety for police-type use; acquisition (purchase of 1), operation and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers, as authorized by section 1 of title VI of the Act of June 15, 1917 (22 U.S.C. 401); $528,700,000, of which not to exceed $150,000 should be available for payment for rental space in connection with preclearance operations: *Provided*, That none of the funds made available by this Act shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000: *Provided further*, That the Commissioner or his designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Service: *Provided further*, That none of the funds made available by this Act shall be available for administrative expenses to reduce the number of Customs Service regions below nine during fiscal year 1983 without advance approval from both House and Senate Commitees on Appropriations: *Provided further*, That none of the funds made available by this Act may be used for administrative expenses in connection with the proposed redirection of the Equal Employment Opportunity Program.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 4, line 22, strike out "$528,700,000," and insert in lieu thereof the following: "$548,700,000, of which not to exceed $30,000,000 shall be available for Project Exodus, and".

Mr. CONTE. Mr. Chairman, I am offering this amendment today at the request of the President and the Secretaries of Defense and Treasury. The amendment simply provides an additional $20 million to the U.S. Customs Service to continue and expand Project Exodus, a program to prevent the illegal export of critical and high-technology material to the Soviet Union and her allies.

The U.S. Customs Service is responsible for the enforcement of laws governing merchandise exportation. Included in this category is technology consisting of equipment or components of such a sophisticated nature that their shipment or diversion to unfriendly countries could pose a threat to the security of the United States. This is particularly true for electronic equipment, manufactured for civilian use which also has military applications.

All of us here are aware that the Soviet Union, for many years, has undertaken a well-coordinated effort to obtain sophisticated U.S.-manufactured or designed technology to enhance their own economic and defense capabilities. In recent years, this problem has reached critical proportions for two reasons: First, our sophisticated technology is of a very high quality; and second, the tremendous research and development costs which our adversaries would have to cover to develop a comparable technological level.

Sometimes companies in our country, because of financial pressures, get involved in questionable sales, or involved in situations where technology is unknowingly diverted. Sometimes they are the victims of clandestine operations which result in critical technical data being transferred to adversaries.

For these reasons, Project Exodus was begun in October of 1982, and has since picked up its operational pace following the development of a system based on intelligence activities. To date, customs officials have seized aircraft parts, communications equipment, computer parts, and various pieces of technical data all over the United States.

The magnitude of this problem is great and is growing. The amount of money being requested at this admittedly late date will allow customs the needed resources to adequately support an expansion of Project Exodus in fiscal year 1983 to a more effective national program.

The $20 million contained in this amendment, I am advised, will be fully offset by a $30 million reduction in the Defense Department's fiscal year 1983 budget.

Mr. Chairman, we have all read of this problem and we have heard statements from officials on its magnitude. The President and his Secretaries of Defense and Treasury consider it a national security question and I agree with them.

I say let us go ahead and give the needed resources to customs and support their efforts, and at the same time, communicate to them that we will want to be kept abreast of this program, and that we expect to discuss in upcoming fiscal year 1984 appropriations hearings, the progress of the program's operations.

□ 1610

I would like to take this opportunity to compliment Chairman ROYBAL for his able leadership in running that committee.

Twenty-four years ago I served under the great chairmanship of Tom Steed. ED ROYBAL is following in Tom Steed's tradition. He is a good man, a good leader.

Also CLARENCE MILLER, ranking minority member, has done a very conscientious, hard-working job in making sure the dollar was well spent and there was no waste in the budget. I want to compliment both these men.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

After those very nice words I must rise in support of the amendment.

Mr. Chairman, I recognize that the loss of American technology through illegal exports is a very serious problem and should be a high priority concern of the Government. I might point out that the committee included approximately $8,000,000 for this program in the fiscal year 1982 bill which was not requested by the administration. In addition, even though the administration did not request any funds for this program in fiscal year 1983, the committee has included approximately $10,000,000 and 300 positions to continue this important program.

Now, the administration is requesting $30,000,000 for the program, but let me tell you how it happened. On November 12, 1982, the President signed a budget request for $30,000,000 for the program and requested 292 positions. The Treasury Department did not contact the Appropriations Committee or provide any information or justifications for the request until November 30, 1982. The committee has not had an opportunity to hear testimony on the program and no guidelines have been prepared, so far as we know, so the Customs Service personnel in the field can properly administer the greatly expanded program. In addition, the informal budget justification material has some internal inconsistencies within the document itself.

I do not think it is the proper way to appropriate public funds to agree to amendments that are handled in such a cavalier fashion.

I believe, Mr. Chairman, it is time the committee put the Department of Treasury on notice that we expect the Department to provide adequate justifications, including appearances before the committee in a timely manner.

I realize, Mr. Chairman, these things could happen and there are problems and realizing that some problems must have arisen I wholeheartedly support the amendment that has been presented. I think it is most important and most necessary. I sincerely hope that it meets with the agreement of the Members of the House.

AMENDMENT OFFERED BY MR. KAZEN TO THE AMENDMENT OFFERED BY MR. CONTE

Mr. KAZEN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. KAZEN to the amendment offered by Mr. CONTE: Amend the Conte amendment by striking out the figure "$548,700,000" and insert in lieu thereof the figure "$553,700,000".

Mr. KAZEN. Mr. Chairman, I thoroughly agree with the amendment proposed by the gentleman from Massachusetts (Mr. CONTE).

I think that that project is a very worthy project and we do have to have the personnel.

May I also call attention to another place where we must have some additional personnel, and that is in the Customs Service. They are one of the services in this country that bring in revenue. Every single person that we put on the Customs Service generates income for the Treasury of the United States.

Down along the Texas-Mexican border, and I am sure along the entire Mexican border with the United States, there is now a shortage of Customs personnel. However, I can only speak for my district. I have the privilege of representing the largest inland port in the United States which is Laredo, Tex. I also have a second port at Eagle Pass.

We have just built a brandnew international bridge with the entire Federal complex, consisting of all services for a port of entry in Laredo. So we now have two international bridges connecting Mexico and the United States at that point.

I am told that this last week during the Thanksgiving holidays there were lines of cars as long as 2 miles waiting to come into the United States because only two or three lanes were open on the bridges on the American side for lack of personnel.

All I am doing in this amendment is adding $5 million to the figure in the Conte amendment, but these $5 million I would hope would be used, if adopted by the Congress, for addition-

al personnel on the Mexican border which are very sorely needed.

I sincerely ask for your particular attention to this matter because it is something that is needed. We have lots of crossings and a tremendous amount of freight that moves accross the border and we cannot man our facilities. Every single person that we put on there will generate income for the Treasury.

It is a shame to hold up the people who come into the United States, whether they be our neighbors from Mexico or our own people coming back from Mexico and submit them to the frustration of having to wait a long time to get cleared into the United States.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman.

Mr. ROYBAL. Do I understand the gentleman correctly when he states that his amendment provides for $5 million additional?

Mr. KAZEN. That is correct.

Mr. ROYBAL. And that that money is to dispense or pay for personnel along the border?

Mr. KAZEN. That is correct, Mr. Chairman.

I cannot, as you well know, specify in the bill that particular provision. But in order to make legislative history, this colloquy between you and me should serve as directive to the Customs agency that this is what this Congress intends these $5 million to be used for.

Mr. ROYBAL. Mr. Chairman, the gentleman from Texas and I are totally in agreement. We both know the situation at the border.

□ 1620

He has a problem in his own district and adjacent to his district. I have a problem in the southern part of California. The problem is exactly the same. We do know that 2- and 3-mile long lines are not unusual on any holiday and that more personnel are needed not only during those times but during the week, as well, so that these people who cross this border can be quickly expedited, and their needs met with efficiency. The need for more personnel along the border States is apparent more and more every day.

So I agree with the gentleman that this money should be used for that purpose, and I sincerely hope that that is the end result.

May I also state that Customs has problems throughout its area of operations. One of the potential problems that we envision is at Los Angeles International Airport where Federal inspections of arriving passengers currently take place at two locations—one at the Western Airlines facility and the other at Satellite 2. Presently, Mexicana Airlines, which clears Customs at the Western Airlines facility, is on strike and thus, operations at that particular facility have been reduced significantly. Because of this decrease, Customs officials have closed the facility from 10 a.m. to 4 p.m. and international flights arriving at the Western Airlines terminal presently clear Federal inspections at Satellite 2. While this represents an inconvenience for those passengers, this appears to be a temporary situation and an efficient utilization of customs personnel. However, when Mexicana Airlines resumes operations, we fully expect Customs to again open the Western Airlines facility between 10 a.m. and 4 p.m. and to resume those inspections at that facility.

Prior to the strike by Mexicana employees, between 25 and 30 percent of the international passengers clearing Customs at Los Angeles International Airport were processed at the Western facility. I say this to express my concern with regard to the overall problems that confront the Customs Department, as well as problems at the border in which we are in total agreement. I too hope that the money proposed by your amendment is used for additional border personnel.

Mr. KAZEN. I thank the distinguished gentleman and I appreciate his support. Let me, however, make this observation: That is not the situation that exists only on holidays. In these structures that I am talking about in Laredo, we are now closing one of the bridges for a considerable number of hours every single day because of the lack of personnel. If we had the personnel, those bridges would be open a lot longer, and it would expedite a lot more traffic. I would appreciate your support and vote for my amendment.

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The $20 million that is allowed by that amendment is not additional spending. This funding was deleted from the Defense appropriation bill in markup, and is being transferred to this particular bill, so it does not represent an overall spending increase. It will not increase the deficit by being in this bill instead of the Defense bill. We have the Customs Service in our bill, and I support the amendment. I think most everyone is deeply concerned about the high technology products that are moving from this country into the U.S.S.R. It is happening frequently. Many of you are acquainted with the Kama River truck plant, with the ball bearing plant, with the problems that we had at the time. In the case of this truck plant, the Russians were not to use the engine-building capabilities of the plant for military use, but the engines were found in trucks that were moving troops into Afghanistan. So I think it is very important that we do all we can in order to hold back the high technology on which we have spent billions of dollars in research in this country from moving to the Soviet Union and other Communist countries. Therefore, I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. KAZEN) to the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 5, line 14, insert *"Provided further,* That none of the funds made available by this Act shall be used to close the United States Customs Service Office at Portland, Oregon, or to reduce or consolidate with another office the personnel, programs, or functions of such office" before the period.

Mr. WYDEN. Mr. Chairman, my amendment would prohibit the Customs Service from proceeding with any plans to consolidate the appraisement section of the Oregon division office with any other office, relocate import classification specialists from the Oregon office or downgrade the Oregon office in any other manner.

The Oregon District Office—which is responsible for processing and collecting duties on all goods flowing into Oregon, southwest Washington and Alaska—has actually experienced a sharp increase in activity in recent years. Duties collected rose from $89.8 million in 1978 to $120 million in 1980 and then took a 35-percent jump to $161.5 million in 1981.

In 1979 and 1980, 25 Customs Service districts showed a decrease in net dollar collections and 21 experienced an increase. Only three of these had a larger percentage increase than Oregon.

It is my understanding that the 1980-81 percentage increase was again well above the national average and was, in fact, exceeded only by Houston, Tex. In 1980—before the duties collected jumped 35 percent the following year—the Oregon office was the 20th largest in the country.

Any consolidation of the Portland Customs office with any other office would result in increased costs and time delays for Portland traders. Many of the Customs officials in Portland have established a high level of

expertise in handling long-established Portland product lines.

The ports of the Columbia River have a long history of excellent service in a timely and cost effective manner to importers and exporters alike.

Beyond the statistical picture, any downgrading of the Customs Service operations in Oregon would be a serious blow to our efforts to become a major international trading center. Oregon's economy is in desperate condition and—because of our heavy dependence on the housing and timber industries—we see very little light at the end of the tunnel.

What we need to do above all is diversify our economy and lessen our reliance on timber and housing. Because of our geographical location and our tremendous potential for increased waterway commerce, we feel that our best bet is increased international trade with the Pacific Rim countries.

The Columbia River system is a distinct transportation area and unique trade gateway. There is a clear need to maintain a full-service Customs presence to serve the needs of the ports of Oregon and southwest Washington.

To succeed in our efforts to diversify our economy, we need to make sure that Oregon develops and maintains the ability to function as a full-service international trading center. In order to increase goods flowing out, we also need to be able to handle goods flowing in quickly and efficiently. Any move by the U.S. Customs Service to downgrade or otherwise reduce their presence in Oregon would be a serious blow to our efforts.

I would like to in particular commend the chairman, the gentleman from California (Mr. ROYBAL), and his staff for their cooperation. The gentleman from Ohio (Mr. MILLER) has been consulted on this, as well. I urge it upon my colleagues.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the chairman.

Mr. ROYBAL. Mr. Chairman, I would like to say to the gentleman that we will look into this matter very closely and examine whatever problems he may have in Oregon.

However, I also wish to assure the gentleman that we have no objections to his amendment at this time.

Mr. WYDEN. I very much appreciate the chairman's support and assistance in this area.

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to my friend, the gentleman from Oregon.

Mr. AUCOIN. Since the gentleman from Oregon, my colleague from across the Willamette River, has just won the support of the chairman of the committee, I shall be short and brief. I just want to say that this amendment is very important to the whole inland Columbia River system, which is an international trade system. And it is very vital that we have the Customs' support to serve the capacity that the Columbia River represents and its potential in international trade. The Portland office is a productive office, and for that reason this language is needed.

Mr. WYDEN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WYDEN).

The amendment was agreed to.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I make a point of order against the language in lines 6 through 10 on page 5 of H.R. 7158. These lines constitute legislation on an appropriation bill and are, therefore, in violation of clause 2 of rule XXI. If the Chair will permit me, I would like to be heard on my point of order.

The CHAIRMAN. The Chair will advise the gentleman from Minnesota that the paragraph in question has already been read and amended. Therefore, a point of order to the paragraph comes to late.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRENZEL. Mr. Chairman, at what point would a point of order have been timely?

The CHAIRMAN. The Chair will advise the gentleman that a point of order would be in order between the time when the paragraph had been read by the Clerk and the time when an amendment to that paragraph had been offered or the Committee had gone to another paragraph.

Mr. FRENZEL. Mr. Chairman, I was on my feet when the previous amender was recognized, and I do not recall having heard that language being read. Can the Chair give me some assurance on that?

The CHAIRMAN. The Chair will advise the gentleman that the first amendment offered to the paragraph in question was offered by the gentleman from Massachusetts (Mr. CONTE). The Chair observed the gentleman on his feet, although not pressing a point of order, at the time that the amendment to the amendment was offered, but not at the time the original amendment was offered.

Mr. FRENZEL. And to be timely, my point of order would have to have been made before the gentleman from Massachusetts offered his amendment?

The CHAIRMAN. The gentleman is correct.

Mr. FRENZEL. I thank the Chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TAXPAYER SERVICE AND RETURNS PROCESSING

For necessary expenses of the Internal Revenue Service for processing tax returns, revenue accounting, providing assistance to taxpayers, statistical reporting, and hire of passenger motor vehicles (section 1343(b) of title 31, United States Code); $1,000,778,000, of which not to exceed $40,400,000 shall remain available until expended for systems modernization initiatives.

AMENDMENT OFFERED BY MR. BARNES

Mr. BARNES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARNES: On page 6 at the end of line 23 strike out the period and insert the following: ": *Provided*, That no funds made available by this Act be used to reduce the taxpayer service programs below fiscal 1982 levels, including but not limited to, toll free telephone tax law assistance and Internal Revenue Service walk-in assistance available at Internal Revenue Service field offices.".

□ 1630

Mr. BARNES. Mr. Chairman, this amendment which I offer on behalf of the gentleman from Washington (Mr. DICKS) and myself is intended simply to reinforce the Appropriations Committee's decision that the taxpayer assistance programs operated by the Internal Revenue Service should be continued at their fiscal 1982 levels. These programs, as the Members know, include the toll-free telephone lines which millions of Americans use at tax time, the walk-in taxpayer assistance at IRS offices, the volunteers in tax assistance program, and the tax counseling for the elderly program.

In fiscal 1982, taxpayer services activities assisted more than 41 million people. These programs have saved Americans billions of dollars which might otherwise be spent on expensive tax consulting services. They also provide probably the only means of taxpayer assistance available to millions of senior citizens, poor people, and others on fixed incomes who simply cannot afford private help.

At a time when significant changes have been made in the Tax Code by the major tax bills that we passed in 1981 and again this year, and when the continued impact of the recession makes it even more difficult for many Americans to afford to hire somebody to help them with their tax preparation, it is vital that the Federal Government continue its longtime role in helping people decipher the obvious complexities of our tax system.

H.R. 7158, the Treasury-Postal appropriations bill, contains funds for the continued operation of these taxpayer service programs. The committee report strongly endorses the need for them to encourage continued voluntary compliance with our tax system which allows the Government of this country to function.

I offer this amendment along with the gentleman from Washington (Mr.

DICKS) because the administration has unfortunately indicated that it wishes to drastically curtail taxpayer assistance in fiscal 1983. The administration's budget request assumed a reduction of 1,691 positions and slightly over $50 million currently devoted to these programs, which would obviously drastically cut taxpayer assistance and virtually eliminate the toll-free assistance advice to the average taxpayer on tax problems.

Mr. Chairman, my amendment is a technical one which enumerates taxpayer assistance programs, more specifically in addition to what is already mandated in the appropriations bill. It does not provide additional funds beyond what is already in the bill. But it is intended simply to give this House an opportunity to go on record against these cuts in taxpayer assistance now and to discourage the administration from such cutbacks in the future.

To my knowledge the administration has not ruled out attempting such reductions in the future, and an "aye" vote for this amendment is a way to insure that these reductions will not be attempted.

I want to commend the Appropriations Committee and the subcommittee chairman for their strong leadership on this matter, urge the approval of the amendment.

And I want to yield now to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the committee as well for their diligence and activity on this matter. Clearly a voluntary compliance system which our tax system is requires that the taxpayers be able to understand the Tax Code, and having a system that provides this kind of advice and assistance to taxpayers I think is absolutely essential basically because I think even most lawyers find the Tax Code to be very complicated.

So I want to join with the gentleman in sponsoring this amendment. I think it is a good one. I think it will clearly demonstrate the will of this House to keep these taxpayer assistance programs in place.

Mr. Chairman, I rise in strong support of the section of this bill concerning funding for the toll-free telephone assistance program of the Internal Revenue Service.

We, the Congress, through the actions of both the House and Senate Appropriations Committees, have recognized the need to continue this necessary program to the taxpayers and have provided $50 million to maintain this service at the current level.

Yet despite this action, IRS announced on November 5 that they would continue with their plan as originally submitted and dismantle the toll-free telephone program.

Mr. Chairman, our voluntary compliance system depends upon each citizen's understanding the tax law and assessing his/her own tax. The tax return has become more complicated and difficult to understand as the tax law has become more complex. The toll-free telephone assistance program has evolved in response to the need for tax assistance as recognized long ago by Congress, the public demand for such assistance and the basic tenent that taxpayer assistance fosters voluntary compliance. The Federal Government has a responsibility to provide this assistance as an essential ingredient in the administration of the tax laws.

If the administration's plan is accepted, and tax law questions are no long answered, only 12.6 million calls would be answered in fiscal year 1983 as comapred to 36 million in fiscal year 1981.

An IRS study has found that 38 percent of the taxpayers who contact IRS by telephone have adjusted gross incomes of $15,000 or less. About 11 million taxpayers who had tax law questions fell into this category in fiscal year 1981. These taxpayers, who would have more difficulty understanding an IRS publication and would have less financial ability to turn to a commercial preparer, would probably go unserved if toll-free telephone assistance were curtailed as the administration proposes.

Such a severe cut could also be expected to impact adversely upon voluntary compliance. In an October 29, 1981, memorandum to the Deputy Secretary of the Treasury, the Commissioner of the Internal Revenue Service stated that if IRS did not provide answers to tax law questions, "large numbers of taxpayers can be expected to interpret the law in a way favorable to themselves, with little likelihood of detection", and "a significant decline in voluntary compliance and a concurrent decline in revenues may result."

In light of the $150 to $200 billion projected deficit for fiscal year 1983, as well as the clear intent of Congress to maintain this program at the present levels, I find it unconscionable that the IRS would continue to proceed with their plan to eliminate this vital service to the taxpayer.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to my friend from Virginia.

Mr. WOLF. Mr. Chairman, I rise in support of this amendment to H.R. 7158 to earmark funds for the IRS taxpayer assistance program. I would like to urge my colleagues to join me in support of this amendment.

During the past 2 years, we have seen the largest tax rate reduction in history and one of the largest revenue compliance and tax increase measures passed into law. In view of these developments, I feel strongly that this is a crucial time to fund this program. I support this language to earmark specific funds in the appropriations bill to cover this assistance program.

Although I realize the accompanying committee report is very explicit in its support of this program, I believe this amendment offers needed protection for the program and guarantees its continuation.

In fiscal year 1982, the taxpayer assistance program responded to 41.4 million individuals. Our Government depends on taxpayers' voluntary compliance with tax laws so it is vital to continue those assistance tools which are designed to expedite this process.

I urge that the Members of this body recognize the important and invaluable service provided by this program and vote to insure its continuation.

Mr. BARNES. I thank the gentleman for his comments. I hope the gentleman is correct about the administration's position.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I yield to the gentleman from South Carolina.

Mr. CAMPBELL. I thank the gentleman for yielding.

I would like to ask just a couple of questions about the amendment. We on the subcommittee were deeply concerned as is the gentleman about maintaining certain of these services and expressed ourselves. We were equally concerned that we not do anything to inhibit the modernization of services, whether there be a move to computer telephone call-ins, for tape recordings, this sort of thing.

As I understand the gentleman's amendment, there is nothing here that would prohibit that, and there is no personnel service.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. BARNES) has expired.

(At the request of Mr. CAMPBELL and by unanimous consent, Mr. BARNES was allowed to proceed for 1 additional minute.)

Mr. CAMPBELL. Mr. Chairman, if the gentleman would yield further, as I understand the gentleman's amendment, there was no floor on personnel. But the service has to be maintained which would not prohibit modernization and cost savings if that were the direction chosen; is that correct?

Mr. BARNES. The gentleman is correct. The amendment refers only to the taxpayers service programs. It does not refer to how those programs would be implemented or carried out. It simply would require that they could be continued, that the service be continued at the 1982 level. The funding has been provided of course by the committee.

Mr. CAMPBELL. I thank the gentleman for his explanation. I think he has a good amendment.

Mr. BARNES. I thank the gentleman.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to inform the gentleman from Maryland that the committee added $50 million to the IRS budget and wrote language in the report which accompanies the bill which mandates that the taxpayer assistance program be maintained at the 1982 level of operations.

Now, this proposed language is inserted in the report and in this instance it would be in the bill itself.

It should not be necessary to do what the gentleman is now intending to do, because the action of the committee clearly implies that those things that he seeks to gain will be done.

However, I still feel that the gentleman is correct. In this instance the best way to do things is to go the direct route, include the language in the bill.

Mr. HOYER. Mr. Chairman, I would like to commend the gentleman from Washington and the gentleman from Maryland for their efforts to preserve this IRS toll-free telephone assistance program which services millions of American taxpayers.

The Congress has provided $50 million to maintain this service out of the recognition that our overly complicated Tax Code often confuses and misleads the taxpayer. In fact, the 36 million Americans who used the service in fiscal year 1983 are testament to the confounding nature of our tax laws.

The expenditure for this service is a cost-effective one. By their own admission, the IRS anticipates large numbers of taxpayers who will interpret the law to their own advantage if this service is curtailed.

We are fortunate to have a staff at IRS that is extremely capable and efficient in answering the myriad of questions posed during the reporting period. These employees and this vital service are not only worth their cost, they are essential to prevent noncompliance, costly errors, and late returns. In that sense, the $50 million budgeted for this program is a good investment with an excellent return on the dollar.

Let me again thank the gentleman from Washington and the gentleman from Maryland for their efforts to insure this program continues, and I urge my colleagues to support this excellent amendment.

Ms. FERRARO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland to insure continuation of the toll-free telephone assistance program of the Internal Revenue Service (IRS).

We, the Congress, through the actions of both the House and Senate Appropriations Committees, have clearly stated the need to continue this necessary program to the taxpayers and have earmarked $50 million to maintain this service at the current level. Yet despite these actions, this administration announced on November 5 that it would continue with its plan to dismantle the toll-free telephone program.

As chairman of the subcommittee with jurisdiction over Federal personnel levels, I have been extremely concerned about the effects of this administration's personnel cutbacks on the delivery of vital services. The service provided through the toll-free system has been used by taxpayers who want to comply with our complex tax laws, but cannot afford the luxury of tax accountants on retainer. It is used by the elderly and by those with low incomes. It allows Americans to comply with the law and to pay their fair share of taxes.

When the Reagan administration began cutting back taxpayer services last year, I protested the closing of an office in Jackson Heights, N.Y. In response to my protest, the IRS District Director wrote that he intended:

> To expand our Volunteer in Tax Assistance (VITA) and Tax Counseling for the Elderly (TCE) programs. The expansion of these services, *supplemented by our toll-free telephone assistance system will not only be responsive to taxpayers needs,* but will greatly minimize any additional travel for the public. (emphasis added)

This commitment now appears to have joined the long list of administration promises which have become meaningless. Despite clear language in the committee report in support of the existing toll-free telephone assistance, the administration would like to ignore the will of Congress.

I support the toll-free assistance system which has proved so effective in the past, and I support the gentleman's amendment to statutorily insure the continuation of the system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. BARNES).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses for the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official representation expenses; $33,000,000: *Provided,* That none of the funds made available by this Act may be used by the Office of Management and Budget to interfere with the rulemaking authority of any regulatory agency.

□ 1640

POINT OF ORDER

Mr. HORTON. Mr. Chairman, I rise to make a point of order against the limitation on the use of funds by the Office of Management and Budget contained in lines 18 through 21 on page 14.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HORTON. Mr. Chairman, this limitation provides "that none of the funds made available by this act may be used by OMB to interfere with the rulemaking authority of any regulatory agency."

This proviso is subject to a point of order because it is legislation in an appropriation bill, and therefore violates clause 2 of rule XXI of the House of Representatives. That clause states, in pertinent part, "nor shall any provision in any (general appropriation) bill or amendment thereto changing existing law be in order," with one exception which is not relevant here.

I should say at the outset that in my judgment the language that I am referring to is meaningless because it does seek to prevent OMB from doing something which it is not entitled to do in the first place. OMB, like every other agency in the executive branch, can perform only those activities which the Constitution, statutes and Executive orders make permissible. None of these authorities gives OMB specific authority or power to interfere with any other agency's rulemaking activities.

However, I recognize that it might be construed that this restriction would affect the way in which OMB carries out its business, or the words would not appear in the bill. The key word is "interfere," and how it might be or could be interpreted.

Mr. Chairman, I would suggest that the word "interfere" might be easily interpreted to change existing law. Under the Paperwork Reduction Act of 1980, no agency can require anyone to comply with a form requesting information from more than nine persons unless that form has been approved by OMB. Some forms are, of course, designed to fulfill some regulatory objective. To the extent that OMB rejects or modifies a form which was originated for a regulatory purpose, it might be thought to be "interfering" with rulemaking authority. More specifically, if a form is proposed as a part of a regulation, OMB might file public comments on the form, and if the OMB Director finds that the agency's response to his comments were unreasonable, he could disapprove the form. This might be, of course, interpreted as "interference."

Furthermore, under Executive Order 12291, entitled "Federal Regulation," OMB is given authority to require agencies to comply with various

administrative requirements before proposing certain regulations, and to consider advice on those proposed regulations before issuing them in final form. Although the executive order is carefully written to indicate that OMB's authority exists only "to the extent permitted by law," activities under the order might also be thought by some people to be "interference" in agencies' rulemaking authority.

In my judgment, these authorizations for OMB to have some role in the rulemaking process allow perfectly legitimate exercises of the President's powers—both his general power to take care that the laws be faithfully executed, which is, of course, article II, section 3, of the Constitution, and his specific responsibility to provide central management of the executive branch for the purpose of insuring that regulations are written in a consistent way which does not put excessive paperwork demands on the American people. But to the extent that the word "interfere" has any meaning, Mr. Chairman, that proviso in the bill would modify provisions of both the Paperwork Reduction Act of 1980 and Executive Order 12291. It would also restrict the discretion of executive officers to a degree that may be fairly termed to be a change in policy. This is the sort of action which is clearly legislative and, therefore, violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. ADDABBO. Mr. Chairman, I rise in opposition to the point of order.

Mr. Chairman, the language on page 14, lines 18 through 21, is strictly a limitation—strictly a limitation on the Office of Management and Budget.

This bill includes the appropriation for the Office of Management and Budget and, therefore, the Congress and this committee has the right to limit the use of those funds. If the gentleman from New York, my colleague (Mr. HORTON), has any question as far as the interpretation of the word "interfere," we can easily establish legislative history today. It is a simple matter that is within the Paperwork Commission and can be easily explained by legislative history, but all we say here is "interfere with rulemaking."

The purpose of the language is very simple. There was an article back on August 11 in the Washington Post by Sandra Sugawara that said:

OMB blocks the Environmental Protection Agency Package of proposed changes in the standards for lead and gasoline until the agency revises it. The EPA's source said that they fear that OMB is trying to force relaxation in the strict standards the agency wants. This was a direct interference with a regulatory body in its rulemaking authority.

It has nothing to do with type of forms, applications, and so forth. The intention of the committee was strictly to limit the OMB's use of these funds to interfere in the rulemaking, not administration, et cetera, as the gentleman from New York has pointed out, but to interfere in the actual rulemaking. The Congress and the committee had that right under the limitation of law.

The CHAIRMAN. Does the gentleman from New York desire to be heard further?

Mr. HORTON. No, Mr. Chairman.

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule.

The Chair would cite the following provision from Deschler's Precedents, chapter 26, section 11.1, under the general heading "Imposing Duties on an Executive Official."

§ 11.1 *Parliamentarian's Note:* The application of any limitation on an appropriation bill places some minimal extra duties on federal officials, who, if nothing else, must determine whether a particular use of funds falls within that prohibited by the limitation. But when an amendment, while curtailing certain uses of funds carried in the bill, explicitly places new duties on officers of the government or implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order.

With that citation in mind, and with the arguments made by the gentleman from New York, the maker of the point of order, and because of the entire scope of the duties imposed by law upon the Office of Management and Budget in relationship to regulatory agencies, the Chair feels that the Committee on Appropriations has not sustained the burden of showing that the proposed language would not change and augment the responsibilities imposed by law on the Office of Management and Budget and, therefore, sustains the point of order.

The proviso is stricken and the Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the fund pursuant to section 210(f) of the Federal Property and Admistrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract, in the aggregate amount of $1,994,640,300 of which (1) not to exceed $67,915,000 shall remain available until expended for construction of additional projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

Mr. STANGELAND. Mr. Chairman, I rise to reserve the right to make a point of order against a provision found in title IV in the paragraph entitled GSA, General Services Administration, Federal Buildings Fund, Limitation on Availability of Revenue, and request the right to speak on that reservation.

The CHAIRMAN. Will the gentleman indicate to the Chair the precise location of the point of order, the language against which he proposed to make a point of order?

Mr. STANGELAND. The reservation to make the point of order would be made specifically on page 20, lines 13 and 14 of the bill, in H.R. 7158, now under consideration.

There is an appropriation in the amount of $2 million for Blair House that does not have legislative committee authorization.

The CHAIRMAN. The gentleman does not need to seek that protection. He may make that point of order when the Clerk reads that portion, which the Chair will treat as a separate paragraph.

□ 1650

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Blair House, $2,000,000 (architectural and engineering studies)

POINT OF ORDER

Mr. STANGELAND. Mr. Chairman, I make a point of order on this portion of the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. STANGELAND. Mr. Chairman, I rise to reserve the right to make a point of order against a provision found in title 4, in which the paragraph is entitled "General Services Administration, Federal Buildings Fund, Limitations on Availability of Revenue".

Mr. Chairman, specifically, on page 20, lines 13 and 14, of the bill, H.R. 7158, under consideration, there appears an appropriation in the amount of $2 million for the Blair House in the District of Columbia for architectural and engineering studies for repair of the building. This appropriation of $2 million for the Blair House appears to be in violation of rule XXI,

No. 2, of the Rules of the House of Representatives which states:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations, for such public works and objects as are already in progress.

Mr. Chairman, section 7(a) of the Public Buildings Act of 1959, as amended, 40 U.S.C. 606, states:

In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively.

Further, section 13 of the Public Buildings Act of 1959, as amended, 40 U.S.C. 612, states:

The term "construct" and "alter" include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration, as the case may be, of a public building.

Mr. Chairman, the committee report accompanying H.R. 7158, states the $2 million has been included in the bill for architectural and engineering studies for the proposed renovation of the Blair House. However, prior to such an appropriation being carried in an appropriations bill, it must be approved by the House Committee on Public Works and Transportation, which it has not been, thus far. The General Services Administration transmitted to the Congress and the House Committee on Public Works and Transportation on July 23, 1982, a prospectus seeking approval by resolution from the committee for the repair and renovation of the Blair House in Washington, D.C. at a cost of $7,020,000. The figure was established after the State Department paid $55,000 for a complete building survey for Blair House to be performed by a Washington based architectural and engineering firm. The report was completed for the State Department in March 1982 which allowed them to get a handle on the magnitude of the problems and what it would cost to correct them. Ultimately, due to the unability of the State Department to receive a supplemental appropriation of $1.5 million for fiscal year 1982, the decision was made to transfer the property to the General Services Administration, who in turn would submit a prospectus to the House Public Works and Transportation for approval, and then an appropriation would follow. What we have before us in this bill is the cart being before the horse.

Mr. Chairman, let me point out, that pending before the House Committee on Public Works and Transportation is the prospectus, which we propose to review in the not too distant future. Section 5 of H.R. 7158 does allow GSA to reprogram funds within the Federal buildings fund upon approval by the Committees on Appropriations of the House and Senate. Thus, perhaps we should proceed in accordance with existing law, whereby, the authorizing committee would consider the matter and then let the appropriation follow.

Mr. Chairman, I am the ranking member on the Subcommittee on Public Buildings and Grounds of the committee on Public Works and Transportation. We have had one hearing. Let me say for the benefit of the committee and the Members of the House that I understand that Blair House needs to be renovated and protected and it ought to be done.

I also recognize that sometimes these kinds of steps have to be taken. I think this is an improper way to go, but because I believe it has to be done, and because I believe that further authorization dollars will have to go before that Subcommittee on Public Buildings and Grounds, I am not going to pursue my point of order, but I would like to make a point for this administration and for any other administration that there are procedures to follow; that these types of fundings have to be authorized and then appropriated, and in the future I would hope that each and every administration would follow those kinds of procedures.

With that, Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. NELSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intend to support this legislation but I rise to express my serious concern about actions contemplated by the Customs Service affecting the Melbourne Regional Airport in Florida. My concerns are outlined in a letter that I have sent to the Commissioner of Customs, and I would at this point include that letter, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., November 29, 1982.

COMMISSIONER OF CUSTOMS,
(Attn: Regulations Control Branch),
U.S. Customs Service,
Washington, D.C.

DEAR SIRS: This is to register for the record my objection to the proposed action of the Customs Service, noticed in the Federal Register of Tuesday, October 19, 1982, to revoke the "landing rights airport" designation of the Melbourne Regional Airport at Melbourne, Florida.

This action will adversely affect air commerce in one of Florida's fastest growing metropolitan areas. Melbourne, indeed all of South Brevard County, is currently undergoing a period of high-technology industrial growth. New facilities, particularly in electronics, are being located in the area. These new industries will be hampered by greater difficulties in shipment by the proposed change.

With its recent growth, the Melbourne area is attracting growing numbers of such businesses and increasing numbers of tourists. The passenger traffic increases at Melbourne have been dramatic in recent months. At a time when traffic nationally is declining, Melbourne's is increasing.

This increasing passenger traffic is also bringing a new recognition of the fine facilities available at Melbourne Regional Airport. That recognition is spreading to private and commercial flights as well, including the international arrivals which would be halted by this precipitous action.

Melbourne has modern, complete equipment to handle instrument landings in any type of weather. Yet, its designation would be revoked while the airport at Fort Pierce, Florida, which has no such all-weather capability and which does not even have a tower, would remain an international airport.

I am further concerned that the reason cited for this revocation is "savings". The Federal Register notice goes on to call customs service at this growing airport "a nonproductive expenditure of scarce resources." I strongly disagree with that assessment.

The facts are that very little in "savings" would accrue to the federal treasury by implementing this ill-advised change. In fact, the facilities, equipment, and utilities at Melbourne Regional Airport are provided to the Customs Service at no charge by the airport authority. Further, the expenses of the agents incurred in traveling between the office at Port Canaveral and Melbourne are charged to the flight serviced, not the taxpayers. The only cost to the taxpayers is the salary of the agent. Even the director of the Customs Office at Port Canaveral has indicated that the "savings" would only amount to about $20,000. In fact, there will be no "savings" unless there is a personnel reduction at the Port Canaveral office, which is unlikely.

It seems to me that it is in the best interest of commerce, both in South Brevard County and in the country, that facilities such as customs clearance at Melbourne remain in operation. The cost to commerce in time and fuel to clear customs at distant airports cannot be justified solely to eliminate the salary cost of a single customs inspector. The savings is insignificant considering the impact on aviation sales and service and future commerce through the Melbourne Regional Airport.

I strongly urge the Customs Service to reconsider and withdraw this unwarranted proposal to revoke "landing rights" at the Melbourne Regional Airport.

Sincerely,

BILL NELSON.

Mr. NELSON. I thank the Chairman.

□ 1700

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. Funds made available by this or any other Act for the payment of rent shall be available for the purpose of leasing space without regard to section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a).

AMENDMENT OFFERED BY MR. EDGAR

Mr. EDGAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edgar: Page 31, after line 4 insert the following new section:

SEC. 7. None of the funds made available to the General Services Administration under this act shall be obligated or expended after date of enactment of this act for the procurement by contract of any service which, before such date, was performed by individuals in their capacity as employees of the General Services Administration in any position described in section 3310 of title 5, United State Code.

PARLIAMENTARY INQUIRY

Mr. DANNEMEYER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DANNEMEYER. Mr. Chairman, I have been listening to the Clerk read. The last reference to a page was at page 20. I was waiting for the Clerk to indicate page 21, because I have a matter to bring to the attention of the Committee on page 25. Now, I find us considering something on page 31. My question is, At what point will I be recognized to speak for the consideration of the Committee relating to page 25?

The CHAIRMAN. The gentleman at any time in the course of the debate can be recognized to strike the requisite number of words. The gentleman did not lose the opportunity to speak. The gentleman has lost the right to offer an amendment to any paragraph that has already been read.

Does the gentleman seek to offer an amendment?

Mr. DANNEMEYER. I have a point of order to assert on page 25, and I was waiting for the Clerk to read.

The CHAIRMAN. The gentleman's point of order comes too late, the Chair will inform the gentleman. The Committee is now on page 31. The gentleman from Pennsylvania has been recognized to offer an amendment, and the Clerk has reported the amendment.

Mr. DANNEMEYER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DANNEMEYER. How is a Member to know when to assert a point of order relating to a particular page when the Member sits here waiting for the Clerk to get to page 25, to which this Member has a matter to present to the attention of the Committee?

The CHAIRMAN. The Chair will advise the gentleman that when an appropriation bill is being read, the Clerk reads the heading of each paragraph and the figure therein. The Clerk has been doing that during the reading of the bill.

Mr. DANNEMEYER. He has not been mentioning each page as he goes along?

The CHAIRMAN. The Clerk is reading this bill as appropriations bills are always read.

Mr. DANNEMEYER. I notice the Clerk read page 20, and I was waiting for the Clerk to reach pages 21 and 22. It seems logical.

The CHAIRMAN. The Chair will advise the gentleman that the procedure for reading appropriation bills differs from that when considering other legislation. In appropriation bills, the Clerk reads only the chapter heading, section heading, paragraph heading, and only the dollar figure therein. He does not read literally every word, and that is the method by which the Committee generally considers appropriation bills.

Mr. DANNEMEYER. I would like to be recognized after the gentleman from Pennsylvania makes his amendment, if I understand what the gentleman is about.

The CHAIRMAN. The Chair will advise the gentleman, if he wishes to offer an amendment to a section that has already been read, that will require unanimous consent, and the Chair will recognize the gentleman at the appropriate time to make such a request.

The gentleman from Pennsylvania (Mr. EDGAR) is recognized for 5 minutes.

Mr. EDGAR. Mr. Chairman, the amendment would restrict the use of funds appropriated for the General Services Administration to prohibit the contracting out of certain civil service functions which, under current law, are solely set aside for eligible veterans.

Current law, section 3310 of title 5, United States Code, currently restricts competition for the positions of guards, elevator operators, messengers, and custodians solely for veteran applicants. The section was enacted during the 89th Congress particularly to provide direct access within civil service for returning Vietnam-era veterans. The provision has served ever since as a stepping stone and training ground for thousands of Vietnam veterans to advance within Federal employment.

As chairman of the House Veterans' Affairs Subcommittee on Education, Training and Employment it has come to my attention that GSA, under the administrative authority of OMB Circular A-76, has not only begun to eliminate these positions, but has decided to contract out up to 13,000 additional career civil service positions including other security, custodial, and building maintenance functions. Current estimates indicate that up to 80 percent of those 13,000 positions are currently filled by preference-eligible veterans.

Each of these veterans was hired for these positions under the authority of a wide variety of statutes and programs giving special preference or direct access for Federal employment to them.

Unfortunately, the purpose and the timing of this amendment to an appropriations bill cannot correct the serious impact this action will have on all of these veterans who were once promised and received Federal employment and now face the elimination of their jobs.

The problem is complex. I would hope that the authorizing committees, the Committee on Post Office and Civil Service and the Veterans' Affairs Committee would work together to investigate the extent of this disruption to the veteran community to see that current law is upheld.

However, I do feel it to be germane at this time to offer an amendment to restrict and redirect the use of funds which would be used in one particular instance to eliminate those particular services within GSA which, for the past 16 years, by statute, have been specifically reserved solely for veteran applicants through section 3310 of title 5, United States Code.

The statute states:

In examinations for positions of guards, elevator operators, messengers and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

Contracting out of these functions, already, is preceding at a rapid rate. There is no doubt that elimination of these functions would represent a breech of faith to those veterans already occupying the positions.

However, of even greater consequence, eliminating the functions altogether, simply through arbitrary administrative action, would undermine both the intent and the purpose of congressional prerogative through existing law within title 5 in denying future Federal employment opportunities within these functions for deserving veterans.

In other words, the thrust of this amendment is not just to prohibit contracting out per se, but to insure funding for the maintenance of job opportunities which are already offered by existing statute for veterans.

Making this adjustment in the GSA appropriation for this fiscal year can only allow the time for the authorizing committees to make a thorough evaluation of the extent of the problem and to seek corrective legislative action. The amendment would add no funds to the appropriation.

Mr. Chairman, my amendment has the strong endorsement of the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Vietnam Veterans of America.

I greatly appreciate the courtesy and the interest expressed by the chairman of the Appropriations Subcom-

mittee, the gentleman from California in supporting this amendment.

I urge my colleagues to support the amendment.

Mr. ROYBAL. Mr. Chairman, I rise in support of the amendment. I would like to thank the chairman of the House Veterans' Affairs Subcommittee on Education, Training and Employment, the gentleman from Pennsylvania, for offering this amendment at this time. I fully support the amendment.

But, I too feel that more should be done in working with the authorizing committee to protect veterans' employment rights mandated by law from arbitrary administrative review. I look forward to working with the chairman and the Veterans' Affairs Committee, as well as the Committee on Post Office and Civil Service, to achieve that goal.

I urge my colleagues to support the amendment.

● Mr. MONTGOMERY. Mr. Chairman, I rise in support of the amendment offered by Mr. EDGAR, chairman of the Subcommittee on Education, Training and Employment.

Mr. EDGAR's Subcommittee on Education, Training and Employment has held a number of hearings on the employment problems of veterans during this 97th Congress both here in Washington and in the field. At all of those hearings it was demonstrated beyond any doubt that there are hundreds of thousands of Vietnam veterans who have not made a successful readjustment to civil life, notwithstanding the majority have been discharged from the Armed Forces for many years.

In attempting to address this problem, the Congress has passed a number of measures to help veterans, particularly to assist those who have had difficulty readjusting to civilian life following their military service. For example, the recently passed Public Law 97-306, the Veterans' Compensation, Education, and Employment Amendments of 1982, contains a number of provisions to improve and strengthen the capability of the Department of Labor to provide job services and placement for veterans seeking employment in the private sector.

In addition the Congress has received much praise for its approval of a number of programs which have provided immeasurable employment assistance to veterans. I speak of the Disabled Veterans Outreach Program (DVOP), the veterans readjustment appointment (VRA) program, and the establishment of the position of the Assistant Secretary of Labor for Veterans Employment in the Department of Labor, to name a few.

One of the longest standing provisions of law which has always received total support from veterans and representatives of veterans organizations is a little known provision which requires the Federal civil service positions of guards, elevator operators, messengers, and custodians shall be filled by veterans so long as preference eligibles are available. According to the latest information, however, the General Services Administration has begun to contract out these civil service positions under the provisions of OMB Circular A-76. It has been estimated that there are about 13,000 positions involved, without 80 percent of the jobs filled by veterans.

The latest unemployment statistics for October 1982 shows that about 621,000 Vietnam-era veterans are unemployed, 545,000 between 25 and 39 years of age. This is the group, mostly Vietnam veterans, that would be hurt by contracting out these positions which are reserved for qualifying veterans.

I commend BOB EDGAR for his excellent work during this Congress as chairman of the Education, Training and Employment Subcommittee, and for offering this amendment today. I strongly support the amendment being offered by Mr. EDGAR which will guarantee that these jobs will continue to be available to veterans, as intended by Congress when it passed the provision in 1966.●

□ 1710

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. EDGAR).

The amendment was agreed to.

REQUEST FOR PERMISSION TO RAISE A POINT OF ORDER

Mr. DANNEMEYER. Mr. Chairman, I have a point of order which I would like to assert at page 25, lines 8 through 20.

The CHAIRMAN. The Chair would advise the gentleman in order to do that, that section of the bill having been read, he will have to request unanimous consent.

Mr. DANNEMEYER. Mr. Chairman, I ask unanimous consent that I be permitted to assert a point of order on page 25, lines 8 through 20.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ROYBAL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think in approaching the work of the House and the committee in this instance that this Member from California is as reasonably alert as any Member present in the Chamber. I came in here today for the purpose of asserting a point of order against the appropriation for a particular activity for which the authorization was denied by a specific vote of this body, 165 to 231, on May 19, 1981. It is in the amount of $3 million and it relates to an appropriation for the National Archives and Records Service operating expenses.

It is the clear sense of the House by the vote on the authorization measure that we did not as a body intend to authorize any funds for this particular activity.

It is for this reason that I came here to assert this point of order because I think the point of order would clearly lie.

I have been sitting here watching the deliberations and listening to what the Clerk has been reading on the premise that the Clerk would read page by page. I heard page 20 read and thinking that we would get to page 21 or 22, then at the appropriate time when we got to page 25 I would assert this point of order. Then I was advised by the Member from Pennsylvania that he would offer an amendment on page 31.

One would almost get the impression that the process that exists is designed to make it difficult for Members to know when exactly to assert a point of order.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

I had a similar misfortune to that of the distinguished gentleman from California.

I get the impresssion that we are making this a skill contest around here. I would simply notify all Members that this is not a race. If we need to slow down the procedure, we can surely slow it down.

But I hope that in the future all Members will be able to make the points that they would like and to raise the questions and to conduct the debate they would like.

I think we are engaged in a bit of a race here and I think the gentleman has made a good point. I am very sorry he was not able to make his point of order.

I thank the gentleman.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Missouri.

Mr. VOLKMER. I would just like to mention, as perhaps an aid for the gentleman from California in the future, that all you have to do is take a copy of the bill and follow the Clerk in his reading and just read with the Clerk and you will end up on whatever page you want as he reaches the same page.

Mr. DANNEMEYER. I appreciate that advice.

The point is that the rules exist for a purpose and I can understand that. But we should never lose sight of the fact that the deficit for 1983 is esti-

mated to be between $125 billion and $175 billion.

Admittedly, $3 million is not a lot of money. I suppose some in the Chamber would say that we are wasting the time of the body by even talking about the significance of $3 million.

But I do not believe that the rules of this House should be interpreted or enforced in such a way as to preclude a Member from making a point of order to something that is obviously appropriately placed. It is in this spirit that I bring this matter to the attention of the House.

Having concluded, I suspect I would again request the unanimous consent that I be permitted to make this point of order relating to page 25, lines 8 through 20.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. ROYBAL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would make only one observation and that is this: that the Clerk is reading this bill as Clerks for years and years and years have read appropriation bills. Under that procedure, normally page numbers are not cited at all unless the reading of the bill has been interrupted by the offering of an amendment or by debate.

So it does, the gentleman is correct, require closer attention than the reading of a normal bill or bills other than appropriation bills.

The Clerk will read.

The Clerk read as follows:

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. FRENZEL. Is it now appropriate for me to make a point of order against section 505?

The CHAIRMAN. That would be correct.

Mr. FRENZEL. It is now timely?

The CHAIRMAN. The gentleman is correct.

POINT OF ORDER

Mr. FRENZEL. Mr. Chairman, I do make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. FRENZEL. The point of order is against section 505 of H.R. 7158 as constituting legislation on an appropriation bill and, therefore, in violation of rule XXI, clause 2.

Rule XXI, clause 2, states that—

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order * * *

Section 505 prohibits appropriated funds from being used in the procurement of any hand or measuring tool not produced in the United States or its possessions unless the Administrator of General Services makes a determination that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States cannot be procured as and when needed from domestic sources.

As an elaboration on the prohibition that no provision in a general appropriation bill is in order if it changes existing law, rule XXI, clause 2 has been interpreted to mean that an amendment or language in an appropriation bill may not impose on Federal officials additional duties not required by law, or make the appropriation contingent upon the performance of such duties.

Section 505 is not merely a limitation on appropriated funds but establishes a procurement requirement not contained in existing law, and requires a determination with respect to such procurement by the General Services Administrator that would not be required to be performed under existing law.

Therefore, I raise a point of order that section 505 is in violation of rule XXI, clause 2.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. ROYBAL. No, Mr. Chairman.

Will the Chair please rule?

The CHAIRMAN (Mr. STUDDS). The Chair is prepared to rule.

The Chair would cite Deschler and Brown's Procedure, chapter 26, section 19.5:

A section in a general appropriation bill prohibiting the use of funds in the bill for the purchase of foreign-made tools except to the extent that the administrator of the General Services Administration determines that domestically produced tools are unavailable for procurement, was held to impose additional duties on the Federal official and was ruled out as legislation in violation of clause 2, rule XXI.

So for the reasons as stated precisely by the gentleman from Minnesota (Mr. FRENZEL) the Chair sustains the point of order and the section is stricken.

The Clerk will read.

The Clerk read as follows:

SEC. 612. No part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the current fiscal year and for which appropriations were granted: *Provided*, That no part of any appropriation contained in, or funds made available by this or any other Act, shall be available for any agency to pay to the Administrator of the General Services Administration a higher rate per square foot for rental of space and services (established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended) than the rate per square foot established for the space and services by the General Services Administration for the fiscal year 1982.

□ 1720

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, H.R. 7158, the Treasury, Postal Service, general government appropriation bill for fiscal year 1983 is described in the House Budget Committee early warning report for the week of November 29, 1982, to be over the budget resolution and the House Appropriation Committee 302(b) targets in both mandatory and discretionary funding.

In total outlays, this appropriation is $951 million in excess of the budget resolution assumptions, and $717 million over the HAC 302(b) allocations. This bill spends almost a billion dollars more than the budget approved by Congress. The budget targets are not spending floors. If we cannot meet budget goals, we ought not to set them in the first place.

Americans cannot be expected to sit back uncaringly while Congress throws their tax dollars into projects and programs which could be funded for less, but for the undisciplined spending habits of Congress. Potential deficits in the $150 to $200 billion range loom ahead. Any chance of controlling those deficits depends on Congress unwillingness to adopt careful budget resolutions, and stick to them. We have not done so in this appropriation bill.

The committee claimed savings here as a result of freezing the standard level user charges at the fiscal year 1982 level. These savings would not occur. The action would reduce a payment from one Federal agency to another without effecting total outlays. The false savings claimed for SLUC amount to $50 million. This type of

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budget hide and seek ought not be tolerated.

Further savings of $120 million were claimed by adopting language that converts the GSA national stockpile fund from an appropriation to a limitation on the availability of revenues of $120 million. Like the SLUC trick, this maneuver will not save a dime.

Worst of all, the committee has done its customary job of underfunding mandatory expenditures. Mandatories are underfunded in budget authority by $416 million. The $416 million will need to be funded later. A supplemental will be required for the payment to the civil service retirement and disability account for pay increases. There is no reason why this $416 million should not be funded now instead of by spring supplemental, except that by doing so the committee is able to slip extra funding into other discretionary accounts.

In addition, as mandated by the continuing resolution, Postal Service rates for subsidized mailers are to remain at current levels. Because of this rate freeze, it is estimated that shortfalls in Postal Service reimbursements in the range of $172 million will occur. The $172 million shortfall will also have to be made up by a supplemental or rate increase later this fiscal year. It is an overage which should not be approved.

The overspending in this bill is not justifiable. It exceeds the Appropriations Committee's own 302(b) allocations. It is excessive by any standard, and it should be defeated.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(e) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or any other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

Mrs. FENWICK. Mr. Chairman, I wonder if we might return to that section which was read, rather hastily, that no funds shall be available to provide an abortion, as I heard it, unless the mother's life is in danger. Did I hear correctly?

The CHAIRMAN. Does the gentlewoman from New Jersey wish to make a unanimous-consent request?

Mrs. FENWICK. Yes, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her request.

Mrs. FENWICK. Mr. Chairman, my request is that we consider that section that was, as I say, run over rather hastily.

The CHAIRMAN. The gentlewoman asks unanimous consent that we return to section 616.

Is there objection to the request of the gentlewoman from New Jersey?

Mr. HYDE. Mr. Chairman, I object.

Mr. VOLKMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN of California: Add a new section as follows:

SEC. 619. None of the funds appropriated by this title may be used to carry out the proposed revenue procedures 4830-01-M of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (44 F.R. 9451 through 9455, February 13, 1979, F.R. Document 79-4801), or the proposed revenue procedure 4830-01 of the Internal Revenue Service entitled "Proposed Revenue Procedure on Private Tax-Exempt Schools" (43 F.R. 37296 through 37298, August 22, 1978, F.R. Document 78-23515; or parts thereof.

Mr. DORNAN of California. Mr. Chairman, this past summer, the Dornan amendments to the Treasury, Postal Services, and General Government appropriations bill were, for some inexplicable reason, deleted in subcommittee. My amendments have been part of the Treasury, postal appropriations bill since September 1979, and the amendment presently before the floor received an overwhelming vote of 308 ayes to 85 noes in 1980. Last year, the amendments were not even contested. How is it then, that we find ourselves today without those amendments? For, make no mistake about it, without those amendments, the private and religious schools of this Nation once again find themselves threatened by the IRS and by Federal courts engaged in social engineering.

The amendment presently under consideration relates to the tax-exempt status of private schools and prohibits the Internal Revenue Service from using any funds for the implementation of the proposed revenue procedures of August 22, 1978, and February 13, 1979, or parts thereof. In August 1978, the Internal Revenue Service proposed to eliminate the tax exemptions of private and religious schools that were not in compliance with IRS determined racial minority requirements. The proposed rulings were somewhat modified in February 1979, but remained substantially unchanged. To retain tax-exempt status under the proposed procedures, private schools would be required to undertake arbitrary racial quotas in admissions and hiring. Every private school would be presumed guilty of racial discrimination until it proved itself innocent, a reversal of our entire legal tradition. The end result, of course, of the denial of tax-exempt status would be the closure of most private and religious schools.

When they were first proposed, the IRS rulings evoked anger and outrage from hundreds of thousands of citizens throughout the country. The IRS was deluged with a flood of protests and citizens from all over the United States came to Washington to register their outrage. They included people from all walks of life who have sacrificed much to have their children educated in private schools while at the same time supporting public education with their taxes.

The vast majority of the more then 3,500 private schools that would be affected by the proposed revenue procedures are church related. Religious schools under the proposed revenue procedures have, incredibly, become a suspect class. It should be recalled that the first educational institutions established in colonial America were under religious sponsorship and that the Founding Fathers of our Republic were the products of private, religious education. Religious groups also have constitutional rights which must be respected and have been historically protected by the first amendment.

It is important to note, Mr. Chairman, that my amendment includes the words "or parts thereof." In June of last year (June 18, 1981), the U.S. Court of Appeals for the District of Columbia in Wright against Regan argued that my amendment only prohibited funds to "carry out the IRS proposals." Correctly quoted, my amendment prohibits funds for the implementation of the initial and revised revenue procedures "or parts thereof." The court's omission of the last three words totally changed the meaning of my amendment. Moreover, as a result of that same decision, Wright against Regan, the way has been paved for a possible ruling by U.S. District Court Judge George Hart which would implement significant parts of the proposed revenue procedures forbidden by my amendment and which may threaten the tax-exempt status of every private and religious school in the Nation.

No Federal court may order actions that require the expenditure of funds that are prohibited by this amendment. The judiciary has absolutely no power over the purse. James Madison, the "Father of the Constitution," was particularly emphatic in Federalist 58 in describing the power of the purse as belonging exclusively to the House of Representatives. The Constitution explicitly states (article I, section 9, clause 7) that "No money shall be drawn from the Treasury, but in consequence of appropriations made by law."

There is nothing in the wording of the Tax Code or its legislative history which empowers the courts or the IRS to act as they have. Instead, a few Federal courts have fashioned a doctrine of Federal public policy to justify whatever action they deem necessary

to carry out their agenda of social engineering. The doctrine of public policy as arbitrarily defined by the courts and the IRS surely constitutes one of the most dangerous assaults on representative government in our history. If representative government is to have any meaning, it is the representatives of the people who must have the authority it determine matters of public policy, not unelected and unaccountable judges and bureaucrats.

To protect the private and religious schools of this land, I urge adoption of the amendment.

□ 1730

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment, for I believe that what we have before us today is an attempt to roll back some of the advancements that we have made in civil rights over the years. This amendment comes under the guise of a prohibition on spending by the IRS. But it is really a civil rights issue because it hampers the ability of the IRS in its efforts to eliminate racial discrimination in private schools.

We all know that some private schools in this country have been established to avoid the effects of civil rights legislation that so many people worked so long to see enacted into law. If we agree to this amendment we are, in effect, saying to these private schools that do discriminate that it is the public policy of this country to support those schools by allowing them to claim tax-exempt status.

In January of this year President Reagan said that he did not believe that the IRS can take away the tax-exempt status of a private school even if the IRS can prove that the school is discriminatory.

Mr. Chairman, I will never agree with the President on that issue. I think that the public policy of this country ought to be so overwhelmingly against discrimination that we simply will not permit a private school that discriminates to be allowed to have tax-exempt status.

Mr. Chairman, the courts have ruled so far that our private schools that discriminate should not be allowed to have a tax-exempt status. The issue of tax-exempt status of private schools is currently before the U.S. Supreme Court.

It is my firm belief that Congress ought not interject itself at this time in an issue that is currently pending in the courts.

I urge the Congress to send a message to all Americans, but particularly to the minorities that have suffered, and are suffering, so much because of racial discrimination. That message ought to be that this House of Representatives, that the representatives of the people, will not allow schools that are racially discriminatory to claim a tax-exempt status.

I urge a "no" vote on this issue.

May I also tell the gentleman from California that the regulations that he has made reference to have already been withdrawn by the IRS, and that this amendment serves no purpose except perhaps to air his own feeling on the subject.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from New York.

Mr. RANGEL. I thank the gentleman for yielding.

Mr. Chairman, I would like to say that for many years this country has been proud of the fact that we have so many people from different areas being able to come here and to live as one. We have some terrible pages in our history as a result of being a minority in this country. And somehow historically we have tried to overcome it.

For people to offer amendments under the cloak of the IRS attempting to legislate when it should be a congressional function I think jeopardizes the reputation of our country, not only as it applies to our own citizens, but certainly as other people outside of this country would view us.

I am saying that this very sensitive constitutional question is presently before the U.S. Supreme Court, and if there is any Member of this body who is willing to say that they are anxious to allow the Internal Revenue Service to grant tax exemption which is no more than financial assistance to schools that would discriminate against citizens of this country that have fought for this country, that serve in the U.S. Congress, I think that they are extending this question beyond the scope of this Congress.

It would seem to me that those people who allegedly are concerned about the U.S. Constitution should allow that issue to be decided by the U.S. Supreme Court and to allow the Ways and Means Committee, which has reviewed this issue, to take care of the legislation.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, I would like to make it part of the public record of debate here that it is my own opinion that any American citizen who would open up a school deliberately to exercise prejudice against his fellow citizens, and who would try to teach young children hatred, that kind of person is the lowest form of animal on this planet. And if that is not clear, I do not know what else to put in the record about my feelings about the buffoons who came here to Washington over the weekend to put on their white hoods and run around the streets preaching hatred. They were the initial cause of all the rioting.

But what we are talking about here are the powers of the House, and let us leave the law in place that has been there for 3 years.

Mr. RUDD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the good work that my chairman and ranking member have done on this committee. I understand why my good friend and colleague decided to remove this article from the bill when it was in subcommittee.

But let me just strip the amendment to what I think are the salient points that we should consider in this amendment, and I do support the amendment.

□ 1740

This amendment specifically prohibits the IRS from implementing a rule developed in 1978 and 1979 by IRS which would alter the tax exempt status of private, religious, and church-affiliated schools under the Internal Revenue Code of 1954.

The rule developed by the IRS would have created a review system for all such private schools in an effort to set racial quotas and exert Government administative control over private institutions.

The Internal Revenue Service was, in effect, dictating a national policy by this rulemaking procedure based on a misperception that the growth in private church-affiliated schools was racially motivated. While there have been, of course, some individual cases of racial discrimination, the evidence indicates that these private schools offer what is being sought: A quality traditional education, and not a haven for racists.

More importantly, it is the Congress, and this is the issue at stake here, it is the Congress, not the IRS that has the constitutional mandate to set national policy with regard to Federal tax law.

In addition, the Internal Revenue Service's rule promulgation reverses the standard of American justice by shifting the burden of proof with regard to civil rights laws upon the schools and sets the Internal Revenue Service up as lawmaker, law interpreter, and law enforcer. The Constitution never invested all three functions in the executive branch of the Government.

I urge my colleagues to vote, as we have in the past, in support of the 1954 law.

Mr. MILLER of Ohio. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. The first thing I want

to make clear is that this amendment is not designed to protect schools that deny admission to minority students. My colleagues should be aware of the fact that, as proposed, the IRS rules could result in the denial of tax-exempt status to schools which had never denied admission to a minority student.

What the proposed rules would do would be to presume that private and religious schools that were established or expanded during period of desegregation in nearby public school districts were guilty of discrimination, and impose rigid quotas and affirmative action procedures on them. They would have to prove their innocence by meeting requirements imposed on them by unelected Federal officials. This violates every precept of justice and fair play, and it violates our constitutional form of government. It violates the innocent until proven guilty principle of our judicial system.

If a school is suspected of discriminating against minority students, then a case should be brought, and if that school is actually found guilty of discrimination, then and only then is it fair and proper to deny it tax-exempt status. This is not what the proposed IRS regulations would do.

We all know that it is wrong to reach a conclusion of guilt by association. What the proposed IRS regulations would do is reach a verdict of guilt by time period. These schools would be judged guilty simply because of the time period during which they were established or expanded. This is ridiculous.

The last decade in our country has seen a growing concern on the part of many parents over the ideas being taught in our public schools, the permissiveness, the sometimes outright antireligious bias and lack of sound moral and spiritual values, and the educational methods that turned out children who could not read or write. Therefore many new private and religious schools were established during this decade because of this disenchantment with the public school system. This development has nothing to do with attempts to discriminate against minority students. It is just plain wrong to assume that these schools are discriminatory just because they might have been established during a certain time period.

I suggest to my colleagues that, if they have not already done so, they become acquainted with the private and religious schools in their districts. I certainly know about fine religious schools in my district which have been established to give children a religious upbringing; that is the sole reason for their existence, and they are doing a fine job of preparing moral and upright citizens for our Nation.

Such schools have sprung up all over the Nation, in all our congressional districts. Again, I urge my colleagues to become acquainted with these schools, and talk directly to the parents who are concerned enough about the moral and spiritual, growth of their children to make the financial sacrifice of sending their youngsters to these schools. You will then realize how wrong it is to let the IRS bully and possibly destroy these schools. For the parents of children in religious schools, their fundamental first amendment right of freedom of religion is at stake.

Some may say that the courts have agreed with the IRS on this matter. Sad to say, we do have some court decisions to that effect. What this means is that the judicial and executive branches have joined together in assuming power that rightfully belongs to the Congress, the legislative branch of the Government.

The courts and the IRS have taken it upon themselves to legislate. They are determining what shall be public policy, and they are making tax policy. It is Congress, and only Congress, that has this authority and responsibility under our constitutional form of government.

So again I want to emphasize that what is at stake here is not the issue of discrimination. There are three principles at stake here: First, the principle of "innocent until proven guilty"; second, the first amendment rights for the religious schools; and third, the principle that Congress, and not the two other branches of Government, should make public policy and control the pursestrings.

I urge my colleagues to support this amendment.

Mr. MATSUI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I would like to ask the maker of this amendment, if I may, a couple questions.

The gentleman knows that in January the administration reversed an 11- or 12-year long-standing policy of the Ford-Nixon administration that basically would not allow a tax-exempt status to educationally discriminatory schools.

Mr. DORNAN of California. Right.

Mr. MATSUI. I would like to ask the gentleman this question: Assume that Goldsboro University and Bob Jones University had provisions in their charters that would prohibit members of racial minority groups from entering that school, even if they have all the other qualifications, the tuition, the educational requirements, and all that. Would this gentleman's amendment still allow Bob Jones or Goldsboro to receive tax-exempt status?

Second, those people that contributed to those schools, would they be able to deduct their donations to these institutions?

Mr. DORNAN of California. Mr. Chairman, anticipating the gentleman's thoughtful question, I wrote this down very succinctly:

The Dornan amendment would not allow funds for implementation of a Supreme Court decision that would require adoption of any parts of the proposed revenue procedures of 1978 and 1979. Although other criteria are not prohibited, the amendment in no way sanctions unconstitutional assertions that Federal public policy is a valid basis for the rule of law. Neither does it endorse another outrageously unconstitutional finding that Government interests are dominant over other constitutional interests.

Mr. MATSUI. Well, the gentleman wrote the amendment, obviously. Could the gentleman answer my question?

Mr. DORNAN of California. The Supreme Court decision, I am anticipating, is not going to uphold the removal of the constitutional prerogatives of this body which the IRS does not have to legislate.

Mr. MATSUI. Is the gentleman then stating by the latter part of his statement that, yes, indeed, these people will continue to have exempt status and also those people that contribute and donate to these institutions will be able to continue to deduct from their income tax returns if the amendment of the gentleman does, indeed, pass; is the gentleman saying yes, indeed, that is the case?

Mr. DORNAN of California. Not necessarily. When the gentleman was first elected and we first attached these amendments to the Treasury and Postal appropriations bill, there were cases being adjudicated in Mississippi, what were called in the press white supremacy academies, and the State courts there were able to target these schools and with a consent decree from the schools, remove discriminatory practices.

But the basis of my amendment, and we will have to see what comes out of the Supreme Court decision, is that you cannot throw a cloud over all the religious and private schools in this country and make them appear to be guilty before they have a chance to defend themselves, particularly in some areas where you could not come up with a quota to satisfy some national standard, if you bus people from a thousand miles away.

Mr. MATSUI. I really have not been able to get the answer from the gentleman; but I am assuming from the gentleman's last statement that, yes, indeed, they would be entitled to tax-exempt status.

I would just say this. The gentleman refers to the pending Supreme Court case. Perhaps the gentleman and per-

haps other Members of this body should wait until the Court resolves this matter and then we can take a fresh look at it after that decision has been made one way or the other. That would seem to be the logical approach to take.

I am surprised that this matter has been revived again after it had been thoroughly discussed in January and February of this year.

Mr. DORNAN of California. We have no choice but to wait. Of course, I am going to do that. I am going to call for a vote here and I think the gentleman will see from the lopsided vote again, almost 4 to 1, that the Members of this body do not want to return to their home States and tell their religious and private schools that they are guilty as charged until they prove themselves innocent with some quota system.

Let us leave the law as it has been for 3 years while the Supreme Court rules on the Bob Jones case.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. MATSUI. I will yield to the gentleman from Arizona, who perhaps can throw some light on this issue.

□ 1750

Mr. RUDD. Mr. Chairman, I thank the gentleman for yielding.

I cannot believe that any institution or any individual who is committing discriminatory practices in opposition to the laws that are on the books and the Constitution of the United States can take advantage of this in any way and I do not believe that this amendment is going to address itself to that.

The CHAIRMAN. The time of the gentleman from California (Mr. MATSUI) has expired.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the amendment because I wish to join the chairman of the subcommittee in the fight he successfully fought in the full Appropriations Committee markup against this bill. We found at that time that there was a new understanding of the recent events, the furor that surrounded the administration's most recent decision to allow private schools to discriminate and retain a tax deductible status. We also found a change in the attitudes of the members of our full committee, one which we believe we will find in the full body, the House of Representatives. There are new negative feelings about permitting those few schools in America that continue to seek a tax exemption and at the same time continue to desire to discriminate to do so.

I see a change in attitude because I think the public became very aware and very clear in its understanding that there should be no effort on the part of the Federal Government to in any way condone discrimination when a tax subsidy, in effect, was involved.

I think we had for several years here on the floor a great effort on the part of the gentleman who is offering this amendment, and many of his colleagues, to create an atmosphere in which we assumed that we were, in fact, harming many private schools around the country that were really innocently roped into a very broad and very poorly drafted IRS regulation.

What we found as we investigated that allegation, in fact was that there were very few schools that really were in violation of that IRS regulation and that, in fact, the majority of the private schools were not in any danger of having any of their practices affected by the Internal Revenue Service. In fact, very few schools anywhere in this country were likely to be penalized by the Treasury Department.

I think the administration's bungled effort to attempt to change the law, the regulation that my colleague, the gentleman from California (Mr. MATSUI) has referred to, has helped us all focus much more clearly on the issues involved in this matter.

I think the House would not want to go on record at this time as anticipating a Supreme Court decision which is in the offing this winter. I think we are not desirous of in any way perpetuating the image that the Federal Government wishes to condone actions by private schools which discriminate on the basis of race.

I think this body is not interested in forcing its will on another branch of Government which clearly has the power to interpret the Constitution in this regard.

I think lastly, we certainly do not wish in any way to imply by our actions here that the kind of concern that the gentleman from southern California (Mr. DORNAN) has pointed to is likely to be one that should trouble many of the parents of children in private schools throughout the country.

I am very hopeful that the Members will reflect upon the furor that broke out in this country less than 1 year ago when it became evident that we were going to reverse our traditional policy against discrimination whenever taxpayer funds are involved. I hope the committee will reaffirm the committee's decision and support the subcommittee chairman in his strong, affirmative position against inclusion of this language at this time. This is the most crucial civil rights issue of the Reagan Presidency and this is a sincere test of whether this body fully understands the public's continued commitment to racial equality

Mr. VOLKMER. Mr. Chairman, will the gentleman yield to me?

Mr. FAZIO. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I am a little bit in a quandry as one who: First, does not want to give tax-exempt status to schools that do discriminate but second, do not also wish to see the heavy hand of the IRS impose itself upon those schools who do not discriminate, those private and parochial schools, as I understand the proposed regulations of several years ago would have done. At least they would have basically said, "You are guilty until proven innocent and we are going to come in and do the auditing."

Mr. FAZIO. Mr. Chairman, I had the same concern that the gentleman from Missouri has.

The first time I was permitted to vote on this proposed rider, I voted the way the gentleman from California, (Mr. DORNAN) would request us to vote today.

I then investigated the actions of IRS. I learned more about what the actual enforcement proposal was, and discovered that it was really going to impact very few schools, and that none of those in my area, and I am sure the gentleman's area, were even under any cloud, even under consideration for any penalty.

At that time I decided it was time to reaffirm my belief in equality anytime we are going to provide a taxpayer subsidy. That position, I think, is even stronger today when I contemplate the actions of this administration.

Since the Supreme Court is going to rule on this issue in several months, I think it is best that the House remain mute on this point until the Court has finally outlined the parameters of the law.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield further to me?

Mr. FAZIO. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, can the gentleman from California (Mr. FAZIO) give us any assurance that the IRS, if the amendment does not go on and does not become law, will not go into private and parochial schools that do not discriminate and start saying, "We want to check your records and the students you have had in the last 10 years"?

The CHAIRMAN. The time of the gentleman from California (Mr. FAZIO) has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. FAZIO was allowed to proceed for 2 additional minutes.)

Mr. FAZIO. Mr. Chairman, I cannot give the gentleman the assurance he seeks, but you now have a President, President Reagan, and a Secretary of

Education, an Attorney General, and a Secretary of the Treasury—a number of highly placed officials whose public positions are simply that there should not be any undue harassment or unfair enforcement of this regulation.

I would think this administration would be the last administration to pick on, to take unfair advantage of these parents and these private schools. Certainly I do not think we are going to find any vigorous enforcement of the regulation that existed prior to the Reagan administration coming into office. But neither do I expect a resubmittal of the ill-fated regulation of last spring.

Upon that basis, I would urge that we all simply let this issue lie intil the courts have ruled, and then redress it, if need be, at that time.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield further?

Mr. FAZIO. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding.

Mr. Chairman, I notice the other gentleman from California (Mr. MATSUI) asked a question of the sponsor of the amendment and tried to get some information from him which I think would have been very good if we did, whether or not if this amendment does go on and becomes law, whether these other schools who do discriminate, and their sponsors or people who donate to them, will be able to receive a tax credit or deduction from their income tax? Now, I still do not know the answer to that.

Mr. FAZIO. Mr. Chairman, I must share the gentleman's concern. I do not have an answer to it, as well. I am sure the gentleman from California (Mr. MATSUI) feels as frustrated as we do.

Mr. SILJANDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by Mr. DORNAN. This amendment absolutely prohibits the expenditure of any funds to formulate or carry out the proposed IRS regulations which the IRS first attempted against tax-exempt private and religious schools in 1978. The same prohibition on use of funds applies to the revised IRS proposal of 1979.

Any funds means exactly that, no funds at all may be spent for payment of any IRS or Treasury Department employee, attorney, or official that contributes to the promulgation or implementation of any part of the proposed IRS revenue procedures.

It seems to me that the key question here is who sets the laws of this land, Congress or the IRS? Congress has stated before that the IRS should not be allowed to remove the tax-exempt status of private and religious schools. Since the IRS has seen fit to do this there is an obvious need to once again pass an amendment that would prohibit the use of funds appropriated in this bill by the IRS to quasi-legislatively make laws to achieve their own perception of social goals.

I ask my colleagues to vote again to establish the authority of Congress to make laws. The IRS must not be allowed to tacitly assume quasi-legislative powers which constitutionally belong to Congress and Congress alone.

Mr. HANCE. Mr. Chairman, I move to strike the requisite number of words so I may speak on the amendment and ask a question of the sponsor.

Mr. Chairman, I would like to ask the gentleman from California (Mr. DORNAN) a question.

Watching on the closed-circuit television, I noticed the gentleman from California (Mr. MATSUI) asked a question and I was not sure of the answer. It seems to me in 1978 when this IRS regulation first came out that the burden of proof was shifted to many of the private schools and that under certain conditions the private schools had to prove that they were not discriminating and that under those conditions, many of us voted for a similar amendment in the past and still support that position.

My question to the gentleman from California (Mr. DORNAN) is, that this amendment, as it is at the present time, would it allow schools that discriminate, much like the ruling that the White House got into last year with the Bob Jones thing, would it allow schools that do discriminate and are open about it, would it allow them to go ahead and get the tax-exempt status and the IRS would not be able to do anything?

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield to me?

Mr. HANCE. I yield to the gentleman from California.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, the answer is no.

Mr. HANCE. Is the gentleman telling me then that if there is a school that is discriminating that under his amendment the IRS could go back and take away their tax-exempt status?

Mr. DORNAN of California. If the gentleman will yield further, Mr. Chairman, no, not under the proposed procedures of the IRS in 1978 and 1979 that these amendments blocked, because the proposed procedures were simply unconstitutional.

There are many ways that courts can move against discriminatory white supremacy academies, as they did in Mississippi. But the IRS is not the body designed by our forefathers to legislate against things like that. It is the Congress of the United States.

We have it within our capabilities here to pass laws to do things like that and not leave it up to the IRS.

One of the things that is really amazing me here is people in this body still do not understand the difference between a subsidy and a tax exemption, and in my next amendment I am going to have to read a basic primer in here to educate some people on what, in fact, a Federal subsidy is as opposed to what a tax exemption is. They are two different horses of a different color.

Mr. HANCE. Let me ask one additional question.

The regulation that the gentleman from California (Mr. DORNAN) is trying to address was published in 1978. Since then it has been dropped, has it not?

Mr. DORNAN of California. If the gentleman will yield further, no. These amendments restricted activist social engineering on the part of IRS to preempt a congressional prerogative. They were legislating through their laws. That is not their prerogative. It belongs to the Congress, principally to the House of Representatives.

□ 1800

It has been part of the law of the land for 3 years, and I see no reason why it should not continue that way. It is only because some people want to use the IRS—for the best of reasons, I guess—as an instrument of social change, and that just is not the way our Constitution is written. I am willing to submit it to a vote of my peers.

Mr. HANCE. Is the regulation still pending?

Mr. DORNAN. I have to assume the worst, that the same imaginative IRS people are in place there who created such mischief years ago with this. All I can simply say is, the overwhelming majority of groups, of Christian schools who contacted me, rabbinical schools, Bible day schools that are springing up around the country for reasons of violence, lack of discipline, poor education, lowering SAT scores—I have never had anybody come to me and say, "Congressman, I want to keep them out of my school."

Mr. HANCE. My question, though—I cannot get an answer, and Mr. MATSUI cannot get an answer—is the gentleman addressing something that came up in 1978 and in addressing that, is the gentleman hitting on another problem that came up last year that the administration brought about on the Bob Jones thing? If the gentleman is, he just needs to tell everyone that if they vote for this, "If you vote for this you can discriminate and get tax-exempt status?"

That is the question we have.

Mr. DORNAN of California. No, I think the Bob Jones thing is a totally separate case. I just think the Bob Jones thing was not anything that the

late John Ashbrook, a 22-year Member of this body, or I had in mind when we first put in these amendments to stop the IRS from taking the prerogatives of the House of Representatives and writing law, even for good purposes.

Mr. HANCE. One more question. The legislative intent behind this amendment is not to do anything about the Bob Jones situation, that that is a separate thing?

Mr. DORNAN of California. Correct.

Mr. HANCE. And these are two different things, the gentleman is saying?

Mr. DORNAN is California. Correct.

Mr. HANCE. Many of us were totally opposed to what the administration did on the Bob Jones thing and we still oppose that action.

Mr. DORNAN of California. I was opposed to what the administration did.

Mr. HANCE. The gentleman is saying they are two different things?

Mr. DORNAN of California. Yes. I reemphasize, I was opposed to what the administration did.

Mrs. FENWICK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to ask this House to consider that we have a Supreme Court decision pending, and I think we should rest for it. But, quite apart from the technicalities as to whether or not this is different from the Bob Jones and Supreme Court cases, I think we should consider very carefully what we are doing here, because we are dealing to some extent in symbols. We are dealing in ideas and thoughts that echo in peoples' hearts and that we cannot ignore.

Every agency of Government, whether it is the Internal Revenue Service or any other, should be concerned with discrimination, and the suffering and the injustices that so many of our people have suffered. That any section of our Government should even appear to be condoning such actions is intolerable. The symbol of what we are doing here is important. It is not the technicalities that people are going to remember. It is what direction are we taking and the principles we hold to.

Do we really care about injustices? Are we prepared to say that every single agency of our Government must see to it that injustice is stopped? I oppose the amendment.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I think what we see happening in the House now is what quite often happens when an amendment like this is offered, and suddenly the awareness of what this amendment means really begins to get through to our offices, where many of us were watching this debate, and Members began to suddenly say, "Wait a minute, we are about to vote on something that could have a tremendous significance in this country, far greater than just a simple little amendment restricting the IRS from doing something."

You know, it is always sort of popular to say: "Well, it's the IRS and that bureaucracy that is always telling the country what to do. After all, we make the laws in this country, so let's vote for the Dornan amendment."

Well, I can tell the Members very plainly that this amendment carries with it a very strong message, and regardless of what the author of the amendment may say, this amendment says that discrimination is not going to eliminate tax deductions for institutions that choose to discriminate; and, besides, they are saying it really is not our business.

Now, the administration tried to say it really was not anybody's business a year ago, and there was a genuine outcry in this country from people who were not involved in the political process, who said, "Listen, there are some very basic issues at stake here, and this country does not tolerate, does not stand for discrimination, and certainly in educational institutions that are receiving tax deductions and people can receive tax deductions by giving to them, and they are tax exempt, that somehow we should let that go."

So, I say to my friends in the House, this is a serious amendment. This is a critical amendment, and the message that would go out across this land if we pass it now, in light of the matter being in the Supreme Court, in light of the changes that the IRS has made, that we in this body are saying that discrimination somehow is really all right.

To my friends, I say let us defeat this amendment. Let us send a message that is very clear, that says this is not what this country stands for. We are better than that.

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and let me say that in my opposition I intend no way to denigrate the reputation or the intent of the maker of the amendment. As I understand it, my dear colleague from California has participated in the civil rights marches, marched with Dr. King, and I commend him for that. I cannot commend him for the amendment, however, because as the distinguished gentlewoman from New Jersey has pointed out, it is the climate—the climate in which he introduces his amendment.

Last year I conducted hearings in the city of Baltimore upon KKK activities and Nazi activities. We heard testimony from Federal, State, and local people. The horrible thing that was disclosed was that during the course of the year there had been 100—100 incidents against minorities in the State of Maryland. The executive director of the State Human Relations Commission pointed out that only 1 out of every 4 such incidents are reported, which means that in my State there were 400 such incidents, and the bulk of them occurred in Montgomery County, which had been known as a bastion of liberalism. That is a climate.

I recently spoke to the NAACP chapter in Prince Edward County, Va. The sordid history of that school situation is well known. In defiance of school desegregation, the school was closed for 5 years, and black students had to go out of State to get a high school education. It is now a private school with no black enrollment. The specious argument is raised, or the response is raised to my question as to why are there no black students, the argument is raised that no blacks have applied. That is part of the climate.

The third point I wanted to make is that Mr. Pendleton, who is now Chairman of the U.S. Civil Rights Commission, a Reagan appointee, recently released a report by his Commission that points out indisputably and without any equivocation that the disparity between black unemployment and white unemployment rates is clearly based upon racial discrimination, despite the extension of law in every category.

□ 1810

My dear colleagues on the floor of this House, I think we would dishonor, this House if we were to pass the gentleman's amendment. I think it would do dishonor because wittingly or unwittingly, knowingly or unknowingly, you will be contributing to this climate which I know you do not want to do.

BOB DORNAN, I know you do not want to do that, and I would almost ask you to withdraw your amendment, but that would be too much.

I would hope that you would, knowing your fine reputation in terms of civil rights. But in the absence of withdrawing it, the only thing I can ask my colleagues to do is the honorable thing. The honorable thing, the decent, the just, the democratic thing, is not to aid and abet a climate which is increasingly racist, a climate in which we find increasing evidence of a resurgence of racism.

If you vote for it, whether you like it or not, that is the signal that you are sending. I am almost making a personal appeal to you to at least withdraw it as of this time and let the Court act.

Mr. DORNAN of California. May I respond to the gentleman?

Mr. MITCHELL of Maryland. I yield to the gentleman.

Mr. DORNAN of California. Your words are very eloquent and moving and they do not fall on deaf ears. I would agree with you that the climate has worsened in many pockets around this country.

The reason I say pockets instead of areas is because I took note in the news magazines that many blacks were elected to statehouses all across this country, that we have hit a high watermark that if you just go back 10 years this is not the same country.

When I joined the Air Force they had just stricken down segregated units.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. MITCHELL) has expired.

(By unanimous consent Mr. MITCHELL of Maryland was allowed to proceed for 3 additional minutes.)

Mr. MITCHELL of Maryland. I yield to the gentleman from California.

Mr. DORNAN of California. I will try to be brief.

Of course we do not have to go back to 1925 when 25,000 hooded weirdos came to this city. Here we have two dozen people being vanned around by the police with five times as many police escorts as there were numbers of Ku Klux Klanners here. I can understand the rage it created in people.

But my problem here is a problem of conscience about the power of this House not being exercised and sloughing it off to the IRS which is a creature of this House and the Power of the purse belongs exclusively to the House of Representatives.

Mr. MITCHELL of Maryland. I will reclaim my time because we are talking about the same thing at two different levels.

I, too, am talking about the matter of conscience. It is conscience and morality on my side and yours is procedure of the House and powers of the House on the other as you perceive them.

Let me just clear up some things for the gentleman. Yes, more blacks have been elected to public office, but did you know that the rate is decreasing steadily from where it was 10 years ago? The rate of increase of black elected officials is decreasing, not increasing. That is the climate that we are dealing with.

I would also like to point out to my very distinguished colleague that it is virtually impossible to say things are the same as they were during the 1960's. The gentleman is right.

But in my perception, America is traveling two roads. One, a high road with regard to a certain group of black people, and another is a low road, and the momentum is picking up on that low road.

The high road reflects itself in the election of this fine young man from Missouri, Alan Wheat, who won in an all-white district. That is the high road.

The low road is reflected in a disproportionate unemployment rate where one out of every five blacks is unemployed.

Mr. Pendleton, Mr. Reagan's appointee, says the reason in part for that is racial discrimination.

Let me put to you the bottom line. Your amendment would undoubtedly facilitate and encourage those who would travel the low road. I think you will not withdraw it. I wish you would because of my respect I have for you. But in the absence of your withdrawal I would simply ask the House to overwhelmingly vote this down and do not send the wrong message.

Mr. ROYBAL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SHANNON. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

I rise to make an inquiry of the gentleman. I was here when the colloquy between the gentleman from California and the gentleman from Texas took place. It was my understanding that the gentleman from California stated that it was not his intention to have this amendment have anything to do with the Bob Jones case, that the Bob Jones case would not be affected by this amendment. Is that correct?

Mr. DORNAN of California. Will the gentleman yield?

Mr. SHANNON. I yield to the gentleman from California.

Mr. DORNAN of California. I did not make a great study of the Bob Jones case that is now before the Supreme Court other than to observe that it was wrong of the administration to change the signals there, that it was a bad message sent out across the country that might give wrong signals.

However, the hue and cry which I joined in condemning the change of signals I think sent an even stronger message that shows that this Nation gets better. Maybe the acceleration rate or the improvement of race relations is not what it should be, but each year it is better than the preceding year.

Because I am not deeply familiar with the Bob Jones case, because, after all of its ramifications, all I can do is say that if the courts are going to take away the powers of the Congress of the United States, particularly this House of Representatives, the power of the purse, that is wrong. It is unconstitutional.

The main, simple point I want to make here is that if we want to give this power to the IRS let us do it in clearer language than the power that they accumulated to themselves.

Mr. SHANNON. If I can reclaim my time, it seems to me what the gentleman is trying to do is to take away the power of the courts to enforce the Constitution.

Mr. DORNAN of California. The courts do not have the right to spend money.

Mr. SHANNON. What you are saying is notwithstanding what the courts should decide in this case that under no circumstances should the IRS be given the tools necessary to enforce a court decision which would deny tax exempt status in the Bob Jones situation.

What tools would be left for the IRS to enforce a court decision should the Supreme Court rule against Bob Jones University?

Mr. DORNAN. If the gentleman will yield, when we first discussed this in an informal session with the distinguished gentleman from New York (Mr. RANGEL) we agreed on both sides of the aisle that this Congress was not imaginative enough with specific laws to root out those last vestiges of discrimination in this country, to give our power to a tax collecting body, to cause tax exemption subsidies, which they are not be definiation——

Mr. SHANNON. I will reclaim my time.

The issue in the Bob Jones case is who should be allowed tax-exempt status. If you are going to say to the tax-collecting agency of the Federal Government "You shall not be allowed with funds appropriated by this Congress to enforce a court decision, a Supreme Court decision," what are you saying?

What you are saying is the Court can decide what it wants but the Congress shall not let the Internal Revenue Service do what the Court says is consititutional.

I think that would be the case. I know the gentleman is one of the great nationally known conservatives and I have heard the gentleman on the floor of the House of Representatives make speeches about the Constitution time and time again. What you seem to be saying here is no matter what is held constitutional or unconstitutional by the Supreme Court, this Congress shall not recognize that; we shall not say to the Internal Revenue Service that it shall live by the Constitution.

In fact, we shall deny it the means to live up to its constitutional obligations should the Court rule against the Bob Jones University.

I do not understand the gentleman's reasoning.

Mr. DORNAN of California. If the gentleman will yield one further time for a response?

Mr. SHANNON. I am happy to yield.

Mr. DORNAN of California. The gentleman is treading on very peculiar ground here. If the gentleman will avail himself of the 501(c)(3) book he will find out in the great Commonwealth of Massachusetts that there is a tax-exemption status for a witches' coven of lesbians of New England.

There are all sorts of weird groups in that fat 3- or 4-inch book that most of us in this House would say is not American.

Mr. SHANNON. That might be the case. If the Supreme Court of the United States says under the Constitution they are not entitled to that tax-exempt status then we as Congressmen are not living up to our responsibility if we deny the Internal Revenue Service its ability to enforce that court decision.

Mr. DORNAN of California. It is pretty arbitrary to give the IRS the power to give witches' covens tax-exempt status.

Mr. SHANNON. We are talking about a pending Supreme Court case. The language the gentlemen has proposed would take away the only tool, the only tool that the Federal Government has to enforce that decision.

Mr. DORNAN of California. I am not that pessimistic.

Mr. SHANNON. Should the Court rule against Bob Jones University.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SHANNON. I am happy to yield.

□ 1820

Mr. FRANK. I thank the gentleman. Mr. Chairman, I never thought I would be privileged to be actually present on the floor when a genuine witch hunt was in progress. And I congratulate the gentleman from California for launching one. But if he wants to make this a comparative question, I would say, based on my experience, racial discrimination and bigotry are doing a lot more harm in America today than witches. I congratulate the IRS on its priority in going after the bigots.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. SHANNON) has expired.

(By unanimous consent, Mr. SHANNON was allowed to proceed for 1 additional minute.)

Mr. SHANNON. Mr. Chairman, I just want to say that what we are talking about here is very specific language which clearly, would prohibit the enforcement of a constitutional decision should the Supreme Court rule in a given way on a case now pending before the Court.

I think that this is a case where, whether we are liberals or conservatives, or however we feel on the substance of this issue, the smartest thing for us to do, the prudent thing for us to do is to wait for the Court to rule, not to interfere at this point, but to wait for the Court to rule, see what situation we are presented with then, and if the gentleman or any other gentleman or gentlewoman on the other side of the aisle is unhappy with that decision, wants to come to Congress and within the limits of that decision propose any policy changes, I welcome them to do it. But I just think that we are interfering terribly with our constitutional processes if we act now.

Mr. HANCE. Mr. Chairman, will the gentleman yield?

Mr. SHANNON. I yield to the gentleman from Texas.

Mr. HANCE. Mr. Chairman, I think the gentleman is right. But the problem is, in looking at this amendment and the next amendment, what the gentleman is talking about comes up on the next amendment by the gentlewoman from Ohio (Mrs. ASHBROOK) that talks about a court order.

Mr. SHANNON. Let me just reclaim my time. What got me into this was the assertion of the gentleman from California to the gentleman from Texas that his language did not affect the Bob Jones case. And it seems to me that it clearly does.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words, just to inquire of the gentleman from California, after this colloquy that I just listened to: Would the gentleman tell me whether his amendment would prevent the IRS from enforcing a court order, once something is ordered as the law of the land? Is there anything in yours that would stop them?

Mr. DORNAN of California. No. The court rights in Mississippi were very clear. And this all took place during the very period that these amendments were given their genesis by Congressman John Ashbrook and myself. We still have a rule of law here. The main thrust, whatever signals it may send out, my amendment and the amendment to follow, is that this House should never give its power to legislate to a tax-collecting body, the IRS.

Mr. CAMPBELL. Let me ask a second question: If it would not inhibit the court order and would not prevent enforcement of the court order, is there anything in this amendment or is the gist of this amendment to prevent an agency from promulgating rules and regulations as a law itself? Is that what you are aiming at?

Mr. DORNAN of California. Yes.

Mr. CAMPBELL. I want to know exactly where you are headed.

Mr. DORNAN of California. What is amazing to me is, I cannot believe that this body, in the 6 years that I have been here, has not been able to form legislation in our 19 standing committees could rifle-shot laws at discrimination in this country in a private school system or a public school system. I do not believe that this is the only tool, using the IRS as the House of Representatives. I find that pessimistic in the extreme.

Mr. CAMPBELL. What you have told me is that your amendment is aimed at not letting an agency establish a rule that becomes law.

Mr. DORNAN of California. Correct.

Mr. CAMPBELL. That it does not seek to inhibit the court ruling or the enforcement of a court ruling. Are those two assumptions correct?

Mr. DORNAN of California. Correct.

Mr. CAMPBELL. The third question I want to ask: I have heard a great deal about private schools. I am opposed to any private school that has a policy of discrimination on entrance or any other matter. I am concerned, on the other hand, with religious freedom and rights. Now, do I understand your amendment to be addressed to the prevention of the IRS moving into religious beliefs? Is that basically what you are headed for?

Mr. DORNAN of California. Yes. Even in this period of cults and manifestations of all sorts of weird groups, the Guyana tragedy, the nightmare death of 900 people was fresh in our minds. There has got to be more imaginative ways for this Congress to face up to the cult phenomena in the country without the taking away of the religious rights of religious organizations or putting a cloud over all of them.

Mr. CAMPBELL. Is there anything in your amendment—let me take it one step further—that attempts to define what is or is not a religious belief that is legitimate?

Mr. DORNAN of California. Of course not; no.

Mr. CAMPBELL. Is that not the question before the Supreme Court now?

Mr. DORNAN of California. I believe so.

Mr. CAMPBELL. Your amendment does not address it, then, does it?

Mr. DORNAN of California. That is correct.

Mr. CAMPBELL. So your amendment does not address anything dealing with a pending case nor religious beliefs, but it deals strictly with the promulgation of rules and regulations by an agency of Government?

Mr. DORNAN of California. Correct. I think the Supreme Court showed a lot of interest in this tough Bob Jones case, which does involve religious beliefs. And I think we will be talking about that for the rest of our lives.

Mr. CAMPBELL. But that is a different matter.

Mr. DORNAN of California. But that is a different matter. That is not what my amendment is all about,

which is to restrict the power of the IRS and to stop them from abrogating our power.

Mr. HANCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. HANCE) is recognized for 5 minutes.

There was no objection.

Mr. HANCE. Mr. Chairman, I would ask the gentleman from California a couple of questions. First of all, in looking at the gentleman's amendment, it is exactly like the amendment that came up in 1981, in July 1981. It is the same thing, and it speaks to the language that was in the IRS ruling in 1978.

I would ask the gentleman to withdraw his amendment, because that language has been dropped by the IRS. It is no longer a pending regulation.

This amendment would have been subject to a point of order had someone made it at the proper time.

The argument that the gentleman is getting into and that all of us have been getting into really is on the court ordered thing that comes up in the amendment of the gentlewoman from Ohio (Mrs. ASHBROOK), in the next amendment. And it seems that we are discussing a moot question so far as the gentleman's amendment is concerned because it has been withdrawn. And I would ask the gentleman to withdraw his amendment since the IRS no longer has this pending.

Mr. DORNAN of California. I appreciate that counsel, but I do not have as much faith in the IRS as the gentleman does. It was arbitrarily put in, in the first place, at the instigation of agents of the IRS, and I would just like to get a vote on it and leave it in the language of the bill where it has been for 3 years.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, now we have it clearly revealed. Is there a man or a woman in the Chamber who does not understand the intent of this amendment? Is there anybody who will read about this amendment and will examine the votes to whom it is not clear on what is the purpose and the intent of the gentleman from California? Do you see where it relates to the Jones case? Is there someone here who really believes that the purpose of this is not to send the signal to the Supreme Court? If there is, I will yield to him or her at this time.

Now, since we all understand that, we are back to the basics. It is not to say that these kinds of amendments have not disgracefully carried in the House in years past. We all know they have. But now is the time for this body and the Senate to speak clearly to the question that persists in the American political system.

So I do not speak to the gentleman from California who engineered this amendment, who knows what he is doing, who has rather disingenuously denied what the effects are and what the message is.

I might disagree with my colleague from Massachusetts. He happens to be a civil rights supporter. We have got a man who has marched with King offering an amendment to defend segregation in the private school systems.

□ 1830

And we are sitting around acting as if we were not quite sure if that is what it is all about. "But we are merely trying to keep the IRS off the people's backs. We want to make it clear that the Congress has the sole responsibility."

But the youngest child in the public school system in the First District of Michigan understands clearly what the amendment is about.

And so that everybody who votes here this afternoon will once again put the highest Federal legislative body in this country on record.

I hope that we will change its record. Notwithstanding the superficial problems of our society, the question is very simple: Will the Federal legislature countenance segregation in the private school systems with or without Federal money? I hope that that answer would be as obvious as it will be to everybody in the First District of Michigan.

Mr. PANETTA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, very briefly, I think the points have been addressed. But I think it needs to be stressed that the amendment goes over regulations which were proposed a number of years ago and in fact withdrawn in 1979. So that the amendment, even if enacted, addresses regulations which in effect have been withdrawn and are no longer in place.

The issue then comes up, are these regulations going to be reissued, then, by the Department of the Treasury. And if anyone believes that President Reagan and Secretary Regan are going to move to reissue regulations developed in the Carter administration, then I am not sure they are dealing very correctly with reality.

The fact is that that is not going to happen, that they are going to await the Supreme Court's decision on this issue, and then determine what actions need to be taken, either by the IRS or indeed whether Congress itself decides to move on this issue.

So I would state this. Rather than send a message to the American people that might be interpreted as advocating a tax benefit for segregated schools, it would be far better for us not to take this action, to reject this amendment and to allow the court to proceed to make its interpretation as they will, and then allow the administration and the Congress to take whatever action would in effect implement that decision by the court.

So I would urge rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DORNAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1840

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have responded. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from California (Mr. DORNAN) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN of California: Add a new section as follows: "None of the funds appropriated by this title may be used to carry out any revenue ruling of the Internal Revenue Service which rules that a taxpayer is not entitled to a charitable deduction for general purpose contributions which are used for educational purposes by a religious organization which is an exempt organization as described in section 170(c)(2) of the Internal Revenue Code of 1954."

Mr. DORNAN of California. Mr. Chairman, my amendment is identical to the one that had been part of the Treasury, postal appropriations bill since 1979 and which was deleted this past summer in subcommittee. The object of the amendment is to insure the survival of the private religious schools of this land by continuing to allow taxpayers a charitable deduction for general purpose contributions to such institutions.

My amendment has as its basis an unfair IRS ruling (Revenue Ruling 79-

99) against parents who had their child in a Lutheran church school in Houston, Tex. The question was whether a church member was entitled to a tax deduction for contribution to his church if his child attends a parochial school financed solely by all the members of the congregation. The IRS ruled that the church member was not entitled to a tax deduction unless his contributions exceeded "the fair market value of the child's education." But the parish school in question charged no tuition and was financed solely by funds solicited from church members, whether or not they had any children in school. It clearly follows that if the IRS denies tax deductions for such purposes, many of these schools will be forced to close.

Revenue Ruling 54-580 under which we have lived in this country for nearly 30 years states the matter quite clearly:

> The amounts paid in the present instant case likewise were made for the benefit of a particular child or children, and therefore cannot be regarded as contributions or gifts to organizations, involved in operating the schools. However, payments made to or for the use of such organizations in carrying out their general purposes and not in any way earmarked for the benefit of particular children would constitute deductible contributions under section 23-0 of the Code.

The type of revenue ruling which my amendment seeks to prohibit is unfair for another reason. All of us pay State income taxes. If we had these taxes withheld from our paycheck during the course of the year, we could deduct them from our Federal income taxes. Yet, did not some of our sons and daughters go to public school? Paid for with these taxes? And is that not a personal benefit?

So, according to this new theory of the IRS, you can pay certain taxes and derive an incidental personal benefit, and declare this as a deduction on the 1040. But if you make a contribution to a group which is tax exempt, and derive an incidental benefit, you cannot deduct it. This is patently unfair.

Mr. Chairman, there are many prominent organizations that support my amendment including the American Association of Christian Schools, the Association of Christian Schools International, and Citizens for Educational Freedom. I urge adoption of the amendment.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would have the effect of giving a tuition tax deduction to taxpayers who send their children to some type of private school.

The tuition tax credit as a whole is now under consideration by the appropriate committees of the House. This is a recommendation by the President of the United States to the legislative body of the Nation. It seems to me that we should permit the legislative body of the Nation to take action on this very important subject matter.

I ask that this amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DORNAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. PHILIP M. CRANE

Mr. PHILIP M. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. PHILIP M. CRANE: On page 48, after line 13 add the following new section:
>
> SEC. 619. None of the funds made available pursuant to the provisions of this Act shall be used to formulate or carry out any rule, policy, procedure, guideline, regulation, standard, or measure which would cause the loss of tax-exempt status to private, religious, or church-operated schools under section 501(c)(3) of the Internal Revenue Code of 1954 unless in effect on the date of the enactment of this Act into law.

□ 1850

Mr. PHILIP M. CRANE. Mr. Chairman, as ranking minority member on the subcommittee that has responsibility for oversight over the Internal Revenue Service, I must stress the importance of public confidence in the integrity of officials who are responsible for collection of the Nation's taxes.

That public confidence has certainly not been enhanced by the revelations of collusive litigation which was used by the IRS to cause usurpation of congressional legislative power by the Federal courts. My office has carefully reviewed these extremely serious allegations of IRS involvement in the sweetheart suits of Green against Miller and Wright against Miller.

We have found overwhelming evidence that the IRS deliberately sought to lose its case in Green against Miller, and has so seriously damaged its case with sweetheart arguments in Wright against Regan, that a nationwide court order adversely affecting the Nation's tax-exempt schools and churches appears likely within a year.

The facts are indisputable. Secret meeting, abuse of religious schools, abuse of third party intervenors rights, sweetheart arguments made by the IRS in order to lose it case, public statements by IRS officials that indicated no desire to win the court case, lobbying against the Ashbrook and Dornan amendments, and violation of the amendments after their enactment—is there any wonder that the public should question the integrity of a Government agency that has clearly participated in such an elaborate sham? Is there any wonder at the growing outrage at the Federal courts who allowed and even encouraged it?

This matter now challenges the integrity of this House. This body cannot allow such corruption of judicial process to be sued for usurpation of the legislative power delegated only to Congress in the very first sentence of the Constitution. Article 1, section 9 also gives the power over the purse to Congress alone. If Congress tolerates such defiance by the IRS and the Federal courts, of its legislative enactments, the legislation branch will surrender its most basic powers, and Congress will be transformed into a futile debating society, a nuseum of bygone representative government.

Mr. Chairman, a vote for the amendment is a vote to restore the integrity of the legislative process. It is also a vote to protect churches and the private and religious schools of the Nation from IRS harassment.

We have heard during the course of the debate on the Dornan amendments a great deal of heated rhetoric that does not properly address the responsibilities that this body has. Each one of us is something of a constitutional jurist, if you will, since we swear faithfully to uphold the Constitution when we are sworn in. We have a coequal responsibility with the court and most expecially with the executive branch.

When one analyzes the suggestion that a defense against bureaucratic regulations, guidelines, or rules designed to promote some ill-defined national or public policy in the absence of statutory guidelines, which incidentally this administration called for in January of this year and this body has yet to act on is inappropriate is to abdicate our responsibilities. We have a responsibility to assert our obligation to the taxpaying citizens of this country, and most especially in the area of protecting fundamental religious freedoms.

I am talking about religious freedoms. I am not talking about the racial question, because any school that practices racial exclusion at the present time can be denied its tax-exempt status.

Second, I think it is important to recognize that there are, unquestionably, schools in this country which have not sought tax-exempt status because they do believe in racial exclusion. And the IRS cannot touch them.

Under the existing law, we cannot address that problem by this question involving tax-related matters. This amendment, incidentally, is the precise language that our late colleague, John Ashbrook, got passed last year in this same appropriation bill. We are living under this language right now. This amendment is consistent with our constitutional responsibilities as

the protectors of the rights and the purse of the body politic.

Mr. Chairman, I yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. CONYERS. Mr. Chairman, will the chairman of the subcommittee yield?

Mr. ROYBAL. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, could we be advised as to how many more amendments like this we have to go? I am delighted to be back into session, but the hour is growing a little bit late.

Mr. ROYBAL. It is my understanding that there is one more amendment that will be presented.

I would like, however, to inquire from the minority if that assumption is correct. Is it true that we have one more amendment to discuss?

Mr. MILLER of Ohio. Mr. Chairman, will the gentleman yield to me?

Mr. ROYBAL. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. I thank the gentleman for yielding.

Mr. Chairman, I have a recommittal motion.

Mr. ROYBAL. The question which has been propounded is, how many amendments do we have left? My response to the gentleman from Michigan (Mr. CONYERS) was that it was my understanding that only one amendment is left. Am I correct in that assumption?

Mr. MILLER of Ohio. If the gentleman will yield further, as a matter of fact, now I understand that the gentleman has offered the amendment the chairman of the subcommittee was speaking of and we do not have another amendment left other than a recommittal motion.

Mr. CONYERS. I thank the gentleman.

Mr. ROYBAL. I thank the gentleman for his question.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, Mr. PHILIP M. CRANE.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PHILIP M. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1983."

Mr. ROYBAL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. FOLEY) having assumed the Chair, Mr. STUDDS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 7158) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1983, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit H.R. 7158 to the Committee on Appropriations, with instructions to that Committee to report the bill back to the House forthwith, with the following amendment: On page 48, after line 13, add a new section as follows:

SEC. 619. Of the total budget authority provided in this Act, for payments not required by law, 2 per centum shall be withheld from obligation and expenditure: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 4 per centum.

□ 1900

Mr. MILLER of Ohio. Mr. Speaker and Members, I will not take the 5 minutes. Many of you know about my percentage cut amendments. In this case, in this particular bill, I am offering an amendment of 2 percent, which would reduce the nonmandatory spending in the bill 2 percent. That would be a total of $116.6 million. That is a small amount compared to the total in the bill, of $10.772 billion.

Now, on the mandatory spending, the mandatory spending in the bill would not be affected by this amendment. Only the nonmandatory spending would be cut. We would reduce it by $116.6 million.

Now, the way my amendment works is that no line item of discretionary spending in the bill could be reduced more than 4 percent, and this means that we could stack up all the nonmandatory spending items and put the high priority at the top, winding up at the bottom with the lowest priority. We could take no dollars out of the high priority, but twice as much out of the low priority. That is what the amendment does. It is a 2-percent total reduction on overall nonmandatory spending, and I hope that the Members would support the amendment.

Mr. ROYBAL. Mr. Speaker, I rise in opposition to the motion.

Mr. Speaker, while the motive behind the motion of the gentleman from Ohio is to be commended; that is, its ultimate intent, I still feel that this motion must be opposed because of the fact that it reduces funding for important functions in the Federal Government. First of all, it reduces by many millions of dollars, or possibly billions of dollars, the revenue that will be collected by the Federal Government through the Internal Revenue Service. This means that if this amendment is adopted, that the Internal Revenue Service will lose internal revenue agents, who are devoting their time to the collection of revenue. It would also mean that Customs, for one example, would have to reduce its activities with regard to the trafficking of illegal drugs being smuggled into this country.

I think it would have a very detrimental effect on the overall basic operations of this Government. I think that the amounts in the bill at the present time are actually the minimum amounts necessary. I feel that the time will come when the amounts appropriated will need to be increased because the need will so demand it. I am sorry that we are unable to agree with this motion at this time, but to make that reduction I think would be counterproductive.

I urge a "no" vote on the motion by the gentleman from Ohio (Mr. MILLER).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill. Fifteen minutes will be permitted on the vote on the motion to recommit with instructions and a minimum of 5 minutes on any vote, if ordered, on passage of the bill.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 193, nays 172, not voting 68, as follows:

[Roll No. 400]

YEAS—193

Andrews
Applegate
Archer
Ashbrook
Aspin
Atkinson
Badham
Bafalis
Bailey (MO)
Beard
Bedell
Benedict
Bennett
Bereuter
Bethune
Bliley
Brown (CO)
Brown (OH)
Broyhill
Butler
Campbell
Carman
Chappie
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Deckard
DeNardis
Dornan
Dreier
Duncan
Dunn
Edwards (AL)
Edwards (OK)
Emerson
English
Erdahl
Erlenborn
Evans (IA)
Evans (IN)
Fenwick
Fiedler
Fields
Fish
Fountain
Frenzel
Fuqua
Glickman
Goodling
Gradison
Gramm
Gregg
Grisham
Gunderson
Hagedorn
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hendon
Hiler
Hillis
Hopkins
Horton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jeffries
Jones (OK)
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
LeBoutillier
Lee
Lent
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lundine
Lungren
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McClory
McCollum
McDade
McDonald
McEwen
McGrath
Mica
Michel
Miller (OH)
Molinari
Moore
Moorhead
Morrison
Mottl
Myers
Napier
Nichols
O'Brien
Oxley
Panetta
Pashayan
Paul
Pritchard
Quillen
Regula
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Roukema
Rudd
Russo
Santini
Sawyer
Schulze
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Siljander
Skeen
Smith (AL)
Smith (NE)
Smith (OR)
Snowe
Snyder
Solomon
Spence
Stangeland
Stump
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Weaver
Weber (MN)
Weber (OH)
White
Whitehurst
Whitley
Winn
Wortley
Wylie
Young (AK)
Young (FL)
Young (MO)

NAYS—172

Addabbo
Akaka
Alexander
Anderson
Annunzio
Anthony
AuCoin
Bailey (PA)
Barnard
Barnes
Beilenson
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Brown (CA)
Burton, John
Burton, Phillip
Byron
Chappell
Chisholm
Clay
Collins (IL)
Conyers
Coyne, William
Crockett
D'Amours
Davis
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Fary
Fascell
Fazio
Ferraro
Fithian
Flippo
Florio
Foglietta
Foley
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gibbons
Gilman
Ginn
Gonzalez
Gore
Green
Guarini
Hall (IN)
Hall (OH)
Hance
Hatcher
Hawkins
Hefner
Heftel
Hightower
Holt
Howard
Hoyer
Hughes
Jenkins
Jones (NC)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
LaFalce
Leland
Long (LA)
Long (MD)
Lowry (WA)
Marks
Martinez
Matsui
Mattox
Mavroules
Mazzoli
McCurdy
McHugh
Mikulski
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Mollohan
Murphy
Murtha
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Parris
Patman
Patterson
Pease
Pepper
Perkins
Pickle
Price
Rahall
Rangel
Ratchford
Rinaldo
Rodino
Rose
Rostenkowski
Roybal
Sabo
Savage
Scheuer
Schneider
Schumer
Shamansky
Shannon
Simon
Smith (IA)
Smith (NJ)
Smith (PA)
Solarz
St Germain
Stark
Stokes
Stratton
Studds
Swift
Synar
Traxler
Vento
Watkins
Waxman
Weiss
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wolf
Wolpe
Wyden
Yatron
Zablocki
Zeferetti

NOT VOTING—68

Albosta
Bingham
Blanchard
Bolling
Breaux
Broomfield
Burgener
Carney
Coelho
de la Garza
Derwinski
Dickinson
Downey
Emery
Ertel
Evans (DE)
Evans (GA)
Findley
Ford (MI)
Forsythe
Fowler
Garcia
Gephardt
Gingrich
Goldwater
Gray
Heckler
Hertel
Holland
Hollenbeck
Ireland
Johnston
Lantos
Lehman
Levitas
Luken
Madigan
Markey
McCloskey
McKinney
Miller (CA)
Moffett
Montgomery
Nelligan
Nelson
Ottinger
Petri
Peyser
Porter
Pursell
Railsback
Reuss
Rhodes
Roe
Rosenthal
Rousselot
Schroeder
Seiberling
Shuster
Skelton
Stanton
Staton
Stenholm
Udall
Washington
Whittaker
Wright
Yates

□ 1920

The Clerk announced the following pair:

On this vote:

Mr. Nelson for, with Mr. Roe against.

Mr. DOWDY changed his vote from "yea" to "nay."

Messrs. YOUNG of Missouri and ASPIN changed their votes from "nay" to "yea."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. ROYBAL. Mr. Speaker, pursuant to the instructions of the House, I report the bill back to the House with an amendment.

The SPEAKER pro tempore (Mr. FOLEY). The Clerk will report the amendment.

The Clerk read as follows:

Amendment: On page 48, after line 13, add a new section as follows.

SEC. 9. Of the total budget authority provided in this Act, for payments not required by law, 2 per centum shall be withheld from obligation and expenditure: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed 4 per centum.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will again state that Members will have 5 minutes in which to record their votes.

The vote was taken by electronic device, and there were—yeas 269, nays 98, not voting 66, as follows:

[Roll No. 401]

YEAS—269

Addabbo
Akaka
Alexander
Anderson
Annunzio
Anthony
Applegate
Aspin
Atkinson
Bafalis
Bailey (PA)
Barnard
Barnes
Beard
Bedell
Beilenson
Bennett
Bereuter
Bevill
Biaggi
Bliley
Boggs
Boland
Boner
Bonior
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Brown (CA)
Burton, Phillip
Butler
Byron
Campbell
Carney
Chappell
Chisholm
Clausen
Clay
Clinger
Collins (IL)
Conte
Conyers
Corcoran
Coughlin
Coyne, James
Coyne, William
Crockett
D'Amours
Daniel, Dan
Daschle
Daub
Davis
Deckard
Dellums
DeNardis

Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dougherty
Dowdy
Duncan
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdahl
Erlenborn
Evans (DE)
Evans (IN)
Fary
Fascell
Fazio
Ferraro
Fiedler
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (TN)
Fountain
Frank
Frost
Fuqua
Gaydos
Gejdenson
Gibbons
Gilman
Ginn
Glickman
Gonzalez
Gore
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hendon
Hightower
Hillis
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kogovsek
LaFalce
Leach
LeBoutillier
Leland
Lent
Long (MD)
Lowery (CA)
Lowry (WA)
Lundine
Marks
Marriott
Matsui
Mattox
Mavroules
Mazzoli
McClory
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Mica
Mikulski
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Murtha
Napier
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Parris
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Price
Pritchard
Quillen
Rahall
Rangel
Ratchford
Regula
Rinaldo
Roberts (KS)
Robinson
Rodino
Rogers
Rose
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Sabo
Santini
Savage
Sawyer
Scheuer
Schneider
Schumer
Shamansky
Shannon
Sharp
Shaw
Simon
Skeen
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Spence
St Germain
Stark
Stokes
Stratton
Studds
Swift
Synar
Taylor
Traxler
Trible
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Watkins
Waxman
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yatron
Young (AK)
Young (MO)
Zablocki
Zeferetti

NAYS—98

Archer
Ashbrook
AuCoin
Badham
Bailey (MO)
Benedict
Brown (CO)
Brown (OH)
Broyhill
Carman
Chappie
Cheney
Coats
Coleman
Collins (TX)
Conable
Courter
Craig
Crane, Daniel
Crane, Philip
Daniel, R. W.
Dannemeyer
Dornan
Dreier
Edwards (AL)
Evans (IA)
Fenwick
Fields
Frenzel
Goodling
Gradison
Gramm
Gregg
Grisham
Hagedorn
Hall, Sam
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hiler
Holt
Hubbard
Hyde
Jacobs
Jeffords
Jeffries
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lee
Lewis
Livingston
Loeffler
Long (LA)
Lott
Lujan
Lungren
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McCollum
McDonald
Michel
Miller (OH)
Moore
Moorhead
Morrison
Mottl
Murphy
Myers
Oxley
Pashayan
Paul
Ritter
Roberts (SD)
Roemer
Schulze
Sensenbrenner
Shelby
Shumway
Siljander
Smith (AL)
Smith (OR)
Solomon
Stangeland
Stump
Tauke
Tauzin
Thomas
Walker
Weaver
Weber (MN)
Young (FL)

NOT VOTING—66

Albosta
Andrews
Bethune
Bingham
Blanchard
Bolling
Bonker
Breaux
Broomfield
Burgener
Burton, John
Coelho
de la Garza
Derwinski
Dickinson
Downey
Emery
Ertel
Evans (GA)
Findley
Ford (MI)
Forsythe
Fowler
Garcia
Gephardt
Gingrich
Goldwater
Gray
Heckler
Hertel
Holland
Hollenbeck
Ireland
Johnston
Lantos
Lehman
Levitas
Luken
Madigan
Markey
Martinez
McCloskey
Miller (CA)
Moffett
Montgomery
Nelligan
Petri
Porter
Pursell
Railsback
Reuss
Rhodes
Roe
Rosenthal
Rousselot
Schroeder
Seiberling
Shuster
Skelton
Stanton
Staton
Stenholm
Udall
Washington
Whittaker
Yates

Mr. BEREUTER changed his vote from "no" to "aye."

□ 1930

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 7158, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DRAFT BILL TO AUTHORIZE APPROPRIATIONS FOR CONSTRUCTION OF CERTAIN HIGHWAYS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-259)

The SPEAKER pro tempore (Mr. FOLEY) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation and the Committee on Ways and Means and ordered to be printed:

(For message, see proceedings of the Senate of today, Tuesday, November 30, 1982).

PROPOSED GASOLINE TAX

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, America needs jobs. America needs restoration of its roads, bridges, and other public works. America needs a common effort through Federal initiative that will deal with our crumbling economy. But what America does not need is the Reagan administration's approach to our economic crisis.

The Reagan administration is supporting a hike in the gasoline tax. But this measure—along with the rest of the Reagan program—does too little, does not aim at the right targets, and compounds the unfairness of last year's tax cuts.

The gasoline tax and the proposal to use it to produce a few hundred thousand jobs is a drop in the bucket. At a time when the country is faced with a rising tide of unemployment, this response is inadequate. This token program does not begin to address the problem of unemployment in the millions. President Reagan acknowledges that this is not a jobs bill, and I agree with that.

Even as to the few jobs the gas tax will fund, it fails to come to grips with the problem we face. People are at the end of their resources, and, as the recent election demonstrated, at the end of their patience. There is an urgent need for jobs now, not the many months that it will take to crank up a roadbuilding program.

To meet the urgent unemployment problem, what we need is the kind of public works program that Congress has initiated in the recent past through the Economic Development Administration. This would provide funds for projects which States and localities have on the shelf now—ready to go. Money should be available and hiring under way within 90 days.

Not only is the administration program to little and improperly targeted, but it compounds the unfair and regressive tilt of the entire Reagan economic program.

Of course we need to rebuild America's decaying infrastructure. In fact, this effort is only the beginning of the list of neglected items on the Federal agenda. Our crumbling intangible resources—such as education, training, and technical know-how—are also in need of repair. But we should not pay for these things through a tax system that favors the affluent.

Yet that is what the Reagan program has done. The budget and tax cuts of last year drastically tilt our finances toward those in the top brackets. Hard-pressed States—such as my own State of New Jersey—have imposed or are considering new sales and excise taxes. At a time when people

have been asking for tax reform, they are being asked to accept a more and more regressive tax system. By piling on additional regressive taxes like the proposed gasoline tax, we will only aggravate this unfairness.

Instead, in order to fund the rebuilding of our tangible and intangible resources, we should recapture the revenues of the regressive across-the-board cuts of last year. We should give serious consideration to deferring or eliminating the out-year tax cut, for a potential 2-year saving of $70 billion. And we should seriously consider eliminating indexing, for a saving of $40 billion over 2 years. By eliminating indexing, we will also remove other inequities, restore a powerful incentive to fight inflation, and help avoid the kind of financial disaster that overtook Canada after its experiment with indexing.

We need jobs. We need roads. We need Federal action. We need a fair program to achieve these. The gasoline tax is not such a program. In fact, it is a substitute for a program. It is the administration's way of saying it has done something when it has not.

THE SOCIAL SECURITY MISCELLANEOUS AND TECHNICAL IMPROVEMENTS ACT OF 1982

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, today I am introducing a bill entitled, "The Social Security Miscellaneous and Technical Improvements Act of 1982." As is implied by the title, this bill contains a series of amendments of title II of the Social Security Act which are either relatively minor or technical or both. Absolutely no social security financing changes are contained in this bill. Nor are there any provisions which would significantly affect benefit amounts or eligibility.

The amendments fall within four separate titles. The first title would result in increased moneys for the social security trust funds by improving the current cash management of the funds. Most importantly, the value of unnegotiated benefit checks would be transferred to the funds from the Treasury, and current investment practices would be amended to allow the Secretary of the Treasury to invest the assets of the funds more profitably than is currently allowed. While the trust funds' cash flow would be improved by the title, this is accomplished without detriment to the general fund. These are prudent changes which are overdue.

Title II of the bill corrects 10 provisions of the Social Security Act which treat people differently solely on the basis of their sex. These provisions are often referred to as "gender-based distinctions." In recent years the effect of these distinctions has been eliminated either through court orders or through administrative action of the Social Security Administration. It is still important, however, to remove the discriminatory statutory language from the act. Concerning these amendments, I would like to acknowledge the leadership which our colleague, JOHN BURTON of California, has shown on this issue over the years.

Title III deals with seven issues concerning the coverage of certain work or wages under the social security system. Four of these provisions are in the nature of technical corrections. The other three miscellaneous provisions extend coverage either in specific areas in which coverage has been requested or in areas where it is now possible to structure an employment relationship or treat compensation so as to avoid social security taxes. While depriving the trust funds of revenues, such practices also result in entitlement to reduced social security benefits at a later date, an effect often unbeknown to the worker at the time of employment.

The final title includes a series of unrelated changes to the Social Security Act. Many of these changes have been recommended by the last two administrations. These provisions are largely technical and definitely miscellaneous. They range from the effective date of extension of social security to the Northern Mariana Islands, a U.S. trusteeship, to the proper names of certain school districts in the State of Utah.

My current intention in introducing the bill at this time is not to press for its passage during the lameduck session. Rather, I intend to hold hearings before the Social Security Subcommittee on December 6, 1982. After this hearing, I would seek an agreement with the members of my subcommittee that, if there is no objection to a particular provision, it be set aside for the next Congress and included in the final title of next year's social security financing legislation.

I am mindful of the fact that one Congress cannot bind another one to action. However, if we do not take this action, I fear that next year, as has happened in previous years, the pressure of considering more significant legislation will divert our attention from these relatively minor yet necessary changes. Following this proposed course of action will allow us to properly consider these changes and then set them aside as we undertake the task of restoring financial solvency to the social security system in the next Congress.

I conclude my remarks with a brief section-by-section analysis of the bill. In many cases revenue estimates are not provided. The social security actuaries have been working overtime in recent weeks and months to provide estimates to the National Commission on Social Security Reform. However, estimates on this bill will be available in the near future. The provision concerning unnegotiated checks would increase revenue by $500 million through 1989. In those other few instances where there would be some revenue or outlay effect, I have been told that the effect is minor.

SOCIAL SECURITY TECHNICAL IMPROVEMENT ACT

TITLE I. CASH MANAGEMENT

Section 101. Unnegotiated Checks.
Section 102. Float Changes.
Section 103. Investments of Trust Fund Assets.
Section 104. Interest on Late State Deposit.

TITLE II. GENDER-BASED DISTINCTIONS

Section 201-212.

TITLE III. COVERAGE

Section 301. U.S. Subsidiaries.
Section 302. International Agreement.
Section 303. Net Self-Employment Income and Foreign Earned Income Exclusion.
Section 304. Deferred Compensation.
Section 305. Standby Pay.
Section 306. Exclusion of Payments under Simplified Employee Pension Plans.
Section 307. Status of Certain Entities in the State of Utah.

TITLE IV. MISCELLANEOUS TECHNICAL AMENDMENTS

Section 401. Super Max.
Section 402. Northern Marianas.
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TITLE I. CASH MANAGEMENT IMPROVEMENTS

Section 101. Accounting for certain unnegotiated benefit checks

Current Law and Discussion

Under current law the Social Security Administration certifies to the Department of the Treasury the amount of benefits to be paid to social security trust funds to a Treasury transfer account. Treasury then mails the beneficiaries their checks. However, some beneficiaries fail to cash their checks.

Social security benefit checks, as well as most other government checks, are not issued by Treasury under special program symbols. Because of this, Treasury is not able to readily identify what portion of government-wide uncashed checks are social security benefit payments.

Even if uncashed social security checks could be identified, under existing law, Treasury is authorized neither to cancel uncashed government checks nor to credit the value of those checks to the accounts upon which they were drawn. Accordingly, the social security trust fund is never credited for (1) any of the uncashed check amounts, or (2) any of the interest earned on these amounts. Instead, these funds remain in the Treasury account and are not available to the trust funds.

When government checks are cashed by recipients, they are returned to the Federal Reserve Bank where they are reviewed to insure proper credit to the financial institution for the amounts. A listing is then made of those checks which are not cashed. This listing summarizes uncashed checks on a government-wide basis and does not indicate what checks are social security checks.

In 1975 Treasury provided SSA with a sample of all outstanding government-issued checks. SSA analyzed the government-wide listing of uncashed checks for the year 1973 and established for that year a ratio of the amount of uncashed social security checks to the amount of all uncashed government checks. The 1973 ratio was then applied to the total amount of uncashed government-issued checks. As of 1975, SSA estimated the total amount of uncashed social security checks to be approximately $130 million. SSA has updated the estimate through 1982 and estimates that uncashed checks total $270 million. SSA currently estimates that the amount of uncashed checks in a year is approximately $30 million—totaling $500 million by 1990.

Proposed Change

Section 1 would enable the social security trust funds to be credited by the Secretary of the Treasury with the amount of funds representing social security checks that have remained unnegotiated for at least 12 months. The Department of Treasury would also be required to implement a system under which social security checks could be distinguished from other government checks and transfer to the trust funds on a monthly basis an amount equal to the value of all benefit checks which have not been negotiated for a period of 12 months. This system will be in place two years after enactment of this provision. Until this permanent system is in place, annually the Secretaries of Treasury and Health and Human Services shall jointly determine the amount of all outstanding uncashed checks from the previous fiscal year. (The initial determination shall include the amount of all uncashed checks since inception of the program.) The Secretary of the Treasury shall transfer these amounts to the social security trust funds within 60 days of the close of the fiscal year.

Checks which are older than one year will still be negotiable. If any check older than one year is negotiated, the trust funds will be debited accordingly.

Section 102. Float allowance revision

Current Law and Discussion

Social security benefit checks are issued to beneficiaries on the third of each month. (When the third of the month falls on a Saturday, Sunday or legal holiday, checks are issued on the first previous business day.) Current Treasury procedures allow a two-day float (three or four days when the third of the month falls on a weekend or holiday) before trust fund monies are actually transferred to the Treasury in order to pay the checks which have been issued. (The float period is the elapsed time between the issuance of monthly benefit checks and the actual transfer of trust fund monies to the General Treasury Fund in order to pay these benefits.) No float period is provided for that portion of total benefits which is deposited directly in beneficiaries' banking accounts. Currently this is approximately one-third of total benefit payments. Nor is a float period provided for retroactive benefit adjustment checks issued during the month.

A recent study completed by the Inspector General of the Department of Health and Human Services found that it took an average of 5.2 days for recurring benefit checks to clear through the banking system. Retroactive benefit checks required an average of 11.1 days to be processed. The Inspector General estimated that interest income to the OASDI funds would be increased by $91.5 annually million if a 5 day float period were provided.

Proposal

Section 2 of the bill would require the Secretaries of Treasury and Health and Human Services to conduct a study with regard to the "float period" and the redemption of benefit checks. The study shall consist of two separate investigations. As a result of the first investigation, the Secretary of Treasury shall report to the Congress and President within six months concerning the findings and adjust by regulation the current float period of two days to more accurately reflect the actual average length of time between the issuance of benefit checks and the redemption, if the current period is not equal to this actual average. The second investigation will report on the feasibility (in light of the check identification system to be implemented under Section 101) and desirability of providing for the transfer on a daily basis to the general fund from the appropriate trust amounts equal to the amounts of benefit checks which are paid by the Federal Reserve Banks on that day. The results of the second investigation shall be submitted to the Congress not later than twelve months after the date of enactment.

Regulations which are found necessary by the first investigation are to be promulated within six months of the date of enactment. Regulations found to be necessary to implement changes which are found appropriate by the second investigation shall be promulgated within twelve months of the date of enactment.

Section 103. Investment of the social security trust fund assets

Current Law and Discussion

The Social Security Act provides the following guidelines for the investment of that portion of the social security trust funds which is in excess of current obligations:

(1) funds not immediately needed to pay benefits or administrative expenses are to be invested solely in interest-bearing obligations guaranteed as to both principal and interest by the United States;

(2) the Managing Trustee (the Secretary of the Treasury) will invest in special public-debt obligations—"special issues" which are available only to the trust funds—except where he determines that the purchase of obligations which are available in the open market is "in the public interest";

(3) "special issues" shall have "maturities fixed with due regard for the needs of the trust funds" and will pay a rate of interest equal to the average market yield on all marketable interest-bearing obligations of the United States which are not due or callable for at least four years; and

(4) marketable securities purchased by the trust funds may be sold at the market price and special issue obligations are redeemable at par plus accrued interest.

The assumption underlying current law is that long-term interest rates usually will be higher than short-term rates. This is historically true. However, there are periods in which short-term rates temporarily exceed long-term rates. When short-term rates exceed long-term, as they did during much of 1981, current investment policies are criticized because the trust funds are being invested in "special issues" with lower yields than those available to other investors in government securities.

Proposed Change

Section 103 would modify the current special issue interest rate formula and maturity date selection procedure to more closely link interest rates and maturity dates. The proposal would provide two different interest rates—the current long-term rate and a new short-term rate which would be equal to the average on all government obligations with maturities of less than four years. The higher of the two interest rates would be selected and a corresponding short-term (1 to 3 years) or long-term (4-15 years) maturity date would be assigned automatically to special issue obligations. Short-term certificates of indebtedness would earn the short-term rate at all times. Redemptions would continue as under current law, with securities closest to their maturity dates being redeemed first.

Since the proposal links maturity date to the interest rate of the special issues that the investment "decisions" of the trust funds would be more closely analagous to the actions of a "prudent investor" than current law. Such an investor would, in general, invest in short-term obligations when the return on these obligations exceed long-term returns and extend the maturity dates on his investments as long-term rate increase relative to short-term rates. The costs to the Treasury of issuing a certain amount of securities also would be similar whether or not the securities are purchased by the public or by the trust funds. Therefore, neither the trust funds nor the general fund are unfairly advantaged by the transaction.

Changes made by the section would apply to obligations purchased by the trust funds after the month in which this Act is enacted.

Section 104. Interest on late State deposits

Current Law and Discussion

At present the Social Security Act specifies that the annual interest rate charged on late payments of social security contributions due on the earnings of State and local employees is 6 percent per annum. As a result of the Economic Recovery Tax Act of 1981 (P.L. 97-34) the interest rate charged for late payment of taxes by private employers is 100 percent of the average predominant on the prime interest rate and is adjusted annually. Beginning in 1983, it will be adjusted semi-annually. The rate will be 16 percent, effective January 1, 1983. The current law statutory interest rate of 6 percent can be seen as providing an incentive for States to make late payments of contributions on the earnings of their employees because they can invest the money at rates well above 6 percent and retain the interest earned which is in excess of the amount of the penalty.

Proposed Change

Section 105 would conform provisions in the Social Security Act, which specify the rate of interest charged on late payments of social security contributions due on the earnings of State and local employees, to those provisions in the Internal Revenue Code which specify the rate of interest charged on late payments of social security contributions due on the earnings of private sector employees. This would eliminate pos-

sible incentives to delay the deposit of social security contributions.

Changes made by this section would apply to payments due for wages paid after December 31, 1983.

TITLE II. ELIMINATION OF GENDER-BASED DISTINCTIONS UNDER THE OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Section 201. Divorced husbands

Current Law and Discussion

The Social Security Act provides for the payment of benefits to aged divorced wives and aged or disabled surviving divorced wives but benefits are not provided for similarly situated men. However, as a result of *Oliver* v. *Califano*, Northern District California (1977) and other court decisions, benefits currently are being paid to aged divorced husbands and aged or disabled surviving divorced husbands.

Proposed Change

Section 201 of the draft bill would amend the statute to conform to court decisions by providing social security benefits for aged divorced husbands and aged or disabled surviving divorced husbands based on their former wives' earnings records.

Section 202. Remarriage of surviving spouse before age 60

Current Law and Discussion

Widows and widowers who remarry before age 60 are treated differently with respect to their eligibility for benefits based on their deceased spouses' earnings. A woman may qualify for benefits as a surviving spouse, even though she has remarried, so long as she is not married at the time she applies for benefits. A man, on the other hand, under current social security law loses forever his eligibility as a surviving spouse of his deceased wife worker if he remarries before age 60. However, as a result of *Mertz* v. *Harris*, Southern District Texas (1980), benefits are being paid to remarried widowers on the same basis as to remarried widows.

Proposed Change

Section 202 of the draft bill would make the requirements in the law for widowers' benefits the same as they now are for widows and as they are now being paid based on court decisions.

Section 203. Illegitimate children

Current Law and Discussion

In general, the determination of one's status as a parent or child for purposes of the social security program is based upon the intestate succession laws of the State in which the insured individual is domiciled. However, an illegitimate child may be eligible for benefits based upon a man's earnings, without regard to the appropriate State intestate laws, if, among other things, the man has been decreed by a court to be the father of the child, or the man is shown by evidence satisfactory to the Secretary to be the father of the child. Similar provisions do not currently apply when an illegitimate child claims a benefit based upon his mother's earnings. Also, a Supreme Court decision in *Jimenez* v. *Weinberger* (1974), declared unconstitutional the requirement of the Act that an acknowledgement of paternity must have been made prior to the time a worker first became eligible for benefits.

Proposed change

Section 203 of the draft bill would modify the law applicable to benefits for illegitimate children so that such children would be eligible for benefits based on their mothers' earnings as they are currently for benefits based on their fathers' earnings.

Section 204. Transitional insured status

Current Law and Discussion

Under current law, certain workers who attained age 72 before 1969 are eligible for social security benefits under transitional insured status provisions which require fewer quarters of coverage than would ordinarily be required. Wives and widows of eligible male workers who reached 72 prior to 1969 also are eligible for benefits under this provision, but husbands and widowers of eligible female workers are not.

Proposed Change

Section 204 of the draft bill would extend to husbands and widowers the transitionally insured eligibility provisions which currently apply to wives and widows.

Section 205. Equalization of special age 72 benefits under section 228 (Prouty benefits)

Current Law and Discussion

Section 228 of the Social Security Act provides for special payments to persons who attained age 72 before 1968 and who have no quarters of coverage and to persons age 72 in 1968 or after who have at least three quarters of coverage for every year after 1966 and before the year of attainment of age 72. Under Prouty benefits even though each spouse must meet the same eligibility requirements he or she would have to meet if not married, once the eligibility of both is determined, the couple is treated as if the husband were the retired worker and the wife were the dependent. Therefore, the amount of the special payment for the couple is not divided equally between husband and wife. Rather, the payment, which comes largely from general revenues, is allocated so that the husband is paid two-thirds of it and the wife is paid one-third.

Proposed Change

Section 205 of the draft bill would require that where both husband and wife each qualify for Prouty benefits under Section 228 of the Social Security Act, the monthly benefit would be divided equally between them.

Section 206. Father's insurance benefits

Current Law and Discussion

A young wife, widowed mother or surviving divorced mother who has an entitled child under age 16 in her care receives a benefit for both herself and her child based upon the earnings of her husband. As a result of the Supreme Court decision in *Weinberger* v. *Wiesenfeld*, 420 U.S. 636 (1975), other court decisions, and subsequent administrative decisions, a similarly situated father can qualify for benefits based on his retired, disabled, or deceased wife's earnings.

Proposed Change

Section 206 of the draft bill would amend the statute to conform to the court decisions by providing social security benefits for a father who has in his care an entitled child of his retired, disabled, or deceased wife (or deceased former wife).

Section 207. Effect of marriage on childhood disability beneficiary

Current Law and Discussion

In general, the social security law provides for termination of dependents' or survivors' benefits at the time of marriage, since it is presumed that the dependency situation on which the benefits are based no longer exists. An exception is made when certain social security auxiliary or survivor beneficiaries marry certain other beneficiaries, since it cannot be presumed that either one is able to support the other. Thus, in general, when a childhood disability beneficiary (a person with a severe disability that began before age 22 who is entitled to benefits as the son or daughter of an insured worker who is entitled to social security benefits or who has died), marries certain other social security beneficiaries, the benefits of neither spouse are terminated by reason of marriage. However, when a childhood disability beneficiary is married to another childhood disability beneficiary or to a disabled worker beneficiary, and the disability benefits of one of the beneficiaries are terminated because the beneficiary recovers or engages in substantial work, the continued eligibility of the other spouse depends upon the spouse's sex. A woman's childhood disability benefits end when her husband's disability benefits end. However, a man's childhood disability benefits are not terminated when his wife's disability benefits end.

Proposed Change

Section 207 would terminate the benefits of a childhod disability beneficiary, regardless of sex, when the beneficiary's spouse is no longer eligible for benefits as a childhood disability beneficiary or disabled worker beneficiary.

Section 208. Effect of marriage on other dependents' or survivors' benefits

Current Law and Discussion

In general, if a childhood disability or disabled worker beneficiary marries a person getting certain kinds of social security dependent or survivor benefits, the benefits of each individual continue. If the disabled beneficiary is a male and he recovers or engages in substantial work and his benefits are terminated, his wife's benefits also end. If, however, the disabled beneficiary is a women, her husband's benefits are not terminated when her disability benefits end.

Proposed Change

Section 208 would terminate social security payments to an individual, regardless of sex, who is receiving dependents' or survivors' benefits, when his or her spouse is no longer eligible for childhood disability benefits or benefits as a disabled worker.

Section 209. Treatment of self-employment income in community property States

Current Law and Discussion

Currently, the Social Security Act and Internal Revenue Code provide that in community property States all income from a business owned or operated by a married person or couple is deemed, for purposes of Social Security earnings, to be the husband's unless the wife exercises substantially all management and control. In non-community property States, such self-employment income is credited to the spouse which is carrying on the business, based on such factors as ownership and control. This law regarding the treatment of self-employment income in community property States has been held to be unconstitutional in several court cases. As a result, the Social Security Administration now treats the self-employment income of a married couple in a community property State the same as self-employment income in non-community property State.

Proposed Change

Section 209 would treat the self-employment income of a married couple in a community property State in the same way that such income is treated in noncommunity

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property States. The law would be amended to conform it to present Social Security Administration policy, which is based on a number of court decisions.

Section 210. Credit for certain military service

Current Law and Discussion

Currently a widow (but not a widower) is permitted, under certain circumstances, to waive the right to a civil service survivor's annuity and receive credit (not otherwise possible) for military service prior to 1957 for purposes of determining eligibility for, and the amount of, social security survivors' benefits.

Proposed Change

Section 210 of the draft bill would allow widowers to exercise this option in the same way as widows are currently permitted.

Section 211. Conforming amendments

Section 211 would make a number of conforming changes in provisions of title II of the Social Security Act that are required because of the substantive changes that would be made by the preceding sections of title II of the draft bill.

Section 212. Effective date

Section 212 would make title II of the bill generally effective for the month after enactment. However, no amendment contained in Title II shall affect the validity of any benefit which was paid prior to the effective date of that particular amendment or of this title generally, as a result of a judicial determination.

TITLE III: EXPANSION OF COVERAGE

Section 301: Coverage of employees of foreign subsidiaries of U.S. corporations

Current Law and Discussion

Work by a U.S. citizen outside the U.S. for a foreign subsidiary of a domestic corporation is covered by social security if the domestic corporation arranges for coverage by entering into a voluntary agreement with the Internal Revenue Service and the agreement applies to all citizens subsequently employed by the subsidiary if their work would be covered if performed in the U.S.

A "foreign subsidiary" of a domestic corporation is defined as a foreign corporation of which: not less than 20 percent of its voting stock is owned by a domestic corporation; or more than 50 percent of its voting stock is owned by another foreign corporation and at least 20 percent of the latter corporation's voting stock is owned by a domestic corporations.

Coverage is not available under current law if either the U.S. employer or the foreign subsidiary are not corporations.

Proposed Change

Section 301 would broaden the availability of social security coverage to American citizens working abroad by (1) permitting coverage of American citizens working outside the United States for a foreign subsidiary of an American employer that is a sole proprietorship or partnership; (2) permitting coverage in those cases where the foreign subsidiary (to be called an "affiliate") is an unincorporated business; and (3) reducing the ownership interest in the foreign affiliate that is required to be held by the American employer from 20 percent to 10 percent.

This section would not extend coverage to services that are excluded from coverage under any existing or future international social security agreement concluded under section 233 of the Social Security Act.

Changes made by this section would be effective upon enactment.

Section 302. Extension of coverage by an international social security agreement

Current Law and Discussion

Section 317 of the Social Security Amendments of 1977 permits an international agreement to establish "methods and conditions for determining under which system [i.e., the foreign system or our own] employment, self-employment, or other service shall result in a period of coverage." As explained by the House report on the bill, "Under this clause, [if] a worker with a permanent connection with one system is covered by existing law under the other system, an agreement could provide that coverage be under the system with which the worker has the permanent connection."

However, through an inadvertent drafting omission Section 317 neglected to amend the Internal Revenue Code or the Social Security Act to define the worker's service, when included in an international agreement, as covered employment or self-employment for purposes of the Federal Insurance Contributions Act or title II of the Social Security Act. Earnings that are intended to be covered under the U.S. system pursuant to an international social security agreement are not covered because U.S. social security taxes cannot be imposed on the earnings. The U.S. has entered into agreements with several countries under which coverage has been provided for services performed outside the U.S. by workers who are not U.S. citizens but who have a permanent connection with the U.S. or are employed by a national of the U.S. However, this coverage has not gone into effect because the social security law does not authorize collection of social security taxes with respect to those services.

Proposed Change

Section 302 would provide for the imposition of social security taxes if an international social security agreement provides coverage under the U.S. social security system. Changes made by this section are effective for taxable years beginning on or after the date of enactment of this Act.

Section 303. Net self-employment income and foreign earned income exclusion

Current Law and Discussion

Certain income earned by U.S. citizens or residents working outside the United States is excludable from gross income for Federal income tax purposes. However, residents of the United States who were outside the United States for an entire tax year compute their self-employment income for social security coverage and tax purposes without regard to the foreign earned income exclusion. These people usually had social security coverage before they went abroad and the inapplicability of the foreign earned income exclusion prevents and interuption or reduction of their coverage.

However, there have been a number of changes to the tax code that were not accompanied by corresponding changes to the Social Security Act. Consequently, effective with tax years beginning after December 31, 1981, there is an inconsistency between the tax and coverage provisions which apply to the treatment of foreign earned income of certain U.S. citizens or residents. The foreign earned income in question is subject to the social security self-employment tax but may be excluded for social security coverage. The consistency also results in coverage based on the housing costs attributable to the foreign earned income with no corresponding authority to collect the tax.

Proposed Change

Section 303 would correct this inconsistency in the social security coverage and tax treatment of certain foreign earned income by amending the Social Security Act to provide that foreign earned income which is subject to social security self-employment tax would be creditable for social security coverage puposes. This section would also ensure that certain housing costs will be deductible from net earnings for social security coverage purposes, thereby providing consistent treatment of such costs for social security coverage tax purposes.

Changes made by this section shall apply with respect to taxable years beginning after December 31, 1981.

Section 304. Social security tax treatment of cash or deferred compensations plans

Current Law and Discussion

Section 3121(a)(5)(A) of the Internal Revenue Code and section 209(e)(1) of the Social Security Act exclude from the definition of "wages" for social security tax and coverage purposes any payment to or on behalf of an employee or his beneficiary from or to a qualified pension, profit sharing or stock bonus plan described in Section 401(a) of the Code. Among the kinds of plans that meet the qualifications set for in Section 401(a), are plans described in section 401(k) under which an employee may elect to have the employer make payments either to a trust under the plan on behalf of the employee or directly to the employee in cash.

Amounts which an employee receives in cash under a 401(k) plan are treated as wages for both social security and coverage purposes. However, amounts which the employee elects to have contributed to the plan (i.e., deferred compensation payments) are neither taxed nor covered for social security purposes. Consequently employees who elect to participate in 401(k) plans whose total annual earnings are below the social security annual taxable wage base ($32,400 in 1982) or whose social security earnings are reduced below the annual taxable wage base due to contributions to 401(k) plans have lower earnings credited to their wage records than employees with the same earnings who elect to receive cash.

Therefore, the participation of some workers in a 401(k) plan—which is designed to provide retirement income—may actually result in the loss of certain amounts of social security benefits (including, but not limited to, retirement benefits).

Proposed Change

Section 304 would amend Section 3121 (a)(5)(A) of the Internal Revenue Code and Section 209(e) of the Social Security Act to include in the definition of the term "wages" for social security tax and benefit purposes elective payments to a profit-sharing or stock bonus plan described in section 401(k). Section 402(a)(8) of the Code (which provides that employer contributions to a deferred arrangement shall not be considered as available to an employee solely because the contribution was made at the employee's election) would be amended so as not to apply to elective payments to profit-sharing and stock bonus plans under 401(k).

Changes made by this section shall apply with respect to calendar years beginning after the sixth month after the date of enactment of this Act.

Section 305. Standby pay

Current Law and Discussion

Section 3121(a)(9) of the Internal Revenue Code and Section 209(i) of the Social Security Act exclude from the definition of "wages" for Social Security purposes any payment (other than vacation or sick pay) made to an employee after the month in which he or she attains age 62 if the employee did not work for the employer in the period for which such payment is made. Such payments which are excluded from the definition wages are frequently called standby and subject-to-call pay. Since these payments are not considered to be wages, they are not subject to social security taxes. In addition, such earnings are not considered wages for purposes of the earnings limitation.

An allegation as to a stand-by or subject-to-call status must be supported by evidence showing that (1) an employment relationship has continued during the entire period at issue, and (2) a bona fide agreement existed between the employer and employee that in exchange for the payments the employee will be ready to work during that period when asked. Each case alleging stand-by payments is decided individually on the basis of the facts and circumstances of the individual case. As a practical matter, SSA can rarely successfully challenge such an arrangement as invalid.

Proposed Change

Section 305 of the bill would repeal Section 209(i) of the Social Security Act and Section 3121(a)(9) of the Internal Revenue Code. The result of this change is to include in the definition of wages, payments made to an individual with the expectation that he will subsequently render services.

Changes made by this section shall apply with respect to calendar years beginning after the sixth month after the date of enactment of this Act.

Section 306. Exclusion of payments under simplified employee pension plans from social security coverage

Current Law and Discussion

In 1978, the Internal Revenue Code was amended to exclude from wages for social security tax purposes employer payments to or on behalf of an employee under a simplified employee pension (SEP) plan. However, no corresponding change was made to the Social Security Act definition of covered wages. As a result, payments under SEP plans are covered as wages for social security benefit purposes, even though there is no corresponding authority to collect social security taxes on these payments.

Proposed Change

Section 306 would amend the Social Security Act to exclude from covered wages payments under SEP plans. It would provide consistent tax and coverage treatment of earnings for social security purposes by preventing social security credit for payments which are exempt from social security taxes.

The changes made by this section shall be effective for payments made after the date of enactment of the Act.

Section 307. Coverage status under social security of certain entities in the State of Utah

Current Law and Discussion

Utah is permitted to extend social security coverage to specific entities listed in the law as separate coverage groups. The names of some of the entities specifically listed in the law have changed since the provision was enacted.

Proposed Change

Section 307 would amend the provision in the Social Security Act listing entities for which Utah may arrange social security coverage to provide that coverage would not be affected by a subsequent change in the name of any of the entities. This change is desirable to prevent confusion and potential conflict over whether the entities should continue to be treated as separate coverage groups for social security purposes.

TITLE IV. MISCELLANEOUS TECHNICAL AMENDMENTS

Section 401: Technical and conforming amendments to the maximum family benefit provisions

Current Law and Discussion

Under current law, when children are entitled to benefits on more than one worker's record, the maximum family benefits on each relevant record are combined for the purpose of paying the family benefits. However, there is an overall limit on the amount any one family can receive when maximums are combined. This so-called "super maximum" for any given year is equal to 1.75 times the PIA which would be computed for average indexed monthly earnings (AIME) equal to one-twelfth of the contribution and benefit base for that year. Whenever the wage base increases (in January of every year), the PIA at AIME equal to one-twelfth of the new base is computed, and then the super maximum is recomputed. Since the formula used to compute the new PIA is adjusted to reflect wage increases, the recomputed super maximum also reflects wage increases. In addition, in June of each year the super maximum is increased when the cost-of-living adjustment is made in general benefit levels.

The problem that has recently arisen and that was unforeseen at the time of the 1977 amendments is that families whose benefits are limited by the super maximum can have their benefits unexpectedly increased or decreased when the average level of wages does not consistently rise faster than the average level of prices. For example, while the June 1981 adjustment to the super maximum reflected a price increase of 11.2 percent, the January 1982 readjustment of the super maximum reflected the 9.0% increase from January 1981 in the taxable earnings base, which is tied to wage increases. As a result, the combined family super maximum which became effective in January 1982 ($1,355.20) was lower than the maximum which had become effective in June 1981 ($1,382.40). This resulted in an unexpected reduction of benefits in January 1982 of $26.70 for families whose benefits were limited by the super maximum.

The super maximum for the period from June 1982 through December 1982 is $1,456.20 (an amount which reflects the 7.4 percent COLA for June 1982). The super maximum will be increased to $1,493.70 for January 1983 (an amount which reflects to 10.2 percent increase in the 1983 wage base relative to 1982).

Proposed Change

Under this provision the super maximum would continue to be adjusted in January of each year. However, this adjustment would apply only to families in the first year of their entitlement. After initial entitlement, a family's super maximum would be adjusted in June of each year when a cost-of-living increase is provided to everyone on the benefit rolls. The amendment would be effective with respect to payments made for months after December 1983.

Section 402: Mariana Islands

Current Law and Discussion

Under current law the U.S. social security system will become applicable to the Northern Mariana Islands (NMI) upon termination of the U.S. trusteeship of the Trust Territory of the Pacific Islands (TTPI), or earlier if the governments of the United States and NMI agree. At the time that the U.S. system becomes applicable to the NMI, the NMI social security system will be merged with the U.S. system, and funds and credits earned under the NMI system will be transferred to the U.S. system.

A problem arises under current law, because it is not likely that termination of the trusteeship and, therefore, the merger of the two systems, will occur on the first day of a calendar year. Merger of the two social security systems other than on the first day of a calendar year would present significant technical and administrative difficulties for the Social Security Administration and the NMI system because of differences in the two systems, such as the contribution and benefit bases, the tax rates, the measure of quarters of coverage, and the exempt amounts under the earnings test.

Proposed Change

Section 402 would make the U.S. social security system applicable to the Northern Mariana Islands beginning with January 1 following the termination of the trusteeship for the TTPI. The legislation would not change the current authority to make the U.S. system applicable on an earlier date if agreed to by both governments. The legislature of the NMI has passed a joint resolution requesting the U.S. Congress to modify P.L. 94-241 in the manner that is contained in this section.

Section 403. Simplification of trust fund reimbursement computation with respect to benefits attributable to non-contributory wage credits for military service

Current Law and Discussion

Section 217 of the Social Security Act provides non-contributory wage credits for military service during the period from September 16, 1940 to December 31, 1956, while Section 229 of that Act provides such credit for calendar quarters after 1956. The cost of benefits attributable to the social security trust funds of these non-contributory wage credits is reimbursed by the Treasury Department. In cases where individuals are eligible for credits under both sections, the cost to the Trust Funds of paying increased benefits must be computed separately because different procedures are provided for each.

Proposed Change

Section 403 would provide that the computation procedure in Section 229 would be used for determining the amount of reimbursement by the Treasury Department to the social security trust funds for the cost of benefits attributable to noncontributory wage credits for military service in cases where an individual gets wage credits based on military service both before 1957 and after 1956.

Section 404. Lower from 72 to 70 the age beyond which no further delayed retirement credits are available

Current Law and Discussion

Delayed retirement credits (an increment of 1/12 of 1 percent of the worker's benefit per month for workers eligible for social security benefits before 1979 and 1/4 of 1 percent per month for workers eligible after 1978) are now provided for months from age 65 to age 72 for which benefits are not paid because the worker has substantial earnings from work or does not apply for benefits. These credits are intended to provide partial relief to workers who continue working past age 65 and who forego benefits under the earnings test but who do not earn enough to qualify for a higher benefit under the benefit recomputation provisions. The Social Security Amendments of 1977 (P.L. 95-216) lowered the age at which the earnings test no longer applies from 72 to 70, effective after 1982. Once the earnings test is eliminated for workers age 70 and over, it will serve no purpose to provide delayed retirement credits for such workers; few, if any, people will delay receipt of benefits after age 70.

Proposed Change

Under Section 404, for persons who attain age 70 after December 1982, delayed retirement credits would not be given from months for which social security benefits are not paid after age 70 (rather than age 72). For persons who attain age 70 before January 1983, delayed retirement credits will be granted without regard to the changes in law which result from this section except that no credits shall accrue for months after December 1982.

Section 405. Relaxation of insured status requirements for certain workers previously entitled to disability insurance benefits

Current Law and Discussion

Workers are insured for disability if they are fully insured and, except for persons who are blind or disabled before age 31, have a total of at least 20 quarters of coverage during the 40-quarter period ending with the quarter in which the worker became disabled. Workers who are disabled before age 31 must have total quarters of coverage equal to half the calendar quarters which have elapsed since the worker reached age 21, ending in the quarter in which the worker became disabled. However, a minimum of 6 quarters is required. In many cases, a worker has been prevented from becoming entitled to disability benefits if he had a period of disability which began before he reached age 31, recovered from his disability, and then suffered a recurrence of a disability at age 31 or older. This is a result of the fact that due to the worker's earlier period of disability, there has been insufficient time for him to obtain the needed 20 quarters of coverage before his subsequent disability.

When the law was changed in 1967 to provide a special insured-status requirement for young workers, it appears that the type of situation was not contemplated.

Proposed Change

Section 405 of this bill would provide that a worker who had a period of disability which began before age 31, recovered, and then became disabled again at age 31 or later would again be insured for disability benefits if he/she had quarters of coverage in half the calendar quarters after age 21 and through the quarter in which the later period of disability began (up to a maximum of 20 out of 40 quarters). As under other insured status provisions, calendar quarters wholly or partly within a period of disability would not be counted in figuring the number of elapsed calendar quarters.

Changes made by this section shall apply generally with respect to applications for disability benefits filed after the date of enactment of this Act.

Section 406. Illegitimate children of disabled beneficiaries—first month of entitlement

Current Law and Discussion

The Omnibus Budget Reconciliation Act of 1981 contained a provision under which the first month for which certain benefits could be paid would be delayed from the month during which the individual satisfied the various entitlement conditions to the first month throughout which those conditions were satisfied. However, the amendments specifically protected the benefits of illegitimate children of retired beneficiaries by establishing parenthood occurs on the first day of the month in which it actually occurs. This protection was not provided to the illegitimate children of disabled workers, thus producing an inequity in the treatment of similarly situated children.

Proposed Change

Section 406 would provide social security monthly benefits to the illegitimate child of a disabled worker for a month in which the child satisfied all other entitlement conditions but was not eligible for benefits because the acknowledgement or court decree or order establishing parenthood occurred later than the first day of that month.

Changes made by this section shall be effective on the date of enactment of the Act.

Section 407. Continue benefits to disabled widow(er) who marries a retired or disabled worker

Current Law and Discussion

Disabled widow(er)s are paid as auxiliary beneficiaries on their spouses' earnings records. When a disabled widow(er) under age 60 marries an old-age or disability beneficiary, his or her auxiliary social security benefits stop until he or she reaches age 62. However, when a disabled widow(er) marries an individual entitled to widow(er)s, parents or child's benefits, the benefits continue. Thus, an anomaly occurs under current law because disabled widow(er)s are treated differently depending on what types of social security beneficiaries they marry. This anomaly does not occur when an aged widow(er) marries.

Proposed Change

Section 407 would provide that social security benefits of a disabled widow(er) will not terminate if the beneficiary marries an old-age or disability insurance beneficiary. Disabled widows and widowers would, as a result of this section, be afforded the same treatment as an aged widow or widower who marries an old-age or disability beneficiary.

Changes made by this section apply with respect to benefits payable for months beginning after the date of enactment of this Act.

Section 408. One month retroactivity of widows' and widowers' benefits

Current Law and Discussion

Under the Social Security Amendments of 1977, the payment of retroactive benefits is prohibited if such payment would require the lowering of future benefits. Under current law a perceived inequity occurs when an insured individual dies so late in the month that the survivor is not able to file for benefits in that month. In many of these cases, the actuarial reduction in future benefits (which in any event will be relatively small) is unimportant, from the survivor's standpoint, when compared with the survivor's need to receive a retroactive benefit promptly.

Proposed Change

Section 408 would amend title II of the Social Security Act to allow an aged widow or widower to receive actuarially reduced benefits for the month in which the insured spouse died, if the application is filed in the following month, even though the retroactive payment would result in lower future monthly benefits than would be the case if benefits were not paid retroactively.

Changes made by this section shall apply with respect to survivors whose applications for monthly benefits are filed after the second month following the month in which the Act is enacted.

Section 409. Clarify the provision in social security law exempting benefits under SSA-administered programs from assignment

Current Law and Discussion

Since 1935, the Social Security Act has prohibited the transfer or assignment of any future social security or SSI benefits payable and states that no money payable or rights existing under the Act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

In 1978, P.L. 95-598 broadened the applicability of a voluntary form of bankruptcy (Chapter XIII) under which a debtor with regular income sets up a plan to have part of his/her monthly income paid to a trustee who in turn, pays the creditors. Previously, a Chapter XIII bankruptcy could be used only by wage earners; P.L. 95-598 made it available to anyone with a regular income. The legislative history of P.L. 95-598 includes the statement ". . . individuals on welfare, social security, fixed pension incomes, or who live on investment income, will be able to work out plans with their creditors rather than being forced into straight bankruptcy."

Based on the legislative history, some bankruptcy courts have considered social security and SSI benefits listed by the debtor to be income for purposes of a Chapter XIII bankruptcy and have ordered SSA in several hundred cases to send all or part of a debtor's benefit check to the trustee in bankruptcy. SSA has been appealing these orders on the basis of the provision in social security law prohibiting assignment of benefits but may lose the appeals if courts decide that P.L. 95-598 (with its legislative history) was intended by Congress to supersede the provision in social security law.

Not only is assignment of all or part of social security or SSI checks contrary to the long-standing prohibition in the Social Security Act, but it also increases administrative costs for SSA. SSA would have to set up a system to split benefit checks between a beneficiary and a trustee in bankruptcy and, after that, it would cost approximately $75-100 a month to process each benefit assignment.

Proposed Change

Section 409 would specifically state in the Social Security Act that social security and SSI benefits may not be assigned notwithstanding any other provisions of law, includ-

ing P.L. 95-598, the "Bankruptcy Reform Act of 1978".

The changes made by this section shall apply only to benefits payable or rights existing on or after the date of enactment of this Act.

□ 1940

A TRIBUTE TO THE HONORABLE ROBERT H. MOLLOHAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 60 minutes.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to have this opportunity this evening to join with many of our colleagues in paying tribute to a man who has dedicated over 30 years of his life to public service, with 18 of those years being spent in this Chamber; but while I am pleased, I am also saddened, that ROBERT MOLLOHAN will no longer be a Member of this House come January of next year.

Throughout life one develops many special relationships; in some of those relationships closer and deeper friendships are developed than others. When such friendships come about, they are truly special and that is how I feel about the past 6 years I have spent with BOB MOLLOHAN as a Member of the West Virginia delegation together.

His frankness and his honesty have served me very well and when I sought his advice, he was always there with the right thing to say. In short, he was always there whenever I needed him and I appreciate the advice and help that he has given me.

When ROBERT MOLLOHAN stated his position, you could count on it, because he followed through and you knew that what he said was what he meant. For that reason, he deserved and won the respect of many Members of this Chamber.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I am delighted to yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, I want to thank my colleague for yielding and being so kind at this time to interrupt his train of thought and I appreciate it.

For the record, I want to talk about the BOB MOLLOHAN that I grew to know, respect and, yes, and to love in the service of his country.

I first met BOB when he and I served on the House Administration Committee. I remember his dedication, his unequalled dedication when he approached and attacked the problem we had involving elections and the proper funding of elections.

BOB MOLLOHAN was nothing less than a giant in his pursuit of a good workable bill. He put much time in with the former chairman of that committee, the gentleman from Ohio, Mr. Hayes, and also our recent chairman.

BOB MOLLOHAN was not only a close friend on that committee, but a leader, having had substantial experience here in the House at that time. He served on the subcommittee when the House Administration Committee was putting together basically and fundamentally new legislation involving services to our Members, such as better equipment, the ability and the right to lease equipment and to work it into your overall expense account.

Yes, he was a Member's Member and a most sincere and effective one.

I remember BOB MOLLOHAN, I will always remember him and I want the record to show unequivocally that BOB MOLLOHAN was serving on the executive committee of the Steel Caucus as one of the most dedicated executive committee members that I ever had the privilege to serve with over the last 5 years. I think I can say that with some authority because I have served in the last 4 years as chairman on that Steel Caucus, along with good friends of mine like the gentleman from Pennsylvania (Mr. MURTHA) and other members of the executive committee. On that committee, BOB MOLLOHAN was more than a leader. He attended the very early morning sessions that we had. I attribute that committee's activity to a sincere desire particularly on the part of Mr. MOLLOHAN, with his long years of service, to want to serve people and serve this House.

BOB MOLLOHAN gave us the benefit of his sage advice, his experience, close cooperation, and hard dedicated work.

In short, I have to say that BOB MOLLOHAN is probably one of the most active, maybe not as noticeable, but one of the most active Members, not only serving on the executive Steel Caucus, on the Committee on House Administration, on his general committee, but serving his fellow colleagues.

In closing, I would like to say these words to my good friend BOB HOMER MOLLOHAN. BOB, the Steel Caucus is going to miss you, miss you most sincerely. We are going to welcome your son and we know he is off the old block. We know that strain is going to permeate in another good public servant down here in his stead in the guise of his son, so we are going to welcome him with all the nice things we said about his father. We are going to be more than glad to welcome him on the Steel Caucus, in the Steel Caucus, and hopefully in House Administration and generally in the work that this body does.

I thank my colleague again for allowing me to interrupt at this point.

Mr. MURTHA. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Speaker, I want to compliment the distinguished new dean of the Weat Virginia delegation, probably the youngest dean in the history of West Virginia, certainly one of the most powerful and influential Members of Congress for taking this special order for BOB MOLLOHAN, who has served with such distinction on the Armed Services Committee.

BOB is the type of individual, and this shows, he is not even here to listen to the accolades about him and all the nice things that are being said about his service to West Virginia and to the country.

I know him best as an individual who has worked tirelessly for West Virginia, but also for the defense of this great country. His service has been tireless and his dedication to the defense of the country has been without equal.

BOB has become an expert in the fields of building ships and strengthening the Navy. His work in that field probably is exceeded by no one but people who are better known throughout the history of this Congress, but there is no one that has approached it with more dedication and more tireless work in trying to make sure that we did not waste money in defense and that is a key thing. There was nobody from the Defense Department or the Pentagon that could fool BOB when it came to spending money. No one equals him when it comes to making sure that we have a strong defense, but also no one was more eager to say no and to protect the taxpayer when it came to making sure that we had a defense that was paid for and that we could afford to pay for.

So we will all miss BOB. I have some comments. I know the gentleman asked for permission for revision and extension of remarks. Since BOB is not here to listen to these comments, I will put them in the RECORD.

When I first came to Congress, BOB MOLLOHAN was one of the Members who helped me the most in learning about the House of Representatives. Over the past several years, I have worked with him on issues such as black lung law reform, development of natural gas supplies, and speeding the black lung claims process. On each of those items, and many more, BOB MOLLOHAN was a dedicated, determined fighter for the kinds of changes and improvements that helped citizens in West Virginia and throughout the country.

BOB MOLLOHAN brought to Congress the key ingredients of what is needed to be an effective legislator: A concern for his constituents, a willingness to listen to the debate and work with the other Members of Congress for reasonable solutions, dedication to the job, and integrity.

BOB MOLLOHAN will be missed by those of us in the House of Representatives, but I am glad to join in congratulating him on an outstanding record and extending best wishes for much happiness in the future.

□ 1950

Mr. RAHALL. I thank my colleague from Pennsylvania.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield to me?

Mr. RAHALL. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

Mr. Speaker, the remarks made about BOB MOLLOHAN by my predecessors this evening cover it rather well. I would like to add mine from a painfully personal note.

I met him when I first came here and served on the Committee on Armed Services with him. I served on other committees with him, but the wonderful thing about MOLLOHAN to O'BRIEN was that party lines meant nothing to him. He was a bulwark of strength on problems which I had, a valuable counselor, a very dear friend.

I think the image of the House is reduced by his loss. I, for one, am very much reduced by his loss. I will miss him very much.

Mr. JONES of Tennessee. Mr. Speaker, will the gentleman yield to me?

Mr. RAHALL. I will be glad to yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. I thank the gentleman for yielding.

Mr. Speaker, I appreciate this opportunity to participate in this special order for our colleague and my dear friend, BOB MOLLOHAN. I want to commend our colleague, NICK RAHALL, for requesting it.

I have had the pleasure of serving on the House Administration Committee with BOB MOLLOHAN. It is there that I got to know him well and appreciate more deeply his knowledge, experience, and reliability. It was also there I became very good friends with BOB.

In the hectic pace we all must maintain here, it is unfortunate that we do not get to know one another better than we do. All too often, our relationships here are all business with no time for getting together on a personal basis. I have been fortunate to have gotten to know BOB MOLLOHAN on more than just the usual professional basis.

While I have great respect for BOB's judgment and legislative skills, it is going to be that personal friendship that I am going to miss after he leaves us. I hope that his retirement is going to be a well-deserved rest and I want to extend to my good friend, BOB MOLLOHAN, and his family, my warmest and deepest wishes for a long and happy retirement.

Mr. Speaker, I thank the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Tennessee for his remarks.

At the end of the 97th Congress, this Grantsville, W. Va., native, and his wife Helen, will spend more time on things which are outside the framework of congressional service or Government service. As BOB has said himself: "We will enjoy life at a much more leisurely pace than we have for the last several years."

In recounting his career, we see that he served in the 83d and 84th Congresses, and was reelected to Congress in 1968. In total he has served 18 years in the House of Representatives. Here BOB was a member of the House Armed Services Committee, and the House Administration Committee, where he was the chairman of the Subcommittee on Office Systems.

Because of his keen interest in issues affecting the steel and coal industries—which are vital to his district—BOB was a member of the executive committee of the Congressional Steel Caucus, and also a member of the congressional coal group.

From his position on the Armed Services Committee, BOB took a very deep interest in national security issues and his record has long revealed a strong support for a sound national defense policy.

BOB MOLLOHAN'S interests likewise encompassed other areas, such as: energy, trade and health. It was his concern about health issues that prompted him to author the Emergency Medical Services Systems Act, which led to improved ambulance services in West Virginia and throughout the country.

But most importantly in direct assistance to those in the First District of West Virginia who he has represented, BOB can be proud of his work with local communities and individuals to help them cope with the public problems of our times. In BOB'S own words he said:

I understand the role of Government to be—easing the burdens and aiding the transitions of people that result from economic and social forces moving beyond their control.

Much of my attention in Congress has been given over to hard work that attracts few headlines. Constituent service is the most basic representative function. Without answering the mail or quietly selling ideas, there would be no educational or health or social security benefits; there would be no new water systems or bridges or low-cost housing to improve the convenience and quality or our lives.

BOB MOLLOHAN has lived his life according to the principles of topnotch Government service. He has believed, as Thomas Jefferson did, that the legitimate object of good government was: "The care of human life and happiness."

This evening we commend him and thank him for what he has done for his country, his colleagues, his district and his family.

A couple of weeks ago, Mr. Speaker, on November 17, here in the Nation's Capitol, in the House Caucus Room, a tribute dinner was held by the West Virginia Society of Washington, D.C., in honor of BOB MOLLOHAN and his wife, Helen.

The West Virginia Society attracted well over 200 people to pay tribute to BOB in what was a fantastic outpouring of friendship and thanks to BOB MOLLOHAN for his outstanding public service in the House of Representatives. During that ceremony, individuals from all walks of life joined to pay thanks to BOB, including long-time personal friends of his like Father Charles L. Currie from Wheeling, W. Va., now president of Xavier University, who testified to BOB'S dedication to public service.

Also, representing the United Steelworkers of American and president of its district 23, was Paul Rusen of Wheeling, W. Va.; Clyde Slease, legal counsel, of Watt, Tieder, Killian, Toole & Hoffar, who told of his long-time friendship for ROBERT MOLLOHAN.

In conclusion, Mr. Speaker, I would like to submit for the RECORD BOB'S own words when he chose not to seek reelection to the 98th Congress of the United States. This was his statement as he said it on Tuesday, February 16, 1982, in which he relayed his thoughts to the people of the First District of West Virginia, his reasons for not seeking reelection and his thanks to them for having given him the opportunity to represent the First District of West Virginia in the U.S. Congress. I would ask that be made part of my concluding comments.

The document follows:

STATEMENT OF CONGRESSMAN ROBERT H. MOLLOHAN

I first campaigned for Congress 30 years ago. That campaign was long and hard, but successful. I have been honored to represent the people of the First District of West Virginia since that time—for four years in the Fifties and for the last 13 years.

Throughout those nine terms in the Congress, I have been proud to work with local communities and to help thousands of individuals cope with the public problems of our time. And that is what I understand the role of government to be—easing the burdens and aiding the transitions of people that result from economic and social forces moving beyond their control.

Much of my attention in Congress has been given over to hard work that attracts few headlines. Constitutent service is the most basic representative function. Without

answering the mail or quietly selling ideas, there would be no educational or health or social security benefits; there would be no new water systems or bridges or low-cost housing to improve the convenience and quality of our lives.

Though it is fashionable to be critical of the growth in our government structure just now, I cannot apologize for the extraordinary strides we have made in improving the fairness and justice of our society—in the health, safety and well-being of our people. Certainly much remains to be done to further assure a higher level of government efficiency and effectiveness.

We all recognize that the Nation has made progress across a broad spectrum of problem areas. We have cleaner water and cleaner air and safer working conditions than we had 30 years ago. We have more adequate low-cost housing for the elderly, greater school and park development. These and hundreds of other developments fostered by the Federal Government have boosted our expectations and our future.

As a ranking Member of the Armed Services Committee, I have been particularly gratified to see our Nation, beginning with the Carter Administration four years ago, strengthen our ability to meet the military challenges of an uncertain world. It is comforting to know that we are on a course of building a more capable and a more highly motivated military force.

I have campaigned for this seat in Congress ten times and have been elected nine of those times. That public referendum on my performance as a Representative gives me great satisfaction. Though I have received high ratings at one time or another from most every organized political group—consumers, business, farmers, labor, defense—I have always tried to represent people and our part of West Virginia, not serve interests.

Over the last few months, many have urged me to seek a tenth term in the Congress and mount my 11th campaign for this First District seat in the U.S. House of Representatives. Let me express my profound appreciation now to all those who have been my loyal friends and who have supported me so effectively through the years.

After considering my length of service and the need for the most vigorous representation for our people and after considering the progress and the accomplishments of the Congresses in which I've served, I believe I should retire from the Congress at the end of this term. Therefore, I will not be a candidate for reelection.

● Mr. RHODES. Mr. Speaker, I am pleased to join the special order paying tribute to Congressman ROBERT MOLLOHAN who is retiring from the House. BOB and I originally came to Congress at the same time, in 1953. And while BOB took a hiatus from the House to run for the office of Governor of West Virginia, and served in other public and private positions for a period of time, I was pleased to see him return to the House in 1968.

Congressman MOLLOHAN's tenure in the House included important committee assignments on the Armed Services Committee and the House Administration Committee. In addition to his legislative duties, BOB MOLLOHAN has served his constituents of the First Congressional District of West Virginia long and well.

He will be missed by all who had the opportunity to know and work with him. Betty Rhodes joins me in wishing BOB and Helen MOLLOHAN a long and happy retirement.●

● Mr. ADDABBO. Mr. Speaker, I am pleased to join my colleagues today in paying tribute to our friend and colleague, BOB MOLLOHAN, who will be leaving us at the end of this Congress.

All of us who have worked with BOB during his altogether 18 years of service recall his dedicated work on the Armed Services Committee and the House Administration Committee. We have applauded his efforts in the areas of energy legislation and trade and health issues. But the most important, and probably least visible, service that BOB has provided has been to his constituents, the residents of the First Congressional District of West Virginia. Rather than seek the spotlight of national attention, BOB has concentrated his energies and resources in assisting those he represents: Answering correspondence and helping to solve the countless everyday problems that the average voter faces—missing social security checks, service-delivery delays, and low-cost housing shortages, just to name a few.

This Nation and the House of Representatives will definitely miss BOB, but the people of West Virginia will suffer the greatest loss. To his son, Alan, I wish the best of luck; BOB is a tough act to follow. I join my colleagues in congratulating BOB on a job well done, and offering our best wishes for success in all his future endeavors.●

● Mr. MONTGOMERY. Mr. Speaker, I want to take part in this special tribute to my distinguished colleague from West Virginia, ROBERT MOLLOHAN.

His 18 years of service to his State and this Nation have been most outstanding. I know the people of the First District of West Virginia will miss the effective and dedicated constituent service provided by Representative MOLLOHAN over the years.

I had the opportunity to serve with him on the House Armed Services Committee and his opinions and leadership on three subcommittees have been a most valuable asset. In addition to serving on the Investigations Subcommittee, BOB has been an active member of the Research and Development Subcommittee, as well as the Seapower and Strategic and Critical Materials Subcommittee.

Besides working diligently on military affairs, he has also served on the House Administration Committee.

Representative MOLLOHAN can indeed be proud of the service and contributions he has given to the people of his State and to this Chamber over the years. I hope he enjoys his retirement and wish him the best in the future. He will be leaving many friends here on Capitol Hill.●

● Mr. MARTIN of North Carolina. Mr. Speaker, today we honor a good friend and diligent Member who is voluntarily departing this House, BOB MOLLOHAN of West Virginia.

BOB MOLLOHAN has been my next door neighbor over in the Cannon Building for 6 years. So often here, we dwell on a colleague's contributions, be they glorious or mundane. His accolades will deservedly be of the higher category, but I would like to speak of a neighbor and friend. To that end, let me recall a homey vignette. Back in January of 1977, we moved upstairs to the suite of offices adjoining BOB's. Amid the usual screaming and chaos of such a move, a quiet deputation arrived from next door with an invitation for refreshments, a little welcoming function from him to my staff and me. It is the sort of thoughtfulness a person never forgets. The 6 years have been like that.

It dawned on me that such a welcome sign of friendship is a sign of something bigger. It is, in the case of BOB MOLLOHAN. If we all performed constituent services with the spirit and professionalism that our colleague has displayed, we could consider membership in this House to be automatic lifetime tenure, and maybe hereditary or divine right. In this case, my friend is passing on the stewardship of his district to his son. If father be like son, I would recommend that as our junior colleagues select their rooms, they bid for those next to those of Alan Mollohan.●

● Mr. MITCHELL of New York. Mr. Speaker, I am pleased to have the opportunity to pay tribute to my good friend and distinguished colleague from West Virginia, the Honorable ROBERT MOLLOHAN.

As a member of the House Armed Services Committee, I have had the pleasure and the privilege of working closely with BOB as our Nation has endeavored to revitalize its defense preparedness. Although he and I differ in party affiliation, we have nearly always shared the same position on crucial defense issues. BOB has been a strong and active advocate of a capable and ready American military.

His departure from the House of Representatives will mean far more than the loss of an able representative of the citizens of West Virginia. It will mean the loss to all Americans who cherish our freedoms and want to insure that they are adequately protected.

He will be missed by his colleagues, his constituents, and the Nation.●

● Mr. PICKLE. Mr. Speaker, there are few people in the House who have rendered longer or more distinguished service than BOB MOLLOHAN. He served his State well and faithfully before coming to Congress and has endeared himself to all the Members here. He is

a reliable Congressman, as sturdy as the mountains and rocks of West Virginia. Every vote he has cast and every action he has taken have been thoughtful and responsible. It is good to know that his son will be succeeding him in this body, so that the name of MOLLOHAN will live on in the Halls of Congress.

I would particularly like to express my appreciation to Mr. MOLLOHAN for his work as subcommittee chairman on Office Systems of House Administration. All of our offices need the best advice and help in efficiently adjusting to the many assignments thrust upon a congressional office, and we all know that we must computerize. My office is in the process of installing a new computer system that we hope will demonstrate a need for this type of facility in other congressional offices. Mr. MOLLOHAN gave his approval for this type of equipment and I personally appreciate his help. Without his help, our office may have had to wait another 3 to 4 months for the equipment to be installed. This is an example of the kind of special cooperation you get from BOB MOLLOHAN.

He is dependable, cooperative and reasonable. As BOB MOLLOHAN's country road takes him home to the hills of West Virginia, I want BOB MOLLOHAN to know that his friends will remember him with appreciation and respect.●

● Mr. DYSON. Mr. Speaker, I rise to pay tribute to our colleague, Congressman ROBERT MOLLOHAN, who has decided to retire after many years of very distinguished service in the U.S. House of Representatives.

I am proud to have been able to serve on the Armed Services Committee with my colleague. During this time, I have grown to deeply respect and appreciate his contributions to the committee. He has served his congressional district and the Nation with integrity and distinction. We in Congress will miss ROBERT MOLLOHAN. I wish him the best of luck, good health, and much happiness as he travels the country roads to his home in West Virginia. ●

● Mr. REUSS. Mr. Speaker, I am delighted to join my colleagues in this special order honoring Congressman ROBERT MOLLOHAN, who will retire at the end of this Congress after 18 years of service.

BOB has consistently served the highest ideals through his work on the Armed Services and House Administration Committees. He has proved himself a true friend of the American worker.

BOB leaves us yet another legacy. His son, Alan Mollohan, will step into his father's shoes to continue fine representation for West Virginia's First Congressional District.

I extend my best wishes to BOB and his wife, Helen, along with my gratitude for many years of selfless dedication to the House of Representatives.●

● Mr. NICHOLS. Mr. Speaker, I am grateful that our colleague, Congressman NICK RAHALL, has arranged for a special order to pay tribute to my good friend and colleague, Congressman BOB MOLLOHAN, who is retiring from the Congress after a long and illustrious career.

We shall miss BOB in the Congress. We shall miss him on the Armed Services Committee and I shall certainly miss him as a friend.

BOB has represented his home State of West Virginia in an admirable manner over the years serving in many arenas within his State, including that of Director of the Works Progress Administration during the very depths of the Great Depression in the midthirties. Perhaps it was through this service that BOB MOLLOHAN learned to love and appreciate the needs and concerns of the working class of people which has been the hallmark over the years of our great Democratic Party. I know that he must have understood the plight of the unemployed coal miner and those who were otherwise impoverished during that critical period in our Nation's history identified with soup lines and climaxed by the recovery period spearheaded by President Roosevelt who led us out of the worst depression this country has ever known.

It has been my good fortune to know BOB rather intimately from our associations of the House Armed Services Committee. He has worked untiringly in the personnel field, supporting programs which benefited our military people, including better health care through improved pay for doctors and dentists and improved pay for the military servicemen and women.

I had the privilege of having BOB as my traveling companion on numerous trips in which we visited with our military troops overseas in far away places, and I will never foreget that special visit which the two of us had together with the Shah of Iran in Tehran some years back.

Mr. Speaker, I know I speak for BOB's many friends on both sides of the aisle here in the Congress when I wish for him and Helen many happy years as they enter retirement from Congress. There is an old Irish blessing which goes something like this as I recall:

May the road rise to meet you, may the wind be always at your back, may the Sun shine warm upon your face, the rains fall soft upon your fields and, until we meet again, may God, in His infinite wisdom, bless and keep BOB and Helen MOLLOHAN in the years ahead.●

● Mr. RODINO. Mr. Speaker, with the end of the 97th Congress we will bid farewell to our colleague BOB MOLLOHAN, who has chosen to begin a well deserved retirement.

BOB has devoted most of his life to public service, both in the House of Representatives and in various capacities in his home State of West Virginia. Since he resumed his congressional career in 1969, he has served with dedication and ability on our Armed Services Committee, where he is ranking member of the Subcommittees on Investigations, Research and Development, and Seapower and Strategic and Critical Materials.

While the residents of West Virginia's First District will miss BOB, they are fortunate that his son, Alan B. Mollohan, has been elected in his stead and will be carrying on his fine representation of his constitutents.

My best wishes go with BOB, and my hope that his retirement years will be long, happy, healthy, and productive.●

● Mr. SAM B. HALL, JR. Mr. Speaker, I commend the gentleman from West Virginia for taking this special order to pay a well-deserved tribute to my good friend, BOB MOLLOHAN. We have worked together on some projects vital to our respective areas of the country, and I have the highest respect for his legislative ability, and above all, his personal integrity. In addition, we both have the distinction of representing the First Congressional District of our States.

BOB MOLLOHAN has worked for his constituency as hard as any person serving this body. He has been in the forefront of every conceivable good effort to provide jobs for the American working man and woman. Both of us know firsthand the tremendous problems faced by our domestic steel industry, and BOB's leadership on the Congressional Steel Caucus has been an inspiration to all of us who are vitally concerned about the plight of the steel industry in America.

He has been a good friend of small business, that sector of our economy which employs 70 percent of the American work force. He took a leadership role in protecting the producers of soft drinks in our communities who were threatened by precipitous action by the Federal Trade Commission. Most cities in America with a population of 20,000 or so have a local producer of soft drinks, and these business men and women employ many of our friends and neighbors. When the FTC threatened their existence some 10 years ago, BOB MOLLOHAN rolled up his sleeves and set as a goal a legislative reversal of the FTC decision to break up their time honored franchise system. When it appeared that our efforts would not be successful, BOB gave us encouragement, leadership, and above all, results. He is a person who can get the job done.

It is good to know that BOB MOLLOHAN's son will now be taking up where his illustrious father left off. I look forward to working with the new Con-

gressman MOLLOHAN when January rolls around, but at the same time, like all of us who know and admire BOB MOLLOHAN, we will miss the friendship and comraderie that he provided.

BOB MOLLOHAN is a patriot of the first order. He has served his State and Nation with honor. His retirement is well deserved, and I hope he will spend that retirement visiting with old friends and providing the counsel we have grown to rely upon and respect. I wish him well.●

● Mrs. HOLT. Mr. Speaker, it has been my great pleasure to have known and worked with BOB MOLLOHAN. He has performed great service to his country and his constituency during his long career in the U.S. Congress.

I am sure that all of us who have worked with BOB in the House Armed Services Committee will miss his knowledge and experience, but we offer our sincere best wishes to him as he enters retirement.

He has served a total of 18 years in the Congress in a career in which he also served with great distinction in a variety of other public responsibilities.

As he retires, he does so with our great respect and affection, and the people of West Virginia should know they have been fortunate to have been represented by a man of his character.●

● Mr. WON PAT. Mr. Speaker, I thank my friend Congressman NICK J. RAHALL for taking this special order to permit the many friends of our good friend and colleague Representative ROBERT MOLLOHAN of West Virginia to wish him well as he prepares to retire from this body after a long and distinguished career.

I have been privileged to serve with BOB on the House Armed Services Committee where his contribution to the national security of the Nation has long been recognized and appreciated by his fellow Americans.

BOB is a deeply patriotic gentleman whose love for his country is a reflection of his own pride and those of his constituents whom he has served with much distinction in the House of Representatives.

His decision to leave the House has saddened all of us who looked on him as a true friend and inspiration. His knowledge of defense legislation was most impressive and I for one have deeply valued his support for my efforts to help carry on the work of the committee.

I wish BOB and his family the best of happiness in the future. I know that it is never easy to leave this august body which has brought so much professional pride to we who have been fortunate to serve here. Without a doubt, BOB MOLLOHAN is a man whose imprint on the Congress will last long after he is personally gone.●

● Mr. STATON of West Virginia. Mr. Speaker, I would like to commend our colleague, BOB MOLLOHAN, for the fine work he had done in representing the people of the First District of West Virginia. I know that he has listened to their concerns, and has tried to represent them to the best of his ability. The people of the First District obviously trust his judgment as they have reelected him eight times since his initial victory in 1952.

Furthermore, BOB has had an interest in State and national affairs. As the dean of the West Virginia delegation, his colleagues have sought his advice on matters pertaining to West Virginia. Furthermore, he has also played a key role in protecting our way of life as a member of the Armed Services Committee.

As BOB leaves this House next month, I know that we all wish him well in his new endeavors. God bless you.●

● Mr. BRINKLEY. Mr. Speaker, to sit next to a person on a congressional committee is to really get to know him. You might not learn his social status, but you learn the measure of the man and the measure of his character.

Having sat next to BOB MOLLOHAN on the Armed Services Committee for the past 14 years, I feel like he is my brother and I feel like I have gotten to know him under combat conditions. So, when I vouch for the credentials of this remarkable American, it is from the heart; when I point to his contributions as a "watchman on the walls of won freedom," it is because they are real and substantial; when I say that he will be sorely missed, it is because of the authority with which he has spoken and the expertise which he developed on the Armed Services Committee.

Other hands will no doubt pick up where BOB's leave off, but the passing from the scene of this talented man with a passion for candor and an impatience with hyperbole will mark the end of a very special chapter in the life of the U.S. House of Representatives.●

● Mr. DE LA GARZA. Mr. Speaker, it is with great respect that I rise to pay tribute to our colleague, West Virginia Representative ROBERT MOLLOHAN, who is retiring at the end of this Congress. It will be difficult for those of us present at the convening of the 98th Congress to accept the fact that our colleague will not be among those taking the oath again.

As this gentleman concludes his distinguished and illustrious career he leaves behind him a proud record of service to the people of his State as well as the Nation. His ability and steadfastness as well as his keen knowledge of the legislative process will be sorely missed not to mention his guidance and friendship.

With ROBERT MOLLOHAN go my good wishes for all the best the future holds.●

● Mr. BENEDICT. Mr. Speaker, I take this opportunity to commend my able colleague, the Honorable ROBERT MOLLOHAN, upon his retirement from the Congress of the United States. The dean of the West Virginia delegation has provided West Virginia's First Congressional District with capable representation for 18 years.

BOB MOLLOHAN's career has been highlighted by outstanding constituent service. Through his hard work and devotion to public service, the First District can boast special housing and recreational facilities for our senior and handicapped citizens. He has been responsible for the funding of numerous community service projects.

BOB MOLLOHAN has had an active and important legislative career. His membership on the Congressional Steel Caucus and the Coal Group illustrates his serious concern for the energy and industrial interests so important to his district and State. Of special interest is his membership on the House Armed Services Committee, where he has been a leader in guiding legislation to strengthen our Nation's defense capabilities. He authored the Emergency Medical Services Systems Act to provide improved ambulance service nationwide; legislation of particular benefit to the many rural communities of West Virginia.

BOB MOLLOHAN is a native West Virginian, known affectionately on a first name basis by most residents of the First District. His frequent meetings, tours and public appearances attest to his interest in the views and opinions of West Virginians—opinions which he has faithfully reflected in his actions in Washington.

I know I speak for all my colleagues in saying, "BOB, you will be missed here in the House, and we wish you good health and long life in a happy and productive retirement."●

● Mr. MAZZOLI. Mr. Speaker, I would like to add my thanks and best wishes to my good friend and colleague, ROBERT MOLLOHAN, who will be retiring at the end of this 97th Congress. BOB has had a distinguished career in the House of Representatives and has served his constituents in West Virginia diligently and conscientiously over the years. He has been an asset to the House, and his influence and presence will be missed. I join my colleagues in extending to BOB and his family my very best for their future endeavors.●

Mr. RAHALL. Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO HON. EDWARD J. DERWINSKI, HON. PAUL FINDLEY, HON. ROBERT McCLORY, AND HON. TOM RAILSBACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, the distinguished Republican leader (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, and my colleagues, I have taken this special order in conjunction with my good friend and colleague, the gentleman from Illinois, JOHN ERLENBORN, to honor several of our Illinois colleagues who will not be returning for the 98th Congress.

This kind of thing, I guess, can become an exercise in nostalgia, but considering the gentlemen involved, I believe it would be wrong to dwell solely on days gone by. Each of them has special gifts which he will continue to bring to the service of this Nation. They look toward the future, and so should we.

So I am not going to engage in any formal exercise here. I just want to engage in a little informal conversation about our good friends, ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK, and their contributions to this Congress and to the country.

If my good friend JOHN ERLENBORN agrees, what I would like to do is first give a very brief resumé of our four colleagues and then engage in a little discussion about the contributions they have, each of them, made to our party, their individual districts, our State, and the Congress and the country.

□ 2000

I should say before that that when I look over the extensive tenure of service of these four colleagues—24 years for ED DERWINSKI; 22 years for PAUL FINDLEY; 20 years exactly for BOB MCCLORY, and 16 years for TOM RAILSBACK—we in our Illinois delegation are losing the heart of that great delegation on our Republican side, men who have given many, many years of service to the country.

I suspect parenthetically, having just come through an election period, that it would not be amiss for me to mention that I think it is quite clear that we have lost these four distinguished Members of this body through a process called redistricting. Redistricting every decennial year, maybe even more so because of census figures and realignment between the States, can cause some very marked changes. We in Illinois felt that probably like no other State maybe save California. I think that is a fact that was lost in many of the pundits' comments relative to the election results that have just passed, but there is no question in my mind that had we not gone through the kind of political gerrymandering that took place in our whole State of Illinois, that we would still have in our midst these four gentleman.

So, it does take its toll, and I think we would be remiss if we did not make mention of that.

ED DERWINSKI, of course, was first elected to the House of Representatives in November 1958. He was a member of the Committee on Foreign Affairs since 1963. He served on the Subcommittees on International Organizations, International Security and Scientific Affairs. He is the ranking minority member of the Committee on Post Office and Civil Service, on which he has served since 1961, where he is also our senior Republican on the Special Subcommittee on Investigations, as well as an ex officio member of our other subcommittees.

Congressman DERWINSKI is the U.S. Congressional Representative on the Council of Interparliamentary Union, and was appointed as a delegate with the rank of Ambassador to the United Nations for the 1971 U.N. General Assembly session.

It might be appropriate at this time to yield to anyone of my colleagues who might like to make some comments at this juncture with respect to our distinguished friend, ED DERWINSKI.

I will be happy to yield at this point to my friend, JOHN ERLENBORN.

Mr. ERLENBORN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I also want to thank the gentleman for having the thoughtfulness to arrange for this special order so that we might have an opportunity to honor our colleagues who will be departing at the end of this legislative session. Three of these four departing Members were my colleagues in the Illinois Legislature at one time or another, and the fourth, PAUL FINDLEY, has come to be a close friend since our meeting here, since my coming to Congress some years after he did.

Mr. Speaker, when the final curtain falls on the 97th Congress, ED DERWINSKI will forsake the legislative branch for the executive branch, and although Congress will not be the same without the gentleman from the Illinois Fourth District, neither will the Department of State. Our loss is definitely the State Department's gain.

ED's legislative skills, which began back in 1957 when he and I were sworn in together for our first terms in the Illinois House of Representatives, have been marked by his stellar command of the English language. Whether it has been a bill dealing with postal rates, the civil service, or foreign policy, when ED DERWINSKI speaks, people listen. His choice of words has a way of not only winning friends and influencing people, but making them smile in the process. It is a natural trait that should be welcome and equally effective at the Department of State.

ED's departure from this Chamber is not altogether one of his choice, but as the gentleman in the well has said, it was redistricting, and a tour of duty at Foggy Bottom is most appropriate for this master of world affairs.

So, in making this public career change, I want him to know that I will do my best to fill his shoes in representing many of his neighbors whom he served so well, and who because of redistricting I will represent for the next 2 years. We will miss ED DERWINSKI, but we can all sleep a little better knowing he will be serving us at the Department of State.

Mr. MICHEL. Mr. Speaker, I would surely have to agree with the gentleman. I was so happy that the administration saw fit before we had taken our break for the recess to give us pretty clear indication that Ed would be taken aboard downtown and his talents and all that wealth of experience that is his will be put to good use, as I indicated, for the future well-being of our country.

Mr. Speaker, I am happy to yield to my friend, Mr. PHILIP M. CRANE.

Mr. PHILIP M. CRANE. Mr. Speaker, I thank my leader for yielding to me.

I first met ED back in the 1964 campaign, when he was chairman of the Illinois Citizens for Goldwater and I was enlisted in that effort as the research chairman. At that time, I was living down in our distinguished leader's district, and BOB MICHEL was my distinguished representative down in Peoria. It was kind of an interesting experience living downstate at that time to find that there were people up in Cooke County, even though I had roots up in Cooke County, who shared those same basic and traditional values that were so revered in downstate Illinois. When I subsequently moved back up to the Cooke County area, after my predecessor, Don Rumsfeld retired, ED DERWINSKI was at my side helping me as I sought election to that seat. He served as my mentor and father confessor when I first arrived in this body.

I remember having missed, because of a special election, the normal orientation process that most freshmen get. I had to depend upon ED, whose office was in that commanding fourth floor space overlooking the Capitol in the Longworth Building. Mine was a much more modest office about half-way down that hall. At that time I depended, since it was cold weather, on ED to show me how to get to the floor. I remember the first time he took me down to the basement of the Longworth Building and then led me through the tunnel from Cannon over here. The next time the bells went off for a vote, he took me down to the

basement of the Longworth Building, took me over to Rayburn and we took the train. The third time he suggested that in order to familiarize myself with the terrain, we should walk above ground. Having followed ED's leadership back and forth to the floor for a week or so, I finally concluded that I had a mastery of it. I left this floor after a vote; I took the elevator to the basement, and I was under the Senate Chamber before I realized I had made a wrong turn in the labyrinth of passageways there.

I was that dependent upon ED's leadership. He has provided not only friendship and guidance and political wisdom, but I think he is certainly recognized in this Chamber by both sides of the aisle as one of the most effective legislators that we have had in this body. In that sense he will be a great loss to us all.

I have not always agreed with ED on every issue. Something I think a lot of folks back home do not fully appreciate is that you can disagree without being disagreeable, and in this body, where oftentimes we engage in head-knocking debate, it does not mean that that spills over into personalities. In that sense, I think each and every one of us feels a great sense of loss with the departure of all of our colleagues whom we have built up friendships with, even though we may be on opposite sides of the aisle, or we may have been within our own party on opposite sides of the issue from time to time.

ED DERWINSKI, I am confident, is going to continue to faithfully provide the kind of public service that he has so outstandingly provided in his 24-year tenure in the House of Representatives, and I am hopeful that the administration recognizes that ED's talents are not confined to legislation. I think he is one of the outstanding diplomat-legislators, if you will, that this body has seen. One need only visit his office and look at the distinguished array of photographs of world leaders, which include everything from the pictures of past Popes that ED knew and had met and was familiar with to other church denominations throughout this world, as well as the political figures that have come and gone on our world stage over the past 25 years, to realize that ED DERWINSKI has many extraordinary talents to provide in his new job at the State Department.

□ 2010

I know that we will still have the opportunity to share the friendships that we have had. We will all miss him in this body enormously but I think we have had the opportunity, thanks to BOB MICHEL and JOHN ERLENBORN, to pay a special tribute to some truly extraordinary people who represented our great State.

Maybe I am a little prejudiced, but I have always been persuaded since coming to this body that no State had better quality representation than that provided from Illinois.

Mr. MICHEL. I thank the gentleman for his comments.

I am happy to yield to Mr. HYDE.

Mr. HYDE. I thank the distinguished minority leader for yielding. I certainly thank him for his foresight, along with Congressman ERLENBORN, in taking this special order to pay, however brief, tribute to four of the most outstanding human beings that I have been privileged to meet in my life.

Since we are talking about ED DERWINSKI, when I think of ED I think of being articulate. He is one of the most articulate people who could get to the heart of a problem. He was incisive. He did not beat around the bush. You knew where he stood on any issue no matter how controversial.

He was one of the most good humored people that I ever met. He brought a leavening of good humor and frivolity even to sometimes some of the most grave issues, and we need that.

He never took himself seriously but he was taken seriously by this body.

I do not know of a single Member that had the respect nor the influence that ED DERWINSKI had. He proved indeed that a Member of this body does not have to be a chairman of a committee, does not have to be a chairman of a subcommittee, nor in the leadership, to be influential, to make people see your point of view.

I do not think I ever disagreed with Mr. DERWINSKI except once or twice and on those I concede I was probably wrong. But he was a man whose light brought along with him other lights in terms of voting aye or nay on particular issues because he was trusted while he served here. People knew he was knowledgeable, that he knew his subject and that however he voted it would be in the best interests of our great country.

ED DERWINSKI symbolizes the word partriot to me. He was a man who fearlessly defended the ideals of America. He was a man who understood the struggle for the soul of Western civilization, that it is between the free peoples of the world and the Communist slave masters of the world. He never equivocated on that.

He was a spokesman for ethnic groups, Ukrainian groups, people from the Baltic States, the captive nations. He understood the richness that ethnic groups bring to America and he was their spokesman. He understood their causes and he articulated their causes.

Some one with his understanding will indeed be missed. I think the vote in this last election, despite the analyses of the great pundits and the journalists and political scientists, it was far more a vote on cartography than on anything else. I think the map makers deserve the accolades of the political analysts.

Certainly in Illinois, had we run with the map in the previous session, we would not have lost four distinguished Republicans. I do not mean to demean the other party at all, but men of intelligence, of achievement, of long service, of dedication. It is sad and why put a sugar coating on it. It is sad to see their careers ended involuntarily due to the way the map was drawn.

But that is the nature of this vocation that we are in and they accept their losses as the brave gentlemen that they are.

But ED DERWINSKI is special to me. He always will be special to me. I am consoled that his talents, that his ideals will not be lost to our country and to our Government because he will have a very important post with the State Department where his influence can still be felt on the Hill.

I think in closing, in speaking of ED DERWINSKI, about a great line from Camelot where King Arthur said we are all of us tiny drops in a vast ocean, but some of us sparkle. ED DERWINSKI is incandescent and he will not be forgotten.

Mr. MICHEL. I thank the gentleman for his very appropriate remarks.

I am happy to yield to the gentlewoman from the Rockford area.

Mrs. MARTIN of Illinois. I thank you, Mr. Leader.

I cannot claim the years of knowledge of some but perhaps that is useful, too. As a newcomer to the delegation it would have been easy for someone like ED DERWINSKI to ignore me, which I probably properly deserve. But, instead, he has helped.

He makes a human being feel not only welcomed but that they are going to be able to cope, to adjust, and indeed perhaps someday to excel. This is a very special gift that a person has.

ED DERWINSKI makes people feel good. He makes them feel like they can do better and then they do.

That is not just true for newcomers but for the more experienced people in the delegation.

The State Department will not only benefit from ED's brilliance but they will also get to see some sport jackets that I think have enlivened the House often.

We all want the name of the tailor. Perhaps to deport him. But, nonetheless, it is part of ED DERWINSKI.

I think he is special. He is bright and he is funny and we undervalue being funny. He has a brain and a heart and he makes both of them work together.

I think he is just lovely. It has been a sheer joy to be with him for 2 years. The State Department's gain is not

comfort enough for me. I did not want to lose him.

So I guess we will not, but we will keep him as a friend, and for all America. They have had him representing in that very superb way he does so well the area of Illinois and our State that I suspect even in "Foggy Bottom" he will continue to remember and do.

Mr. MICHEL. I thank the gentlewoman and would surely have to agree that the House will not be the same without that humor and good nature of ED DERWINSKI.

As the gentleman from Illinois a moment ago said so well, he did not take himself seriously but everybody else did and when he spoke he spoke with authority.

As I indicated earlier, I am rather distressed that we will lose one who was the second ranking member on the Foreign Affairs Committee of the House of Representatives and the ranking member on the Post Office and Civil Service Committee. So we lost a great deal of seniority in ED DERWINSKI.

Also in PAUL FINDLEY, who was third ranking member on the Foreign Affairs Committee and such a tower of strength on the Agriculture Committee on which he served.

PAUL, of course, was first elected to Congress in 1960. We first appointed him to the Agriculture Committee and its Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, and the Subcommittee on Wheat, Soybeans, and Feedgrains. He was also a member of the Subcommittee on Europe and the Middle East of the Foreign Affairs Committee.

Before coming to Congress PAUL was president of the Pick Press in Pittsfield, Ill., and the Democratic Message of Mount Sterling, Ill., both weekly newspapers in the west central area of Illinois.

I just cannot refrain from mentioning the numbers of times that PAUL FINDLEY has taken the floor of this House in the interest of the American taxpayer out there, particularly well schooled as he was in agricultural economics. There was probably no one more gifted and who did his homework and offered more amendments to alter and shape legislation on the floor of this House.

□ 2020

If he could not get the job done in committee, he was one to take the floor here and argue the case before his 434 peers here, and in more cases than not, even in a minority position from the standpoint of politics, could win the issue. He recognized the popular issues back home that the people were interested in seeing enacted here on the floor of this House.

So we are going to miss a great leader in PAUL FINDLEY. I would like to think that, with his initiative in the food-for-peace program that he was so instrumental in getting enacted on the floor of this House in Public Law 480 legislation, those talents could surely be put to good use by the administration, whether in some ambassadorial rank position either with the Department of State or the Department of Agriculture. I think we would do well to pick up on that great experience that PAUL FINDLEY has.

Mr. Speaker, I will be happy to yield to any Member at this time for whatever comments they might like to make relative to PAUL FINDLEY's service here in this body.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to my friend, the gentleman from Illinois.

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Speaker, I rise to salute PAUL FINDLEY, our colleague from the 20th District of Illinois, who will soon be departing these Halls.

For 22 years, PAUL has served not only the people he was elected to represent in Congress. He has served all the people of our great and good Nation with honor and competence.

It is hard to imagine not having the counsel of PAUL FINDLEY when a farm bill or foreign policy measure comes to the floor. PAUL could always be counted on to have studied both sides of the issue at hand and to give sound reasons for the stand he chose.

With traits like these, he is destined for success in his new endeavors; and I wish him well.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. HYDE. I again thank our distinguished minority leader for giving us a chance to comment on the sad loss of so many able and distinguished Members of Congress from Illinois.

When I think of PAUL FINDLEY, I must say that he and I did not agree on a great number of things. Our approach was different to many, many problems. Again I concede that he may well be right and I may well be wrong, but I admire PAUL FINDLEY for two words: Courage and conviction.

I do not know a Member in this body past or present who has had the courage that PAUL FINDLEY had, to take a very unpopular cause and to see it through and to never be deterred by press or by political penalty in his search for peace.

The thing that animated and always will animate PAUL FINDLEY is a thirst and a love of peace, and his view toward getting peace was, let us say, unorthodox, if one is to say the orthodox is what the majority of us adhere to, but that was an example of his courage; he dared in different ways to try to achieve peace in this world.

He was a man who cared about the big issues, the permanent things—the Atlantic Union, things that were not popular with many Members, but at the same time it was a visionary approach to the grand and great and eternal problem of peace.

PAUL FINDLEY cared a lot about this body. He contributed a lot. He was energetic; he was serious; he was sincere. His loss will create a void that will not be filled.

I am proud and enriched to have served with PAUL FINDLEY.

Mr. MICHEL. Mr. Speaker, I thank the gentleman. I can surely attest to the many, many hours that PAUL FINDLEY dedicated to this job, for we have offices right near one another, and he was always here before I arrived. If I arrived by 7:30 or 8 o'clock, he had me bested by a few minutes, and he was always there, too, as the night shades were falling. I do not know, as the gentleman indicates, of anyone who has given more unstintingly of his time to this process. He loved this House and was a very vocal voice on those issues about which he felt so strongly. As the gentleman indicated, we were not always in agreement, but you could never fault PAUL for having that dedication that, once he had his eye set that this was the position he was taking, he was going to articulate that position and make the most of it.

So we are going to surely miss the likes of PAUL FINDLEY around this House.

Mr. PHILIP M. CRANE. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Illinois.

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

Mr. Speaker, I, too, would like to comment on what has been observed in terms of PAUL FINDLEY's dedication to his job. I do not think many people fully appreciate the workload that was involved in carrying two major committee assignments, as he did on Foreign Affairs and Agriculture. While Foreign Affairs was less my area of expertise or interest than domestic issues, I nevertheless felt that PAUL FINDLEY's was a voice that should be heard in the debates that transpired in the international arena on this floor. I, too, sometimes had my disagreements with PAUL, but, as I noted earlier, disagreements never got disagreeable with PAUL FINDLEY.

In the area of agriculture, I confess to being a babe in the woods when it came to PAUL FINDLEY's expertise and understanding, most especially of Illinois agriculture and Illinois agricultural interests, because PAUL always had a thoroughgoing understanding and defense of all of the positions he took. I know he provided leadership to me, as

well as to many others, when it came to issues which touched us so dearly back home in Illinois.

So I, too, want to again thank the gentleman for the opportunity to comment on the loss of a very capable and outstanding colleague, but we will lose his friendship never.

Mr. MICHEL. And more specifically, I might add, with regard to the gentleman's remarks relative to agriculture, there were times when PAUL FINDLEY, again in the interests of the taxpayer, aroused the consciousness of this House. When, over a period of years, the price support payments got to the point where very few Members were really aware that they could be so unconscionably high, there was PAUL's limitation of no more than $50,000—again in the interest of the taxpayer, and an initiative on his own. And when over a period of years there was the manipulation of the sugar quotas and marketing system in this country, he was one of the first to take on that very "sacred cow," or sugarcane in this case, and do a job in the interest of the American consumer and the American taxpayer.

So we have many things to thank our friend PAUL FINDLEY for.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. I thank the gentleman for yielding.

Mr. Speaker, I do not know why any of us should be surprised at the courage and the daring and, almost, occasionally fey part of PAUL FINDLEY. His hero is Abraham Lincoln. He is a Lincoln collector. His office is a repository, really, of Lincoln memorabilia. I think the spirit that moved the greatest son of Illinois is part of what moved PAUL FINDLEY. I think he cared about people's rights. If he saw that a right was being abrogated or abridged, even in an unpopular area, he moved in. If it were equal rights in this Nation or rights in other nations, he moved in. He would represent the farmers. He does represent the farmers in his district. But if somebody was getting too much money from a farm program, he would go in. He cared. Not just for consumers, but I think, in Congressman HYDE's words, that vision of a better world that he wanted.

For a city girl such as I who represents an agricultural district and has had to learn a great deal quickly, and sometimes not too well, he has also been a teacher. I am much better informed because PAUL FINDLEY helps me. That help and friendship, I know, will continue. We are just quadruply blessed in Illinois as we are talking tonight. He, too, joins ED DERWINSKI in being just a doggone lovely man.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to my friend, the gentleman from West Virginia.

Mr. RAHALL. I thank the distinguished minority leader for yielding.

Mr. Speaker, as one from outside the Illinois delegation and as one from this side of the political aisle in the House of Representatives, I could not pass up the opportunity to say a few remarks about PAUL FINDLEY's service in the Congress. While we may take our delight in the political numbers outcome in the past election, it did not overcome the fact that we do work quite often on a nonpartisan basis in this body and we develop friendships across the political aisle. And PAUL FINDLEY was one with whom I did develop a close friendship and one for whom I have the highest praise for his service in the Congress.

□ 2030

He represented not only his constituency, but he represented, in the arena of foreign affairs and from his position on the Foreign Affairs Committee, what I have felt has been the hidden conscience of the American people. He represented what he thought was fair and just in all parts of the world. He represented in the Middle East especially what he considered to be an evenhanded policy. And it was a position that often brought him criticism. It often brought him sharp criticism and political attacks and political support for his opposition.

But as I said, I believe PAUL did represent what he thought was right and what he thought was fair and evenhanded. And for that reason I for one commend him for his service. And yes, we shall miss him in this Congress. But he left a mark that he can be very proud of.

Mr. MICHEL. Mr. Speaker, I thank the gentleman.

From the Judiciary Committee, we are losing two of our Illinois members. We are losing BOB MCCLORY, who served as the ranking Republican member on that committee. Before coming to Washington he was in the Illinois State House of Representatives for 2 years and in the Illinois State Senate for 10 years. He was first elected to the Congress in 1962.

In 1965 he became a member of several of the subcommittees of the Judiciary Committee, and he is also a member of the Legislative Subcommittee of the Select Committee on Intelligence.

We are also losing TOM RAILSBACK, another member of the subcommittee and of the Judiciary Committee also. He was a product of the Illinois State Legislature, as the gentleman from Illinois (Mr. ERLENBORN) stated earlier. He served two terms as a State representative before being elected to the 90th Congress in 1966.

As a member of the House Judiciary Committee, TOM is the ranking Republican on its Subcommittee on Courts, Civil Liberties, and the Administration of Justice and is a member of the Subcommittee on Monopolies and Commercial Law; he is also the ranking Republican member of the House Select Committee on Narcotics Abuse and Control.

TOM's Republican colleagues from the Prairie State elected him chairman of the 14-member Illinois Republican delegation to the 95th, 96th, and 97th Congresses.

BOB MCCLORY has served very ably guiding the fortunes of those on our side in that Judiciary Committee. I would like to think that with all that experience, he would put all that legal talent to work in the private sector out there, which I think, from conversatives with BOB, is probably going to be his lot. I know that he will be doing well, probably much better than he would have done in this House so far as remuneration is concerned. Certainly that would apply to our friend, TOM RAILSBACK, who will be associated with the Motion Picture Association and will be an associate of Jack Valenti, whom many of the Members of this body know so well.

I guess my only regret will be that our frequent golf outings might be fewer in number, because TOM and I over many years have enjoyed that game.

So I cannot refrain again from making mention of the tremendous loss this House is suffering by this redistricting in our home State that causes four Members with such seniority to simply be wiped off our delegation. This House is certainly going to suffer from that.

I yield at this time to my friend, the gentleman from Illinois (Mr. PHILIP M. CRANE).

Mr. PHILIP M. CRANE. I thank the gentleman for yielding.

I find a personal kind of anguish in losing all of these folks in day-to-day service here. But as the gentleman pointed out correctly, I do not think that we have seen the last of them by any means. And I know they will maintain an ongoing commitment to public service.

Mr. Speaker, in the case of BOB MCCLORY, back in 1982, with the reapportionment at that time, I inherited seven townships from what was BOB's old district, and then, of course, after this most recently gerrymandering, BOB was in a position where he chose not to seek reelection, and I inherited a much larger geographic area from him.

I will say that BOB certainly did his job well in representing that district and he bequeathed to me with his departure real "elephant country," because of the yeoman service he had

provided, because in the process, of course, there were certain partisan consequences that the people who liked BOB increasingly liked Republicans too.

So I am grateful for what BOB did to me as my former congressional neighbor.

Mr. Speaker, it is again with mixed emotions that we take part in this tribute to another Illinois colleague, Congressman BOB MCCLORY, who is retiring from this body upon the adjournment of the 97th Congress.

Before addressing remarks in my own behalf, I would like at this point to submit it for inclusion in the RECORD the statement which was issued on January 13 by BOB, who with his attractive wife, Doris, at his side made his retirement announcement at a press conference in the historic House Judiciary Committee Room, where he devoted his principal legislative service as a member and is now the ranking Republican member of the House Judiciary Committee.

That statement is as follows:

I have called this press conference to discuss important decisions and plans which will affect my life—and those hundreds of thousands of citizens whose interests I have represented in the U.S. Congress for almost 20 years.

First, let me emphasize that my decisions should not indicate any desire to abandon or terminate my congressional service. My jobs here in the U.S. House have not been completed. My desire for service and my capacity for service are as strong—or stronger than ever.

Several factors over which I have no control have contributed to make this extremely difficult. A blatantly political decision of a Federal court in Chicago has undermined my congressional district centered in Lake, Kane, and McHenry Counties. Townships and communities have been severed from their natural environs in a disruptive and debilitation manner. A congressional redistricting which has no legitimate genesis was designed by the Democratic leader of the Illinois House of Representatives and developed in large part during the actual Federal court proceedings in Chicago.

The remap as approved represents the extreme to which judicial activism can be carried and applied. The judges undertook the prerogatives of a legislative body and of political pollsters in speculating on the future political inclinations of Illinois voters in applying a so-called doctrine of "political fairness" never previously applied by a court in producing a court-ordered remap.

The realities of the Federal judges' usurpation of political authority is to doom the future of as many as four or five Republican Members of the U.S. House of Representatives. I probably would not have to be one of the victims of this Democratic court-ordered scenario.

But, for a number of reasons, I have reached a firm resolve not to seek reelection in Illinois' 10th Congressional District. First, I do not relish a divisive, bitter, expensive, and potentially self-defeating campaign against another younger and capable Republican colleague. Literally hundreds of constituents and friends with whom I have spoken admit to an attachment to both Congressman John Porter and me. I want to relieve them of the dilemma of supporting one or the other of us.

The financial commitments of a primary fight would impose burdens on friends and supporters when they are already committed to other national, State, and local races. Political campaign funds should be directed rationally—not recklessly or needlessly.

Ten years ago—following a court-ordered redistricting I entered into a great new area to build up a political following—and to serve new constituent interests. Now, a decade later, I must weigh the physical, organizational and financial problems of developing political bases in densely populated areas of Cook County.

The interests of my Lake County constituents and the Cook County residents of the 10th District are substantially similar. However, a primary battle could be disruptive of those interests and could pit one group against the other.

Finally, I am concerned about the welfare of the Republican Party in the 1982 and 1984 elections. I had hoped for my reelection and the election of a Republican majority in the U.S. House this year. I even had hopes of becoming chairman of the House Judiciary Committee in the next Congress.

All careers on Capitol Hill must come to a close some time. Some Members voluntarily retire. Some are defeated at the polls. Only a few of us are redistricted out of office. In my case, I attribute my decision today to the action of the U.S. Supreme Court on Monday affirming a Federal court in Chicago which is forcing the termination of the political careers of two or perhaps more Illinois Republican Members of the U.S. House.

Let me add that I am making my decision with no bitterness and no regret for any actions I have taken in the court proceedings. In addition, my decision is entirely voluntary and is based upon no conversations importing promises of political or private rewards of any kind.

I'm grateful to my wife Doris for her steadfast support during this trying period. She has shared with me these hours and days of searching and praying for answers to our dilemma. She alone has participated with me in this statement.

We are confident that our friends and supporters will understand this decision and will acquiesce in the reasons for my withdrawal from the primary race. I beg all my constituents and backers to lend their support to the campaign of my friend and colleague, JOHN PORTER in the March Republican primary.

Mr. PHILIP M. CRANE. Mr. Speaker, I will also attach to these remarks editorial comments from the principal newspapers in BOB MCCLORY's congressional district and a number of communications which were made available to me for purposes of this special order.

Mr. Speaker, the residents of the 13th Illinois Congressional District are justifiably proud of the man who has represented them in this House of Representatives for the past two decades. He will leave behind him an outstanding record. His efforts as a member of the Judiciary Committee will long be remembered.

The record will show that BOB MCCLORY was a principal sponsor of amendments to the Federal antitrust laws, a sponsor of the proposed constitutional amendment to require a balanced Federal budget and to control Federal spending, an active proponent of Federal regulatory reform and immigration legislation. He participated actively in the 1974 impeachment inquiry and authored one of the three articles of impeachment reported by the committee.

Congressman MCCLORY was educated in Switzerland, Dartmouth College, and Chicago-Kent College of Law—now affiliated with Illinois Institute of Technology—where he was graduated in 1932. He was a member of Psi Upsilon and Green Key at Dartmouth, Phi Delta Phi and the Round Table—an honorary legal scholastic society—at Chicago-Kent. He engaged in the general practice of law in the State and Federal courts in Chicago and Waukegan, Ill., until his election to the Congress in 1962.

Congressman MCCLORY received the Distinguished Alumni Award for 1982 from his law school alma mater. He was granted an honorary degree of doctor of laws in June 1982 from Lake Forest College in Illinois.

He is the author of the article "Reforming the Budgetary and Fiscal Machinery of Congress"; a chapter of "We Propose: A Modern Congress, (1968)"; and "Congressional Investigations: A Necessary Hybrid in Our System of Government," which appeared in the 1977 volume of Capitol Studies.

Congressman MCCLORY has been admitted to the Illinois and District of Columbia bars, and is a member of the Illinois State Bar Association—former member of the Board of Governors—and the American Bar Association, the Law Club of Chicago, and other legal, fraternal, and social organizations.

Prior to his election to the Congress, he served for 12 years in the Illinois General Assembly—10 years as a State senator.

Congressman MCCLORY is a member of the House Permanent Select Committee on Intelligence, serving as the ranking member on the Subcommittee on Legislation. Mr. MCCLORY served as a member of the National Commission for the Review of Antitrust Laws and Procedures (1978-79). He served during the past 2 years as a member of the Select Commission on Immigration and Refugee Policy and is currently a member of the Advisory Committee on Project '87—created to celebrate the bicentennial of our U.S. Constitution in 1987.

Mr. Speaker, perhaps Bill Schroeder of the Lakeland Publications in Congressman MCCLORY's district best summed up the feelings of his constituents when Mr. MCCLORY decided not to run for reelection in 1982.

Schroeder wrote:

Without dominating, the kindly, soft-spoken man from Lake Bluff was a domi-

nant force in Lake County politics for more than 30 years, first as a state representative, then as a state senator and for the past 20 years serving as our representative in Washington, D.C.

With only a hint of bitterness, McCLORY was his customary genteel self in reacting to a blatantly political decision handed down by the courts that decimated McCLORY's district and thrust him into a head-on confrontation with a popular Republican colleague with like views if he was to stay in office. McCLORY chose to retire on the brink of every Congressman's dream, possible ascendancy to the chairmanship of a major House committee

The decision to retire was vintage McCLORY. The popular lawmaker was not known as a quitter or without stomach for a fight. McCLORY didn't quit. He retired—undefeated. As for a fight, the one-time Waukegan attorney could pursue an issue where principle was at stake. In this case, the only issue at stake was political self-preservation. Obviously, that was insufficient in his eyes.

Those words tell the story of BOB McCLORY—a leader, a man of principle, a fighter.

Mr. Speaker, may I add to those words this observation:

ROBERT McCLORY of Illinois will be missed by friend and foe alike. Even his adversaries will concede, he was ever a gentleman and esteemed colleague.

Mr. Speaker, the editorial comments and communications to which I referred are as follows:

[From the Daily Courier News, Jan. 21, 1982]

AS WE SEE IT: McCLORY HAS EARNED HIS DISTRICTS' GRATITUDE

We would be remiss if we did not join reader A. J. Koltveit in saluting Cong. Robert McClory, not only for the reason stated in his letter today, but for long and distinguished service to three constituencies—those of his state representative district, where it all began, later his state senatorial district and, finally, in 1962 his congressional district (for which the boundary lines changed twice during his tenure).

The third change, which would have placed him in the new 10th District, would have removed him for the first time in all those years (since 1950) from the area in which this newspaper has substantial circulation. We've come to know him well, and to appreciate him both as a person and as a legislator.

He has two attributes that are particularly impressive to us, one of which was reflected in the vote he received every two years. He works hard at his job. There aren't many congressional offices as responsive as his to constituents—and he obviously doesn't check first on the voting record of those who ask his help. This quality dates back to his state legislative days when funds for clerical help were in short supply and it has served him well on election days.

The second is this: He is a gentleman, a characteristic that isn't always helpful to elected officials. It is this quality, not partisanship, that made him supportive of both Richard M. Nixon and Spiro T. Agnew until the proof of their wrongdoing became a matter of record. Despite all of his years in public life, McClory couldn't bring himself to believe men so high could stoop so low. That kind of naivete may subject a person to criticism, but we doubt that it's uncomfortable to live with.

McClory has never been known for his flamboyance. He has never been a member of the majority in his 20 years in Congress. Had that come about this year, he would have been chairman of the prestigious House Judiciary Committee on which he is now ranking Republican member. That chairmanship would have been a suitable cap to the career of a dedicated public service.

His age (he will be 74 on Jan. 31) coupled with the widely-whispered message that 1980 would mark his last bid for the office, apparently figured in both Republican and Democratic remap plans this year. And it undoubtedly, too, played a part in his decision not to engage in a punishing primary battle with another Republican in a district in which a Democrat now can win.

McClory, though, is a young septuagenarian, again because of personal discipline. He works at staying physically fit. We hope that he will be given many years to contemplate the greatest reward of all after he finishes his work as 13th District congressman next January—the personal satisfaction that must come from many years honorably spent in service to his nation, to his state and to his people. Not many succeed so well.

[From the News-Sun, Jan. 14, 1982]

McCLORY STEPS ASIDE

U.S. Rep. Robert McClory, R-Lake Bluff, has decided to close out a political career that began in 1950 rather than battle for survival in a congressional district mangled beyond recognition in the political redistricting process.

McClory's announcement Wednesday morning that he was withdrawing from the March primary election in the newly formed 10th Congressional District was not a joyous event. It came as a blow to McClory's supporters, was clearly a traumatic decision for McClory, himself, and it dramatically signaled the destructive effect of congressional redistricting in Lake County.

It is understatement to say that McClory has become a familiar political figure in Lake County. He has been immersed in the area's political seas since he first was elected to the Illinois House of Representatives more than 30 years ago. Though not everyone's leadership choice, he accurately reflected the views of a huge majority of the area's voters, first as a legislator in the Illinois House and Senate and since 1962 as a congressional representative from an ever-changing district based in Lake County.

Lake County at all times had a representative who understood the problems of the area and who worked hard at maintaining that understanding. It truly can be said that McClory worked tirelessly at his job. And though he tugged at times against the political currents in his home district, he never departed far from the views of those he represented back in the Lake County area.

But now a court-approved, Democrat-inspired reapportionment of Illinois' 22 congressional seats has virtually eliminated Lake County as anyone's political home. The county has been sliced into two congressional districts, all vulnerable to domination by outside areas.

McClory's departure from the political arena is not only a cause for sadness in itself but is cause for gloom on a much broader scale. It may be at least another 10 years before the area regains a representative in Congress it can call its own.

[From the Mundelein Herald, Jan. 20, 1982]

AS McCLORY DROPS OUT OF THE PRIMARY

Rep. Robert McClory's surprising withdrawal from the 10th Congressional District primary race represents the first political fatality of that shrewd Democrat-inspired redistricting.

As a state legislator for 12 years before 1963 and a congressman ever since, McClory has long been a household word around here. Ten times the name appeared on the congressional ballot—in the 12th Congressional District during the 1960s, in the 13th District during the 1970s—and 10 times the voters gave it their nod.

To the extent McClory is known nationally, it is for his role as the second-ranking minority member of the House Judiciary Committee during its investigation of the Watergate scandal in 1974. McClory repeatedly expressed dismay at the inculpatory evidence, and eventually he voted to impeach President Nixon for abuse of power.

Yet aside from fleeting prominence achieved during Watergate, McClory played a muted role in national affairs—partly because of the Democrats' control of the House throughout his congressional career and partly because of sheer fate.

Particularly in shaping the historic civil-rights legislation of the 1960s, McClory might have played a far greater role but for the flip of a coin. The toss determined seniority on the House Judiciary Committee and its subcommittees. McClory lost out to Edward Hutchinson of Michigan, who fiercely opposed the civil-rights measures. Had the coin landed otherwise, McClory, an advocate of the controversial legislation, would have been the ranking Republican on the Judiciary panel and very likely influenced the legislation to a greater degree.

If the Supreme Court's acceptance of the congressional map hurt Illinois Republicans, McClory's withdrawal eliminates the need for a bruising and expensive primary battle. Porter will be able to save his money and energy for the Democratic challenger next November.

It was time now for McClory to bow out. He didn't leave until it was time, and when he left he did so with grace. He can be proud of that.

JANUARY 19, 1982.

The Honorable BOB McCLORY.

DEAR BOB: I know you are hearing from everyone in the county—mostly words of warmth and affection I assume. It's too bad we don't get these letters over a period of time so each would get the attention it deserves, instead of all in a bundle at watermark times.

But Hub and I too, would like to express the warmth we have felt for you, and the sure knowledge that if there was something a Congressman could do for us, that we could turn to you and not be concerned that our party would prevent us from getting full attention. And no one knows better than I what an indefatigable campaigner you are—wherever I was with my brochures—there you were also, plastic bag in hand, the other outstretched. I've always been pleased to think of you as a friend—at least once 1966 was behind us, I've continued to think so.

Every good wish to you and Doris on your retirement. May you see everything you haven't had time to enjoy up to now. (When I think about having to run every other year, I blanche . . .)

Affectionate regards,

GRACE MARY STERN.

ABBOTT LABORATORIES FUND,
North Chicago, Ill., January 15, 1982.
Hon. ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

DEAR BOB: Let me add my congratulations to the others I know you have received for the courage and commitment evidenced in your recent decision not to seek reelection in the forthcoming primary. I think I can appreciate the difficulties you faced in coming to such a conclusion and, at the same time, the disappointment you must feel.

As your long-time constituents, Millie and I respect you more than ever and thank you for your long and devoted service to this Congressional District of Illinois. You have represented its interest well and you deserve the gratitude of all its people. Certainly you have ours.

You and Doris have our fondest wishes for many more years of health and satisfaction from whatever may be your future pursuits.

Sincerely,

CHUCK.

MRS. MILTON H. RUDOLPH,
Gurnee, Ill., January 25, 1982.
Congressman ROBERT MCCLORY,
House Office Building, Washington, D.C.

DEAR BOB: Many thanks for the beautiful historical calendar. We appreciate your thoughtfulness.

We are sure you realize how much it has meant to us to have you represent us in Springfield and Washington for all these years. It is going to seem very strange to have to voice our comments and complaints to a stranger! We hope to have the opportunity to meet John Porter, but he can never take your place!

There have been many fine articles about you in the local papers. A great many Lake Countians feel the redistricting is most unfair. However, that strong Lake County Republican voice will surely make itself heard.

We hope you and Doris will enjoy your retirement as much as we enjoy ours. It's really a great life, but takes a little getting used to! We wish you the best of luck and much happiness.

Many thanks for your years of wonderful service to us and to our great country.

Sincerely,

MONTE AND BESS RUDOLPH.

G. D. SEARLE & CO.,
Skokie, Ill., January 26, 1982.
Congressman ROBERT MCCLORY,
Rayburn House Office Building,
Washington, D.C.

DEAR BOB: Your decision to not run in the next primary must have been a very difficult one for you and Deloris.

The fact that you have served so many so well and for so long is one enviable record and will always be a source of pride for those of us who have been able to know you personally.

My guess is that the correct political decision was made. However, the fact that it had to be made at all speaks to a system that has severe deficiencies.

Thank you Bob for being my Congressman and for being a great American. Our friendship will always continue.

Sincerely,

L. SEARLE.

DON PEASLEY,
Woodstock, Ill., January 20, 1982.
Congressman ROBERT MCCLORY,
Rayburn House Office Building,
Washington, D.C.

GOOD MORNING, BOB: On returning from the Farm Bureau Convention in California Sunday night, I was dismayed to learn that you decided to withdraw your candidacy for re-election.

I can understand how you feel. I realize the realities of the situation but that does not lessen my frustration of the unjust way the Democrats and the courts have seen fit to implement the "one man, one vote" rule. Your absence from Congress, when that finally occurs, will be a significant loss to the people of northeastern Illinois.

It was my pleasure—and honor—to have worked intimately with you during part of six years, three campaigns. You are serving with rare distinction but I do know that you will find plenty of opportunities to continue public service if you should desire.

Please give my best regards to Doris and do tell her that I join both of you in sharing your sadness of the outcome of this unhappy situation.

Cordially yours,

DON PEASLEY.

JANUARY 19, 1982.

DEAR DORIS AND BOB: Needless to say, we are sorry to come to the end of an era. We shall all have to readjust to the absence of our District and Congressman all at once. Both of you served the District well, and we'll miss you, but we do hope to see you again, both here and in D.C., if at all possible.

"A cheerful message to tell you . . .

Many friendly thoughts are sent your way!"

Fondly,

RUTH AND NORM RICHARD.

P.S.—David became a partner at Duncan, Allen & Mitchell.

VINCENT CURTIS BALDWIN,
Lake Forest, Ill., January 21, 1982.
Hon. ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

MY DEAR BOB: We were greatly saddened, Connie and I, to learn of your decision not to become a candidate for the Tenth District. Saddened not only for your constituents, but indeed for the country as a whole in losing so distinguished a Representative in the House of the Congress.

Despite your gracious remarks to the Press, it must have been a very bitter decision for you and Doris, as well, to have made.

While we have been deprived of the opportunity of actively supporting you because, under the old alignment, Libertyville has been in Phil Crane's District for so long, we have been outspoken in our political praise of your career. In our opinion, it has been one of the most outstanding and singularly distinguished of any member who has sat in the House during the past two decades. It does occur to us that your knowledge of Congressional and national affairs, procedures and the inner work of the federal government would warrant your appointment to some truly significant office in Washington, and we do hope that this may come about.

It is a long, long time since you were a law school student and I was a cub-practitioner in your father's offices, but those experiences and our later associations have always drawn us and held us close together—at least in our hearts.

We wish always for you and Doris the very best of all good things.

Most sincerely,

VINCENT CURTIS BALDWIN.

MICHAEL CUDAHY,
Glenview, Ill., January 19, 1982.

DEAR BOB: Although I hate to think that you will not be our Representative in the years ahead, I congratulate you on your very unselfish decision not to run for office this year. You know far more than I about the details of the pros and cons of your decision. I respect you for it, however, and I wish you and Doris great happiness in the years ahead. I can imagine how exhausting your work has been in the past and I think a little relaxation doing the things that you want to do will mean a lot to you.

In the meantime, keep up the good work and thank you most sincerely for all the wonderful service that you have given to us who are lucky enough to reside in your area.

Yours with best regards,

MIKE.

THE FIRESTONE TIRE & RUBBER CO.,
Akron, Ohio, January 22, 1982.
Hon. ROBERT MCCLORY,
Rayburn Building,
Washington, D.C.

DEAR BOB: The Bureau of National Affairs Antitrust and Trade Regulation Report carried the announcement of your decision not to seek reelection.

Just as surprising as your announcement was the realization of how much time had passed since John Rutgers and I were out running around getting his car stuck on the golf course distributing your campaign literature when you first ran for the Illinois General Assembly.

During those 30 plus years I think that the Illinois Assembly and Senate, the U.S. House, the Thirteenth District, and Lake Bluff have all been most ably served by you. I shall miss not having a friend in the Congress; and I know Robin will miss the many kindnesses that you have shown her over the years.

While you are not seeking reelection, I am certain you are doubtless not retiring, so I will wish you all good fortune in the future.

With best personal regards,

ROBERT K. LEWIS, Jr.

FIRST UNITED METHODIST CHURCH,
Elgin, Ill., January 25, 1982.
Hon. ROBERT MICHEL,
Minority Leader, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN MICHEL: Ever since the media carried the announcement of the coming retirement of Congressman Robert McClory, I have wanted to express the feelings of thousands of individuals in the 13th Congressional District. Perhaps the best way is to say that Mrs. Rogers and I have known Congressman McClory for nearly thirty-nine years. We saw him enter the political arena as a Representative to the Assembly in Springfield. He then became Senator McClory in the Senate at Springfield. In due time he was elected to the House of Representatives of the Congress of the United States of America.

I want to know that there are few persons who are held in greater esteem in our area, than Congressman McClory. He has been a great representative. We have known him

for his honesty, straightforwardness, political acumen and sincere concern for all the people whom he represents.

With the kindest regards, I am,

Cordially yours,

CARLETON C. ROGERS,
Senior Minister.

GEORGETOWN UNIVERSITY LAW CENTER,
Washington, D.C., January 18, 1982.

Congressman ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

DEAR BOB: I was sorry to read of the circumstances which lead you to announce that you will not be running again for the Congress.

I want to congratulate you and thank you for all that you have done during your 20 years in the Congress.

It was a delight to work with you in so many ways.

I send to you and to your delightful wife my very best wishes for every continued success and happiness.

Cordially yours,

ROBERT F. DRINAN, S.J.,
Professor of Law.

U.A.D.,
Elgin, Ill., January 20, 1982.

Congressman and Mrs. ROBERT MCCLORY,
Washington, D.C.

DEAR DORIS AND ROBERT: I don't know what people say at a time like this, but Floyd and I wish to tell you both you are the greatest.

There are so many things in life that seem unfair and maybe this is how our faith is tested. I have enjoyed our friendship through the years and most of all the support you have given to our area in the field of volunteer work.

We know you will go forward to other projects, Bob, because you are truly a giver.

We hope to hear from you and Doris when things settle down. I hope you will be in the area. Thanks again for giving so much to others. We will miss you being in our district. Don't forget to let us hear from you. God bless.

Fondly,

BETTY AND FLOYD BROWN.

WASHINGTON, D.C.,
January 18, 1982.

DEAR DORIS AND BOB: We were sad to read that you are retiring. you have had a wonderful career and you can retire in good conscience for having done your duty to your district, state and country.

I enjoyed my association with you in the Congress and Lorraine her association with Doris.

We hope we shall see you often and we send you our friendship and good wishes for the future.

Yours sincerely,

——— ———.

CONSULATE GENERAL OF THE
UNITED STATES OF AMERICA,
Hamilton, Bermuda, January 19, 1982.

Hon. BOB MCCLORY,
U.S. House of Representatives,
Washington, D.C.

DEAR BOB: It was with deep regret that Priscilla and I learned of your decision to retire from Congress after this session.

I know that you and Doris richly deserve some rest, but your work on the Judiciary Committee will be greatly missed.

You have had a wonderfully satisfying career and those of us privileged to have worked with you are most grateful for this association.

You have our very best wishes and warmest regards.

Sincerely,

MAX FRIEDERSDORF,
Consul General.

JANUARY 15, 1982.

DEAR BOB: I read your news with two emotions—one, a sense of loss for the Congress itself and for the Administration. Two, a sense of respect and pride in the way you handled this most difficult decision—a lot of class in that—All the best for the future—

Warm personal regards,

GEORGE BUSH.

HOUSTON, TEX., *January 24, 1982.*

Hon. ROBERT MCCLORY,
Constitution Avenue, NE.,
Washington, D.C.

DEAR BOB: I wasn't at all surprised to read in the Tribune that you had decided not to seek another term in Congress, but personally, I was extremely disappointed at the prospect of our nation losing an honest, forthright public servant who has as distinguished a record as you. Perhaps throughout history, people like you have been in short supply; today that is certainly true. Always during our nation's history we have needed more, not fewer people in Congress like you. The fact that you will not be there in the next session is a genuine tragedy of the outmigration of people from Illinois and the reapportionment that resulted from it. I hope that somewhere in the booming states of Florida through California there is another, budding Bob McClory.

Meanwhile, Ann and I join with your many friends in wishing you all the best for the future, thanking you for the past, and hoping that your absence from Congress will not necessarily mean your silence on important public issues.

Sincerely,

JUSTIN M. FISHBEIN.

SKOKIE, ILL.,
January 25, 1982.

Hon. ROBERT MCCLORY,
House of Representatives,
Washington, D.C.

DEAR BOB: I read the statement you made in connection with what I am sure must have been a terribly difficult decision.

The way you handled it was first-rate, which comes as no surprise to those of us who have known you and worked with you for so many years.

With my best personal regards.

Sincerely,

DONALD RUMSFELD.

CHICAGO, ILL.,
January 13, 1982.

Congressman ROBERT MCCLORY,
Rayburn House Office Building,
Washington, D.C.

DEAR BOB: Although some might say that a quarter-century of distinguished public service is its own reward, you certainly have earned a better fate than that given you by the political unreality of this decade's redistricting.

As I read of your decision not to run against John Porter, it seemed to me to be an altogether too abrupt ending of the congressional career that you so painstakingly built over such a long period of time.

To your great credit in this day and age, the name of Bob McClory will be remembered in the halls of Congress as one associated with honor and a record of tireless effort on behalf of Republican principles during some rather frustrating political years.

Your time on the hill has been dedicated to trying to make things fiscally brighter for the common citizen and small businessman, when most people in the federal government had a more spendthrift philosophy.

We'll miss you and the quality of representation you have provided. Sally and I send our best wishes to you and Doris for good fortune in whatever you seek during 1982 and thereafter. We know that you're not really ready to retire from public life.

You'll always be "our congressman," and we'll look forward to seeing you soon back in the district.

Sincerely,

STEVE.

DEERFIELD, ILL.,
January 24, 1982.

DEAR CONGRESSMAN MCCLORY: I have wanted to write to you ever since you announced that you would not be running for re-election.

Both Don and I are disappointed in your decision as we had been looking forward to your representing us in the new 10th district. We remember when you were our representative not so long ago before the 1970 remap. And I especially recall how warmly you greeted us in Washington, D.C. both in 1967 when I came on an assignment from Pioneer Press and later when we visited with our two oldest sons in 1970.

We do understand, however, your generous decision not to engage in a bitter primary battle, and we applaud it. It is just another example of the high tone which your service to our country has taken through the years. We were not at all surprised when the White House said you had not asked for any appointment or favor. We knew you hadn't.

We also recall your statesmanlike conduct during the painful Nixon exodus. We were proud to know you and wished then that you were still representing us.

Best wishes to you and your lovely wife. Maybe we'll all be seeing more of your when you come back home to Lake County.

Sincerely,

DOROTHY ANDRIES.

ROBERT MCCLORY,
Member of Congress,
Washington, D.C.

DEAR BOB: It was with deep regret that I read of your intention to retire. Since reading this, my memory has brought back many occasions and events that we shared some years ago, more years ago, it seems, than I have realized.

You must be very, very proud of all the years of outstanding service you have given to the citizens of Illinois. It would be hard to find anyone who has been elected to public office that could surpass you in dedication and integrity, and in meeting the commitment you made with the people of your district.

I am sure that your successor, whoever it may be, will find a well of inspiration and encouragement in your great career, Bob. I know that the years you and I worked together were certainly some of the most significant of my life, and I can never thank you enough for all you have done to help me in making my own contribution to government service.

To you and Doris, many happy and productive years ahead. I can't think of two persons more deserving of the richest of futures.

With deepest regards,

ELIZABETH WAWIRKA.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FOR 1983—HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS

THURSDAY, APRIL 22, 1982.

IMPACT AID

Witnesses: Hon. Robert McClory, a Representative in Congress from the State of Illinois and Charles Thomas, Superintendent of North Chicago School District No. 64.

Mr. NATCHER. Our next witness is Mr. McClory.

Come around, Bob. Our friend and colleague from Illinois, it is always a pleasure to have you before the committee. We would be pleased to hear from you.

Mr. MCCLORY. Thank you very much, Mr. Chairman.

I am pleased to appear before the subcommittee today in support of continued impact aid to schools.

Impact aid funds have been extremely important to the operation of schools within my congressional district. A very large percentage of land, approximately 50 percent, is used for military and federal installations in the City of North Chicago, for which taxes are not collected. It would seem only fair and just that the Federal Government should contribute to the cost of educating the children of military personnel as a payment in lieu of the taxes which it does not pay.

In addition to the lowered tax base of the community due to this large amount of federal property, the City of North Chicago has one of the lowest per capita income levels in the metropolitan Chicago area. In view of the scarce financial resources available to the community and the considerable reduction in the tax base available to them, federal impact aid funds are extremely important to the elementary and secondary schools of North Chicago, a high percentage of which are minority students coming from disadvantaged homes.

I am pleased to have Dr. Charles Thomas, the Superintendent of North Chicago School District No. 64, to supplement my statement.

Mr. THOMAS. Thank you very much, Congressman McClory.

Mr. Chairman and members of the Appropriations Subcommittee, thank you for the opportunity to make a brief statement in support of impact aid.

Public Law 874, commonly known as impact aid, was enacted in 1950 to provide funds for school districts impacted by military bases. In North Chicago, the school district which I represent, there is the Great Lakes Naval Training Base which encompasses one-half of the school district's land area and which provides the school district with 46 percent of the student body. The law was designed to pay federal funds to impacted school districts equal to the amount of local taxes paid for education.

For the past several years the actual impact aid payments have been significantly less than the impact aid entitlement as determined by the Department of Education. For this year, fiscal year 1982, the actual payment will match the entitlement. But it should be pointed out that the fiscal year 1982 entitlement and payment are not based on the traditional head count, but rather, they are based on 86 percent of the fiscal year 1981 actual payment.

While the cost of education has steadily increased and the percent of military A students has remained between 46 and 47 percent, the percent of impact aid payments as it relates to the total school district budget has noticeably declined. To illustrate this point, in fiscal year 1980 impact aid represented 19 percent of the district's budget. In fiscal year 1981 it represented 17 percent of the district's budget, and in fiscal year 1982 impact aid will represent only 14 percent of the district's total budget.

Thus, it is clear to us in North Chicago that the federal obligation is not being met. This year, due to the lateness of payments and the reduction in the amount, the school district has had to borrow money primarily to support the education of military A students and thereby increasing the local taxes paid by the local citizens. Additionally, both educational personnel and programs have been cut for the 1982-1983 school year. It is becoming increasingly difficult for the North Chicago school district, and others like it, to plan and operate sound educational programs with the declining federal funds to compensate for the lack of tax revenue from federal properties.

The Administration's policy is to maintain a strong military. Reducing impact aid is not consistent with that policy. As superintendent of a school district which is heavily impacted by the military presence and for the good of quality education for the boys and girls of the school district, I strongly urge you to provide funding at the fiscal year 1981 funding level for the Impact Aid Program.

* * * * *

Mr. MCCLORY. I think we have stayed within our five minutes.

I am pleased indeed that my two distinguished colleagues from Illinois, Mr. O'Brien and Mr. Porter, are present for the hearing.

Thank you very much.

Mr. NATCHER. Mr. McClory, it has always been a pleasure to have you appear before our committee.

Mr. MCCLORY. This is the most gentlemanly chairman of any committee of the House, together with the most compassionate ranking member.

Mr. CONTE. We are going to miss you.

Mr. O'BRIEN. If the gentleman will yield, obviously the most perceptive member.

Mr. NATCHER. All down through the years you have worked with us, you have aided us. We appreciate it. A good Member of Congress. We are going to miss you.

Mr. Thomas, you are with good folks this morning. We are glad to have you before our committee.

Mr. MCCLORY. I do not mind looking forward to the retirement. The things that I am a little apprehensive about are the retirement tributes.

Thank you very much, Mr. Chairman.

Mr. Speaker, with regard to TOM RAILSBACK, I first met TOM back in 1966. I was campaigning on behalf of the Republican Party again while living down in Peoria. And we had lost that seat that TOM won back for us in that 1966 race.

I followed his career. And I think that probably the memory that most vividly stands out in all of our minds, when you think of TOM RAILSBACK, is the obvious personal anguish he went through while serving during those dreadful days of the Watergate hearings. It had to be a very difficult time for all Americans, but I think most especially it was for BOB MCCLORY and TOM RAILSBACK, our two colleagues who served on that committee that participated in the momentous decisionmaking of that time, a time of trial, as it was, I think, for each and every Member here who was wrestling with his own conscience.

But you could see it most vividly and I think poignantly and painfully in the expressions and the comments on the part of our two great colleagues whom we shall miss in that capacity, as this body will.

Mr. MICHEL. Mr. Speaker, we were fortunate to have three members of towering strength on the committee. And now we have one sole surviving member on there. The gentleman from Illinois (Mr. HYDE) is just going to have to triple his obligations and responsibilities.

Mr. HYDE. I thank the gentleman.

This is particularly felt by myself, the loss of TOM RAILSBACK and BOB MCCLORY because they were my colleagues and my mentors on the Judiciary Committee.

In thinking of TOM RAILSBACK, he was the closest Member to me of the four who are leaving, he was the kindest to me, and I must say that my joy at his new career is tempered by my sense of personal loss at not having his advice and counsel on a daily basis available to me.

I guess the measure of a successful life is how much you care and what you do about the things you care about. And using this yardstick, one must conclude that TOM RAILSBACK, who is still a very young man, has led a very successful life, because he cared greatly about many, many things. He cared about the law, he cared about justice, and he cared about people who live on the margin of society.

He was not a knee-jerk liberal. He was a very thoughtful moderate, who thought his positions through, who always articulated them well, defended them well, and was influential in making his point of view heard, understood, and often acted upon.

He was interested in making the best that America has to offer available to every citizen, whether it was in the voting rights legislation or other legislation. And may I say parenthetically that the record does not show the enormous Herculean job that TOM RAILSBACK did in trying for many, many long frustrating hours to work out compromises with the civil rights community and with Members on the Judiciary Committee. He did that because he knew the goal was important, making access to the political process available to everybody, regardless of

their race or their color or where they are located.

But if it concerned matters of education, matters of civil rights, matters of employment or housing, TOM RAILSBACK could be counted on to lead the fight, to make these things available to those who are less fortunate than the rest of us.

I can only say that TOM RAILSBACK moves on to another career that sounds and seems to be a very exciting one. And he will exhibit his many talents to his new career as forcefully and with as much enthusiasm as he did to serving in Congress.

□ 2040

I am pleased that we will see him, that he will be in Washington often. I wish him Godspeed in his new and very productive career.

For BOB MCCLORY, I think of BOB MCCLORY again in terms of courage and bravery and of a love of law and a love of justice. He served on the Judiciary Committee during the Watergate years, and I am pleased that I did not. I came afterwards; I came in 1975. It was in 1974 that, with this heartbreaking experience, heartbreaking to Republicans who loved the law and loved the rule of law and who were torn by the accusations and allegations of obstruction of justice that colored the entire Watergate era, BOB MCCLORY had the guts and the courage along with TOM RAILSBACK and along with a few other members on the Republican side, to formulate articles of impeachment, and this was a heart-wrenching act for them to do. When they celebrate the anniversary of Watergate, it is usually the chairman of the Judiciary Committee that is interviewed by the press and they ask, "What do you think after so many years? How do you feel?" And "You were the person and you Democrats preserved the Constitution."

Forgive me, I mean no disrespect to Mr. RODINO or to the Democrats, but the Constitution was preserved, if indeed it was ever threatened, by people like BOB MCCLORY and TOM RAILSBACK, who as Republicans were willing to stand up and put justice ahead of partisanship. This body is the most partisan body I have ever seen in my life. It is difficult to imagine the partisanship. It is part of the air we breathe; but when it came to the Watergate situation, when it came to honor and to justice, BOB MCCLORY, TOM RAILSBACK, and other Members of the Republican side put down the partisanship and, believe me, those hearings reeked of partisanship. Those people were after President Nixon. There is no way he could escape. They were salivating for his scalp. In that atmosphere, to let a sense of justice prevail is a tribute to rare qualities that BOB MCCLORY and TOM RAILSBACK possessed in abundance.

BOB MCCLORY brought dignity to the job of being a Congressman, where so often it is undignified, where we so often play the game of criticizing ourselves and our jobs as politicians, and how we spit that word out.

BOB MCCLORY brought dignity. He brought class to the important post of representing half a million people here in Congress. He loved being a Congressman and he did it very, very well.

I just say in closing about all four of the Illinois Members who have been victimized by artful cartography, as I have been blessed by artful cartography, that the burden of our State is the loss of these irreplaceable men. The glory of our State is that we had them so long.

Mr. MICHEL. Well, the gentleman from Illinois says it so beautifully. I am so happy that he made mention of the tremendous job that both BOB MCCLORY and TOM RAILSBACK did during those very, very trying days of the Watergate proceedings.

I know personally of the times that they had come to me, very distraught over what kind of a decision they had to make consciencewise and in committee on a day-to-day basis, always in that search for truth, what really did happen, how far should we go, what is our obligation here. They surely acquitted themselves well.

I am so happy that the gentleman made the specific reference to it, because they will always be noted for the contribution they made at a very critical time in our history.

I am happy to yield to my dear friend, the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. The two gentlemen that the gentleman in the well and Congressman HYDE talked about are my neighbors. They are both good neighbors, indeed. We have shared, the three of us together, similarities in our districts as we try to serve the people there. Each does it, I think, in his own way.

Congressman MCCLORY is courtly in an age where that great virtue has often been lost.

Congressman HYDE talked about dignity, but there is an additional charm to it. There is both a finesse and in the best sense of the word a sophistication, without losing that basic American ability to be down home. He is able to be at the diplomatic level almost as an ambassador from this parliament to the other parliaments of Europe and, indeed, around the world.

Unlike many Americans, he has command of other languages so he can also speak, but he comes back home and talks not at the people or down to the people, but with the people he has served. He has been as that neighbor always helpful to me, and, indeed, as Congressman CRANE suggested, I took part of a district from him for a while and I think that when they would go in in 1980, they were always disappointed that they could not vote for BOB MCCLORY but took the second best and stayed with a Republican and so helped me win in 1980.

To the south and to the west, Congressman RAILSBACK, whom again I really have not known for a long time, but I did know TOM before I got here, because he called and asked if I could help in a campaign, something I think TOM does. "Can I help? How? What can I do?"

It is done with grace, done as if it is a light thing that he offers. He has done it to everybody in the delegation. TOM has more friends on both sides of the aisle than perhaps any other Member of the House. All of us expect free dinners from him now that he is going to be a lobbyist. He is the one that we will let Common Cause go crazy about. I hope TOM is listening, because as the junior Member of the delegation, I am setting up weekly dinners for the Illinois delegation alone, so you can all really be jealous of this marvelous delegation and we will, of course, stick TOM with the check on regular basis. He will probably even like it a little. He is a friend, a man whose love of country, the family, and the things that make worrying about tomorrow as important as what we do today, that is just a part of his life. He has taken some hardships and some knocks well. His grace in losing matches his ability when he won.

Congressman HYDE has talked about artful cartography, which is reminiscent of the Artful Dodger in Dickens.

He quoted a line from Camelot, but the original Camelot musical was based on a book called the "Once and Future King" by a rather strange and marvelous writer who has since died. It is a tetralogy and at the end of the first book of the tetralogy is perhaps one of the great lines in modern literature that describes what happened to these four people with the remap not of their own making, and that line is short. It says, "In tragedy, innocence is not enough."

Mr. MICHEL. I thank the gentlewoman.

I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, after 32 years as a legislator—20 as a Member of the House of Representatives—ROBERT MCCLORY will soon be returning to private law practice. If he has half the success in his new association as he has had in representing the people of Illinois 13th District, the firm will have a host of satisfied clients.

BOB won his election races handily because he has cared about the people. He has worked tirelessly to solve their problems and to represent them. He has given the same brand of dedication to his service on the Judiciary and

Intelligence Committees, and I know he will put as much zeal and hard work into his new endeavors.

I wish my good friend Godspeed and say in all sincerity that he will be sorely missed.

Mr. Speaker, when my good friend from the Illinois State Legislature, TOM RAILSBACK, was elected to the House of Representatives 16 years ago, this body gained a fair, independent-minded expert in constitutional and criminal law. I regret that we will be losing him when the 97th Congress adjourns.

TOM has always been one who is willing to stand up for the things in which he believes, as his record in Congress clearly shows and as my colleagues have commented in his service on the Judiciary Committee, particularly during the Watergate hearings. He has put his heart and soul into his work on the Judiciary Committee and in serving the people from the 19th District of Illinois, and he has applied his knowledge of our Constitution in the crafting of legislation embodying constitutional principles regardless of their committee origination. For this, we can all thank him.

His departure to the motion picture world is good news, however. Movies will be better than ever.

● Mr. ZABLOCKI. Mr. Speaker, it is a special privilege to join my colleagues in paying tribute to a distinguished senior Member of this body (Mr. MCCLORY of Illinois) on the eve of his retirement.

BOB MCCLORY is much more than the ranking member of the Committee on the Judiciary. His knowledge and influence in a variety of areas has been an important, often behind the scenes, factor in the legislative process. It has been my privilege to serve with him on the Select Committee on Intelligence, where his practical good sense and sound judgement have been highly valued. As a past delegate to the Inter-Parliamentary Union (IPU), he has also brought new perspectives and insights to the foreign policy process and has made an important contribution to House debates on foreign affairs legislation.

In his 20 years of service to this body, BOB MCCLORY has demonstrated those qualities of quiet and effective leadership, which have made an impact on our proceedings quite disproportionate to the public recognition he has received. He is, in fact, a man of intelligence, integrity and experience—whom we will lose with a sense of high appreciation mixed with regret.

I join his many friends, both in this Capital and in the great State of Illinois, in wishing him and his family the rewarding and enriching retirement which he so clearly deserves.●

● Mr. GILMAN. Mr. Speaker, it is a privilege to rise today to honor the distinguished gentleman from Illinois who has served his State and this Nation so well for so long. The land that gave this Nation Abraham Lincoln has given us, through this gentleman, once again distinguished leadership and service.

The loss of TOM RAILSBACK is a big one for the House. I had the privilege of working closely with him in his position as the ranking minority member of the Select Committee on Narcotics. I came to admire his wisdom and effective leadership on this committee, as well as his behind-the-scenes work on important legislation coming before the House. We lose not only a keen legal mind, we lose as well a courageous gentleman, always ready to stand up for principle and the good of the country as a whole. His battle to protect the integrity of the Presidency and to assure that elections reflect the true voice of the people are examples of his perseverance and his dedication to his convictions for what is best for the Nation, regardless of political expediency.

He fought hard to represent all the interests of his district, and they have lost a true champion in the Halls of Congress. We in the Congress have lost a true workhorse.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise to offer special recognition for the service to the Congress of the United States by my colleague and good friend on the Foreign Affairs Committee, PAUL FINDLEY.

I have worked with PAUL on a number of serious issues which have faced our committee, including the historic and significant legislative effort embodied in the Nuclear Nonproliferation Act of 1978. His leadership on that legislation was an important element in securing the overwhelming support of the 95th Congress for that measure.

PAUL's conscientious devotion to duty has led him to fight for the principles in which he believes and to carry the interests of his constituents before this body, even in opposition to his own party's policies when he has believed them to be contrary to the interests of the citizens of his district. His devotion to principle, however, has not meant simply choosing the popular, partisan political choice. He has searched for peace in the Middle East in a very personal and direct manner. He is to be commended for his efforts and for his willingness to undertake such a challenge even at the risk of finding disfavor at home. He won the respect and the admiration of his colleagues on the committee and in this House for his efforts. His absence next year will be a serious loss for all of us who looked to PAUL for his leadership on this and other vital issues.

As he concludes his service to the Congress and to people of his district, I want to join my colleagues in wishing him every success in the future and to assure him that his efforts and achievements in this House will not be forgotten.

Again, to Congressman PAUL FINDLEY, I offer my sincere congratulations for a job well done and my best wishes for the future.●

● Mr. LAGOMARSINO. Mr. Speaker, I rise to pay special tribute to my good friend and colleague on the Committee on Foreign Affairs, the Honorable ED DERWINSKI.

During his years on the Foreign Affairs Committee, ED DERWINSKI has brought his intelligence, his discipline, his sharp mind and his even sharper wit to the demanding issues we have faced. His insight and guidance on foreign policy matters have served administations of both political parties, and he has never shirked his responsibility to enlighten and to educate America's diplomats in residence at the State Department in the necessary skills of their craft.

Aside from the impression ED has made with his wit and his amazing technicolor sports coats, he has gained the respect of his colleagues for his conscientious devotion to the principles in which he believes: Consistency in foreign policy, which protects American interests overseas and our national security interests at home.

Our committee and this House will not be the same without the gentleman from Illinois, our distinguished colleague, ED DERWINSKI. But we can all take heart that he will continue to perform an active role in the administration of our country's foreign policy in his new position at the State Department. You can be sure he will be heard from again. Not everyone will want to hear what he has to say, but he will certainly make his arguments clear and to the point.

Again, I want to recognize the valuable contribution ED DERWINSKI has made in the years he has served in this Congress and to wish him good luck and Godspeed.●

● Mr. LENT. Mr. Speaker, it is an honor and a privilege to join so many Members of the House in this tribute to four of our most distinguished colleagues who are leaving the U.S. House of Representatives at the end of the 97th Congress.

I want to thank our esteemed leader, (Mr. MICHEL), for making possible this special order today.

I think every Member of the House would agree that in the departure of ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK the U.S. Congress and our great Nation suffer a severe loss.

Together, these four members of the delegation from Illinois have served a total of 80 years in the U.S. House of Representatives. It is dismaying to contemplate the accumulated wealth

of wisdom, judgment, experience, and legislating ability which will depart from the House of Representatives when our four colleagues from Illinois leave us.

Their dedicated public service has written an outstanding record of accomplishment and achievement; a record which is of great inspiration to each one of us. Their effective leadership, both in the committees on which they serve, and on the floor of the House has provided invaluable counsel and guidance to the Members of the House, and has resulted in improved public laws for our Nation.

Mr. Speaker, let me add this personal note. In the 12 years I have served the people of the Fourth Congressional District of New York I have had the privilege of enjoying the friendship of these four gentlemen from Illinois. I can testify personally that they each were always willing to take the time to give me the benefit of their knowledge and counsel. Their patience and good humor have been exemplary.

Mr. Speaker, our four colleagues from Illinois will be sorely missed by their friends in this Chamber, they will be sorely missed by the constituents they have served with such tireless devotion, but most of all they will be sorely missed by our Nation, whose best interests they have served so faithfully over the years.

I join with my colleagues in offering our warmest good wishes for the future to ED, PAUL, BOB, and TOM, and to express our hope that even though they are departing from our midst, they will return frequently to continue to give us all the benefit of their friendship, and their experience and knowledge.●

● Mr. SHUMWAY. Mr. Speaker, I deeply appreciate having this opportunity to pay tribute to four great Representatives from Illinois who unfortunately will be leaving this body at the close of the 97th Congress. Each in his own way influenced my own development as a Member of the House of Representatives, and all four were men I was privileged and proud to call my friends.

When I first entered Congress, TOM RAILSBACK made a mighty impression upon me as a very senior Member who treated a new freshman such as I was with great respect. He was never too busy to carry on a conversation, or to share his very worthy experience.

PAUL FINDLEY is a man I shall always admire for being a great scholar, particularly concerning the life and accomplishments of Abraham Lincoln. I have always been impressed and amazed that he found the time to research his indepth biography of Lincoln while carrying the congressional load.

While ED DERWINSKI will be remembered for many very noteworthy accomplishments, I personally shall always treasure his wonderful sense of humor. He could bring a note of badly needed levity to even the most acrimonious debate, and he taught us not to take ourselves too seriously.

I have a profound and deep respect for BOB MCCLORY's knowledge on judiciary matters, and I have always found myself being guided by his vote on issues originating in the Judiciary Committee. His background and viewpoint concerning law and order have been a source of inspiration.

All four men left a mark on the House of Representatives. They have served their respective constituencies and the entire Nation with honor, and they will be badly missed.●

● Mr. ZABLOCKI. Mr. Speaker, I am pleased to join my colleagues in honoring the congressional service of a distinguished member of the Illinois delegation (Mr. RAILSBACK).

In his 16 years in the House, TOM RAILSBACK has compiled an impressive record of legislative accomplishment. Although best known, perhaps, for his work with the Judiciary Committee, and the prominent role he played in the 1974 impeachment hearings, it is worth noting that he has been active in many different fields of legislative activity: He has served on the Select Committee on Narcotics Abuse and Control and on parliamentary exchange programs with France, Germany, and Japan. As a member of the Republican Task Force on International Economic Policy, he has made a valuable contribution to House debates on foreign policy legislation.

TOM RAILSBACK has had a vitally important interest in—and influence on—the youth of this country, and I believe this aspect of his service deserves special recognition. In 1974, he was the principal architect of the Nation's first comprehensive juvenile justice legislation, which stands as a landmark in its field.

He is obviously a man of many parts, talents, and interests, which I know will serve him well in his future endeavors. I join my colleagues in wishing him all possible success in his forthcoming career, which I hope and trust will include further public service to this Nation.●

● Mr. ANNUNZIO. Mr. Speaker, it is a genuine pleasure to join the distinguished minority leader, Congressman BOB MICHEL, and my colleague, the Honorable JOHN ERLENBORN, in paying tribute to the Honorable ROBERT MCCLORY, who has represented the 13th District of Illinois in the House of Representatives for the past 20 years. His dedication to high standards is an inspiration to his friends and fellow citizens, and his accomplishments as a Member of the U.S. House of Representatives are most commendable.

BOB has devoted his life to public service, and served in the Illinois General Assembly for 2 years before being elected to the Illinois State Senate in 1952, and again in 1956 and 1960. He also has served in the U.S. Marine Corps Reserve, and was elected to Congress in 1962.

During his tenure in the House of Representatives, BOB MCCLORY has distinguished himself while serving as the ranking minority member of the House Judiciary Committee, and as a member of the House Select Committee on Intelligence. He was of invaluable assistance in securing the passage through Congress of the legislation making Columbus Day a national holiday as well as my bill to grant a Federal charter to the Italian American War Veterans of the United States. I am privileged to have BOB as my personal friend, and his actions in these committees reflect a record of excellence and creative accomplishments, and are most worthy of recognition.

BOB MCCLORY is a Congressman of outstanding ability, who has provided exemplary service to his constituents and to our Nation. He is a fine legislator and a human being of great compassion, who will be missed by those of us in the House of Representatives who have enjoyed working with him and who know the pleasure of his company.

I extend to my respected colleague, ROBERT MCCLORY, my regards and best wishes for his continued success in future endeavors as well as a healthy and happy retirement.●

● Mr. GILMAN. Mr. Speaker, although I am saddened to see the departure from Congress of ROBERT MCCLORY, I salute Congressmen MICHEL and ERLENBORN for reserving this time for us. I certainly want to take a few moments to recount for my colleagues some of the achievements of BOB MCCLORY.

Since BOB's election to the House of Representatives in 1962, he has been a devoted and tireless worker on the Judiciary. He was an active participant in the impeachment hearings of President Richard Nixon, and authored one of the three articles of impeachment reported out by the full committee. So it has only been through his true devotion to the integrity of this Nation, and the application of honest principles that BOB has attained ranking minority member status of the Committee on the Judiciary.

Congressman MCCLORY's service to the people of the 13th District of Illinois has been devoted and tireless. Certainly, Mr. Speaker, 20 years in this Chamber represents an enormous achievement, not only in the changing nature of this country over the last two decades, but in the changing needs of the many individuals who comprise a congressional district. Yet, through it all, ROBERT MCCLORY has maintained a close relationship with

his constituents, and I am certain that the many bonds of friendship that he has forged over the years will resurface now with expressions of appreciation and good will.

I wish BOB and his wife Doris all the best in the coming months and years, and hope that he will continue to give us the benefit of his wise counsel. Certainly, I remember the time BOB spent in my area at the Minnewaska Mountain region. I hope that he will continue to visit us in the future. And looking toward the future, I would also hope for his participation when the omnibus immigration bill is considered, should it not be dealt with before the end of this Congress. Whether in the aisles of this Chamber or in the Halls of the Capitol, I look forward to working with BOB in the years ahead.●

● Mr. ANNUNZIO. Mr. Speaker, I am honored to join my colleagues from Illinois, the Honorable House Minority Leader ROBERT H. MICHEL, and the Honorable JOHN N. ERLENBORN, in tribute to my good friend, the Honorable EDWARD J. DERWINSKI, who is leaving the House of Representatives at the end of the session after serving 24 years.

ED DERWINSKI was elected to the 86th Congress in 1958 and has given dedicated and devoted service to his constituents of the Fourth District of Illinois. He has compiled a splendid record of excellence and outstanding ability as the ranking minority member of the House Post Office and Civil Service Committee, and his diligent efforts as one of the ranking minority members of the House Foreign Affairs Committee have been both fruitful and beneficial to the citizens of this Nation.

Few men have given more of themselves to good government, or have a more compassionate understanding of human problems than has ED DERWINSKI, who served in the infantry in the Pacific theater of operations during World War II, and also served in the Illinois General Assembly as a State representative in 1957 and 1958. He was a delegate to the 26th annual meeting of the United Nations General Assembly in 1971, was Chairman of the U.S. Delegation to the Interparliamentary Union in 1971-72, and was treasurer of the U.S. delegation and member of the Executive Committee of the Interparliamentary Union.

ED has been in the forefront of efforts to implement meaningful solutions and effective action on behalf of individual citizens. He is a fine legislator and a distinguished leader, and his companionship and good humor will be missed here in the House of Representatives.

I extend to EDWARD J. DERWINSKI, my best wishes for continued success in devotion to the highest principles as he assumes the post of Counselor of the Department of State.●

● Mr. ANNUNZIO. Mr. Speaker, I rise to join my colleagues, the distinguished minority leader, Congressman BOB MICHEL, and the Honorable JOHN ERLENBORN, in paying tribute to the Honorable PAUL FINDLEY, who has been a dedicated Member of the House of Representatives for the last 22 years. His tireless efforts on behalf of his constituents in the 20th District of Illinois, and on behalf of the citizens of the United States, are both respected and admired, and are most worthy of recognition.

Before coming to the Congress, PAUL ran a printing and publishing business and was the publisher of a weekly newspaper. He is a World War II veteran, and was first elected to the House of Representatives in 1960.

PAUL FINDLEY has served in the Congress with diligence and distinction as a member of the House Foreign Affairs Committee and as our Illinois member of the House Agriculture Committee. His interests in international relations, and in securing freedom and peace, are reflected in his role as chairman of the House Republican Committee on Western Alliances from 1965 to 1968, and as chairman of the House Republican Factfinding Mission to Paris in 1965.

PAUL has attended many sessions of the annual NATO Parliamentarians Conference as a delegate, and also as a delegate at the North Atlantic Assembly, where he compiled splendid records of achievement.

PAUL is a fine legislator, a dedicated and devoted American, and a Congressman of great ability and skill. He will be missed by all of us in the Congress.

I extend to PAUL FINDLEY my best wishes for success in all his future endeavors as he continues his life of service.●

● Mr. DERWINSKI. Mr. Speaker, it is an honor for me to join with the other members of the Illinois delegation in eulogizing our four distinguished colleagues who will retire from the Congress at the close of this session. Each in his own way has very effectively contributed to the legislative process which, in turn, has lead to the progress and improvement of our country. Our work together in Illinois State matters has always risen above partisanship. These colleagues, each in their own capacity, has made a positive impact on programs which have contributed to the well-being and the progress of the State and Nation. My four colleagues are dedicated public servants in the best sense of the word.

I served with JOHN FARY in the Illinois State House before we both came to the Congress. As a matter of fact, JOHN was a member of the Illinois General Assembly for 22 years before coming to Washington. He was recognized as an outstanding legislator in State government and was always a constructive and truly conscientious public official. He followed his predecessor in the Congress, John Kluczynski in serving on the Public Works Committee. The revitalization of Midway Airport is largely due to JOHN FARY's hard work. JOHN has served as one of the effective and truly knowledgeable Members on issues concerning highway transportation and air safety, and as such, he is recognized as a conscientious and productive member of the Public Works Committee.

PAUL FINDLEY has been a dynamic leader in the Congress for the past 22 years, having served on two major committees—Foreign Affairs and Agriculture. In my opinion and as I am sure the Members will well agree, he is an outstanding spokesman on issues in the area of agriculture. His hard work and special interest in agricultural matters has made him a strong leader for improving the quality of life for the American farmer. PAUL is a sound and responsible Member who has made a great impact on effective legislation. He has been especially interested in the Food for Peace and humanitarian and refugee programs. He is a dear friend with whom I have worked closely on issues that have come before the Foreign Affairs Committee. PAUL is a serious, constructive, and thoughtful individual who executed his duties with great distinction.

BOB MCCLORY has an extra dimension which few Members realize. We all know of his very important and effective service as ranking member of the House Judiciary Committee, but not many are aware of the long years of extra service he has provided to the U.S. delegation of the Interparliamentary Union. The Interparliamentary Union is the oldest and most broadly representative interparliamentary association in the world. BOB has done an excellent job in contributing to the IPU's Committee on Education, Science, Culture and Environment. He has provided the research in the areas of health, communication, education, and humanitarian efforts. During his entire service in the Congress, BOB MCCLORY has represented the Congress and the United States at the annual conferences of the IPU, and over these 20 years, he has gained the respect of parliamentarians from around the world for his spirited participation in promoting international peace and cooperation at the IPU meetings. BOB is fluent in the French language which is an added extra in promoting personal contacts between Members of many Parliaments. BOB's effectiveness in his work on the House Judiciary Committee will long be remembered, as well as his great contribution to our international position.

TOM RAILSBACK has distinguished himself as a man of integrity and abili-

ty in his work on the House Judiciary Committee. TOM will be leaving the Congress to assume his duties at the Motion Picture Association of America, where he will continue to pursue his work in the area of copyright protection. TOM is recognized as an energetic legislator who has compiled an enviable record of achievement, and who possesses one of the most outstanding legal minds in Congress. TOM also served two terms in the Illinois General Assembly before his election to the Congress in 1966. I have found TOM to be a steadfast and effective Member who deserves a sincere word of gratitude from those who have benefited from his outstanding record of service.

Each of these distinguished colleagues has made a great mark in the Congress. I want to heartily congratulate all those retiring Members of the Illinois delegation for their handling of the responsibilities of their congressional assignments with intelligence and insight. The State of Illinois and the Nation have lost the services of these respected and dedicated public servants, but I wish to add my sincerest wishes to them and the members of their families for long and happy years in retirement. They will be missed, but their deeds and accomplishments shall be testimony to their service. The State of Illinois and our country are better for the service of these four able legislators.●

● Mr. BROOMFIELD. Mr. Speaker, it has been my pleasure to serve with PAUL FINDLEY in the House of Representatives since 1961. As PAUL prepares to leave this body at the conclusion of the 97th Congress, it is appropriate that we pay tribute to this conscientious legislator who has served his constituents and his Nation with dedication and vigor.

As a member of the House Foreign Affairs Committee, PAUL FINDLEY has taken a special interest in legislation dealing with famine prevention, world hunger, and title XII of the Foreign Assistance Act. These are programs that are now in place largely because of PAUL's foresight and commitment to legislation that will help our foreign assistance programs serve the basic needs of the poor. He has sought, at the same time, through his legislative work and overseas missions, to promote foreign markets for U.S. agricultural commodities.

One of the hardest working Members of the House, PAUL authored seminal legislation to stem the dangerous spread of nuclear weapons. His deep concern for U.S. national security also stimulated his active interest in NATO. As a participant in the meetings of the North Atlantic Assembly, the gentleman from Illinois has sought to promote Atlantic solidarity and cohesion. PAUL's uppermost goal throughout his years in the House has been to keep the alliance vital and invigorated.

It is my hope that the administration will find a place to utilize PAUL's many talents and expertise in a manner that will permit him to continue serving the American people.

To PAUL and his lovely wife Lucille, I extend best wishes for success and happiness in whatever new challenges they undertake.●

● Mr. GILMAN. Mr. Speaker, I want to commend the Republican leader and Congressman ERLENBORN for ordering today's special order for some of our departing colleagues. Certainly, no finer Member can be found to pay tribute to than ED DERWINSKI of Illinois.

ED DERWINSKI was elected to Congress in 1958, and at the age of 32, must have been one of the younger members. He worked tirelessly at his committee assignments, Foreign Affairs and Post Office and Civil Service, and I count myself fortunate in having been able to serve with him on both of these committees. Over the years, ED has devoted himself totally to the defense and security of this Nation, and has been a valuable asset in the finest congressional bipartisan tradition. It can be honestly said that although ED may not have agreed with a particular piece of legislation that if it became law he worked to see its effective implementation.

As the second ranking member of the Foreign Affairs Committee, ED DERWINSKI has spent countless hours in the cause of freedom, both here and abroad. He has been a leader in the Captive Nations movement, a seemingly unrewarding task that continues on due to the intransigence of the Soviet Union. But ED has rewarded all of us by his presence and hard work on this committee, and we will sorely miss his wise and generous counsel. We can only hope that in future years we will be able to benefit from his vast experience when hopefully ED will serve as counselor to the Secretary of State.

As the ranking minority member of the Post Office and Civil Service Committee on which I serve, ED has tirelessly worked on behalf of the Nation's civil service employees. The Federal workers of this Nation have lost a true champion.

I thank ED for all the valuable input and assistance he has given me personally over the years, and I wish him and his lovely wife, Partricia, and their children, Maureen and Michael, only the best in the years ahead.●

● Mr. CARMAN. Mr. Speaker, it is my pleasure to join with my fellow Members of the U.S. House of Representatives to commend Illinois Members ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK for their productive years of service in the U.S. Congress.

These men have accomplished so much that it is difficult to single out any one of their accomplishments over the others. However, I will especially note: Mr. MCCLORY's work on the omnibus crime bill; Mr. FINDLEY's efforts on the foreign aid program legislation; Mr. DERWINSKI's guidance in developing the Foreign Service Act; and Mr. RAILSBACK's efforts on the Juvenile Justice Act.

Their devotion as public servants will long be remembered by Illinois and the country.●

● Mr. CAMPBELL. Mr. Speaker, I am pleased with the opportunity to honor our good friend and distinguished colleague, TOM RAILSBACK. During his tenure in Congress, TOM has established himself as a leader and expert on many important issues facing our Nation. He is respected not only for his expertise, but for his hard work, independence, and integrity.

TOM RAILSBACK has played a major role in many important decisions since he was first elected to Congress in 1966. He has witnessed some turbulent years in our Nation's history and has assisted our country in weathering many crises. I am sure that the people of Illinois 19th Congressional District are appreciative and proud of the excellent representation they have received over the last 16 years.

I consider myself fortunate to have had the opportunity to serve with TOM RAILSBACK. His advice and guidance on many issues has proven to be invaluable. I especially enjoyed the opportunity to work closely with him during consideration of the Voting Rights Act.

Indeed, TOM will be missed by all of us who have been privileged to serve with him. He has left a lasting mark on this House and I am sure that he will be just as successful in his future endeavors.●

● Mr. RAILSBACK. Mr. Speaker, I would like to pay tribute to ED DERWINSKI, a distinguished Member of this body who is leaving after over 20 years of service.

No one has a finer wit than ED, and I feel that his ability to poke fun at himself, as well as everyone else, has greatly contributed to the more amicable proceedings of Congress.

But while ED has a wonderful sense of humor he is also a very effective legislator. While ED is generally regarded as a fiscal conservative in the area of foreign affairs he has demonstrated vision and foresight. He recognizes that our country has a responsibility toward the less fortunate in the undeveloped and developing countries, a position that he arrived at during his service as a member of the Foreign Affairs Committee. ED has a conciliatory attitude in dealing with foreign affairs which many of us respect, and we have followed his lead. ED has taken upon

himself the responsibility for making sure that American foreign policy actually works.

He has also been a leader as the ranking minority member of the Post Office and Civil Service Committee. In 1970 he helped manage a bill to create the U.S. Postal Service as a semiprivate corporation, removed from politics, and in 1978 he assisted in working out a compromise version of the civil service reform bill which makes civil servants more responsible to elected officials and to the public.

I am sorry to see ED leave Congress for I know that both his leadership and humor will be surely missed.●

● Mr. ANNUNZIO. Mr. Speaker, I rise today with my colleagues, the distinguished House Minority Leader ROBERT MICHEL, and Hon. JOHN ERLENBORN, to pay tribute to our Illinois colleague, Hon. TOM RAILSBACK, who is retiring from Congress at the end of this session.

TOM RAILSBACK'S 14 years of service in the House and his diligent efforts as one of the ranking minority members on the House Judiciary Committee have been most beneficial to the citizens of Illinois and the United States. His outstanding dedication to high standards is an inspiration to his friends and fellow citizens and his record of excellence and creative accomplishments is most commendable.

The residents of the 19th Congressional District of Illinois can be proud of TOM'S splendid record in Congress, and I can testify that he gave to them the best of his considerable talents as their Congressman while serving as the ranking member of the Judiciary Committee's Subcommittee on Courts, Civil Liberties, and the Administration of Justice, as a member of the House Select Committee on Narcotics Abuse and Control, and as a member of the Advisory Group on Impeachment in the 93d Congress.

TOM RAILSBACK served in the U.S. Army from 1957-59, and was elected to the Illinois State Legislature in 1962 where he served for 4 years as a State representative. He has also been a representative on the United States-French-German parliamentary exchange program, and as a member of the United States-Japan parliamentary exchange program.

TOM is a fine legislator of courage, integrity, and commonsense, and he will be missed here in the House of Representatives.

I extend to TOM RAILSBACK my best wishes for continued success in his life of service to his community and to his country.●

● Mr. ZABLOCKI. Mr. Speaker, an axiom we all seem to know but too seldom understand, says that a man's good work lives after him. Clearly, that is the case of my good friend and colleague to whom we offer special tribute here today, Representative PAUL FINDLEY of Illinois.

With the close of this second session of the 97th Congress, PAUL'S service as a Member of Congress will end. What will not cease, however, is the lasting effect of his dedicated commitment to the Nation and the world.

Over the many years of our joint service on the House Foreign Affairs Committee I have worked with him closely and witnessed his ability to make unique and lasting contributions to legislation involving the important issues of the day.

One of the most significant of those contributions by PAUL FINDLEY was to the war powers resolution, a milestone of legislative accomplishment. Enacted over a Presidential veto some 9 years ago, it still ranks as one of the most significant achievements of Congress. Deeply involved in that effort—consistent, tireless, and astutely determined—was PAUL FINDLEY.

For his role in war powers and many other difficult foreign policy issues we on the Foreign Affairs Committee will always remember this man from Illinois who like Abraham Lincoln before him represented his district with courage and distinction. We will remember him, too, in the words of author Carl Schurz who once described Abraham Lincoln: "* * * he is a man of profound feeling, correct and firm principles and incorruptible honesty. His motives are unquestionable, and he possesses to a remarkable degree the characteristic God-given trait of this people, sound common sense."

To PAUL FINDLEY go my best wishes for his continued success in serving our Nation.●

● Mr. RAILSBACK. Mr. Speaker, the residents of the 13th District of Illinois have had the good fortune to be served for 20 years by a man of uncommon integrity—Congressman ROBERT MCCLORY. BOB MCCLORY was elected to Congress in 1962, and began to distinguish himself as a thoughtful, influential member of the House Judiciary Committee. Since 1977, he has been the ranking Republican on that committee. This year, in a display of his high regard for a colleague, JOHN PORTER, Congressman MCCLORY decided to retire. His retirement will leave a void in Congress and on the Judiciary Committee.

I have been lucky to serve with BOB MCCLORY on the Judiciary Committee. As a member of the committee during the impeachment proceedings against former President Richard Nixon, I came to admire BOB MCCLORY for his courageous stands and high level of integrity. He has served as a model for numbers of incoming Judiciary Committee members.

BOB MCCLORY has been a friend. When I suffered my throat injury while playing paddleball, no one showed more concern than BOB MCCLORY. I will never forget that.

He has had a distinguished career—as a lawyer, as a member of the Illinois House and Illinois Senate, and as an influential Member of Congress for 20 years. The State of Illinois should be proud of his service.●

● Mr. BOWEN. Mr. Speaker, while I regret that one reason for the special order today is the departure of the Member from the Fourth Congressional District of Illinois, I welcome the opportunity to pay tribute to my good friend and colleague, EDWARD J. DERWINSKI.

My association with ED has been on both the House Foreign Affairs Committee and the Interparliamentary Union delegation, and it is an experience which has been of great value to me. In my 10 years in the Congress I have come to regard ED DERWINSKI as one of the movers and shakers here—one of the real achievers in this body. He is a statesman and a credit to Illinois and to the Congress.

For 23 years ED DERWINSKI has represented the United States with distinction at IPU conferences. In a forum of parliamentarians from more than 100 countries of the world he was a leader and a man who commanded the respect of people of all political persuasions. He has been a member of the Committee on Foreign Affairs for 19 years and has made my 4-year service on that committee a far more valuable experience because of his wit, wisdom, and insight.

While the loss will be ours in the Congress at the departure of ED DERWINSKI, the gain will be that of the executive branch. I want to commend the President and the Secretary of State for selecting this man to be Counselor of the Department of State.

We all look forward to working with him in his important new capacity as he continues a distinguished career of public service to our Nation.●

● Mr. RAILSBACK. Mr. Speaker, Congressman PAUL FINDLEY has served in Congress for 22 years as the representative of a diverse, historic area of Illinois. It combines an important agricultural sector of our State and the seat of Illinois State government, Springfield. It is also literally the land of Lincoln, for this is the district Abraham Lincoln represented in Congress from 1847 to 1849. I think it is fitting that PAUL FINDLEY has represented this area. He has been an important spokesman for agriculture, serving farmers in his district well. He has also brought to Congress the spirit of Abraham Lincoln, for PAUL FINDLEY is a major Lincoln scholar.

He has long been a member of the House Agriculture Committee and he is a person others look to for his opinions on agricultural issues, and I have long valued his advice. I believe his

has been an outstanding voice in Congress for the betterment of farmers and the entire rural community. He also has served on the Foreign Affairs Committee, where he has made many contributions and shown tremendous courage.

I believe the 20th District of Illinois will miss the representation of PAUL FINDLEY in Congress. He has been an important spokesman for the people in the agricultural area surrounding his hometown, Pittsfield, and the district's small towns and cities. He deserves thanks for his 22 years of service.●

● Mr. DANIEL B. CRANE. Mr. Speaker, it is always a sad occasion to bid farewell to friends. But it is amplified when your friends have been trusted colleagues with whom you have worked side by side for years.

With the convening of the 98th Congress, we will welcome many new faces. Our newcomers, however, face a strong challenge in the legacy of achievement left by those whom we honor today.

The people of Illinois and the Nation have been extraordinarily well served by Representatives EDWARD DERWINSKI, PAUL FINDLEY, ROBERT MCCLORY, TOM RAILSBACK, and JOHN FARY. Our State has lost 90 years of experience and seniority in the House of Representatives by their retirement.

However, as much as we will miss these men, today is not a day of mourning. The new opportunities and challenges they face, and the time they will have to spend with their families, make us envious indeed.

I know I speak for every Member of this House in wishing them Godspeed.●

● Mr. MADIGAN. Mr. Speaker, I can cheerfully tell this House about my good friend, PAUL FINDLEY, the promoter, or about my good friend, PAUL FINDLEY, the historian.

The promoter has always been one of the most active Members of the House in encouraging development of foreign markets for American agriculture. I can recall spending 3 weeks with Mr. FINDLEY in the People's Republic of China in the spring of 1978, as part of the first agricultural trade mission seeking to open up that broad market for American farmers.

Years before that, he undertook his first agricultural trade mission to the Soviet Union, at a time when few thought the Soviets would ever become steady customers of the American farmer.

Now those two countries buy billions of dollars' worth of American farm products each year—partly because of PAUL FINDLEY's vision, his promotion and his constant support in the Agriculture Committee and the Foreign Relations Committee.

PAUL FINDLEY, the historian, has written a fine study of the 2 years that Abraham Lincoln spent in this body during the Mexican War. In it, he has come to the conclusion that the divisive issues of the time forced Lincoln to grow substantially and that these 2 years in the House really started Lincoln on the road to the historic Presidency that began 14 years later.

The Findley biography is significant because it is done with the informed intuition that only a Congressman can bring to another Congressman's career. It has forced historians to reexamine the traditional beliefs about the importance of Lincoln's term as a Member of this body.

Mr. Speaker, all of his colleagues from Illinois will miss the contributions of PAUL FINDLEY, the promoter of trade; PAUL FINDLEY, the scholar; and PAUL FINDLEY, the friend.●

● Mr. GILMAN. Mr. Speaker, PAUL FINDLEY has demonstrated strong leadership in his commitment to ending world hunger during his years in this House. In 1975, Congressman FINDLEY amended the Foreign Assistance Act to add title XII, "Famine Prevention and Freedom from Hunger." This important new title created a program to strengthen the capacities of U.S. land-grant universities in agricultural development and assistance. The expertise of these U.S. land-grant universities would then be used to help establish agricultural extension services in developing nations to teach the small farmer improved farming methods and technology. Title XII programs have been established in scores of countries since 1975 and have contributed greatly to the ability of the people of the developing world to feed themselves. Mr. FINDLEY has personally traveled to some of these countries to encourage the faster and more effective implementation of title XII programs. He traveled to Ecuador earlier this year, for example, when the Agency for International Development signed a long-term agreement with Ecuador for a title XII program.

Mr. FINDLEY has been a long and active supporter of Public Law 480, title I and title II programs to provide U.S. agricultural commodities and foodstuffs to the malnourished and starving around the globe. Over the years, he has offered many amendments to improve these programs. Representative FINDLEY has worked closely with me on H.R. 4588, the Hunger Prevention and African Food Security Act of 1982, and in my efforts to offer major sections of this bill as amendments to the foreign assistance legislation of 1982. I will always be grateful for his assistance and hard work on this bill and on House Resolution 424, a bill I introduced to establish a Select Committee on Hunger. Mr. FINDLEY's amendment to direct AID to focus on postharvest food storage, the lack of which has been a major source of food losses in the developing world, and to target additional Public Law 480 title I funds to development projects in U.S. aid projects was accepted by the Committee on Foreign Affairs and is a part of the 1982 foreign aid bill. For this work and for his other contributions to reducing global hunger, Representative FINDLEY received Bread for the World's Distinguished Service Award in 1982. He has made, and I am sure will continue to make, a crucial difference in the battle against hunger throughout the world.●

● Mr. CAMPBELL. Mr. Speaker, I am pleased today to be called upon to take part in this tribute to our distinguished colleague, PAUL FINDLEY. His 22 years of service to the Nation and the people of the 20th District of Illinois have been filled with many personal achievements.

As a member of the Agriculture and Foreign Affairs Committees, PAUL FINDLEY is noted for his hard work, insight and expertise on many issues. Although he has made many difficult decisions during his tenure in Congress, he has always stood firm on his beliefs and principles.

I am confident that PAUL FINDLEY will continue to be successful in the future, as he has in the past. Indeed, he will be missed in this body.●

● Mr. BROOMFIELD. Mr. Speaker, I want to join with the Illinois delegation and his many friends in Congress in expressing my regret at the departure of ED DERWINSKI as a Member of Congress.

As the ranking member of the House Foreign Affairs Committee, I know what a unique contribution ED has made as a member of our committee in working for a bipartisan foreign policy.

He has distinguished himself as an effective spokesman for our country at interparliamentary meetings around the world.

As the ranking member for many years on the Post Office and Civil Service Committee, ED has provided strong leadership and made many valuable contributions in this important area.

It is my understanding that the administration will utilize ED's talents in the State Department where his expertise will be a valuable asset to our country.

I extend best wishes to ED and his family in his new assignment.●

● Mr. CAMPBELL. Mr. Speaker, I am pleased to have this opportunity to talk about my friend, the Honorable EDWARD J. DERWINSKI of Illinois. During our tenure together in Congress, he has proved an able and valued colleague.

Until the age of 30, ED had never considered a political career, being content to serve as president of the family savings and loan. When the op-

portunity to run for the Illinois House presented itself, he ran a vigorous campaign without the aid of local party leaders who refused to endorse him, believing his background made him an unlikely primary winner. He won in an upset and discovered that politics was in his blood. Two years later ED was chosen to replace Congressman William McVey who had died in office and his conservatism and involvement with ethnic affairs made him a familiar and popular figure in the district.

A proud Polish-American, he also took an interest in national ethnic issues. In 1961 he served as chairman of the Republican Big City Committee, Ethnic Division and later became chairman of the Nationalities Division of the Republican National Committee.

ED DERWINSKI's finest achievements are in the area of foreign affairs. As a central figure on the Foreign Affairs Committee, he probably kept alive the congressional tradition of bipartisan foreign policy more than anyone else in the House. While working closely with the Democrat chairman, he was able to forge fair and workable legislation without compromising his own attitudes toward left-wing governments.

His achievements, however, are not limited solely to foreign affairs. As ranking minority member of the Post Office and Civil Service Committee, ED worked with the Democrats to fashion a compromise version of the civil service reform bill. Without his work, this bill, which for the first time moves in the direction of making civil servants more responsible to the elected officials and the public they are supposed to serve, would never have received enough votes to pass.

ED DERWINSKI will be sorely missed by all of us. His witty debating style and keen instinct for the tactics of the House floor have earned him a reputation as one of the shrewdest of the Republicans. In sum, both his career and the man himself are best described by a phrase he often used himself. He urged his colleagues to be "responsible and international-minded." He set an outstanding example for us all.●

● Mr. MCCLORY. Mr. Speaker, as one who is also leaving the Congress at the end of this session, I rise to pay tribute to my fellow retiree from Illinois, Congressman TOM RAILSBACK.

TOM RAILSBACK is a very special colleague whose place beside me on the House Judiciary Committee attests to his long tenure here in this body and his devotion to the administration of justice with which the House Judiciary Committee is primarily concerned. TOM RAILSBACK has brought to the committee and to the Congress a long experience in the practice of law and in the affairs of government as a former member of the Illinois General Assembly.

TOM's expertise in recent years has centered on the subject of our Federal and State courts systems and, more particularly, on the critical subject of corrections. The increase of crime in our Nation is closely associated with our inadequate efforts to rehabilitate or reform those who commit criminal offenses.

TOM has recognized the close relationship which the trafficking of drugs and drug addiction have with the high incidence of crime. As ranking member on the Select Committee on Narcotics, TOM RAILSBACK contributed substantially to the legislative efforts to control trafficking in narcotics and other dangerous drugs and in improving the criminal justice system which deals with drug related as well as all other criminal offenders.

TOM RAILSBACK's interests ranged broadly to cover the whole spectrum of subjects with which the Judiciary Committee deals. TOM is a recognized expert on copyright and trademark law.

TOM also has assumed a position of leadership in dealing with these subjects as they are affected by the rapid expansion in communications, including primarily the impact of cable television and its transmission of copyrighted materials.

TOM's interest has been directed as well toward the field of antitrust law where he has taken a position consistent with the promotion of competition in our private enterprise system, while protecting the best interests of the American consumer.

Mr. Speaker, TOM RAILSBACK's career in this House comes to an abrupt close with the result that the State of Illinois and the Nation will be the losers. I should add that TOM's failure to win renomination and re-election are the result primarily of a highly partisan and grossly unfair redistricting plan which has been perpetrated on the citizens of Illinois in a manner quite inconsistent with the principles inherent in the Baker against Carr case. Indeed, all four Republican Members of the U.S. House from the State of Illinois may credit their retirement from this body to the congressional redistricting plan developed by a partisan sponsor, the Democratic leader of the Illinois House of Representatives, and promoted from the bench by an activist Democrat Federal judge. I make this statement with regret that such an event has transpired, but with full recognition of the accuracy of this observation.

Mr. Speaker, I join TOM RAILSBACK's other colleagues in wishing him every success in his return to private life and particularly as he assumes a prominent position as executive vice president of the Motion Picture Association, the office which he will assume following the termination of his service in the 97th Congress.●

● Mr. ZABLOCKI. Mr. Speaker, it is both with a sense of appreciation and deep personal regret that I join my colleagues today in saying farewell to a truly outstanding Member of this body, the gentleman from Illinois (Mr. DERWINSKI). During his 20 years of distinguished and dedicated service to the Committee on Foreign Affairs, he has compiled an enviable record of legislative accomplishment and has left a strong and lasting imprint on the day-to-day process of foreign policy debate, both in the committee and on the House floor where, in my judgment, he has few peers.

In the months and years ahead, we will sorely miss ED DERWINSKI' sound judgment, his rare political acumen, his incisive wit, his unique sense of humor (which has elevated the use of sarcasm to a new art form) but above all, we will miss the high sense of responsibility which he has brought to the foreign affairs process over the years in defending and promoting the best interests of this Nation.

It is, in fact, heartening to know that our loss will be the State Department's gain and that his formidable talents and sage advice will be available to the Secretary of State during this critical period in international affairs. To Secretary Shultz and his key foreign policy advisers I would merely add that the "counsel" of this "Counselor" is worth heeding at all times.

During his long and honorable tenure on the Foreign Affairs Committee, ED DERWINSKI has served on numerous subcommittees—most recently as the ranking minority member of the Subcommittee on International Operations, where he has developed a keen awareness and expertise in the worldwide operations of the Department of State and the U.S. Information Agency (now renamed USIA, instead of ICA, as a result of his initiative). He has been a staunch defender of U.S. national security interests and a consistent and effective supporter of the broadcasting mission of Radio Free Europe and Radio Liberty. In promoting these important U.S. Government interests, as I have stated on numerous occasions, we may sit on opposite sides of the aisle, but we are by no means "Poles apart."

Finally, I would particularly like to commend the gentleman from Illinois for the important contribution he has made, over the years, to the work of the Inter-parliamentary Union. Not only has the gentleman served as an officer of that organization, but he has consistently and vigorously defended U.S. and Western positions in that sometimes "lonely forum"—often against great odds and in circumstances where the U.S. delegation has been notably at a disadvantage.

He has also served, with great distinction, as a delegate to the United

Nations General Assembly. In all such undertakings, he has advocated full and active participation by U.S. representatives, rather than withdrawal or boycott, as the most effective means of defending the U.S. interest—and I happen to share that general philosophy.

In short, life in this body will not be the same without the gentleman from Illinois and we will come to recognize, in due course, that we have lost something—and someone—of great and enduring value.

Therefore, I welcome this opportunity to express my personal appreciation for ED DERWINSKI's past service to the Committee on Foreign Affairs, the House of Representatives and the Nation—and also to wish him every possible success in his new and challenging assignment.

And I would like to emphasize that he takes with him to the other end of town our highest regard and our fullest and abiding confidence.●

● Mr. CAMPBELL. Mr. Speaker, it is with great honor that I join my colleagues today in paying tribute to the distinguished BOB MCCLORY. His absence from this body will surely be felt in the days ahead.

Since his election to the House in 1962, BOB MCCLORY has served with a vigor which is stimulating to those of us who have labored beside him. His work on the House Judiciary Committee has been characterized by a diligence and a thirst for the truth which mark the statesmen of history. As a lawmaker, BOB has always endeavored to know the complete story, rather than depend upon partisan feelings. In doing so, he has served the 13th District of Illinois, and our Nation, well. Indeed, his 20 years of service have been years of hard work and difficult decisions.

I have admired BOB MCCLORY's inspiration and his wisdom, which come only with the experience of service. So, it is with a feeling of personal loss that I bid farewell to my friend. I thank him for his years in this body, and wish him well in his future endeavors.●

● Mrs. HOLT. Mr. Speaker, when the new Congress convenes in January, we will be lacking the experience and skill of four Members from Illinois who made great contributions to our country during many years of service in this House.

I will miss the leadership provided by ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK. The knowledge and talents of these four senior Members are considerable assets, and their absence will be a real loss to the work of the House.

In the Foreign Affairs Committee, ED DERWINSKI won universal respect as a spokesman for the cause of freedom, and he also gave us very sound leadership as the ranking minority member of the Post Office and Civil Service Committee.

PAUL FINDLEY joined ED DERWINSKI in serving with great distinction in the Foreign Affairs Committee, and also served in the Agriculture Committee.

In the Judiciary Committee, where BOB MCCLORY is the ranking minority member, he has consistently shown a commitment to high principle, and we have admired his objective and independent judgment. He has also served his Nation well as a member of the Select Committee on Intelligence.

The Judiciary Committee will also be losing the dedicated service of TOM RAILSBACK, and the Select Committee on Narcotics Abuse and Control will miss his leadership as its ranking minority member.

Mr. Speaker, the State of Illinois has contributed splendid public servants to our country through much of our Nation's history. The four men who are leaving us after this session join that distinguished list.●

● Mr. COUGHLIN. Mr. Speaker, I join my distinguished Republican leader and the Honorable JOHN ERLENBORN today in paying tribute to four outstanding Members of the Illinois delegation, who, unfortunately, will not be returning to the 98th Congress. These Illinoisans, ED DERWINSKI, PAUL FINDLEY, BOB MCCLORY, and TOM RAILSBACK, have given tirelessly to their constituents in particular and the Nation in general. I know for a fact of the countless hours they have each spent in representing their districts in the Congress to the best of their abilities.

Out of curiosity, I checked the lengths of service for each of these Members in the Congress. Altogether, these gentlemen have devoted 82 years of public service in the House of Representatives—almost a century of dedication to the Congress. In fact, the Members' congressional service averages out to 20 years each. Surely, it will be difficult to find another State in the Union which has sent such qualified men to represent their concerns in Washington nor a State which for years repeatedly endorsed their continued service.

I also consider myself lucky because I have had the privilege of working with each of these men. For years, I served on the House Judiciary Committee with BOB MCCLORY and TOM RAILSBACK, and believe that I was privileged to witness firsthand their knowledge of the judicial process and our Government's Constitution. Strong advocates of justice and equal rights for all, BOB and TOM were valuable allies for the cause of civil rights in the United States.

Although I did not serve on committees with either ED or PAUL, I have benefitted immeasurably from their expertise in foreign affairs, agriculture, and civil service. They have indeed left their marks on the statutes governing our country and citizens will remember their valuable contributions for the years to come.

When the 98th Congress convenes, it will be without the services of four Members from a single State who have contributed so much to their constituents and to all the people of this Nation. Their presence will be missed.●

● Mr. MCCLORY. Mr. Speaker, it is the with a sense of genuine sadness that I rise to pay tribute to my Illinois colleague, PAUL FINDLEY, who will terminate his congressional service at the end of the 97th Congress. Congressman FINDLEY's service here has extended over 22 years during which time he rose to positions of seniority on the House Agriculture and House Foreign Affairs Committees.

I have been particularly impressed by Congressman FINDLEY's understanding of the problems of American agriculture. He has sought to maintain a high level of independence for the American farmer and to liberate rural America from the schackles of bureaucratic regulations and controls. In this respect, I have consistently followed PAUL FINDLEY's lead. In so doing, I have witnessed farmers in my congressional district improve their economic position while at the same time they have increased their production and have helped bring reasonable prices to the American consumer.

Mr. Speaker, I recognize PAUL FINDLEY as a well-informed, highly intelligent, and most eloquent Member of this body. His service is deserving of appreciation by all Americans and his experience and expertise should be put to the maximum as he departs from this Chamber.●

Mr. MICHEL. Mr. Speaker, in wrapping up this special order in behalf of our four colleagues who will not be serving in the next Congress, I just want to say again how much in seniority we are losing in our Illinois delegation, a total of 82 years, better than 20 years per man average, and what that loss really means to our home State of Illinois.

Reference was made to the likeability of all four of these chaps who could make forays over onto the Democratic side of the aisle and make any number of friends on any given day on any given issue. As the minority leader, I have special, I guess, appreciation for those who can help garner votes on the floor of this House to eventually win the issue on any given day.

So I have to doff my hat to the tremendous service and the lives of these four individuals whom we have lost in Illinois as Members of our delegation, but who we shall always love and respect and revere as friends, newfound friends made in this body.

GENERAL LEAVE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

INNOVATIVE AND CREATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COLLINS) is recognized for 30 minutes.

Mr. COLLINS of Texas. Mr. Speaker, one of the greatest problems we have in Congress is the desire of Members to be innovative and creative. I remember when I was in college, they said the word "new" gains attention. Something new is always popular here in Congress.

But we have so many new laws that the public simply cannot afford them. As the Government tried to do more and more for all people, it reaches the point where you wonder how long it would be before Government controls it all. In our Government, where 44 percent of the GNP is going for taxes, you are coming very close to that point.

Abraham Lincoln once said "the Government should do for people what they are not able to do for themselves."

Thomas Jefferson once said that "the best governed is the least governed."

But today, every squeaking wheel in this country seems to need grease and the place to get the grease is up here in Washington. Congressmen up here have the best of intentions. Have you heard that "Hell is paved with good intentions." Well, the paving contractors are headquartered here in Washington.

Lets look at innovative legislation in energy. Recently Congress has been very keenly interested in developing synthetic energy. In fact, the total funds allocated were some $20 billion for synthetic energy. Today 75 percent of the energy in this country is furnished by oil and gas. Oil is something that can be produced within this country. Forty percent of the oil and gas. Oil is something that can be produced within this country. Forty percent of the oil rigs for drilling are now laying idle. It is also interesting that the desirable figure for synthetic energy would be to produce gasoline at $2.50 a gallon. Gasoline is selling at the pumps in filling stations throughout America at less than $1.25 a gallon. It raises questions about why the Government should be interested in producing synthetic energy at twice the price to consumers.

Review the regulations passed to take care of controlling the oil industry. At the time that they did this, which was in the early seventies, America was importing $3 billion of oil. As the Government continued to put more and more regulations and took more and more control of the oil industry, it raised the annual imports of oil to $100 billion. We have the energy resources right here at home. But all of these regulations and all of these laws were known as being innovative and creative. An oil company told me they completed 494 different Government forms.

Today with Ronald Reagan in the White House, we have reduced imports, but oil is still $81 billion in imports.

Instead of having more new regulations on the oil business in our country, let us move forward to deregulate natural gas. Remember, when we deregulated oil, the price of gasoline went down.

America has more Government than it wants. America has more regulations than it needs. America has more taxes than it can afford to pay.

□ 2100

LEONARD GIAMPIETRO HONORED AS "MAN OF THE YEAR"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the most deserved recognition received by Leonard Giampietro, vice president of the Exchange National Bank in Chicago, who was honored as "Man of the Year" by the Italian American Chamber of Commerce at its Diamond Jubilee Dinner Dance on November 27, 1982. Also at that time, Dr. Claudio Ferrari, Consul General of Italy in Chicago, bestowed one of the Republic of Italy's highest civilian awards on Mr. Giampietro, the decoration of Cavaliere Ufficiale, Nell'Ordine Al Merito (Knight, Officer's Rank, in the Order of Merit), in recognition of his dedication and commitment to civic and humanitarian endeavors.

Leonard has been with the Exchange National Bank for the past 25 years and is currently assigned to its Commercial Business Development and Conservation Department. He is an immigrant from Italy born in Mola di Bari, and was educated at Chicago's Wells High School, the University of Illinois, and the American Institute of Banking. His wife, the former Anna Fanizza, is also a native of Mola di Bari, and they now make their home in Glenview, Ill.

As an outstanding leader in Chicago's Italian American community, Leonard is known for his work as a trustee of the Joint Civic Committee of Italian Americans, a member of its executive committee, and is also a member of the JCCIA's Anti-Defamation Committee. He has served as president of the Italian American Chamber of Commerce for the past 3 years and is now on the board of directors and chairman of the executive committee.

Leonard Giampietro is a director of the Italian Cultural Center in Stone Park, serves on the advisory board of Villa Scalabrini, the Italian Home for the Aged in Northlake, Ill., and is a member of the Italo-American National Union. He also is the founder and first commander of the Italian American War Veterans, Victor A. Arrigo Post.

In 1980, Leonard served as chairman of the Italian Earthquake Committee which raised a quarter of a million dollars for the reconstruction of the stricken area. In 1980, he was chairman of the Agnelli Foundation's Exhibit, "Italy Today," at the Chicago Museum of Science and Industry, and is now chairman of a special civil committee that is developing plans for a sister city relationship between Chicago and Milan, Italy.

I send my warmest congratulations to my good friend of many years Leonard Giampietro on these honors, and extend my warmest best wishes to him for many more years of inspiring service to our Chicago community in devotion to the highest principles.●

LOWERING THE COST OF CONDOMINIUMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, today, Congressman ARCHER and I are introducing legislation which will remove the necessity for costly condominium converters.

Mr. Speaker, for many people the dream of homeownership starts with the least expensive form of housing. Because of obvious factors, such as smaller unit size, economies of scale, and considerably less land, condominiums are often the most cost-effective and energy-efficient ownership housing available today.

Present tax laws treat condominium conversion in a curious way that encourages sales to professional converters and not to present tenants. If you own an apartment building and sell units to your tenants you are considered a "dealer" in real estate and must pay taxes on your entire gain at ordinary income tax rates, no matter how long you owned the building. However, if you sell the building to a professional converter you get capital gains on

the entire gain. Hence the law favors sales to a converter and not directly to tenants.

Because of this anomaly an entire conversion industry grew in the 1970's. Conversions are not an easy process. Experts are needed to handle the legal intricacies and the unique tenant-landlord problems. But instead of hiring a company on a fee-basis, conversion companies bought the building from the owner who then converted the buildings.

Converters typically get short-term loans pegged above the prime. To cover the cost of carrying the loan, they many times had to upgrade the building that made it possible to charge more for the units but invariably makes it difficult or impossible for present tenants to afford the units. This has caused the kind of displacement that has helped give conversions a bad name.

If the tax laws did not so strongly discourage apartment owners to convert their buildings themselves, several positive results would occur.

First, there would be no need to carry a large short-term loan. This would keep the conversion costs down and allow more tenants to buy their units. There would be less need to displace tenants during "upgrading" or to keep units empty for prospective buyers. It would be a lot easier to keep units as rentals—an entirely uneconomic situation for a professional converter. It has been estimated by the National Apartment Association that involvement of a middleman converter can raise the cost of a unit 25 percent. In addition, the presence of a professional converter purchasing a building almost always generates fear and uncertainty among existing tenants, especially the elderly. We believe the conversion problems could be significantly ameliorated if the present owner is involved in the conversions.

The legislation that I have introduced today with my colleague, the gentleman from Texas (Mr. ARCHER) would alter the tax treatment conversions making the Code less "proconverter." First, an owner would get capital gain up to the value of the building as an apartment rental. On sale to individuals, any amount received greater than the value of the building as appraised as a rental building, would be taxed at ordinary income tax rates.

I am confident that this bill has no revenue impact. It is only cutting out the middleman giving the owner the option to convert him or herself with a greater likelihood that the present tenants would be able to purchase the units and make more lower priced units placed on the market.

The text of the legislation is printed below.

H.R. 7334

A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of certain conversions of residential rental property into condominium units

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1954 (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new section:

SEC. 1257. ELECTION TO TREAT CERTAIN CONVERSIONS INTO CONDOMINIUM UNITS AS SALES.

(a) GENERAL RULE.—For purposes of this title, at the election of the taxpayer—

(1) the conversion of any qualified residential real property into condominium units shall be treated as a sale of such property for an amount equal to its fair market value as residential rental property, and

(2) any gain determined under section (a)(1) shall be capital gain. Any additional gain determined upon disposition of the dwelling units shall be ordinary income. All such gain shall be recognized as from time to time realized in the same proportion that gain in the first sentence bears to the gain in the second sentence.

(3) Expenditures incurred in connection with improvements in the dwelling units while held by the taxpayer in anticipation of their sale, or pursuant to a contract of sale between the taxpayer and the buyer shall be treated as reducing that portion of the gain treated as ordinary income.

(b) QUALIFIED RESIDENTIAL REAL PROPERTY.—For purposes of this section, the term 'qualified residential real property' means any real property—

(1) which was residential rental property (as defined in section 167(j)(2)(B) in the hands of the taxpayer, and

(2) which, except in the case of property acquired by inheritance or devise, was residential real property held by the taxpayer for at least 5 continuous years immediately before the conversion into condominium units.

(c) *Fair Market Value Determinations.*—For purposes of this section, the fair market value of any qualified residential real property shall be determined as residential rental property immediately before the conversion and without regard to any substantial improvement made in anticipation of the conversion.

(d) SPECIAL RULES.—

(1) SECTION APPLIES ONLY WHERE GAIN RESULTS.—Subsection (a)(*1*) shall not apply if the application of such subsection would result in the recognition of a loss.

(2) BASIS ADJUSTMENTS.—The Secretary shall prescribe such regulations as he may deem necessary to provide for adjustments in basis to reflect gain recognized under this section.

(3) ELECTION.—An election under subsection (a) shall be made at such time and in such manner as the Secretary shall by regulations prescribe. Such an election, once made, may be revoked only with the consent of the Secretary.

(b) The table of sections for part IV of subchapter P of chapter 1 of such Code is amended by adding at the end thereof the following new item:

Sec. 1257. Election to treat certain conversions into condominium units as sales.

(c) The amendments made by this section shall apply to conversions after the date of the enactment of this Act in taxable years ending after such date.●

IRAQ SHOULD BE SUBJECT TO CONTROLS ON EXPORTS OF MILITARY-RELATED EQUIPMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

● Mr. BINGHAM. Mr. Speaker, I rise to express my outrage that the Government of Iraq has welcomed the notorious terrorist, Abu Nidal, to Baghdad, and to urge that the State Department restore Iraq to its list of countries which have repeatedly demonstrated a pattern of support for international terrorism. Countries on this list are subject to controls on exports of military-related equipment which would enhance their ability to support international terrorism.

In the Export Administration Act of 1979, Congress established U.S. policy to use export controls to encourage other countries to prevent the use of their territories or resources to aid, encourage, or give sanctuary to those persons involved in acts of international terrorism.

Iraq, along with Syria, South Yemen, and Libya, was placed on the list when it was first formulated by the State Department in 1979. In an incredible move last February 26, the Reagan administration pulled Iraq from the list, saying that "Iraq's improved record warrants removal from this list." The Committee on Foreign Affairs disagreed that Iraq's record on terrorism had improved, and by a vote of 17 to 11 (on an amendment to this year's foreign aid bill, which has not yet come before the House) moved to restore Iraq to the list of terrorist countries.

In a letter on behalf of the President to 61 Members of Congress who protested removal of Iraq from the list of terrorist countries and a proposed sale of aircraft to Iraq, Kenneth Duberstein wrote:

> The removal of Iraq from the list of countries supporting international terrorism is intended both to recognize Iraq's improved record and to offer an incentive to continue this positive trend. It does not indicate a shift from our commitment against international terrorism, which remains firm. We have publicly stated that, if future events warrant, we will reimpose controls on Iraq.

The administration's misguided action "to offer an incentive" to Iraq has backfired. President Saddam Hussein, no longer burdened by U.S. controls on exports of military-related equipment, is free to publicly declare, "we welcome any struggler such as Abu Nidal when he comes to Iraq." Any nation which would welcome the leader of the group which claims responsibility for this year's attempted

assassination of Israel's Ambassador in London and is a leading supplier of weapons to other terrorist groups surely must be restored to the terrorist countries list. Should the State Department fail to do so, it will gut the President's stance against international terrorism.●

TEMPORARY EMERGENCY SHELTER DEMONSTRATION PROGRAM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. VENTO) is recognized for 10 minutes.

Mr. VENTO. Mr. Speaker, today I am introducing the Temporary Emergency Shelter Demonstration Program Act. This legislation provides a measured and moderate national response to one of the most tragic and growing housing problems facing this country. In city after city across the Nation there is an increasing number of people who are homeless, they have no shelter. The resources of cities, as well as nonprofit and charitable organizations, today are stretched to the breaking point. They have made a huge investment of time and energy and yet they have been unable to meet the demand for temporary emergency shelter.

The Congress has an opportunity to work with local governments and private organizations to insure that a basic requirement for human survival is not denied to any segment of our society. To ignore national responsibility would be a callous act, a disregard of basic human dignity. The tragic fact remains that without this kind of program more people today than at any time in recent memory will have no shelter from the bitter winter weather.

There are two trends which document the need for this program and demand our attention. The first disturbing trend is a marked broadening of the type of person who is homeless and has desperate need for temporary emergency shelter. The popular conception of a homeless person is an individual who voluntarily chooses a life on the street. Today, however, people who could not previously conceive of a situation where they would not have a place to live have been forced onto the streets, into cars, onto heating grates, into doorways and into caves along the river. Today, it is more likely than ever before that the person needing temporary emergency shelter is young; is relatively well-educated; is actively seeking and yet unable to find employment; possesses a stable work history; is a woman; or is the primary source of income for a family. Any opportunity they have for a more dignified existence has been thwarted by the deepest recession, yes a depression in many communities across America; by a 10.5 percent unemployment; by the scarcity of affordable housing, drastic reductions in social services, and increases in home heating costs and utility shutoffs.

The second is a disturbing increase in the number of people without a place to live, and in the number who are turned away from existing emergency shelters because of lack of space. Although it is almost impossible to arrive at an accurate count of the number of people without a place to live, a recent study estimated that in New York City alone there are more than 30,000 homeless people. In the first 7 months of 1982, the Dorothy Day Center in my district provided services to 500 people without any permanent address. In St. Paul, St. Mary's Hall which provides temporary emergency shelter has turned away 10 to 15 people each night since it opened on November 1. When a new shelter opens in a city, it finds that it is quickly filled to capacity and that the need for their service is far greater than was originally perceived.

I recently visited an emergency shelter and soup kitchen in my district and met one of the "new homeless." He was middle aged and uncharacteristically well-dressed in a suit and tie. He expressed his deepest appreciation for this meal, his first in 3 days. In talking with him I found out that he had worked all his life but recently lost his job. He had never received any public assistance but now found that he simply had no money, no place to live, and nothing to eat. While this is a single example, it is illustrative of the widening problem we face.

Homelessness is not a situation that defies a Federal remedy. Congress along with cities and private organizations can meet the most immediate and life-threatening needs of people who have no place to live.

My proposal would provide a Federal response in partnership with local governments and private agencies. The single most critical problem in providing this needed assistance is the lack of available space. And yet it is ironic that there are vacant or underutilized buildings in all of our cities which could serve as shelters. However, cities which are caught between reduced Federal assistance, and increased demand for social services, cannot hope to finance the rehabilitation of these existing structures into decent shelters. Charitable and religious organizations continue to do a valiant job in trying to provide the staffing for these shelters but they are even less able to finance the needed physical costs. My legislation would authorize $50 million to be distributed on a competitive basis for the rehabilitation of existing structures to be used as shelters. The religious or charitable organization would continue to administer and staff the shelters.

The Federal Government would provide a single grant to make the physical repairs and, therefore, would not be locked into a long-term subsidy.

My legislation requires rapid implementation and distribution of the assistance. It seeks to encourage the greatest possible amount of private contributions and voluntary effort. In addition, it provides that any rehabilitated structure would be used as a temporary emergency shelter for a period of at least 3 years, and in cases of substantial rehabilitation, at least 10 years.

The proposal has been considered by the Housing and Community Development Subcommittee and by the full Banking, Finance and Urban Affairs Committee. It was included in the housing reauthorization legislation earlier this year without a dissenting vote. I am pleased with the strong bipartisan support it continues to receive and I urge my colleagues to indicate their support by cosponsoring this legislation. I am especially pleased to have as original cosponsors of this legislation, the chairman of the Banking, Finance and Urban Affairs Committee, Mr. ST GERMAIN. In addition, the chairman of the Housing and Community Development Subcommittee, Mr. GONZALEZ, and two distinguished minority members of that subcommittee, Mr. WYLIE and Mr. MCKINNEY, are also original cosponsors.

The bitter cold winter weather has already descended upon the northern part of this Nation. The few existing shelters are full and have been turning people away each night. Swift action by Congress in the postelection session is needed to augment the efforts by charitable and religious organizations and to reduce the human suffering and even death which will undoubtedly be this winter's cold weather companion.

COMPETITIVE SHIPPING AND SHIPBUILDING REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 10 minutes.

● Mrs. BOGGS. Mr. Speaker, today 13 additional Members are joining as cosponsors of the Competitive Shipping and Shipbuilding Revitalization Act (H.R. 6979). This brings the total number of cosponsors to 78.

H.R. 6979 is intended to reverse the drastic decline experienced by the U.S. merchant marine and shipbuilding industry in recent years. Since 1950 the American-flag fleet's percentage of U.S. foreign commerce has shrunk from 42 percent to less than 4 percent of total foreign tonnage. H.R. 6979 would put an end to this decline and

would contribute to the revitalization of our merchant marine as well as our shipbuilding industry.

On November 3, the day after the national elections, the Journal of Commerce published an editorial in support of H.R. 6979. Calling the legislation a key to the future of the maritime industry, the editorial stated "its adoption could be a start toward rebuilding a foundering sector of the American merchant marine." Further, the editorial noted that—

If and only if, the industry can reduce its costs to a point where shipping bulk cargoes on U.S.-flag vessels is a profitable endeavor, then and only then will the U.S.-flag bulker fleet be revitalized.

This is the real basis for H.R. 6979.

I would like to share this Journal of Commerce editorial with my colleagues as well as a resolution adopted on November 17 by the Second Biennial National Shipbuilding Conference, sponsored by the AFL-CIO Metal Trades Department. This resolution endorsed continued active support for the American shipbuilding industry and our American-flag merchant marine.

[From the Journal of Commerce, Nov. 3, 1982]

A START FOR THE BULK FLEET?

The national voting is over and there are so many issues on the agenda of the lame-duck session of Congress it is a safe bet that only a few will be acted on. That will leave a variety of proposals, some more important than they might look, facing the new Congress when it meets next year.

Key among them, as far as the maritime industry is concerned, is a seven-page bill introduced this summer by U.S. Rep. Lindy Boggs, D-La. The measure, which has more than 60 cosponsors, would guarantee a share of the United States' bulk-cargo trade to American-flag ships in a proportion that would start at 5 percent and be increased to 20 percent over the following 15 years.

The multi-faceted result, the Louisiana Democrat maintains, would be a revitalization of the nearly extinct U.S.-flag bulk ship fleet, a shot in the arm for the ailing American commercial shipbuilding industry, and a strengthening of the U.S. merchant marine's roles in commerce and as a military auxiliary in time of emergency.

Mrs. Boggs, who won re-election to her congressional seat in September under an unusual Louisiana law, has promised to reintroduce the bill, known as the Competitive Shipping and Shipbuilding Act. She should; although the measure in itself would hardly be a panacea for the U.S. bulk shipping industry, it merits close attention by Congress.

That the U.S.-flag bulk shipping fleet is in a sorry state is well known. More than 96 percent of the United States' imports and exports of bulk cargoes, many of them strategically vital commodities, are carried in foreign-flag bottoms. The U.S.-flag bulk fleet has shrunk to a virtual handful of ships, several of them aging leftovers from World War II. And U.S. shipyards that do not specialize in naval vessels also face a crisis now that construction subsidies have been suspended and U.S.-flag ship companies allowed to build overseas.

In the best of all worlds, cargo-sharing would be dismissed as unwarranted government interference with the marketplace. But in the real world, most governments subsidize their merchant fleets in a wide range of ways, including reserving for them a healthy share of cargo. The U.S. government would be naive indeed to ignore this reality, and indeed it does not.

Mrs. Boggs' overall approach is not new. Cargo-preference measures have been tried and still exist to some extent, such as in the carriage of U.S. foreign aid cargoes; historically they have had inconsequential impact because the high cost of operating U.S.-flag ships has made profits all but impossible.

But what would be different about the Competitive Shipping and Shipbuilding Act, Mrs Boggs says, is that it would require the maritime industry to cut costs. The bill would mandate the secretary of transportation to consult ship owners, operators, builders, and labor unions and come up with estimates of the cost of building and operating U.S.-flag ships. The actual costs must be 15 percent lower than the estimates before the guaranteed share of bulk cargoes could take effect.

Just how those cuts would be made remains a subject for debate and negotiation, the congresswoman says. But, she adds, shipyards maintain that a steady stream of orders would enable them to produce ships for up to 15 percent less money than it takes to build a single vessel now. And maritime unions have pledged a variety of cost-cutting concessions if the bill goes through, including reductions in manning scales, higher productivity levels and no-strike clauses for long-term contracts.

The bill thus deserves the close attention of Congress. Precedent for it exists, and its adoption could be a start toward rebuilding a foundering sector of the American merchant marine.

But adoption would only be a beginning. If the bill's goal—revitalization of the U.S.-flag bulk fleet—is to be realized, the economics must be present. And, in today's environment of worldwide recession, government cost-cutting, and the availability of relatively cheap bulk vessels on the depressed world ship markets, that would be more difficult than ever to achieve.

The Reagan administration has slapped a moratorium on ship construction subsidies and has said it will provide no ship operating subsidies beyond those already authorized. Potential builders and operators of bulkers would start cost-reduction efforts from ground zero, without the cushion that government subsidies have provided in the past.

Can the goal of revitalization be reached? Yes, but only with great effort. All involved sectors of the maritime industry, from builders to operators to labor unions, would have to press ahead from the start embodied in the Boggs bill with good faith and with vigor.

Bulk shipping is a business that operates on razor-thin margins. If, and only if, the industry can reduce its costs to a point where shipping bulk cargoes on U.S.-flag vessels is a profitable endeavor, then and only then will the U.S.-flag bulker fleet be revitalized.

RESOLUTION

America's private shipbuilding industry faces near-annihilation under the onslaught of ill-advised actions and policies of our federal government. At the very time when our country looks forward to rebuilding and strengthening our naval power, the skills and capital facilities needed to build that power are being dissipated, incentives to private enterprise to modernize facilities are being withdrawn, and the productive future of a highly skilled work force is being terminated.

At a time of deep recession in the United States, with near-record unemployment ravaging our economy, and with the world-wide ship construction industry in stagnation, our government has seen fit to take the task of building and maintaining the American merchant marine away from American shipyards and shipyard workers and award it to foreign countries. Only a fraction of American shipyards and their work forces will be able to survive this starvation of opportunity, by turning to complete dependence on proposed naval construction.

This is an immediate problem, not a cry of doom for the future. In the past few months alone, our national Administration has authorized the construction abroad of 36 new U.S.-flag ships and the reconstruction abroad of 12 others. By these actions, American shipyards were deprived of almost $1.5 billion in construction projects, and 22,500 shipbuilding jobs, together with 65,000 jobs in allied endeavors, are now lost to American workers forever.

In addition, the Administration is urging the Congress to take actions that will encourage the export of even more ship construction projects and jobs, regardless of the enormous damage that will ensue to our private shipbuilding industry and its workers.

These proposals, if enacted, will adversely affect the economy of every one of the United States, do serious and immediate damage to the economic futures of thousands of working people, and undermine drastically our national ability to construct and maintain a modern Navy.

Therefore be it resolved, That the Second Biennial National Shipbuilding Conference of the Metal Trades Department, AFL-CIO, urges the Congress to continue national support of our private shipbuilding industry at the highest possible levels, by continuing to provide incentives for construction and repair of our merchant marine in American shipyards and by retaining in American hands the vital strategic control over American shipping routes and shipping policy.

NOVEMBER 17, 1982.●

NUCLEAR WASTE LEGISLATION

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. PRICE. Mr. Speaker, the lack of legislation to establish a nuclear waste disposal policy and program is an impediment to the greater use of nuclear energy in our Nation. This impediment must be removed to permit us to move faster in utilizing this vital energy resource since only by utilizing this resource and other domestic resources, such as coal, can we curb the crippling drain on our economy by foreign purchases of fuels. That is why we must enact H.R. 7187 which provides a nuclear waste program.

Following my remarks, I am enclosing a full-page statement by the electrical energy organizations responsible for providing this Nation with such energy, pleading for the passage of this legislation:

CONGRESS MUST ACT NOW TO PASS NUCLEAR WASTE LEGISLATION

The time is now. Congress must pass legislation to establish a comprehensive nuclear waste policy and program.

The public agrees. According to a recent national opinion survey, nine out of ten Americans (92 percent) say the Government should stop procrastinating and resolve this issue once and for all.

We agree. The undersigned electric utilities and associations representing systems now operating or constructing nuclear power plants (which serve over 160 million Americans) urge Congress to end its years of debate and pass the nuclear waste bill now.

Congress seems to agree. Through bipartisan efforts, the National Nuclear Waste Policy Act of 1982 has already passed the Senate (S. 1662), and the House is on the verge of passing a compromise bill (H.R. 7187).

Congress must act now. To complete the task of establishing a national nuclear waste policy and program, Congress must act quickly in the lame duck session, if legislation is to become law.

Congress must not let this important chance for passage of nuclear waste legislation slip away.

Let history record that *this* Congress acted responsibly to address this pressing national priority.●

REPORT TO THE SPEAKER FROM COMMITTEE ON THE BUDGET ON THE STATUS OF FISCAL YEAR 1983 CONGRESSIONAL BUDGET

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, my letter under today's date, along with its enclosures relating to budgetary matters, is included in the RECORD as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., November 30, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. I am herewith transmitting the status report under Senate Congressional Resolution 92, the First Budget Resolution for Fiscal Year 1983. This report reflects the resolution of June 24, 1982, and estimates of budget authority, outlays, and revenues based on all completed action on spending and revenue measures as of the close of legislative business November 29, 1982.

With best wishes.

Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1983 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 92

REFLECTING COMPLETED ACTION AS OF NOV. 29, 1982

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	822,390	769,818	665,900
Current level	806,948	775,026	663,635
Amount over resolution		5,208	
Amount under resolution	15,442		2,265

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $15,442 million for fiscal year 1983, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 92 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate for fiscal year 1983, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 92 to be exceeded.

REVENUES

Any measure that would result in a revenue loss for fiscal year 1983, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 92.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., November 30, 1982.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1983 budget (S. Con. Res. 92). This report for fiscal year 1983 is tabulated as of close of business November 29, 1982 and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with S. Con. Res. 92.

The current level budget authority and outlay estimates are on a full year basis. The funds normally provided through appropriation bills are covered by continuing appropriations authority as contained in P.L. 97-276. This authority will expire December 17, 1982.

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	427,477	519,086	663,635
2. Entitlement authority and other mandatory items requiring further appropriation action	2,468	2,126	
3. Continuing resolution authority	377,003	253,814	
4. Conference agreements ratified by both Houses			
Current level	806,948	775,026	663,635
Second budget resolution, revised, Senate Concurrent Resolution 92	822,390	769,818	665,900
Current level is:			
Over resolution by		5,208	
Under resolution by	15,442		2,265

Sincerely,

ALICE M. RIVLIN,
Director.

PARLIAMENTARIAN STATUS REPORT, HOUSE SUPPORTING DETAIL, FISCAL YEAR 1983, AS OF CLOSE OF BUSINESS NOV. 29, 1982

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	476,879	458,727
		137,673
Enacted previous session offsetting receipts	−108,363	−108,363
Enacted this session	58,961	31,049
Total, enacted	427,477	519,086
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Payment to foreign service retirement	3	3
Payment to foreign service retirement	−3	−3
Special milk program	10	11
Child nutrition programs	440	127
Retired pay, Defense	111	56
Homeowners assistance fund, Defense	2	2
Civilian and military pay raises	1,203	1,220
Federal unemployment benefits	93	93
Payment to air carriers	23	15
Payment to civil service retirement	242	242
Offsetting receipts, payment to civil service retirement	−242	−242
Civilian agency pay raises	586	602
Total entitlements	2,468	2,126
III. Continuing resolution authority	377,003	253,814
IV. Conference agreements ratified by both Houses		
Total current level as of Nov. 29, 1982	806,948	775,026
Second budget resolution, revised, Senate Concurrent Resolution 92	822,390	769,818
Amount remaining:		
Over ceiling		5,208
Under ceiling	15,442	

Note.—Detail may not add due to rounding.

HOUSE BUDGET COMMITTEE EARLY WARNING REPORT—WEEK OF NOVEMBER 29, 1982

My dear Colleague, the program for the House of Representatives for the Week of November 29, 1982, is as follows:

MONDAY, TUESDAY, AND WEDNESDAY—NOV. 29, 30; DEC. 1

House meets at noon on Monday and Tuesday and at 10 a.m. on Wednesday: Suspensions (no bills).

H.R. 6598—Nuclear waste disposal (continue consideration)

H.R. 7158—Treasury-Postal Appropriations, fiscal year 1983.

H.R. 7205—Labor, Health, Human Services Appropriations, fiscal year 1983.

THURSDAY AND THE BALANCE OF THE WEEK—DEC. 2, 3

House meets at 10 a.m.

H.R. 6598—Nuclear waste disposal (complete consideration).

Any further program will be announced later.

Adjournment times will be announced daily, and Members should expect late sessions.

Conference reports may be brought up at any time, and any further program will be announced later.

Sincerely,

THOMAS S. FOLEY,
Majority Whip.

EARLY WARNING

H.R. 7158, TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS, FISCAL YEAR 1983

Committee: Appropriations.

Subcommittee: Treasury, Postal Service, and General Government.

Chairman: Mr. Roybal (California).

Ranking Minority Member: Mr. Miller (Ohio).

Scheduled: Wednesday, December 1.

I. Description of bill

This bill provides $5,950 million in budget authority and $5,787 million in outlays for discretionary programs in the Department of the Treasury, the Postal Service, the Executive Office of the President, the General Services Administration, the Office of Personnel Management, and other related agencies for fiscal year 1983. Such funding has already been provided in the Continuing Appropriations Act (Public Law 97-276). This regular appropriation will supersede and replace funds provided in the Continuing Resolution. The effect of this bill, therefore, is to provide an incremental change to the Current Level of spending that is already provided by law.

II. Comparison with budget targets

Now that Fiscal Year 1983 has started, there are two budget targets to consider. The first is the aggregate ceiling on budget authority and outlays that was specified in the First Budget Resolution for Fiscal Year 1983. Pursuant to Section 7 of that Resolution, the aggregates automatically become binding ceilings on October 1. Summary Table B, below, shows that while the Current Level of budget authority, based on enacted law, is substantially under the Budget Resolution ceiling, the Current Level of outlays is over the ceiling.

The second target is the 302(b) target provided for this Subcommittee when the Appropriations Committee subdivided its share of the First Budget Resolution's budget authority and outlays. These are the targets which the Budget Committee scorekeeping system uses as a measure of spending action. These targets are separated between discretionary spending, over which this Subcommittee has control, and mandatory spending, over which it does not. While the overall resolution ceiling has been breached by other bills, Summary Table C, below, shows that, with this bill, the Subcommittee would also breach the 302(b) targets for discretionary spending that were provided in the first resolution. This bill has no impact on the Current Level estimate of mandatory spending.

III. Summary tables

[In millions of dollars]

	Budget authority	Outlays
Summary Table A.—Comparison of continuing and regular appropriations, discretionary spending:[1]		
1. Continuing appropriations (Public Law 97-276)	5,984	5,741
2. This bill (H.R. 97-7158)	5,950	5,787
3. Over (+)/under (−)	−34	+46

III. Summary tables—Continued

[In millions of dollars]

	Budget authority	Outlays
Summary Table B.—Comparison with current level and ceilings:		
4. Budget resolution ceilings	822,390	769,818
5. Current level	806,948	775,026
6. Over (+)/under (−)	−15,442	+5,208
7. Impact of this bill	−34	+46
8. Over (+)/under (−)	−15,476	+5,254
Summary Table C.—Comparison with 302(b) subdivisions; discretionary spending:[1]		
9. 302(b) targets	5,575	5,105
10. Current level	5,984	5,741
11. Over (+)/under (−)	+409	+636
12. Impact of this bill	−34	+46
13. Over (+)/under (−)	+375	+682

[1] This bill does not affect the current level of mandatory spending.

IV. Possible future requirements

The Budget Resolution does not assume funding for any additional discretionary programs within the jurisdiction of this subcommittee.

V. Credit

The First Budget Resolution for Fiscal Year 1983 also contains targets for credit program amounts. As with budget authority and outlays, the Appropriations Committee is allocated amounts for credit programs and subdivides those amounts among subcommittees. The table below shows the additional credit assistance provided by this bill; credit assistance program levels already enacted, including action in the Continuing Appropriations Act; and credit assistance programs not yet acted on. These amounts are then compared to the Appropriations Committee subdivisions.

	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
1. 1983 credit program limits already enacted			
2. Additional program limits in the bill			
3. Limits assumed in the budget resolution not acted on in the bill and other amounts not subject to annual limits			
4. Possible total for subcommittee			
5. Credit subdivisions	100		
6. Over (+)/under(−) subdivision	−100		

There is only one credit program in this subcommittee's jurisdiction, direct loans from the GSA Federal Building Fund. CBO estimates that the bill will result in no direct loans being used in 1983.

VI. Definitions of terms in the summary tables, section III

Line 1. Continuing Appropriations (Public Law 97-276): This is the amount of discretionary budget authority and outlays provided by that law, for programs founded by this subcommittee, as estimated on a full-year basis pursuant to Congressional scorekeeping rules and GAO interpretation.

Line 2. This bill (H.R. 97-7158): This is the amount of discretionary budget authority and outlays that will be provided to the agencies in question if this bill is enacted—in that case it would supersede the Continuing Appropriations.

Line 3. Over(+)/Under(−): Line 2 minus line 1, which is the net impact on Current Level of this bill.

Line 4. Budget Resolution Ceilings: These are the total amounts of budget authority and outlays in the First Budget Resolution for Fiscal Year 1983.

Line 5. Current Level: This is the official estimate of total Fiscal Year 1983 spending, based only on existing law, including the Continuing Appropriations (Public Law 97-276).

Line 6. Over(+)/Under(−): Line 5 minus line 4.

Line 7. Impact of this bill: See line 3.

Line 8. Over(+)/Under(−): Line 6 plus line 7.

Line 9. 302(b) targets: The targets for discretionary spending for this Subcommittee, set by the Appropriations Committee pursuant to the Budget Act.

Line 10. Current Level: This is the official estimate of total Fiscal Year 1983 discretionary spending for this Subcommittee, based only on existing law, i.e., the Continuing Appropriations (Public Law 97-276).

Line 11. Over(+)/Under(−): Line 10 minus line 9.

Line 12. Impact of this bill: See line 3.

Line 13. Over(+)/Under(−): Line 11 plus line 12. this compares the reported bill (H.R. 97-7158) with its 302(b) targets.

EARLY WARNING

H.R. 7205, LABOR, HEALTH, AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES APPROPRIATION, FISCAL YEAR 1983

Committee: Appropriations.

Subcommittee: Department of Labor, Health and Human Service and Education and Related Agencies.

Chairman: Mr. Natcher (Kentucky).

Ranking Minority Member: Mr. Conte (Massachusetts).

Scheduled: Week of November 29, 1982.

I. Description of bill

This bill provides funds for the Departments of Labor, Health and Human Services and Education and Related Agencies. Such funding has already been provided in the Continuing Appropriations Act (Public Law 97-276). This regular appropriation will supersede and replace the Continuing Resolution. The effect of this bill, therefore, is to provide an incremental change to the Current Level of spending that is already provided by law.

II. Comparison with budget targets

Now that fiscal year 1983 has started, there are two budget targets to consider. The first is the aggregate ceiling on budget authority and outlays that was specified in the First Budget Resolution for fiscal year 1983. Pursuant to Section 7 of that Resolution, the aggregates automatically become binding ceilings on October 1. Summary Table B, below, shows that while the Current Level of budget authority, based on enacted law, is substantially under the Budget Resolution ceiling, the Current Level of outlays is over the ceiling.

The second target is the 302(b) target provided for this Subcommittee when the Appropriations Committee subdivided its share of the First Budget Resolution's budget authority and outlays. These are the targets which the Budget Committee scorekeeping system uses as a measure of spending action. These targets are separated between discretionary spending, over which this Subcommittee has control, and mandatory spending, over which it does not. While the overall resolution ceiling has been breached

by other bills, Summary Table C, below, shows that, with this bill, the Subcommittee would remain under the 302(b) targets for discretionary spending that were provided in the first resolution. This bill has no impact on the Current Level of mandatory spending.

III. Summary tables

[In millions of dollars]

	Budget authority	Outlays
Summary Table A.—Comparison of continuing and regular appropriations, discretionary spending.[1]		
1. Continuing appropriations (Public Law 97-276)	28,326	21,000
2. This bill (H.R. 97-7205)	23,867	17,769
3. Over (+)/under (−)	−4,459	−3,231
Summary Table B.—Comparison with current level and ceilings:		
4. Budget resolution ceilings	822,390	769,818
5. Current level	806,948	775,026
6. Over (+)/under (−)	−15,442	+5,208
7. Impact of this bill	−4,459	−3,231
8. Over (+)/under (−)	−19,901	+1,977
Summary Table C.—Comparison with 302(b) subdivisions, discretionary spending:[1]		
9. 302(b) targets	27,850	19,850
10. Current level	28,326	21,000
11. Over (+)/under (−)	+476	+1,150
12. Impact of this bill	−4,459	−3,231
13. Over (+)/under (−)	−3,983	−2,081

[1] This bill does not affect the current level of mandatory spending

IV. Possible future requirements

In addition to funds already provided in the bill, additional funding may be required for employment and training and refugee assistance, both of which are discretionary programs on which the Appropriations Committee has deferred action, and which were assumed in the First Budget Resolution. Authorizations for these programs were extended after the Appropriations Committee completed action on the regular appropriations bill.

The Current Level already includes $4,406 million in budget authority and $3,439 million in outlays, the levels provided in the Continuing Resolution for these programs. This bill's omission of these programs is the primary reason the bill is below Current Level. As indicated in the table below, the Current Level amounts assumed for these programs exceed the budget resolution assumptions by $737 million in budget authority and by $522 million in outlays:

	Resolution assumption		Current level		Current level over (+)/under (−) resolution	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Employment and training assistance	3,109	2,577	3,846	3,099	+737	+522
Refugee and entrant assistance	560	340	560	340		
Totals	3,669	2,917	4,406	3,439	+737	+522

It should be noted, however, that the Labor-HHS bill report indicates the Appropriations Committee's intention to appropriate amounts for refugee and employment and training assistance consistent with amounts assumed in the Budget Resolution.

The Appropriations Committee report on the Labor-HHS bill also notes that supplemental funding will be required for a number of mandatory programs, including additional funding for medicaid, guaranteed student loans, and public assistance. The bill provides the funding level requested by the President for these programs. However, the Committee notes that the President's request assumes legislative changes to reduce spending in the programs. Congress already has considered these requests and turned them down in a number of instances. The Committee assumes that additional funding will be provided through supplemental requests to meet the full current law requirements for the programs. The amounts required to fully fund these programs already are included in the Current Level amounts reflected above. Therefore, later congressional action on these supplementals will not cause the Labor-HHS Subcommittee to further exceed the levels already assumed in the continuing resolution or the 302(b) budget allocations.

V. Credit

The First Budget Resolution for Fiscal Year 1983 also contains targets for credit program amounts. As with budget authority and outlays, the Appropriations Committee is allocated amounts for credit programs and subdivides those amounts among subcommittees. The table below shows the additional credit assistance provided by this bill; credit assistance program levels already enacted, including action in the Continuing Appropriations Act; and credit assistance programs not yet acted on. These amounts are then compared to the Appropriations Committee subdivisions.

[In millions of dollars]

	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
1. 1983 credit program limits already enacted	89	156	
2. Additional program limits in the bill	−23	−156	
3. Limits assumed in the budget resolution not acted on in the bill and other amounts not subject to annual limits	782	7,389	
4. Possible total for subcommittee	848	7,389	
5. Credit subdivisions	1,150	7,400	
6. Over (+)/under (−) subdivision	−302	−11	

VI. Definitions of terms in the summary tables, section III

Line 1. Continuing Appropriations (P.L. 97-276): this is the amount of discretionary budget authority and outlays provided by that law, for programs funded by this subcommittee, as estimated on a full-year basis pursuant to Congressional scorekeeping rules.

Line 2. This bill (H.R. 97-6957): this is the amount of discretionary budget authority and outlays that will be provided to the agencies in question if this bill is enacted—in that case it would supersede the Continuing Appropriations.

Line 3. Over(+)/Under(−): line 2 minus line 1, which is the net impact on Current Level of this bill.

Line 4. Budget Resolution Ceilings: these are the total amounts of budget authority and outlays in the First Budget Resolution for Fiscal Year 1983.

Line 5. Current Level: this is the official estimate of total Fiscal Year 1983 spending, based only on existing law, including the Continuing Appropriations (P.L. 97-276).

Line 6. Over(+)/Under(−): line 5 minus line 4.

Line 7. Impact of this bill: see line 3.

Line 8. Over(+)/Under(−): line 6 plus line 7.

Line 9. 302(b) targets: the targets for discretionary spending for this Subcommittee, set by the Appropriations Committee pursuant to the Budget Act.

Line 10. Current Level: this is the official estimate of total Fiscal Year 1983 discretionary spending for this Subcommittee, based only on existing law, i.e., the Continuing Appropriations (P.L. 97-276).

Line 11. Over(+)/Under(−): line 10 minus line 9.

Line 12. Impact of this bill: see line 3.

Line 13. Over(+)/Under(−): line 11 plus line 12. This compares the reported bill (H.R. 97-6957) with its 302(b) targets.

1983 APPROPRIATION BILLS—ACTION TO DATE AS OF NOVEMBER 29, 1982

Appropriation bill	Bill number	House action		Senate action		Conference action agreed to		
		Reported	Passed	Reported	Passed	House	Senate	Public law
Agriculture	H.R. 97-7072	September 9	September 21	September 22	September 28			
Commerce-State-Justice	H.R. 97-6957	August 10						
Defense	S. 97-2951			September 23				
District of Columbia	H.R. 97-7144	September 21	September 30					
	S. 97-2917			September 16				
Energy-water	H.R. 97-7145	September 21						
Foreign Operations								
Housing and Urban Development	H.R. 97-6956	August 10	September 15	September 16	September 24	September 29	September 29	Public Law 97-272.
Interior								
Labor-HHS	H.R. 97-7205	September 29						
Legislative [1]	H.R. 97-7073	September 9						
	S. 97-2939			September 22				Public Law 97-276.
Military construction	H.R. 97-6968	August 11	August 19	September 22	September 27	September 30	September 30	Public Law 97-323.
Transportation	H.R. 97-7019	August 19	September 21	September 22				
Treasury-postal	H.R. 97-7158	September 22						
	S. 97-2916			September 16				

1983 APPROPRIATION BILLS—ACTION TO DATE AS OF NOVEMBER 29, 1982—Continued

Appropriation bill	Bill number	House action		Senate action		Conference action agreed to		
		Reported	Passed	Reported	Passed	House	Senate	Public law
Supplemental, 1982 [2]	H.R. 97-6863	July 27	July 29	August 3	August 11	August 18	August 20	Public Law 97-257.
Emergency job stimulus	H.J. Res. 562	August 18	September 16					
Continuing resolution	H.J. Res. 599	September 16	September 22	September 23	September 29	October 1	October 1	Public Law 97-256.
Summary to date		(11+2 Supps)	(6+2 Supps)	(9+1 Supp)	(4+1 Supp)	(3+1 Supp)	(3+1 Supp)	(3+1 Supp).

[1] The legislative bill is a full-year bill and public law as contained in the continuing resolution.
[2] Vetoed 8/28; Presidential veto was overridden in the House on September 9 and in the Senate on September 10.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. WRIGHT), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAUKE) to revise and extend their remarks and include extraneous material:)

Mr. SPENCE, for 60 minutes, December 9.

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. COLLINS of Texas, for 30 minutes, December 1.

Mr. COLLINS of Texas, for 30 minutes, December 2.

Mr. COLLINS of Texas, for 30 minutes, December 3.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 45 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

Mr. VENTO, for 10 minutes, today.

Mrs. BOGGS, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PICKLE, and to include extraneous material notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $2,737.

Mr. GREEN, during general debate on H.R. 7158, in the Committee of the Whole today.

Mr. HOYER, on behalf of the Barnes amendment to H.R. 7158 in the Committee of the Whole today.

Ms. FERRARO, on the Barnes amendment to H.R. 7158 in the Committee of the Whole today, following the remarks of Mr. HOYER.

(The following Members (at the request of Mr. TAUKE) and to include extraneous matter:)

Mr. COLLINS of Texas in three instances.

Mr. CONABLE.

Mr. KINDNESS.

Mr. BEREUTER.

Mr. O'BRIEN.

Mr. VANDER JAGT.

Mr. BENEDICT.

Mr. DAUB.

Mr. DANIEL B. CRANE.

Mr. PARRIS.

Mr. CORCORAN.

Mr. MADIGAN.

Mr. GOODLING.

Mr. DENARDIS.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. MINETA in two instances.

Mr. MAZZOLI in two instances.

Mrs. KENNELLY.

Mr. BROOKS.

Mr. MOTTL in two instances.

Mr. MURTHA in two instances.

Mr. DE LUGO.

Mr. RODINO.

Mr. ROSTENKOWSKI.

Mr. YATRON.

Mr. REUSS in two instances.

Mr. EDWARDS of California.

Ms. OAKAR.

Mr. O'NEILL.

Mr. STARK.

Mr. SIMON in two instances.

Mr. AUCOIN.

Mr. WAXMAN.

Mr. SCHUMER.

Mr. MCDONALD in five instances.

Ms. FERRARO.

Mr. DYSON.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Wednesday, December 1, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5176. A letter from the Clerk, U.S. House of Representatives, transmitting his quarterly report of receipts and expenditures for the period July 1 through September 30, 1982, pursuant to section 105(a) of Public Law 88-454, as amended (H. Doc. No. 97-256); to the Committee on House Administration and ordered to be printed.

5177. A communication from the President of the United States, transmitting a request for appropriation amendments and amended appropriation language for fiscal year 1983 (H. Doc. No. 97-257); to the Committee on Appropriations and ordered to be printed.

5178. A letter from the Assistant Secretary for Fossil Energy, transmitting notice of a delay until the end of December in submission of the next semiannual report on the alternative fuels production program, required by title II of Public Law 96-126; to the Committee on Appropriations.

5179. A letter from the Secretary of Defense, transmitting a report on the initial allocation and rationale of each allocation of civilian personnel among the military departments and defense agencies, pursuant to section 601(a) of Public Law 97-252; to the Committee on Armed Services.

5180. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the proposed conversion to contractor performance with respect to converting the containers, tents, textiles, and tarps activity at Fort Sam Houston, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5181. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance with respect to a study of the material turned into store function at the Naval Supply Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5182. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance with respect to a study of the messenger service function at the Norfolk Naval Shipyard, Portsmouth, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5183. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance with respect to a study of the cold storage function at the Cheatham Annex, Naval Supply Center, Norfolk, Va., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

5184. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting the financial report of the Corporation for the month of August 1982, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

5185. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of September 1982, on the number of passengers per day on board each train operated, and the ontime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

5186. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620C(c) of the Foreign Assistance Act of 1961, as amended (H. Doc. No. 97-258); to the Committee on Foreign Affairs and ordered to be printed.

5187. A letter from the Secretary of Commerce, transmitting his conclusions on the criteria and alternative means used on foreign policy controls being placed on exports to Russia following imposition of martial law in Poland, pursuant to section 6(e) of the Export Administration Act; to the Committee on Foreign Affairs.

5188. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Lebanon (Transmittal No. 83-01), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5189. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Pakistan (Transmittal No. 83-02), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

5190. A letter from the Chairman, Board for International Broadcasting, transmitting a draft of proposed legislation to amend the Board for International Broadcasting Act of 1973 to authorize an amended appropriation for fiscal year 1983; to the Committee on Foreign Affairs.

5191. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment for the Roosevelt Irrigation District of Buckeye, Maricopa County, Ariz., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5192. A letter from the Assistant Secretary of the Interior, transmitting notice of a deferral of payment of the annual construction charge installment for the Columbia Irrigation District, Benton County, Wash., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5193. A letter from the Assistant Secretary of the Interior for Land and Water Resources, transmitting notice of a deferral of payment of the annual construction charge installment for the Fallbrook Public Utility District, San Diego County, Calif., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5194. A letter from the Assistant Secretary of the Interior for Land and Water Resources, transmitting notice of a deferral of payment of the annual construction charge installment for the Ramona Municipal District, San Diego County, Calif., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5195. A letter from the Assistant Secretary of the Interior for Land and Water Resources, transmitting notice of a deferral of payment of the annual construction charge installment for the Yuba County Water Agency, Yuba County, Calif., pursuant to section 17(b) of the Reclamation Project Act of 1939, as amended; to the Committee on Interior and Insular Affairs.

5196. A letter from the Secretary of the Treasury, transmitting the final monthly Treasury statement of receipts and outlays of the U.S. Government for fiscal year 1981, pursuant to section 257 (First) of the Revised Statutes; to the Committee on Ways and Means.

5197. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the quarterly report on nondisclosure of safeguards information, pursuant to section 147e of the Atomic Energy Act of 1954, as amended; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1986. An act to provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, and others, in dockets numbered 250-A and 279-C by the U.S. Court of Claims, and for other purposes; with amendments (Rept. No. 97-935). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6243. A bill to provide for the distribution of Warm Springs judgment funds awarded in docket numbered 198 before the Indian Claims Commission, and for other purposes; with amendments (Rept. No. 97-936). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 6416. A bill to provide for the use and distribution of funds awarded the Pembina Chippewa Indians in dockets numbered 113, 191, 221, and 246 of the Court of Claims; with amendments (Rept. No. 97-937). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 7155. A bill to settle certain Indian land claims within the State of Florida, and for other purposes; with an amendment (Rept. No. 97-938). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PICKLE:

H.R. 7326. A bill to amend title II of the Social Security Act to make miscellaneous and technical improvements relating to cash management, gender-based distinctions, coverage, and other matters under the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. FORD of Tennessee:

H.R. 7327. A bill to increase the number of weeks for which Federal supplemental unemployment compensation is payable; to the Committee on Ways and Means.

By Mr. BONKER:

H.R. 7328. A bill to amend the act of June 25, 1910, to authorize the Secretary of the Army to implement measures to control floods on the lower Cowlitz River area; to the Committee on Public Works and Transportation.

By Mr. CARMAN:

H.R. 7329. A bill to amend title II of the Social Security Act to require the establishment of procedures to assure that benefit payments will not be made thereunder to deceased individuals; to the Committee on Ways and Means.

By Mr. MICHEL (by request):

H.R. 7330. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States, and other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

By Mr. KINDNESS:

H.R. 7331. A bill to amend the Internal Revenue Code of 1954 to provide financial relief to State and local governments, by eliminating a requirement that would result in a duplicative mailing each year; to the Committee on Ways and Means.

By Mr. O'BRIEN:

H.R. 7332. A bill to amend the Export Administration Act of 1979 to provide for congressional disapproval of export controls under that act for national security, foreign policy, or short supply reasons; to the Committee on Foreign Affairs.

By Mr. PEASE:

H.R. 7333. A bill to implement the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 7334. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of certain conversions of residential rental property into condominium units; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 7335. A bill to make the programs authorized under the U.S. Housing Act of 1937 subject to the requirements of the Buy American Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GOODLING:

H.R. 7336. A bill to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981; to the Committee on Education and Labor.

By Mr. VENTO (for himself, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. WYLIE, and Mr. MCKINNEY):

H.R. 7337. A bill to require the Secretary of Housing and Urban Development to administer a demonstration program for assisting communities and nonprofit organizations in providing emergency shelter; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN:

H.R. 7338. A bill to amend the Public Health Service Act to extend through March 31, 1983, the President's Commission for the Study of Ethical Problems in Medi-

cine and Biomedical and Behavioral Research; to the Committee on Energy and Commerce.

By Mr. WRIGHT:

H.R. 7339. A bill to provide that certain property held in foreign-trade zones shall be exempt from State and local ad valorem taxation; to the Committee on Ways and Means.

By Mr. GOODLING:

H. Con. Res. 429. Concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mr. WRIGHT:

H. Res. 611. Resolution establishing the House of Representatives Page Board for supervision and education of pages; considered and agreed to.

By Mr. DASCHLE (for himself and Mr. DORGAN of North Dakota):

H. Res. 612. Resolution expressing the sense of the House of Representatives that the President should extend the offer of the United States to sell additional grain to the Union of Soviet Socialist Republics; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

513. The SPEAKER presented a memorial of the Legislature of the Northern Marianas Commonwealth, relative to the actions of the Secretary of Education in recognizing the postsecondary educational needs of the islands; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2129: Mr. ASPIN.

H.R. 2322: Mr. GOODLING.

H.R. 3526: Mr. FLORIO.

H.R. 5471: Mr. GOODLING AND MR. BEDELL.

H.R. 5665: Mr. FINDLEY.

H.R. 5717: Mr. LEATH of Texas, Mr. WILSON, Mr. ATKINSON, Mr. HANSEN of Idaho, Mr. EMERSON, Mr. BADHAM, Mr. CLAUSEN, Mr. MONTGOMERY, Mr. BROOKS, Mr. WOLPE, Mr. MCEWEN, and Mr. JEFFRIES.

H.R. 6032: Mr. WYDEN.

H.R. 6054: Mr. MARRIOTT and Mr. STANGELAND.

H.R. 6135: Mr. SYNAR, Mr. DASCHLE, Mr. HUBBARD, Mr. HANCE, and Mr. MCEWEN.

H.R. 6239: Mr. MOLLOHAN, Mr. LAGOMARSINO, and Mr. GOODLING.

H.R. 6538: Mr. MITCHELL of Maryland, Mr. MCDADE, Mr. ROBINSON, and Mr. SABO.

H.R. 6802: Mr. HORTON.

H.R. 6962: Mr. HOWARD.

H.R. 6971: Ms. FERRARO, Mrs. HECKLER, Mrs. FENWICK, Mr. OTTINGER, Mr. OBERSTAR, Mr. FORD of Tennessee, Mr. FOGLIETTA, Mr. CONYERS, Mr. MARKEY, Mr. BARNES, Mr. DOWNEY, Mr. ALEXANDER, Mr. DAVIS, Mr. ADDABBO, Mr. MARLENEE, Mr. STUDDS, Mr. HOWARD, Mr. AUCOIN, Mr. LUNDINE, Mr. MCCOLLUM, and Mr. STARK.

H.R. 6979: Mr. HERTEL, Mr. AKAKA, Mr. BRODHEAD, Mr. DENARDIS, Mr. DIXON, Mr. FAZIO, Mr. HUBBARD, Mr. HUGHES, Mr. MARTINEZ, Mr. ROTH, Mr. SHELBY, Mr. VENTO, and Mr. WEAVER.

H.R. 6999: Mrs. CHISHOLM.

H.R. 7117: Mr. GRAMM.

H.R. 7130: Mr. WILLIAMS of Montana and Mr. BROWN of California.

H.R. 7194: Mr. DOUGHERTY.

H.R. 7212: Mr. RINALDO, Mr. ROBERTS of South Dakota, Mr. BAILEY of Missouri, Mr. DAUB, Mr. TAUKE, Mr. RUDD, Mr. WEBER of Ohio, Mr. SAM B. HALL, JR., Mr. CORCORAN, Mr. LEBOUTILLIER, Mr. MCKINNEY, Mr. FINDLEY, Mr. MURPHY, Mr. MADIGAN, Mr. KINDNESS, Mr. BAFALIS, Mr. PARRIS, Mr. WILSON, Mr. JACOBS, Mr. FORSYTHE, and Mr. MCCLORY.

H.R. 7243: Mr. WEBER of Ohio, Mr. TAYLOR, Mr. MCHUGH, Mr. FORSYTHE, and Mr. WALGREN.

H.R. 7251: Mr. SIMON, Mr. WINN, Mr. CLINGER, and Mr. PEYSER.

H.R. 7264: Mr. SIMON, Mr. SEIBERLING, Mr. SOLOMON, Mr. SAWYER, and Mr. NOWAK.

H.J. Res. 102: Mr. ERDAHL, Mr. CRAIG, and Mr. WALKER.

H.J. Res. 172: Mr. GILMAN and Mr. SHUSTER.

H.J. Res. 500: Mr. MARRIOTT.

H.J. Res. 533: Mr. LOWERY of California and Mr. GUNDERSON.

H.J. Res. 590: Mr. MARTIN OF New York, Mr. HORTON, Mr. WAXMAN, Mr. FAZIO, Mr. STOKES, and Mr. CORRADA.

H.J. Res. 591: Mr. BEDELL, Mr. CLAY, Mr. CROCKETT, Mr. PATMAN, Mr. SILJANDER, Mr. WEBER of Minnesota, and Mr. WHITLEY.

H.J. Res. 607: Mr. MILLER of California, Mr. MINETA, Mr. MARKEY, Mr. BARNES, Mr. BEILENSON, Mr. PRITCHARD, and Mr. SHANNON.

H.J. Res. 616: Mr. KASTENMEIER, Mr. APPLEGATE, Mr. HOLLENBECK, Mr. PHILLIP BURTON, Mr. RANGEL, Mr. WASHINGTON, Mr. BEARD, Mr. HUGHES, Mr. DAVIS, Mr. GREEN, Mr. CONABLE, Mr. ZABLOCKI, Mr. MURTHA, Mr. MCDADE, Mr. HUCKABY, Mr. BROWN of California, and Mr. GILMAN.

H. Res. 577: Mr. FORSYTHE, Mr. SAWYER, and Mr. WYDEN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6928: Mrs. FENWICK.

H. Res. 48: Mr. VOLKMER.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

665. By the SPEAKER: Petition of the City Council, Niagara Falls, N.Y., relative to local regulation of cable communications systems; to the Committee on Energy and Commerce.

666. Also, petition of the City Council, Niagara Falls, N.Y., relative to the costs of borrowing for municipalities; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4230

By Mr. SNYDER:

—Page 23, line 9, strike out "If" and all that follows through the period on line 12.

Page 23, after line 15, insert the following:

"(3) Each application approved under this section shall contain such terms and conditions as the Commission considers necessary to—

"(A) protect the public health and safety;

"(B) protect property;

"(C) protect the interest of individuals who live in the general area traversed by the coal pipeline and rely on the resources of such area;

"(D) require location of the right-of-way along a route which will cause the least damage to the environment, taking into consideration feasibility and other relevant factors; and

"(E) otherwise protect the public interest.

Page 23, line 16, strike out "(3)" and insert in lieu thereof "(4)".

Page 24, line 1, strike out "(4)" and insert in lieu thereof "(5)".

Page 24, line 18, strike out "(5)" and insert in lieu thereof "(6)".

Page 24, line 22, strike out "(6)" and insert in lieu thereof "(7)".

—Page 29, after line 2, insert the following:

"(h) The Commission shall require as a condition of issuance of a certificate with respect to a coal pipeline under this section that the pipeline carrier, upon application of any party tendering coal for transportation, shall construct, maintain, and operate upon reasonable terms a feeder or distribution line to connect the source of such tendered coal with the coal pipeline in any case in which such connection is reasonably practicable and can be constructed with safety and will furnish sufficient business to justify its construction operator, and maintenance. Such feeder or distribution line, at the option of the party applying therefor, shall include any facilities necessary for the delivery of coal to such party in a form and condition suitable for use as fuel without further processing or treatment. If any pipeline carrier of coal holding a certificate issued under this section fails to install and operate any feeder or distribution line upon application in writing by any party, such party may submit a complaint to the Commission. The Commission—

"(1) shall hear and investigate such complaint;

"(2) shall make a determination with respect to the safety and practicability of such feeder or distribution line and the justification and reasonable compensation for such line; and

"(3) may issue an order, in accordance with this subtitle, directing such pipeline carrier to comply with the provisions of this subsection.

Such order shall be enforced as provided for the enforcement of all other orders by the Commission, other than orders for the payment of money.

—Page 52, after line 11, add the following:

FEDERAL ENERGY REGULATORY COMMISSION REVIEW OF PRICES OF PIPELINE-TRANSPORTED COAL

SEC. 13. (a) Title VI of the Public Utility Regulatory Policies Act of 1978 (Public Law 95-617) is amended by adding at the end thereof the following new section:

"SEC. 609. COMMISSION REVIEW OF CERTAIN COAL PRICES.

"(a) Whenever any State regulated electric utility and a coal producer enter into any contract for the sale of coal, and such coal is to be transported by a pipeline carrier providing transportation of coal under a certificate issued under section 10952 of title 49, United States Code, such electric utility shall file a copy of such contract with the Commission.

"(b)(1) Within 60 days after the date a contract is filed with the Commission under subsection (a) of this section, the Commission shall determine, after notice and an opportunity for a hearing, whether the coal producer that is a party to such contract is a captive coal operation.

"(2) If the Commission determines under paragraph (1) of this subsection that a coal producer is a captive coal operation, the Commission shall then determine, after notice and a hearing, whether the price charged for the sale of coal pursuant to the contract filed with the Commission is reasonable. If the Commission determines that the price is not reasonable, it shall establish the price to be applicable to the sale of such coal.

"(c) If the Commission establishes the price for the sale of coal to a State regulated electric utility in accordance with this section, the Commission may petition the appropriate State regulatory authority for the initiation of a ratemaking proceeding or other appropriate regulatory proceeding relating to rates or rate design.

"(d) As used in this section—

"(1) The term 'captive coal operation' means—

"(A) a coal producer that is owned or controlled by the State regulated electric utility to which it sells coal pursuant to a contract; or

"(B) a coal producer that, pursuant to an agreement with such a State regulated electric utility, mines coal which is owned or controlled by such electric utility.

"(2) The term 'control' has the meaning given such term in section 10102(6) of title 49, United States Code.".

(b) The table of contents of the Public Utility Regulatory Policies Act of 1978 is amended by adding after the item relating to section 608 the following new item:

"Sec. 609. Commission review of certain coal prices.".

H.R. 7205

By Mr. LEVITAS:

—Page 60, after line 4, insert the following new section:

SEC. 512. None of the funds appropriated by this Act may be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.